

**ENRILA ORTIZ RABANES, GUARDIAN, FOR AND IN BEHALF OF
MINOR CHILD IRMA ORTIZ, PETITIONER, VS. WORKMEN'S
COMPENSATION COMMISSION, AND PROVINCE OF MISAMIS
ORIENTAL, RESPONDENTS.**

G.R. No. L-40949. October 30, 1978

Ponente: MUÑOZ PALMA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/d323792e9300/>

MUÑOZ PALMA, J.:

Justiniano Ortiz served the Philippine Government for several years as Assistant Provincial Assessor of Misamis Oriental. He died on June 29, 1972, from advanced diabetes mellitus with complications. He was survived by several children of whom only one, Irma Ortiz, was a minor. In behalf of her minor sister, Enrila Ortiz Rabanes filed with the Workmen's Compensation Unit, Regional Office No. 11, Cagayan de Oro City, against the Province of Misamis Oriental, a claim for death compensation arising out of the illness of her father, Justiniano Ortiz, which she alleged occurred and was aggravated in the course of the latter's employment with the government.

The claim was timely controverted.[1]

An Evaluation Committee was formed by virtue of Memorandum Circular No. 210 of the Office of the President of the Philippines to look into the merits of the claim and on August 9, 1972, the Committee recommended the denial of compensation because:

"RESOLVED, as the Committee hereby resolves, to attribute that the death of the late Justiniano A. Ortiz caused by DIA BETES MELLITUS can neither be considered as service-connected nor was it acquired or contacted while in the performance of his official duties because DIABETES MELLITUS is not an occupational disease but a familial and hereditary disease." [2]

Notwithstanding the recommendation of the Evaluation Committee, Referee Rodolfo S. Milado after due hearing rendered a decision on June 26, 1973 in favor of the heir of Justiniano Ortiz.

The facts as found by the referee follow:

"x x x That the late Justiniano Ortiz was employed by respondent as Assistant Provincial Assessor for a number of years; that the deceased's salary was P850.00 per month or P10,200.00 per annum; that he was suffering from an illness of Diabetes Mellitus; and that he died on June 29, 1972 due to the illness he was suffering.

"The main issue is whether the cause of death of the late Justiniano Ortiz is compensable or not.

"A careful perusal of the records of the above-entitled case shows that the late Justiniano Ortiz applied for sick leave covering the period from November 4, 1968 to December 13, 1968 to undergo treatment of his swollen toes and diabetes mellitus, which application was duly approved by his immediate superior on December 16, 1968 (Exhibit '4'). While discharging his duties and functions as Assistant Provincial Assessor, he applied several times for sick leave of absence (Exhibits '3', 'E-1' and 'E-2'), and finally applied for terminal leave from October 1, 1970 to November 13, 1970, which application dated October 12, 1972 was duly approved by his immediate superior (Exhibit 'E').

"Because of the diabetic condition of the deceased, which is generally true to other persons suffering from said ailment, as borne out by the medical science, he was susceptible to any illness, hence, he suffered Cataract which was either caused, predisposed or aggravated by the nature of his ailment. Evidences of both parties show that the illness (Diabetes Mellitus) of the deceased was complicated with other ailments (Exhibit 'A'- Death Certificate; Exhibit 'D' - Physician's Report of Dr. Lastimosa and Exhibit '1' - Evaluation Committee Report.)

"xxx xxx xxx

"x x x On further examination, Atty. Chaves testified that the work of the late Justiniano Ortiz was not only confined in the office but that the deceased sometimes went on field work to any, some or all of the municipalities of respondent province to supervise the work of the municipal treasurers who were designated as deputy provincial assessors. He testified further that traveling to and from one municipality to another is not strenuous work, which this Office disagree to his testimony. This Office has no iota of doubt on the testimony of Dr. Santiago Tungol; that diabetes mellitus is considered as familial and hereditary, hence, it is per se, not compensable. His testimony is confirmed by Dr. Hernando Mejia, Chief of Clinic of Northern Mindanao Regional Training Hospital, Cagayan de Oro City and Dr. Jose Lastimosa.

"The undisputed fact in this case remains that the deceased had advanced and complicated diabetes mellitus Septecemia (serious infection) and Azotemia (blood poisoning) aside from cataract and a non-healing wound. However, Drs. Mejia and Lastimosa agreed that the complications or infections were probably caused or aggravated by the nature of the work of the deceased which consisted in exposure to the elements of nature, micro-organism not excluded, disregarding personal and sanitary hygiene while traveling in the various municipalities of respondent-province, much more that the deceased had a non-healing wound or swollen toes. His cataract probably predisposed also his diabetes mellitus or vice-versa. x x x "[3]

By reason of the above findings the referee awarded compensation, viz:

"IN VIEW OF THE FOREGOING, Decision is hereby made and entered in favor of the claimant, for and in behalf of dependent child Irma Ortiz, thereby ordering the respondent, to pay, thru this Office, the following:

