

ROSALIA VDA. DE RANDOY, PETITIONER, VS. THE WORKMEN'S COMPENSATION COMMISSION AND UNIVERSAL TEXTILE MILLS, INC., RESPONDENTS.

G.R. No. L-43512. May 11, 1978

Ponente: FERNANDEZ, J.

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FERNANDEZ, J.:

This is a petition to review the decision of the Workmen's Compensation Commission dated March 11, 1976 in RO4-WC Case No. 164748 entitled "Rosalia Vda. de Randoy, claimant, versus Universal Textile Mills, Inc., respondent" affirming the decision of the Acting Referee of Regional Office No. 4, Department of Labor, dismissing the case for lack of merit.[1]

The record shows that the petitioner is the widow of Bonifacio Randoy who was employed as a painter by the private respondent, Universal Textile Mills, Inc.. Bonifacio Randoy died in his sleep on December 13, 1974 of congestive heart failure.

The petition states that on January 8, 1975, the petitioner, Rosalia Vda. de Randoy, filed with the private respondent an application for separation pay[2] of her husband attaching thereto a death certificate; that on March 19, 1975, the petitioner filed a notice and claim for compensation by reason of the death of her husband Bonifacio Randoy with Regional Office No. 4, Department of Labor;[3] and that the claim was controverted by the private respondent on the ground that the death of Bonifacio Randoy is not service connected.

The referee, Danilo Bolos, dismissed petitioner's claim for failure to establish the casual relation between the death and the employment of the deceased no death certificate or physician's report having been presented.

It is alleged that a motion for reconsideration of the decision with a certified copy of the death certificate attached thereto, was denied.

On appeal, the Workmen's Compensation Commission affirmed the decision of the referee in the following:

"D E C I S I O N

This is a review of the decision rendered by Acting Referee Danilo Bolos of Regional Office No. 4, dismissing the case for lack of merit. Claimant appealed, praying that the decision dated October 18, 1975, be reconsidered.

It appears in the notice and claim filed on March 19, 1975, that the late Bonifacio A. Randoy was employed by the respondent as a Painter with an average weekly wage of P70.00. On December 13, 1974, while sleeping at home he died of an alleged illness diagnosed as congestive heart failure, by Dr. Edgardo P. Javier of Marikina, Rizal. (Certificate of Death) He is survived by his wife and the two children the claimants herein.

The respondent controverted the claim on the ground that the death was not caused by employment.

The Referee below decided the claim pursuant to Department Order No. 3, as amended, in implementation of

the Letter of Instruction No. 190 of the Office of the President of the Philippines.

The records will show that the late Bonifacio A. Randoy was employed by the respondent as a Painter. On December 13, 1974, per records, he reported to his duty from 6:00 a.m. up to 2:00 p.m.; that in the night of the same date, while sleeping he died due to his alleged illness of congestive heart failure.

The records failed to reveal that prior to deceased's death he had any complaint referable to the heart that could be considered as casually related to employment. Death occurred suddenly when he was asleep in his house, thus neither the theory of presumption and/or aggravation can be made to apply in this case.

Premises considered, this Commission is of the opinion and so hold, that the death of the deceased did not arise out of and in the course of his employment. Besides, there is no showing in the records that on or before he died on December 13, 1974, he was suffering from any illness while in the employ of the respondent. There is no reason therefore, to reverse the ruling of the Unit a quo, dismissing the claim for lack of merit.

WHEREFORE, the decision appealed from, should be, as it is hereby, **AFFIRMED**, and the case dismissed for lack of merit.

SO ORDERED.

Quezon City, Philippines, March 11, 1976.

(SGD.) HERMINIA CASTELO-SOTTO, M.D.
Associate (Medical) Commissioner

(SGD.) EUGENIO I. SAGMIT, JR.
Associate Commissioner"[4]

The principal issue is whether congestive heart failure which caused the death of Bonifacio Randoy is compensable.

The question is not new. In *Talip vs. Workmen's Compensation Commission et al.*,^[5] this Court held:

"Respondent commission's decision was patent error and must be set aside on the strength of controlling and established jurisprudence that assuming that the deceased employee's illness which caused his death may be ruled out as an occupational disease or that the casual link between the nature of his employment and his ailment has been insufficiently shown, nevertheless it is to be presumed as mandated by Section 44 of the Workmen's Compensation Act that the employee's illness which supervened during his employment, either rose out of, or at least was aggravated by, said employment; and with this legal presumption, the burden of proof shifts to the employer and the employee is relieved of the burden to show causation. Respondent employer has failed to discharge the burden of disproving the claim by substantial evidence and the Referee's Award must therefore be maintained. Contrary to the commission's gratuitous conclusion that the death was not compensable (for alleged want of a preliminary link between the deceased's work and his death contrary to the legal presumption), its very finding that the deceased had no history or cardiac ailments strengthens the presumption that his fatal heart attack during his employment was work-connected or aggravated and therefore compensable.

As was restated by former Chief Justice Makalintal in *Maria Cristina Fertilizer Corp. vs. Workmen's Compensation Commission*, 'it is now well-settled that once it is established that the illness supervened during employment, as in this case, there is a rebuttable presumption that such illness arose out of the employment or was at least aggravated by it; and the employer has the burden of proving the contrary by substantial

evidence.”

In the case at bar, the certificate of death dated December 17, 1974 stated that the death of Bonifacio Randoy was "due to congestive heart failure on December 13, 1974." [6] He died while in the employ of the private respondent.

The finding of the respondent Commission that "The records failed to reveal that prior to deceased's death he had any complaint referable to the heart that could be considered as casually related to his employment x x x" strengthens the presumption that Randoy's fatal heart attack during his employment was work connected or aggravated and, therefore, compensable.

WHEREFORE, the decision of the respondent Commission is hereby set aside and the private respondent, Universal Textile Mills, Inc., is ordered:

- To pay the petitioner the amount of Six Thousand Pesos (P6,000.00) as death compensation benefit;
- To pay the petitioner the sum of Two Hundred Pesos (P200.00) as burial expenses;
- To pay the petitioner's counsel of record the amount of P600.00 as attorney's fees; and
- To pay the successor of the respondent Commission the amount of P53.00 as administration fee.

SO ORDERED.

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

[1] Annex "D", Rollo, pp. 18-19.

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

[3] Annex "C", Rollo, p. 17.

[4] Annex "D", Rollo, pp. 18-19.

[5] 71 SCRA, 218, 220-221.

[6] Annex "B", Rollo, p. 16.

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