

**JUANA VDA. DE MACANIP, IN HER OWN BEHALF AND IN BEHALF OF
HER MINOR CHILDREN, NOEL, ALLETH, ELISA AND AGNES, ALL
SURNAMED MACANIP, PETITIONERS, VS. WORKMEN'S
COMPENSATION COMMIS...**

G.R. No. L-43223. May 31, 1979

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. 127012 entitled "Juana Vda. de Macanip, for herself and in behalf of her minor children, Noel, Alleth, Elisa and Agnes, all surnamed Macanip, Claimant, versus, Municipality of Jaro, Leyte, Respondent" reversing the decision of the Acting Referee of Regional Office No. 4, Manila, and absolving the Municipality of Jaro, Leyte, of any liability under the Workmen's Compensation Act.[1]

The petitioner, Juana Vda. de Macanip, is the widow of Camilo Macanip and Noel, Alleth, Elisa and Agnes, all surnamed Macanip, are their children.

On November 27, 1971, Camila Macanip filed with Regional Office No. 4 of the Department of Labor at Manila a claim for disability compensation against the Municipality of Jaro, Province of Leyte, alleging that on account of the nature of his work as clerk, he contracted a sickness known as schistosomiasis which caused his incapacity for labor since May 15, 1971.

On October 14, 1972, Camilo Macanip died. His widow, Juana Vda. de Macanip, for herself and her minor children with him, Noel, Alleth, Elisa and Agnes, all surnamed Macanip, filed a motion on August 4, 1975 for the conversion of the claim from disability to death benefits with the Regional Office No. 4 at Manila.

After hearing, the Acting Referee of Regional Office No. 4 rendered a decision dated October 30, 1975, the dispositive part of which reads:

"WHEREFORE, judgment is hereby rendered ordering respondent Municipality of Jaro, Province of Leyte:

1. To pay claimant, Juana Vda. de Macanip, the sum of THREE THOUSAND THREE HUNDRED SIXTY NINE and 60/100 (P3,369.60) PESOS as death compensation plus P200.00 as burial expenses reimbursement;
2. To pay claimant's counsel, Atty. Juan R. Moreno, the sum of ONE HUNDRED SIXTY EIGHT and 48/100 (P168.48) PESOS as attorney's fee; and
3. To pay this Office the sum of THIRTY FOUR (P34.00) PESOS as administrative fee pursuant to Section 55 of the Act, as amended.

SO ORDERED."[2]

On January 15, 1976, a letter demanding payment of the award was sent to the Mayor of Jaro, Leyte. The

Municipal Mayor allegedly requested for several copies of the decision of the Acting Referee and counsel for the claimants sent said Mayor copies of the decision. A few days thereafter, the Mayor, instead of effecting payment, filed a motion for reconsideration. The motion for recon-sideration was denied.[3]

The Municipality of Jaro, Leyte, appealed to the Workmen's Compensation Commission which reversed the de-cision of the Acting Referee on the ground that there is no evidence that the deceased Camilo Macanip was ever treated of any ailment on or before May 14, 1971, and that there is no evidence which shows that the cause of his death, Cardiac Heart Failure due to Pericardial Effu-sion, is traceable to his former employment with the Municipality of Jaro, Leyte.[4]

The evidence adduced before the Acting Referee of Regional Office No. 4 shows that the late Camilo Macanip had been employed with the Municipality of Jaro, Province of Leyte, since September 24, 1968 up to May 14, 1971 as campaign clerk with an annual salary of P1,440.00; that during his employment with the Municipality of Jaro, Province of Leyte, Camilo Macanip contracted the sickness of schistosomiasis which compelled him to go on sick leave on May 14, 1971; that schistosomiasis is an illness caused by eating and/or drinking water from unfiltered water; that Camilo Macanip, in order to campaign for payment of taxes, had to go to remote barrios and places of Jaro, Leyte, and during his campaign, he drank water containing elements coming from dangerous snail; that Camilo Macanip never recovered from his ailment and he ultimately died by reason thereof on October 14, 1972; that Juana Vda. de Macanip was married to Camilo Macanip on September 17, 1952; and that Noel, Alleth, Elisa and Agnes, all sur-named Macanip, are their minor children.[5]

The sickness of Camilo Macanip supervened during his employment with the Municipality of Jaro, Province of Leyte. Hence, there is a disputable presumption that the claim is compensable.[6] The claimant is relieved of the 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.[7]

The claimant did not rely on the disputable pre-sumption alone. The widow, Juana Vda. de Macanip, adduced evidence that the sickness of Camilo Macanip was caused by the nature of his work. He had to go to different remote barrios where he drank water containing elements from dangerous snail. The respondent, Municipality of Jaro, Province of Leyte, did not rebut the disputable presump-tion and the evidence of the claimant.

The Acting Referee of Regional Office No. 4, Manila, awarded the following benefits to the claimant:

"Consequently, claimant is entitled to 60% of the deceased's average weekly wage for a period of 208 weeks. The deceased was receiving an average weekly (salary) of P77.00 (P1,440.00 divided by 52). 60% of which equals P16.20 and for 208 weeks claimants are entitled to P3,369.60, as death compensation benefits plus P200.00 as burial expenses reimbursement." [8]

The foregoing computation is correct.

In addition to the compensation benefits, the petitioners are entitled to reimbursement of medical expenses of Camilo Macanip, if supported by proper receipts, and attorney's fees.

WHEREFORE, the decision of the Workmen's Compensation Commission sought to be reviewed is hereby set aside and the Municipality of Jaro, Province of Leyte, is ordered:

- 1) To pay the petitioners the sum of Three Thousand Three Hundred Sixty Nine Pesos and Sixty Centavos (P3,369.60) as death compensation plus Two Hundred Pesos (P200.00) as reimbursement for burial expenses;
- 2) To reimburse the petitioners of the medical expenses incurred by Camilo Macanip if established by proper receipts;

3) To pay counsel of the petitioners the sum of Three Hundred Thirty Six Pesos and Ninety Six Centavos (P336.96) as attorney's fee; and

4) To pay the successor of the Workmen's Compensation Commission the sum of Sixty-One Pesos (P61.00) as administrative fee.

SO ORDERED.

Teehankee, (Chairman), Makasiar, Guerrero, De Castro, and Melencio-Herrera, JJ., concur.

[1] Annex "F", Rollo, pp. 19-20.

[2] Annex "C", Rollo, p. 16.

[3] Petition, Rollo, pp. 7-8.

[4] Annex "F", Rollo, pp. 19-20.

[5] Rollo, pp. 19-20.

[6] Section 44, Workmen's Compensation Act; Justiniano vs. Workmen's Compensation Commission, 18 SCRA 677.

[7] Balanga vs. Workmen's Compensation Commission, 83 SCRA 721.

[8] Rollo, p. 16.

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