

JOSE P. FELARCA, PETITIONER, VS. BOOKMAN, INCORPORATED AND WORKMEN'S COMPENSATION COMMISSION, RESPONDENTS.*G.R. No. L-35818. January 31, 1984*

Ponente: RELOVA, J.

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This is a claim for disability benefits under Act 3428, as amended, otherwise known as the Workmen's Compensation Act, filed by petitioner Jose P. Felarca on June 20, 1969 with the then Department of Labor, for his illness allegedly contracted while in the course of employment and/or aggravated by the nature of his work as plant superintendent of herein private respondent Bookman, Inc., a printing press company. In its answer controverting the claim, respondent alleged that petitioner's illness did not arise out of or in the course of employment nor was it due to or aggravated by the nature of such employment, and that the claim is already barred by prescription.

Respondent Workmen's Compensation Commission, denied petitioner's claim for disability benefits on the basis of the testimony of Dr. Leopoldo Pardo, Jr. that petitioner's alleged progressive muscular atrophy "is merely a symptom or a manifestation brought about by the paralysis of the nerve secondary to any of the following specific causes, such as leprosy, tumor of the spinal cord, toxic substances, malnutrition or deficiency in certain vitamins." (pp. 53-54, Rollo)

Records show that petitioner worked in private respondent's printing press from 1947 to January 11, 1969, or for a period of 21 years. He was the plant superintendent with a daily wage of P15.50, working seven (7) days a week and ten (10) hours a day. As stated in the decision, dated June 18, 1972, of Chairman Severo M. Pucan of the Workmen's Compensation Commission, "[a]s plant superintendent, Felarca supervised the work in the different departments of the printing plant - printing, letter press, bindery and cut-making departments. The only department which he did not supervise was the offset department. As plant superintendent or general foreman, Felarca's duties were many and varied. His work was not limited to supervising his men. He, too, performed manual labor like casting, book-paging, composing, distribution, sawing metal or wood with the machine, and molding. Sometimes the molds he had to lift was of the size of a tabloid weighing 25 kilos. Most of the manual work that he did involved the constant use of his hands, even in the operation of the machines in the printing plant, such as the casting machine, platen machine and the sawing machine. In October 1968, Felarca felt something wrong with his left hand. It was gradually losing strength, he thought it was getting paralyzed, something like numbness creeping in. He also felt dizzy. In November 1968, he consulted Dr. Jesus Pecache, the company physician, about the numbness of his hand. For that, he was given some tablets to take. However, he continued to work. On January 2, 1969, Felarca went on sick leave up to January 11, 1969 when he retired from the service of the respondent at the age of 60. In March 1969, after his retirement, Felarca consulted a private physician, Dr. Manuel C. Rivera who treated him for progressive muscular atrophy up to May 1969. On June 20, 1969, he filed a formal claim for compensation based on the disability of his left hand. Respondent filed the employer's report on July 15, 1969." (pp. 27- 28, Rollo)

There is merit in the petition. As stated by Chairman Pucan of the Workmen's Compensation Commission, "three doctors, Drs. Manuel C. Rivera, Valente Peji and Leopoldo Pardo, testified during the hearings of this case. Their medical opinions as to the ailment of the claimant may have varied in certain aspects but, by and large, they are of the consensus that the nature of the work of the claimant aggravated his illness." (p. 31, Rollo) In *Magalona vs. Workmen's Compensation Commission, et al.*, 21 SCRA 1199, this Court held that "[i]t is now unquestionable that once the illness supervened at the time of the employment there is a rebuttable presumption that such illness arose out of the employment or was at least aggravated by such employment. Thus, the precise medical cause of the illness is not legally significant, as long as the illness supervened in the course of the employment. The presumption of Causation or aggravation then applies. The burden to overthrow the presumption and to disconnect by substantial evidence the injury or sickness from employment, is laid by the statute at the door of the employer. In the case at bar no substantial evidence exists to overcome said presumption."

With respect to the claim that the action is barred by prescription, this Court, in the case of *Central Azucarera Don Pedro vs. Workmen's Compensation Commission, et al.*, 24 SCRA 484, ruled that "[w]ith regard to the claim that the delay in filing the claim for compensation should be considered fatal to its success, appellant corporation seems to have taken no notice of the fact that the original ruling to that effect has suffered a gradual evolution and that the trend of the more recent decisions of this Court has been to consider the delay a non-jurisdictional defect, unless it is shown that the employer has been prejudiced thereby. This trend conforms to the need of protecting the workman whose inferiority vis-a-vis the employer has always been marked by disadvantage."

WHEREFORE, the decision, dated October 11, 1972 of respondent Commission, is SET ASIDE and respondent Bookman, Inc. is hereby ordered to pay petitioner the sum of SIX THOUSAND (P6,000.00) PESOS, as compensation, pursuant to Sections 14 and 18 of Act 3428, as amended, and to pay the Workmen's Compensation Fund the sum of SIXTY-ONE (P61.00) PESOS, as fee, pursuant to Section 55 thereof.

SO ORDERED.

Teehankee (Chairman), Melencio-Herrera, Escolin, and Gutierrez, Jr., JJ., concur.

Plana, J., no part.

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