

JUANITA NAIRA, PETITIONER, VS. WORKMEN'S COMPENSATION COMMISSION, DEPARTMENT OF LABOR, MANILA AND COMPANIA GENERAL DE TABACOS DE FILIPINAS, RESPONDENTS

G. R. No. L-18066. October 30, 1962

Ponente: REYES, J.B.L., J.

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REYES, J.B.L., J.:

The facts of this case, as found by the Workmen's Compensation Commission, are stated in the appealed decision to be as follows:

"* * *. The late Juan Naira had been employed by the respondent in its river barge for 26 years, first as an oarsman, and later as barge pilot until his death on November 13, 1958. His monthly salary, at the time of this death, was P72.20 with rice allowance. Aside from his duties as helmsman, he helps in the loading and unloading of cargoes on the barge. On November 12, 1958, Juan Naira worked up to 1:30 p.m. helping in loading the barge with cargoes consisting of 12 sacks of cotton seeds and fertilizers, 3 big loaded barrels and 2 small ones, the three big barrels were heavy so that 3 persons, including the late Juan Naira, carried the barrels, one at a time, to the barge. After the loading, Juan Naira went home to take his lunch. Not long after he had returned to the tabacalera compound at 2:00 p.m., he began to complain of stomachache. He was brought to Dr. Melendres' Clinic at Centro, Ilagan. Because of the intense pain, he was brought the next day to the Isabela Provincial Hospital, where he died. Dr. M. Lim, Junior Resident Physician of said Hospital, who attended him diagnosed his illness as acute mesenteric thrombosis, which was later confirmed, as the cause of death, when an autopsy was performed on the deceased Juan Naira. * * *."

The claimant-widow averred, and tried to prove, that her husband died of pulmonary, tuberculosis; she also submitted a death certificate showing the cause of the death of her husband to be acute beri-beri. But from the evidence, particularly the autopsy report, the Commission arrived at the conclusion that the cause of the death of the late Juan Naira was, none other than acute mesenteric thrombosis, and denied compensation because:

"* * *. Being merely sick of mesenteric thrombosis which caused his death, the same, nevertheless, would not suffice to place the claim within the orbit of the Workmen's Compensation Act. There must be a showing that such ailment or disease was directly caused by his employment or aggravated by, or the result of the nature of such employment. We have perused the entire record of the case and found no evidence showing that the sickness of acute mesenteric thrombosis was traceable to the employment. In other words, no evidence was shown which would link solid illness with the nature of his work." (Italics added)

Hence, upon denial of her motion for reconsideration, claimant resorted to this Court for review.

We agree with appellant that the decision should be reversed. In demanding that the claimant should establish that the cause of death was directly brought about by the employment, or aggravated by the nature of the employment, the Workmen's Compensation Commission has chosen to ignore the presumption expressly established in Section 43 (1) of the Workmen's Compensation Act (No. 3428), as amended by Republic Act 772;

"SEC. 43. 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."

In other words, in the absence of proof that the injury or death supervening in the course of employment has arisen because of the nature of the same, the death or injury is, by law, 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 (*Batangas Trans. Co. vs. Vda. de Rivera*, G.R. No. L-7658, May 8, 1956; *Bohol Land Trans. Co. vs. Vda. de Medanguit*, 70 Phil., 685). In fact, in the *Batangas Transportation* case, we held that where the cause of death supervening in the course of employment is unknown, the death is compensable. In the case now before us, the fact that the illness followed closely the exertions of the deceased in unloading the employer's barge strongly supports the inference that the thrombosis leading to his death was at least precipitated by strain.

In view of the foregoing, the decision brought on appeal for review is hereby reversed, and this case is remanded to the Workmen's Compensation Commission for the determination of the amount of compensation due the petitioner and the other heirs of the deceased worker, with costs against the respondent corporation.

Bengzon, C. J., Padilla, Bautista Angelo, Labrador, Concepcion, Barrera, Paredes, Dizon, Regala and Makalintal, JJ., concur.

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