

JULIA P. PANTOJA, PETITIONER, VS. REPUBLIC OF THE PHILIPPINES (BUREAU OF PUBLIC SCHOOLS) AND WORKMEN'S COMPENSATION COMMISSION, RESPONDENTS.

G.R. No. L-43317. December 29, 1978

Ponente: MAKASIAR, J.

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MAKASIAR, J.:

Review of the February 17, 1976 decision of the respondent Commission reversing the August 19, 1975 award of the Acting Referee of the Workmen's Compensation Unit in RO4-WC Case No. 157255.

Petitioner, since March 1, 1935 until her retirement on December 31, 1972, or for a period of more than thirty-seven (37) years, was employed as a public school teacher by respondent employer.

On August 6, 1974, almost 2 years after her retirement, petitioner, by reason of disability caused by her chronic arthritis, coronary insufficiency and hypertension, which she allegedly contracted in the course of her employment with respondent employer, filed a claim for disability benefits with the Workmen's Compensation Section of the Department of Labor (p. 26, WCC rec.).

After hearing, where only petitioner presented evidence as respondent employer failed to attend despite due notice (pp. 14-20, WCC rec.), the Acting Referee issued on August 19, 1975 an award directing respondent employer to pay the amount of Six Thousand (P6,000.00) Pesos as disability compensation under Sections 14 and 18 of the Workmen's Compensation Act, as amended, to petitioner; the amount of Three Hundred (P300.00) Pesos as attorney's fees to petitioner's counsel; and the amount of Sixty-one (P61.00) Pesos as administrative fees (pp. 8-10, WCC rec.).

In his August 19, 1975 award, the Acting Referee narrated the material facts of the case relied upon by him in his conclusion that petitioner's illnesses are within the compensatory provisions of the Workmen's Compensation Act, as amended, as follows:

"Claimant, after undergoing a pre-employment physical examination, entered the service of the respondent as a classroom teacher on March 1, 1935. She was then in good health. As classroom teacher she taught her pupils all the academic subjects; conducted adult education; community development; and prepared lesson plans and devices at night time. She worked five (5) days a week and for eight (8) hours a day, although she also reported for work even on Saturdays, Sundays and holidays whenever required by her superiors.

"After feeling body pains, dizziness, and general body weakening, she consulted Dr. Jose Z. Zarte on January 6, 1966. She was found suffering hypertension with coronary insufficiency and arthritis chronic on said date. Despite treatment, her ailments worsened forcing her to file several sick leave of absence applications which were all approved by her principal teacher. Finally, she was advised by her attending physician to retire by

reason of her service-connected disabling ailments in the early part of the year 1972. By reason of her disabling ailments, she was forced to retire on December 31, 1972. On the date of her retirement, she was already receiving a salary of P5,100.00 per annum or P425.00 a month. She was 60 years of age when she retired. Her attending physician opined that the nature of her work aggravated her ailments as the same involved physical as well as emotional stresses (Exhibit 'C')" (italics supplied).

On October 9, 1975, the Solicitor General, who received a copy of the award on September 9, 1978, filed a pleading denominated Petition to Elevate Records For Relief From Judgment (pp. 14-18, rec).

On the basis of the above petition, the respondent Commission, after it had ordered the elevation of the entire records of the claim (pp. 5-6, WCC rec), reversed on February 17, 1976 the award for lack of merit, ruling that "For want x x x of any competent medical evidence, showing that claimant was suffering from a disabling illness during the employment and at the time of her separation from the service x x x" it cannot "x x x consider the claim compensable under the compensatory provisions of the Workmen's Compensation Act, as amended" (pp. 3-4. WCC rec).

Hence, this petition.

The reversal by the respondent Commission of the Acting Referee's Award is a grave abuse of discretion, the same being in palpable and patent disregard of the law and the controlling jurisprudence on workmen's compensation cases, very well applicable on the set of facts clearly established by the evidence on record, and therefore should be set aside.

