

REMEDIOS MALUPA VDA. DE LAYAG, PETITIONER, VS. REPUBLIC OF THE PHILIPPINES, (BUREAU OF PUBLIC WORKS), RESPONDENT.*G.R. No. L-23640. May 22, 1968*

Ponente: MAKALINTAL, J.

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The Workmen's Compensation Commission, through its Chairman, Mrs. N. Baens del. Rosario, turned down the claim of herein petitioner for compensation benefits by reason of the death of her husband, Alberto Layag, while an employee in the Bureau of Public Works. Petitioner appealed.

The pertinent faces are stated in the decision appealed from, as follows:

"It appears that Alberto Layag worked as chief-cook since 1948 in the tugboat M/V Chester of the respondent's Bureau of Public Works after a pre-employment, physical examination performed on him which qualified him for job. As chief-cook, he was assisted by Vicencio Tomas. He received P6.50 daily were working from 5:00 a.m. to 7:00 p.m. His duties con listed of marketing, cooking food for the crew members, setting the table for them, washing the dishes and utensils used in the preparation of food. On certain occasions it was alleged that he helped in cleaning the deck. Some-time in 1949 he was allegedly hospitalized at the Cagayan de Oro Hospital and in 1955 he contracted influenza and spat blood. On January 23, 1960 he was confined at the San Lazaro Hospital due to fever, body weakness, and brown spots on the skin diagnosed by his attending physician Dr. Calilong as hemorrhagic fever. From February 8, 1960 to March 2, 1960 he was admitted at the North General Hospital for hypoplastic anemia and ascariasis, re-admitted at the North General Hospital for the same illness and he died on March 29, 1960 of thrombocytopenic purpura with cerebral hemorrhage and hypoplastic anemia. His widow, claimant herein, filed a death benefit claim for herself and in behalf of all her minor children with the deceased Alberto Layag."

The issue posed by the parties is whether or not the cause of death was service connected. In returning a negative conclusion the Commission found that aside from his duties as chief-cook and the usual chores incidental thereto, such as marketing, preparing and setting the table and serving during meals, the deceased performance no other work, let alone scrubbing the floor, cleaning and painting the boat, as petitioner alleges; and that the record of his illness does not reveal any causal relation with his job. Concerning the particular ailment of which he died to Commission took into account the research and study made its senior medical officer, reproduced in the decision as follows:

"Thrombocytopenic purpura is a disorder of the blood characterized by reduction of blood platelets, which may be primary or secondary.

Primary thrombocytopenic purpura - the hemorrhagic disorder is due to reduction in blood platelets which has not been traced to any demonstrable un-derlying cause and usually cured by apenectomy.

Secondary thrombocytopenic purpura - condition in which the reduction of platelets occur due to involvement of the bone marrow by infiltration of foreign cells like cancer or carcomas celllea or some other toxic substances like alcohol, etc.

The cerebral hemorrhage and hypoplastic anemia in this particular case may be due to defective bleeding and clotting time which is part of the illness, thrombocytopenic purpura."

Petitioner now says the foregoing medical study is not competent evidence in this case because it was not formally offered and receive with notice to the claimant, and that if such evidence is disregarded the presumption established in Section 43 of the Workmen's Compensation Act must prevail, namely, that "in any proceeding for the enforcement of the claim for compensation under this Act, it shall be presumed in the absence of substantial evidence to the contrary - (1) that the claim comes within the provisions of this Act."

The cause of death here is not disputed: thrombocytopenic purpura with cerebral hemorrhage and hypoplastic anemia. All that the Commission did was to go into the clinical causes of the disease as revealed by the studies made by its own medical officer. This the Commission could do to properly inform itself on the technical questions involved, pursuant to one of its Rules (Sec. 9), which provides that "in the hearing, investigation and determination of any question or controversy and in the exercise of any duties or powers, the Hearing Officer or Commissioner shall act according to justice and equity and the substantial merits of the case, without regard to technicalities or legal forms, and shall not be bound by any technical rule of legal evidence but may inform himself of their merit in such manner as to attain objectives of law."

The illness of which the deceased Alberto Tayag died shows that it was foreign to the nature of his work, and since this fact is supported by substantial evidence, the presumption in Section 43 of the Workmen's Compensation Act does not operate.

The decision appealed from is affirmed, without cost.

Concepcion, C.J., Reyes, J.B.L., Dizon, Zaldivar, Sanchez, Castro, and Angeles, JJ., concur.

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