

ISABEL LOPEZ ELISEO (GUALBERTO C. ELISEO), PETITIONER, VS. WORKMEN'S COMPENSATION COMMISSION AND G & S MANUFACTURING CORPORATION, RESPONDENTS.

G.R. No. L-43468. July 21, 1978

Ponente: GUERRERO, J.

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GUERRERO, J.:

Petition for review of the decision of the respondent Workmen's Compensation Commission affirming the ruling of the Workmen's Compensation Unit, Department of Labor, Rizal Office dated October 30, 1975 dismissing Petitioner's claim in RO4-WC Case No. C-2354 on the ground that there is no evidence substantial enough to show that the disease, leukemia, has a causal relation to the work of the deceased with respondent G & S Manufacturing Corporation.

The Workmen's Compensation Commission in disposing petitioner's claim, said:

"It is rather the question of whether or not the ailment of leukemia has a causal relation to the nature of her work with the respondent. We need not refer to other medical postulates to find whether or not the leukemia of the deceased has a causal relation to the nature of her work with the respondent. For there is the Physician's Report which constitutes the evidence of the claimant themselves. It is said thereon that the causal relation of this ailment to the employment of the deceased is undetermined, indicating that even the attending physician of the late Isabel Eliseo cannot pronounce that this leukemia ailment is legally linked to her work with the respondent. Moreover, treatment was first administered only on May 4, 1974. There is therefore no evidence substantial enough to show that this leukemia which caused the death of Isabel Eliseo has a causal relation to the nature of her work with the respondent. This claim has to be dismissed on this point." (Decision, p. 2)

The claimant Isabel Lopez Eliseo (substituted by her husband, Gualberto C. Eliseo) was an embroidery reviser in the respondent G & S Manufacturing Corporation starting in 1972 and earning a salary of P8.00 a day and working 5 days a week. Her work as an embroidery reviser involved the use and/or handling of different kinds of textiles or fabrics where there are present various kinds of chemicals. On December 14, 1973, while in the employ of the respondent G & S Manufacturing Corporation, she felt her first serious attack of her ailment at her place of work at respondent's establishment at 2568 Lamayan Street, Sta. Ana, Manila and from which place she proceeded at the instance of said respondent to the St. Anne's Hospital at Del Pan Street, Sta. Ana, Manila where she was first hospitalized and treated. Several months prior to December 14, 1973, claimant had been feeling dizziness which was simply remedied with household medication such as Medicol, aspirin or Cortal, which ever was available and to which medication she readily responded. After her confinement and medical attention given her at the St. Anne's Hospital, claimant was later transferred to the Chinese General Hospital at Sta. Cruz, Manila for further treatment. According to the medical certificate (Annex F to the Petition) dated March 9, 1974, she was admitted on January 13, 1974 and was discharged on January 26, 1974 with the following diagnosis: Leukemia, myelogenic, chronic, Hyper-splenism (1575 Grams). She was also confined at the Philippine General Hospital

Hematology Section and according to the Physician's Report of Sickness (Annex G to the Petition) issued March 7, 1975 by Dr. Romeo P. Ariniego of the Philippine General Hospital who first treated her on May 4, 1974 claimant was sick of chronic granulocytic leukemia.

On April 28, 1975, she died of leukemia before the rendition of the decision in her claim. Upon the death of claimant, the records do not show that a corresponding motion for substitution had been filed but even without the proper motion for substitution, the surviving spouse with his children were considered substituted for the deceased Isabel Lopez Eliseo upon the filing of the affidavit (Annex D, Rollo, p. 9) executed by the surviving spouse attesting to the death of his wife. Although this issue is not controlling in the instant case, the claim was denied on the ground that no evidence substantial enough to show that the disease (leukemia) of which the claimant died has a causal relation to the nature of her work with the respondent corporation. Hence, the claim was dismissed for lack of merit. Appealing to the Workmen's Compensation Commission, the latter affirmed the above decision and petitioner now comes to this Court.

The issue involved in this case is whether leukemia arose out of and/or was aggravated by the nature of the employment of the deceased.