I

1. It is undisputed that the subject illnesses supervened in the course of petitioner's employment with respondent employer, it appearing that claimant, herein petitioner, was in good health, having undergone and passed the required physical examination, when she started work with respondent employer on March 1, 1935; and in January, 1966 or after a period of about thirty-one (31) years, she was found to be suffering from coronary insufficiency and chronic arthritis which finally led to her untimely retirement on December 31, 1972 from the government service at the age of sixty (60). That incontrovertible fact calls for the application of the rebuttable presumption that said illnesses arose out of, or were at least aggravated by, the nature of petitioner's employment; hence, compensable. Consequently, the respondent employer assumes, by force of this presumption, the burden of establishing the contrary by substantial evidence. As there was no evidence ever presented by the respondent employer to rebut the presumption — for the records reveal that respondent employer failed to appear in any of the scheduled hearings despite due notice — there can therefore be no occasion for the respondent Commission to go out of its way to absolve respondent employer. The presumption of compensability became conclusive (*Cañonero vs. WCC*, 81 SCRA 712, 718 [1978]; *Lorenzo vs. WCC*, 2 PHILAJUR, 425, 430, 81 SCRA 434, 438 [1978]; *Santos vs. WCC*, 75 SCRA 365, 370 [1977]).

2. The petitioner retired from the government service even before reaching the compulsory age of retirement. This circumstance demonstrates claimant's state of health and/or disability at the time she parted ways with the government; because her retirement at the age of 60 can only be ultimately allowed if she is physically incapacitated to render further efficient service (Memorandum Circular No. 133 of 1967, Office of the President; *Parian vs. WCC*, G.R. No. L-42433, August 23, 1978; *Romero vs. WCC*, 11 SCRA 490 [1977]; *Gomez vs. WCC*, 75 SCRA 395; *Despe vs. WCC*, 75 SCRA 350, 354 [1977]). Consequently, respondent employer's claim that petitioner was not suffering from any disability at the time of her retirement is without merit.

Petitioner's claim for disability compensation can therefore stand on the bases of the aforesaid principles which

were conveniently ignored by the respondent Commission.

II

Respondent Commission likewise gravely abused its discretion in ruling that there was no "x x x competent medical evidence showing that petitioner was suffering from a disabling illness during the employment and at the time of her separation from the service x x x." The Physician's Report duly signed by Dr. Jose Z. Zarte submitted as Exhibit "C", indicated the illnesses of petitioner as "arthritis chronic, coronary insufficiency with hypertension." And Dr. Zarte stated therein that treatment of petitioner was initially administered by him on July 6, 1966 continuing up to the date of the issuance of the report. Dr. Zarte further opined that the illnesses of claimant may have been the result of the nature of her employment or directly caused by her employment and in support thereof stated that the nature of claimant's employment involves physical, mental and emotional stresses. By reason of his findings, Dr. Zarte advised petitioner on December 12, 1972 to retire by reason of disability for labor (p. 29, WCC rec). The aforesaid physician's report is admissible as evidence under Section 49 of the Act (National Development Co. vs. WCC, 19 SCRA 864-866 [1967]), which, taken together with the testimony of the petitioner concerning the nature of her work, constitutes substantial evidence to support the award (Pioneer Ceramics, Inc. vs. Samia and WCC, 33 SCRA 487, 492 [1970]).

Finally, the evaluation report of the Compensation Rating Medical Officer of the Department of Labor (pp. 9-11, WCC rec), confirmed petitioner's disability. Indeed, there can be no question that petitioner's employment had caused her illnesses and disability. Her duties and activities as a public school teacher as earlier delineated certainly involved physical, mental and emotional stresses. Undoubtedly, these factors brought about her illnesses which sapped her physically and ultimately forced her to retire at the early age of sixty (60). Republic Act 4670, otherwise known as the Magna Carta for Public School Teachers, recognized the enervating effects of these factors on the health of school teachers when it directed in one of its provisions that "Teachers shall be protected against the consequences of employment injury in accordance with existing laws. The effects of the physical and nervous strain on the teacher's health shall be recognized as compensable occupational diseases in accordance with existing laws" (*italics supplied*).

