

**MAURICIO BELLO, PETITIONER, VS. WORKMEN'S
COMPENSATION COMMISSION, BENEDICTO DINGLASAN &
SONS, INC. AND HECTOR LAGMAN, RESPONDENTS.**

G.R. No. L-43292. March 18, 1987

Ponente: GANCAYCO, J.

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GANCAYCO, J.:

Petitioner Mauricio Bello seeks a review of the decision of respondent Workmen's Compensation Commission rendered on February 23, 1976 in R04-WCU Case No. 161021 which granted petitioner only the lump sum of P178.28 as disability compensation benefit in contrast to the award made by the Acting Chief of the Workmen's Compensation Section, R04, Manila on March 19, 1975 requiring private respondent Hector Lagman to pay petitioner the amount of Seven Hundred Ninety Six Pesos and 80/100 (P796.80) and the weekly compensation of P33.60 beginning March 20, 1975 until his illness is cured or arrested or his liability for labor ceases provided it does not exceed P6,000.00.

From the findings of the respondent Commission, it appears that petitioner was an employee of respondent Lagman, a jeepney operator. Petitioner was found sick with "pulmonary tuberculosis, chronic, moderately advanced predominantly fibrotic", by his attending physician Dr. Fabian Medina, who declared on October 30, 1974 that said illness was aggravated by his employment. Petitioner was confined at Quezon Institute from May 27, 1971 up to June 20, 1971 when he was discharged, much improved, after which he resumed working. He was again found sick, this time, of bacterial conjunctivitis from September 20, 1974 to October 16, 1974.

On November 8, 1974, petitioner filed a claim for disability compensation, so an award was made by the Acting Chief, Workmen's Compensation Section of Region 4 on the ground that respondent did not controvert said claim. Respondent Lagman moved to set aside the award. This was granted despite the opposition of petitioner and the case was treated as a controverted claim before the Hearing Officer who dismissed petitioner's claim for lack of merit. On appeal, the Workmen's Compensation Commission applied the legal presumption under Section 44 of the WCC Act as amended, sustained the compensability of the claim, absolved Benedicto Dinglasan and Sons, Inc. from any liability, made respondent Lagman liable being claimant's employer at the time he was afflicted with tuberculosis and granted temporary total disability to claimant from May 27, 1971 to June 20, 1971 and from September 20, 1974 to October 16, 1974 amounting to P178.28 which is 60% of his weekly average pay of P40.00 (See Annex A, Petition, page 21, Rollo).

It is undisputed that petitioner was afflicted with pulmonary tuberculosis during the course of his employment. The only issue to be resolved here is whether or not under the circumstances obtaining in this case, he should be granted full compensation benefits.

We find the petition meritorious and so hold that full compensation benefit is in order.

While it may be true, as respondent Commission points out that no chest x-ray report was submitted to establish petitioner's illness of pulmonary tuberculosis and confinement at Quezon Institute, it has been resolved in many

cases of this nature that the doctor's certification as to the nature of claimant's disability may be given credence as he normally, would not make a false certification.[1] Moreover, laboratory reports are not indispensable prerequisite to compensability of claim and the absence of an x-ray report cannot prejudice such claim[2]. This Court even went to the extent of declaring that to be compensable, it is enough that the hypothesis on which the workmen's claim is based is probable. Medical opinion to the contrary can be disregarded.[3] Indeed, the niceties and refinements of technical rules on procedure must give way to effect substantial justice to the claimant[4].

The WCC's decision under review, granted disability benefits to petitioner solely for the period he was confined at the hospital. The Commission in granting a meager amount stated thus: "x x x claimant is entitled to temporary total disability for labor from May 27, 1971 up to June 20, 1971, and then September 20, 1974 up to October 16, 1974. x x x"

This should not be so. In proving his entitlement to compensation benefits, petitioner submitted the following:

- Physician's Report of sickness, signed by petitioner's attending physician, Dr. Fabian Medina of the Quezon Institute, on October 30, 1974;
- Certification of the Chief, Out-Patient Service of Q.I. dated October 25, 1974 showing that petitioner had chest x-ray examinations on various dates from May 27, 1971 to July 11, 1974;
- Medical Certificate signed by Dr. Gregorio Noriega, Medical Specialist of the National Tuberculosis Center Clinic, Manila, dated March 7, 1975;
- Memorandum for the Acting Chief of the Workmen's Compensation Section, by Dr. Edmund Calaycay, Compensation Rating Medical Officer of said Section, dated March 10, 1975.

It is noted that all said certifications declared tuberculosis as petitioner's ailment. The disease occurred not only on May 27, 1971 but recurred on various dates in 1974 and 1975[5]. It is therefore error for the respondent Commission to award only the sum of P178.28 to petitioner especially considering that Section 2 of the Workmen's Compensation Act as amended, provides that an employee who suffers from tuberculosis "directly caused by such employment, or either aggravated by or the result of the nature of such employment", is entitled to compensation. There are numerous cases[6] involving substantially similar conditions as that of herein petitioner, wherein this Court ruled that tuberculosis is an occupational disease, hence, compensable.

In the present case, petitioner is entitled to full compensation. He has been rendered incapable of further pursuing his usual work because of his weakened bodily condition due to illness contracted in the course of employment.

Finally, the Court observes that the award of P178.28 is so unsubstantial and unrealistic considering present-day economic standard and financial realities. To sustain such a petty award would render meaningless the purpose of the law and the social justice precept it guarantees.

WHEREFORE, PREMISES CONSIDERED, the decision of respondent Workmen's Compensation Commission dated February 23, 1976 is SET ASIDE and respondent Hector Lagman is hereby ordered to pay petitioner the sum of SIX THOUSAND PESOS (P6,000.00) as disability compensation and to pay Counsel of petitioner attorney's fees equivalent to 10% of the recoverable amount, with costs against respondent Lagman. SO ORDERED.

Yap, (Chairman), Narvasa, Cruz, and Sarmiento, JJ., concur. Melencio-Herrera and Feliciano, JJ., on leave.

[1] *Marte vs. ECC*, 96 SCRA 885.

[2] Guillen vs. WCC, 97 SCRA 327; Bautista vs. WCC, 88 SCRA 121; Romero vs. WCC, et al., 77 SCRA 488; Vallo vs. WCC, 73 SCRA 623.

[3] Delegente vs. ECC, 118 SCRA 67.

[4] Justo vs. WCC, 75 SCRA 220.

[5] See Annexes C, F, and G, Petition.

[6] De Los Santos vs. WCC, 120 SCRA 730; Ybañez vs. WCC, 77 SCRA 501; Justo vs. WCC, 75 SCRA 220, etc.

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