

JUANITA Q. DE GUZMAN, PETITIONER, VS. REPUBLIC OF THE PHILIPPINES (DEPARTMENT OF SOCIAL WELFARE) ANGEL L. HERNANDO, JR., IN HIS CAPACITY AS ACTING REFEREE, REGIONAL OFFICE NO. 4...

G.R. No. L-45272. October 29, 1980

Ponente: FERNANDEZ, J.

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FERNANDEZ, J.:

This is a petition to review the decision of the Workmen's Compensation Commission in RO4-WC Case No. 164418, entitled "Juanita Q. de Guzman, claimant vs. Republic of the Philippines (Department of Social Welfare), respondent", reversing the decision of the Acting Referee of Regional Office No. 4, Department of Labor and dismissing the claim for lack of merit.[1]

The petitioner, Juanita Q. de Guzman, formerly an employee of the Department of Social Welfare, filed a claim for disability compensation with Regional Office No. 4, Department of Labor based on her illness of essential hypertension and coronary insufficiency.

The Acting Referee rendered a decision dated October 26, 1975, the dispositive portion of which reads:

"WHEREFORE, judgment is rendered in favor of the claimant and against the respondent Department of Social Welfare, Republic of the Philippines and the latter is ordered to pay thru this Office the following:

- 1) The sum of SIX THOUSAND PESOS (P6,000.00) as disability compensation per Section 15 of the Act, as amended;
- 2) The sum of THREE HUNDRED PESOS (P300.00) as attorney's fees payable to Atty. Felizardo R. Moreno, claimant's counsel on record per Section 31; and
- 3) The sum of SIXTY ONE PESOS (P61.00) as administrative fees per Section 55.

SO ORDERED.

Manila, Philippines, October 26, 1975."[2]

The respondent, Department of Social Welfare, appealed to the Workmen's Compensation Commission which reversed the decision on the ground that the claimant had retired under the optional retirement plan and received the full benefits of the same as in compulsory retirement and that there is no evidence showing or tending to show that the claimant was disabled at the time of her retirement.[3]

The record shows that while the petitioner was an employee of the Department of Social Welfare, she suffered from essential hypertension and coronary insufficiency which started sometime on June 30, 1969.

The Acting Referee found as a fact that the petitioner's illnesses were the result of the nature of her work and were aggravated by her employment by the respondent, Department of Social Welfare and that said ailments had totally

and permanently disabled her from working or engaging in any gainful occupation.[4]

The ailments of the petitioner having supervened during her employment with the Department of Social Welfare there is a disputable presumption that the claim is compensable.[5] The claimant is relieved of her duty to prove causation as it is then legally presumed that the illness arose out of the employment. To the employer is shifted the burden of proof to establish that the illness is non-compensable.[6]

The claimant, petitioner herein, did not rely on the disputable presumption alone. She presented evidence that her illnesses were either the result of or aggravated by the nature of her employment with the Department of Social Welfare. The respondent did not present any evidence to rebut the disputable presumption and the evidence adduced by the petitioner.

WHEREFORE, the decision of the Workmen's Compensation Commission sought to be reviewed is hereby set aside and the respondent, Department of Social Welfare, is ordered:

- To pay the petitioner the sum of SIX THOUSAND PESOS (P6,000.00) as disability compensation and the sum of SIX HUNDRED PESOS (P600.00) as attorney's fees; and
- To pay the sum of SIXTY ONE PESOS (P61.00) as administrative fees.

SO ORDERED.

Teehankee, Acting C.J., Makasiar, Guerrero, and Melencio-Herrera, JJ., concur.

[1] Annex "B", Rollo, pp. 15-16.

[2] Rollo, p. 13.

[3] Rollo, p. 16.

[4] Annex "A", Rollo, p. 12.

[5] Section 44, Workmen's Compensation Commission Action: Justiniano vs. Workmen's Compensation Commission, 18 SCRA 677.

[6] Malanga vs. Workmen's Compensation Commission, et al., 83 SCRA 721.

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