The medical report (Annex G to the Petition) submitted in the case and upon which the decision of the res-pondent Workmen's Compensation Commission is based, shows that the cause of injury or illness is still unknown, thus –

"SICKNESS OR INJURIES - NATURE AND DEGREE

"8. Cause of injury or illness: Still unknown

"9. (a) Was the injury or illness caused by accident due to and in pursuance of the employment? Undetermined
(b) Or the result of the nature of such employment? Undetermined

"10. (a) Was the illness or injury contracted directly caused by the Workman's employment? Undetermined
(b) Or the result of the nature of such employment? Undetermined
(c) Or aggravated by the employment? Undetermined."

Leukemia, according to Medical Dictionary for Lawyers by Bernard S. Maloy, M.D., p. 350, is a disease characterized by persistent increase in the white blood corpuscles, associated with changes in the spleen, lymphatic glands and bone marrow. Two main types (lymphatic) are usually described: 1. splenomedullary leukemia, in which changes are localized mainly in the spleen and bone marrow: this type is also called myelogenous (produced in the bone marrow) leukemia; 2. lymphatic leukemia, in which changes occur in the lymphatic system. Leukemia is most common in the middle period of life. Some of the usual symptoms are enlargement of the abdomen and shortness of breath, enlarged glands, weakness, pallor, palpitation, dyspepsia, pain and tenderness of the spleen with enlargement, epistaxis (nosebleed), hematemesis (vomitting of blood), headache, a tendency to hemorrhage in many cases, dizziness, fainting spells, and increase in the white corpuscles of the blood. A great majority of the cases terminate fatally within 2 or 3 years.

As to its etiology (causes), all studies indicate that leukemia is increasing but the reasons for this are not known.

The increase may be related to new conditions of modern life including exposure to various chemicals, smoke, automobile exhaust, tars in the streets, X-ray exposures and dissemination of atomic radioactivity. (Illustrated Medical and Health Encyclopedia by Morris Fishbein, M.D., Vol. 5, p. 1348).

We cannot agree with the private respondent that the claim of the petitioner is without any factual or legal basis nor with the respondent Workmen's Compensation Commission that there is no evidence substantial enough to show that this leukemia which caused the death of Isabel Eliseo has a causal relation to the nature of her work with the respondent G & S Manufacturing Corporation. It may be true that the job of a reviser or quality controller, which was the work of claimant Isabel Eliseo, does not entail physical exertion. It may also be true that all that is required is alertness of the eye to see and detect any defect or flaw in a garment being revised and to point out those defects for correction or repair before a garment can pass for distribution and use. However, it must be admitted that the nature of the work of the claimant required her to deal with textiles or fabrics which involved chemicals of various kinds and composition and this exposure of the deceased to these chemicals in private respondent's establishment probably led to the development of the disease of leukemia or at least aggravated the illness of the claimant from which she died as a result. In other words, the probability that the claimant became sick of leukemia as a result of her handling different fabrics or clothing materials which in the process of their manufacture contained chemicals, or was at least aggravated by the nature of her work is not only clear and cogent but the strong link or causal connection between them is apparent and evident. In *Laron vs. Workmen's Compensation Commission, et al.*, 73 SCRA 84, We held that in testing the evidence on the relation between the injury or disease and the employment, probability and not certainty is the touch-stone, reiterated in *National Housing Corp. v. WCC*, 79 SCRA 281.

We therefore hold that there is clearly a factual basis of petitioner's claim for compensation under the Workmen's Compensation Act.

From the legal point of view, petitioner's claim is equally compensable, not only because of the presumption of compensability mandated by Sec. 44 of the Workmen's Compensation Act but also because the said Act is a social legislation which must be interpreted and construed liberally in order to achieve the beneficent purposes of the law to afford protection to workmen and their families, resolving all doubts in their favor. Thus, Section 44 (1) of the Workmen's Compensation Act (Act 3428) provides:

"SEC. 44. Presumption.- 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;

"xxx xxx xxx"

