

**JOSE LIMJOCO, PETITIONER, VS. REPUBLIC OF THE PHILIPPINES
(REPARATIONS COMMISSION) AND SECRETARY OF LABOR
(COMPENSATION APPEALS AND REVIEW STAFF), RESPONDENTS.**

G.R. No. L-46575. August 31, 1988

Ponente: GANCAYCO, J.

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GANCAYCO, J.:

Jose A. Limjoco was employed as Assistant Director of the Reparations Commission with a salary of P17,600.00 per annum. He retired on September 4, 1974 at the age of 61. On January 17, 1975 he filed a claim for disability compensation for the illness diagnosed as nerve deafness and hyperopic astigmatism with presbyopia which was treated for the first time on December 22, 1970 and the last treatment was on July 22, 1974 by Dr. Emmanuel L. Saludo. He stopped working by reason of said illness on July 3, 1974 but he was able to return to work on August 29, 1974.

Acting Referee Celso C. Ladera of the Workmen's Compensation Commission Unit, Region IV of the Department of Labor rendered a decision on August 8, 1975 awarding claimant P6,000.00 as compensation under Section 17 of the Workmen's Compensation Act, P300.00 for attorney's fees pursuant to Section 31 of the same Act, and P61.00 as fees pursuant to Section 35 thereof.

As his claim for medical expenses was not acted upon Limjoco appealed to the Workmen's Compensation Commission wherein in due course a decision was rendered dismissing his claim for medical expenses not only on the ground of his failure to submit for physical examination but also because there was no causal link between the claimant's employment and his illness. The findings of the Commission were that nerve deafness and hyperopic astigmatism with presbyopia is a degenerative disease caused by the aging process.

A petition for reconsideration thereof was filed by Limjoco. The Acting Secretary of Labor in a decision of July 8, 1977 denied the motion. Hence, the herein petition for review where the primordial issue is whether petitioner is entitled to claim medical expenses.

The pertinent and applicable laws are as follows:

Section 13, Act No. 3428, as Amended, states:

"Medical attendance - Immediately after an employee has suffered an injury or contracted sickness and during the subsequent period of disability, the employer shall provide the employee with such medical, surgical and hospital services and supplies as the nature of the injury or sickness may require."

Art. 6, Civil Code of the Philippines, states:

"Rights may be waived, unless the waiver is contrary to law, public order, public policy, morals and good customs, or prejudicial to a third person with a right recognized by law."

From the findings of the referee in the decision of August 8, 1975 it is undisputed that sometime in 1970 while

petitioner was on a flight to Cebu on official business he suffered the loss of hearing upon reaching a certain altitude.[1] The evaluation report of Dr. Edmond Calaycay, CRMO, who examined the claimant showed that the claimant's illness was a result of the nature of his employment and was aggravated by the same in that the claimant suffered permanent disability consisting of 60% loss of the use of both ears.[2] On this basis, petitioner was granted compensation for the injury.

Public respondents, however, aver that when the petitioner was asked to submit to a physical examination he failed to do so and that he did not submit any receipt or supporting document as to the medical expenses he allegedly incurred.

The Court finds no merit in this claim of public respondents. It appears that petitioner had already been examined by a doctor on the basis of whose evaluation report he was awarded compensation for his permanent partial disability. As a matter of fact petitioner had been under medical treatment from December 22, 1970 to July 24, 1974. There was therefore no need for another medical examination of petitioner for the purpose of determining whether petitioner is entitled to claim medical expenses.

Under the old Workmen's Compensation Act (Act No. 3428, as amended), the claimant was relieved of the duty to prove causation as it was then legally presumed that the illness arose out of the employment, under the presumption of compensability.[3] To the employer is shifted the burden of proof to establish that the illness is non-compensable.[4]

The Workmen's Compensation Act shall apply only to injury, sickness, disability or death which occurred before January 1, 1975. For injury, sickness, disability or death occurring on or after January 1, 1975, P.D. 442, as amended shall apply. P.D. 442 abolished the presumption of compensability and the rule on aggravation of illness caused by the nature of employment.[5]

In *Cristobal v. ECC*,[6] which was decided under the present law, this Court interpreting the theory of increased risk held:

"To establish compensability under the said theory, the claimant must show proof of work-connection. Impliedly, the degree of proof required is merely substantial evidence, which means 'such relevant evidence to support a decision' (*Ang Tibay vs. The Court of Industrial Relations and National Labor Union, Inc.*, 69 Phil. 635) or clear and convincing evidence. In this connection, it must be pointed out that the strict rules of evidence are not applicable in claims for compensation. Respondents however insist on evidence which would establish direct causal relation between the disease rectal cancer and the employment of the deceased. Such a strict requirement which even medical experts cannot support considering the uncertainty of the nature of the disease would negate the principle of the liberality in the matter of evidence. Apparently, what the law merely requires is a reasonable work-connection and not a direct causal relation. This kind of interpretation gives meaning and substance to the liberal and compassionate spirit of the law as embodied in Article 4 of the new Labor Code which states that 'all doubts in the implementation of the provisions of this Code, including its implementing rules and regulations shall be resolved in favor of labor.'"[7]

In *Mercado, Jr. v. ECC*,[8] also decided under the present law, it was held that actual proof of causation is not necessary to justify compensability. This Court has consistently declared that to show actual causes or factors which lead to an ailment claimed compensable would not be consistent with the liberal interpretation of the Labor Code and the social justice guarantee embodied in the Constitution in favor of the workers."

In this case respondent Republic of the Philippines failed to discharge its burden to show that there was no causal connection between the illness of petitioner and his work. The illness having occurred in 1970 there is a presumption of compensability. On the contrary, the evidence shows that it was while aboard a plane on official

business that petitioner suffered from loss of hearing upon reaching a certain altitude. His claim for medical expenses is therefore in order.

Petitioner admits that he has not submitted the receipts and the necessary documents to prove the medical expenses he incurred, and the reason is that he was not afforded the opportunity to present the same. The Court finds that it is in the highest interest of justice that he be allowed to adduce such evidence to support his claim for medical expenses.

WHEREFORE, the questioned decision of the Secretary of Labor of July 8, 1977 is hereby REVERSED and set aside and the records of the case are remanded to the Secretary of Labor and/or the Employees' Compensation Commission as successor of the Workmen's Compensation Commission to enable petitioner to submit evidence to support his claim for medical expenses. This decision is immediately executory and no motion for extension of time to file motion for reconsideration shall be entertained.

SO ORDERED.

Narvasa, Cruz, Grino-Aquino, and Medialdea, JJ., concur.

[1] Exhibit A-1.

[2] See Decision of August 8, 1975, Referee, pp. 17-18, Rollo.

[3] Casumpang v. ECC, 150 SCRA 21; Tortal v. WCC, 124 SCRA 211; Enrique, Sr. v. Republic, 93 SCRA 836; Salanguit v. WCC, 90 SCRA 228.

[4] Salanguit v. WCC, *supra*.

[5] Dabatian v. Government Service Insurance System, 149 SCRA 123; Millora v. ECC 143 SCRA 151; Milano v. ECC, 142 SCRA 52; Zozobrado v. ECC, 141 SCRA 136.

[6] 103 SCRA 336.

[7] (See also Neri v. ECC, 127 SCRA 672; Panotes v. ECC, 128 SCRA 473.

[8] 127 SCRA 664.

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