

SOCORRO T. AGUILAR, PETITIONER, VS. WORKMEN'S COMPENSATION COMMISSION AND REPUBLIC OF THE PHILIPPINES (BUREAU OF PUBLIC SCHOOLS), RESPONDENTS.

G.R. No. L-43213. May 11, 1978

Ponente: FERNANDEZ, J.

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FERNANDEZ, J.:

This is a petition for certiorari to review the decision of the Workmen's Compensation Commission dated December 29, 1975 in RO7-MC Case No. 19040 entitled "Socorro T. Aguilar, claimant, versus Republic of the Philippines (Bureau of Public Schools), respondent," affirming the decision of the Acting Referee of Regional Office No. 7, Department of Labor, Cebu City, dismissing the case for lack of merit because of the absence of employer-employee relationship between the deceased and the respondent at the time of the decedent's death and the cause of death was not due to an illness which was contracted in the course of the decedent's employment.[1]

The petitioner, Socorro T. Aguilar, is the widow of Antonio Aguilar who died on November 13, 1974 of "intra-cerebral hemorrhage."

On March 31, 1975 Socorro T. Aguilar filed with Regional Office No. 7, Department of Labor, Cebu City, a claim for death and medical benefits predicated upon the death of Antonio Aguilar due to illness traceable to his employment.

The late Antonio Aguilar was employed as a General Education Supervisor of the Bureau of Public Schools in the division of Cebu with a salary of P7,236.00 per annum. On April 15, 1974 he was examined by Dr. Benjamin M. Pleños who certified that Antonio Aguilar was suffering from rheumatoid arthritis and peptic ulcer. The certification was attached to the application of Antonio Aguilar for optional retirement under Republic Act 660. He was retired on May 1, 1974.

The petitioner submitted in support of her claim for death and medical benefits a physician's report (W. C. Form No. 4) submitted by Dr. Castor M. Ricaña of the Regional Health Office. The report states that Antonio Aguilar was suffering of "essential hypertension" which started in 1959; that said illness was the result of the nature of his employment; and that Antonio Aguilar was under Dr. Ricaña's treatment since 1959 up to 1974. The deceased was hospitalized at the Cebu Doctors Hospital, incurring a total amount of P3,224.33 as medical expenses.[2]

There is no showing that the respondent, Republic of the Philippines (Bureau of Public Schools), submitted any affidavit or evidence to controvert the claim.

Antonio Aguilar died of intra-cerebral hemorrhage which is the consequence of hypertension. The death occurred within five and one-half months from retirement. Under the circumstances, it is of no moment that Antonio Aguilar was no longer an employee of the respondent Republic of the Philippines (Bureau of Public Schools).

The report of Dr. Castor M. Ricaña that Antonio Aguilar was suffering of essential hypertension which started in 1959 and that the said illness was the result of the nature of his employment, may be the basis for the award even

if the physician himself was not presented as a witness. While such a report may be hearsay under the common law rules of evidence, it is nevertheless admissible under Section 49 of the Workmen's Compensation Act and may be considered in addition to the affidavit of the petitioner, Socorro T. Aguilar. In *Pioneer Ceramics, Inc. vs. Samia*[3] this Court said:

"The petitioner objects to the consideration of the physician's report as a basis for the award on the ground that it is hearsay evidence, the physician himself not having been presented as witness. The Court has ruled, in the case of *National Development Co. vs. WCC*, G. R. No. L-21724, April 27, 1967, that while such a report may be hearsay under the common law rules of evidence, it is nevertheless admissible under Section 49 of the Act, and may be considered in addition to the sworn testimony at open hearing. In the present case, aside from the physician's report there is the testimony of the claimant himself concerning the nature of his work, which testimony constitutes substantial evidence to support the award. It can hardly be doubted that the disease (pulmonary tuberculosis) which the claimant contracted, if not directly caused by his employment was at least aggravated by it."

The law presumes, in the absence of substantial evidence to the contrary, that the claim is compensable. The burden to disconnect, by substantial evidence, the injury or sickness from employment, is laid at the employer's door.[4] The respondent employer did not present any evidence to rebut the findings of Dr. Castor M. Ricaña in his physician's report. In the absence of proof on the part of the employer to support its defense, the statutory presumption that the death of the employee arose out of the employment should prevail.[5] The Workmen's Compensation Act is a social legislation. It is designed to give relief to the workman. Therefore, to effectuate its purpose, it must be liberally construed.[6]

WHEREFORE, the decision appealed from is hereby set aside and the respondent, Republic of the Philippines (Bureau of Public Schools) is ordered:

- 1) To pay the petitioner the amount of Six Thousand Pesos (P6,000.00) as death compensation;
- 2) To reimburse the petitioner the amount of Three Thousand Two Hundred Twenty Four Pesos and 33/100 (P3,224.33) for hospitalization and medical expenses;
- 3) To pay attorney's fees in the amount of Six Hundred Pesos (P600.00); and
- 4) To pay the successor of the Workmen's Compensation Commission the corresponding administrative fee.

SO ORDERED.

Teehankee, (Chairman), Makasiar, Santos, and Guerrero, JJ., concur.

[1] Annex "A", Rollo, pp. 14-16, and Annex "B", Rollo, pp. 17-20.

[2] Petition, pp. 1-2, Rollo, pp. 3-4.

[3] 33 SCRA 487, 492.

[4] *Vda. de Acosta, et al., vs. Workmen's Compensation Commission, et al.*, 12 SCRA 168.

[5] *Batangas Transportation Co. vs. Vda. de Rivera*, 99 Phil. 1025.

[6] *Batangas Transportation Co. vs. Perez, et al.*, 11 SCRA 793, 796.

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