

FLORENCIA ANG LOPEZ, PETITIONER, VS. WORKMEN'S COMPENSATION COMMISSION AND PHILIPPINE AMERICAN MANUFACTURING MARKETING CORPORATION, RESPONDENTS.

G.R. No. L-42592. September 28, 1984

Ponente: GUTIERREZ, JR., J.

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GUTIERREZ, JR., J.:

This is a petition to review the decision of the Workmen's Compensation Commission which denied the petitioner's claim for compensation benefits on the ground of lack of proof to support the claim.

Florencia Ang Lopez was hired by the Philippine American Manufacturing Marketing Corporation sometime in 1965 as a machine operator with an average weekly wage of P48.00. On November 22, 1970, while working, the petitioner suffered pains and weakening of the body accompanied by fever, coughing, and difficulty of breathing. She had herself examined by Dr. Triponia Avendaña of Plaridel, Bulacan who diagnosed her ailments as pulmonary tuberculosis, cerebral thrombosis, and acute pyelonephritis. Because of her ailments, the petitioner had to permanently stop working.

The only issue before us is whether or not the evidence is sufficient to warrant a finding of sickness upon which disability compensation benefits may be awarded.

The respondent Commission reversed the decision of Regional office No. 4 and dismissed the claim for lack of merit. The grounds for the finding of no merit are:

- (1) A physician's report states that the claimant was treated for PTB in 1970 and 1971. However, the physician's findings are not supported by laboratory findings or chest x-ray examination; and
- (2) The 1975 x-ray findings fail to show that the petitioner suffers from PTB. The finding of cerebral thrombosis is contradicted by the ability of petitioner to return to work.

Our examination of the same items of evidence leads to contrary conclusions. The May 6, 1971 certificate of Dr. Triponia Avendaño states that Florencia A. Lopez had been under her medical care since November 23, 1970. It categorically states that a recent chest x-ray revealed a slight improvement. The doctor diagnosed the disease as pulmonary tuberculosis. The certification indicates that an earlier x-ray examination had been conducted. We see no reason to doubt the authenticity of this finding because the medical certificate was not prepared for the workmen's compensation claim which was filed only in 1974. It was prepared for the Social Security System to justify sickness benefits in late 1970 and early 1971. SSS sickness benefits are not dependent on work causation. As long as a covered person gets sick and is unable to work, whatever the cause of sickness, the social security scheme tries to meet the corresponding loss of income caused by that sickness, through sickness benefits. The amount of benefits is based on salary or income levels, without reference to the "arising out of or in the course of employment" test. It is not influenced by how much was spent to recover from the illness. There was, therefore, no need to certify the illness as tuberculosis. Influenza contracted during a vacation trip or any illness completely

unrelated to employment would still have qualified Lopez for SSS sick-ness benefits.

The chest x-ray taken on April 20, 1971 by government physicians at the medical department of Social Security System reads:

“Atty. Arceli A. Rubin

"As requested in your letter dated January 22, 1976, the following is the result of the chest x-ray of Mrs. Florencia Ang Lopez taken at the S. S. S. on April 20, 1971.

"RL diffuse linear and nodular density, base

"LL ess. clear

"Nuj. Bronchiectasis (R)?

"SGD. FLORENCIA PEÑA M. D.

Chief, Records & Assistance Division"

The finding of "diffuse linear and nodular density, base" is more compatible with pulmonary tuberculosis than bronchiectasis. However, if the disease is really bronchiectasis then it would be more disabling than tuberculosis. Bronchiectasis is a degenerative pulmonary disease marked by dilatation and loss of elasticity of lung tissue.

The certification of the Philippine Tuberculosis Society signed by two physicians reveals the results of the photo fluorography examinations conducted on January 7, 1971 to be "suspicious density apex in the right hemithorax". There is, however, no diagnosis on the nature of the disease. Again the finding of suspicious density apex is compatible with tuberculosis.

The medical certificate showing treatment on February 19, 1975 at the Jose R. Reyes Memorial Hospital diagnoses the petitioner's neurological ailment as "CVA, thrombosis, old, left."

The fact remains that the petitioner was forced to stop working because of her sickness. The combination of pulmonary tuberculosis, cerebral thrombosis, and acute pyelonephritis was sufficient to fully incapacitate her for continued employment. The finding of the respondent Commission that the petitioner was able to go back to work is not supported by the records. The decision of the Workmen's Compensation Section, Regional Office No. 4 states:

"There is no dispute that claimant was employed with Philippine American Manufacturing and Marketing Corporation. The evidence on record firmly shows that claimant has been afflicted with the ailments complained of. It was due to these ailments that claimant stopped working and was forcibly required to stop working. Since then she has not been able to go back to work. These findings of claimant's ailment are confirmed by findings with the Dr. Jose R. Reyes Memorial Hospital, the National Tuberculosis Center Clinic and recently the Compensation Rating Medical Officer.

"Ample evidence has been duly established showing that the ailments of the claimant which caused her physical disability were reasonably connected with her employment with the respondent. The fact that claimant was stricken ill in the course of her employment the law presumes that such ailments arose out of her employment the law presumes that or were at least aggravated by the nature of her duties (*Delgado Brothers, Inc. v. WCC*, L-31579, November 29, 1972). Evidently, the ailments of the claimant supervened once the illness is shown to have supervened in the course of the employment. It is unquestionable that once the illness is shown to have supervened in the course of the employment, it is likewise presumed to have arisen out of such employment. Hence, the precise medical cause is not legally significant (*Justiniano v. WCC*, L-22774, November 21, 1966). On the other hand, we do not find any evidence for the respondent substantial enough to overcome the compensability of the claimant's cause." (Italics supplied)

The decision reversed by the respondent Commission is in accordance with the facts and the law. We find the records and certifications of government hospitals and physicians reliable.

WHEREFORE, the decision of the Workmen's Compensation Commission is hereby REVERSED and set aside. The respondent Philippine American Manufacturing and Marketing Corporation is ordered:

1. To pay petitioner Florencia Ang Lopez the sum of SIX THOUSAND (P6,000.00) PESOS as disability compensation; and
2. To pay the Ministry of Labor and Employment the sum of SIXTY ONE (P61.00) PESOS as decision fee pursuant to Section 55 of the Workmen's Compensation Act as amended.

SO ORDERED.

Teehankee (Chairman), Melencio-Herrera, Plana, Relova, and De La Fuente, JJ., concur.

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