The presumption of compensability provided under the Act as quoted above comes to the fore once the illness supervenes in the course of employment and the rebuttable presumption arises that such illness arose out of or was at least aggravated by such employment and the burden to overthrow said presumption shifts to the employer. In the case at bar, the claimant having shown that she manifested the serious symptoms of leukemia on December 14, 1973 and was admitted and treated successively at the St. Anne's Hospital, the Chinese General Hospital and the Philippine General Hospital for leukemia and from which she succumbed on April 28, 1975, it cannot be denied that her illness or disease supervened in the course of her employment and therefrom arises the legal

presumption that the claim comes within the provisions of the Workmen's Compensation Law for the reason that said illness or disease is presumed to have arisen because of the nature of said employment or was at least aggravated by such employment or work.

Even assuming that the causal link between the nature of her employment and her ailment has been insufficiently shown, nevertheless it is presumed as mandated by Sec. 44 of the Workmen's Compensation Act that the employee's illness which supervened during her employment either arose out of or at least aggravated by said employment and with this presumption, the burden of proof shifts to the employer and the employee is relieved of the burden to show causation. (*Ybañez vs. Workmen's Compensation Commission*, 77 SCRA 501).

Even in the absence of proof that the injury or death supervening in the course of employment has arisen because of the nature of said employment, the death or injury is by law, presumed compensable, unless the employer clearly establishes that it was not caused or aggravated by such employment or work. Mere absence of evidence that the mishap was traceable to the employment does not suffice to reject the claim. There must be credible showing that it was not so traceable (*Naira vs. Workmen's Compensation Commission, et al.*, L-18066, October 30, 1962). The burden to disconnect, by substantial evidence, the injury or sickness from employment is laid at the employer's door. (*Vda. de Acosta vs. WCC*, L-19772, October 31, 1964). So rigid is the rule that even where the cause of the employee's death is unknown, the right to compensation subsists. Once the claimant has shown that the illness upon which the claim is premised, supervened during the time of his employment, there is a rebuttable presumption that the illness arose out of or at least aggravated by, his employment. Thus, the claimant is relieved from the burden of proving causation once the illness or injury is shown to have arisen in the course of the employment. (*Justiniano vs. WCC*, 18 SCRA 677).

The above ruling is now well established in labor jurisprudence, the more recent being *Lopez vs. WCC and GSIS*, 79 SCRA 551; *Flores vs. WCC and Pantranco*, 78 SCRA 17; *Espino vs. WCC and Victorias Milling Company*, 78 SCRA 189; *Dimaano vs. WCC*, 78 SCRA 506; *Cuyno, Jr. vs. WCC*, 79 SCRA 100.

In the case at bar, respondent G & S Manufacturing Corporation has utterly failed to discharge the burden which had shifted to him of disproving the presumption that the illness of the claimant arose out of or was at least aggravated by such employment; the respondent has not clearly established that claimant's illness was not caused or aggravated by her employment or work. There is no credible showing on the part of the respondent corporation that her illness of leukemia was not so traceable to her employment or work. Respondent has not complied with the duty to show the disconnecting link between the illness of the claimant and her work, and in view of such failure the presumption of compensability stands un rebutted in the present case.

Finally, in the light of the constitutional mandate enjoining the State to afford protection to labor and that the Workmen's Compensation Law is a social legislation designed and formulated to implement this constitutional policy, the presumption should be accorded a broader and more liberal interpretation in order to advance the laudable purposes of the Act to protect the working class and their dependents by resolving any and all doubts in their favor.

WHEREFORE, We set aside the decision of respondent Commission and hereby order the G & S Manufacturing Corporation to pay claimant Gualberto C. Eliseo and his minor children Elisa, Gualberto, Jr., Eliseo, Rene and Ellen, all surnamed Eliseo:

- a. Six Thousand (P6,000.00) Pesos as death compensation;
- b. Two Hundred (P200.00) Pesos for burial expenses;
- c. Petitioner's counsel, Six Hundred (P600.00) Pesos as attorney's fees; and

d. Sixty-One (P61.00) Pesos as administrative fee.

SO ORDERED.

Teehankee, (Chairman), Makasiar, Muñoz Palma, and Fernandez, JJ., concur.

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