III

WE likewise noted that the respondent Commission improvidently resolved respondent employer's appeal on the merits without first decisively ruling on its petition for relief from judgment. The said petition which was filed on the 30th day from receipt of the decision of the referee was grounded on unmeritorious grounds either because they are not valid or proper grounds for such a petition. Under Section 1 of Rule 22 of the 1973 Revised Rules of the Commission, the grounds for a petition for relief from judgment are fraud, accident, mistake or excusable negligence (by reason of which the aggrieved party has been unjustly deprived of a hearing or prevented from taking an appeal). The grounds invoked by the respondent employer in its petition for relief from judgment, which as already stated was filed on the 30th day from receipt of the questioned decision, were (1) that due to pressure of work, it failed to act immediately on the decision or to timely file a motion for reconsideration; (2) that its records fail to show that a copy of the notice of claim for compensation was ever received, hence a procedural error divesting the questioned decision of any jurisdictional foundation; (3) that the evidence presented by the claimant was insufficient to justify the benefits awarded; and (4) that the illnesses of claimant are not compensable as they are non-occupational. Certainly, these grounds do not constitute either fraud, accident, mistake or excusable negligence.

Pressure of work does not constitute excusable negligence; and WE have previously ruled that the same does not constitute a ground for a petition for relief from judgment (*Pepito vs. WCC*, 78 SCRA 39 [1978]; *Bilbao vs.*

Republic, 80 SCRA 178 [1978]; and Ranada vs. WCC, 73 SCRA 263, 264, 268, 269 [1976]). Neither can the alleged failure of the Solicitor General's records to show that a copy of the notice of claim for compensation was ever received by him qualify under any of the aforesaid grounds: because the duty of furnishing the Solicitor General with a copy of the claim does not devolve upon the petitioner, and the Solicitor General did not impute fraudulent collusion to petitioner and the agency charged with that duty. This failure of the agency cannot therefore be used as an instrument of injustice against a claimant-employee, like herein petitioner (Paraiso vs. WCC, G.R. L-42896. September 30, 1978; Gallemit vs. Rep. of the Phil., 15 SCRA 382 [1977]; Bael vs. WCC, 75 SCRA 183 [1977]; Dinaro vs. WCC, 70 SCRA 292, 296 [1976]).

Furthermore, the aforesaid claim of the Solicitor General is patently contradicted by the records which show that the Solicitor General received a copy of the claim on August 7, 1974 (p. 22, WCC rec.); and thereafter, or on August 29, 1974 filed the necessary controversion (p. 21, WCC rec).

In sum, therefore, without a priori favorable action on the respondent employer's petition for relief from judgment, the respondent Commission exceeded its jurisdiction when it proceeded to pass upon the substantial merits of the appealed award which by that time had already become final by the lapse of the reglementary 15-day period for appeal.

WHEREFORE, THE DECISION DATED FEBRUARY 17, 1976 OF THE RESPONDENT COMMISSION IS HEREBY SET ASIDE AND RESPONDENT BUREAU OF PUBLIC SCHOOLS IS HEREBY ORDERED

A. TO PAY PETITIONER JULIA P. PANTOJA.

- THE SUM OF SIX THOUSAND (P6,000.00) PESOS AS DISABILITY COMPENSATION:
- HER MEDICAL AND HOSPITAL EXPENSES DULY SUPPORTED BY PROPER RECEIPTS; AND
- ATTORNEY'S FEES EQUIVALENT TO 10% OF THE RECOVERABLE AMOUNT:

B. TO PROVIDE PETITIONER WITH SUCH MEDICAL, SURGICAL AND HOSPITAL SERVICES AS WELL AS APPLIANCES AND SUPPLIES AS THE NATURE OF HER DISABILITY AND THE PROGRESS OF HER RECOVERY MAY REQUIRE AND WHICH WILL PROMOTE HER EARLY RESTORATION TO THE MAXIMUM LEVEL OF HER PHYSICAL CAPACITY; AND

C. TO PAY SIXTY-ONE (P61.00) PESOS AS ADMINISTRATIVE COSTS TO THE SUCCESSOR OF THE DEFUNCT RESPONDENT COMMISSION.

SO ORDERED.

Teehankee (Chairman), Santos,[*] Fernandez, and Guerrero, JJ., concur.

[*] Was designated to sit in the First Division.

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