1. To Claimant Enrila Ortiz Rabanes, for and in behalf of Irma Ortiz, the amount of P1,749.95, as reimbursement of medical and hospital expenses pursuant to Section 13 of the Act, plus P200.00 as burial expenses pursuant to Section 8 of the Act;

2. To the Northern Mindanao Regional Training Hospital, Cagayan de Oro City, the amount of P290.00 as payment of medical and hospital expenses pursuant to Section 13 of the Act;

3. To the dependent Irma Ortiz, care of Enrila Ortiz Rabanes, the amount of P4,160. 00 as compensation benefits (40% of the decedent's average weekly wage which was P196.00, however reduced to P50.00 the maximum allowed by law, equals P20.00 times 208 weeks) pursuant to Section 8 (c) of the Act;

4. To the claimant's counsel, Atty. Angel Quimpo, the amount of P208.00, as attorney's fee pursuant to Section 31 of the Act; and

5. To this Office, the amount of P42.00 as service fee pursuant to Section 55 of the Act." (p. 25, WCC record)

On July 6, 1973, the Provincial Attorney filed a motion for reconsideration in behalf of the respondent which however was denied by the referee on August 3, 1973 and in the same order the case was elevated to the Workmen's Compensation Commission in Quezon City, for review.[4]

On May 29, 1975, the Workmen's Compensation Commission reversed the referee's award, basing its opinion on the evidence presented by two members of the Evaluation Committee, thus:

"Dr. Santiago Tungol, Provincial Health Officer, after having inquired as to the nature of work the late Justiniano A. Ortiz had been performing in Office, he gave his viewpoint that the cause of his death as stated in the death certificate which is Diabetes Mellitus cannot be attributed as having been acquired during his work, because Diabetes Mellitus, per se, is considered as a familial and hereditary disease and not as an occupational disease. The nature of said disease therefore is in the generic characteristic of an individual and the general predisposition to it can hardly be considered related to one's work or occupation.

"Likewise, Dr. Hernando Mejia, Chief of Clinics of the Northern Mindanao Regional Hospitals, concurred with the point of view of Dr. Tungol, and elaborated on the subject that while it is true that the primary cause of the death of Mr. Ortiz was Diabetes Mellitus which is a familial and hereditary disease, the complications of septicemia, which is a serious condition of infection; and azotemia, which is a poisoning of the whole body because of the damaged kidneys and, therefore, cannot excrete waste products of the body, there is still doubt as to the cause of infection that gave rise to septicemia because the deceased subject had a non-healing wound which could be the beginning of infection or the infection might be due to improper hygiene or caused by microorganisms that he had contracted during his work, but diabetes, per se, cannot be acquired because of the work."[5]

The sole issue now before Us is whether or not diabetes mellitus which disabled Justiniano Ortiz from his work, led him to retire prematurely, and eventually caused his death is compensable.

There can be no doubt as to the merits of this Petition.

Once more We apply Section 44 of the Workmen's Compensation Act which establishes in favor of the workman the presumption of compensability of a claim filed under the Act. The argument of respondent. Commission that the cause of death of Justiniano Ortiz was not work-connected or work-aggravated but a familial and hereditary disease again ignores the well-entrenched jurisprudence in this jurisdiction to the effect that where an illness of an

employee or worker occurs in the course of employment, it is presumed under the law that such illness was directly caused by or arose out of the employment or was aggravated by it.

The medical opinions of the doctors presented by the employer or that of the Commission's medical rating officer which would disconnect the ailment of Justiniano Ortiz from his employment are insufficient to overthrow the presumption of compensability mandated by law,[6] especially since against those opinions We have the report of Dr. Jose D. Lastimosa attesting to the fact that the ailments of Justiniano Ortiz were caused and aggravated in the course of the latter's employment.[7]

We cannot dissociate Ourselves from decisions of this Court rendered long before respondent Commission promulgated the decision now under review. In fact if those decisions had been respected and followed We would now have spared the time and effort of resolving appeals of this nature, and early relief could have been afforded the heirs of the deceased employee.

For instance, in *Naira vs. Workmen's Compensation Commission, et al.*, decided in 1962, the Workmen's Compensation Commission denied compensation and ruled that the worker "being merely sick of mesenteric thrombosis which caused deceased's 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." Discarding such an argument, the Court through Justice J.B.L. Reyes who penned the decision stated that "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 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."[8]

The rationale of the *Naira* case was adopted in *Vda. de Forteza vs. Workmen's Compensation Commission, et al.*, *Amadeo Forteza* worked as a watchman with the Philippine Charity Sweepstakes Office for five years and was suffering from hypertension at the time he was employed. On January 17, 1955, he suffered a stroke and died of "cerebral hemorrhage secondary to arteriosclerotic hypertension vascular disease." The Hearing Officer awarded the heirs total death compensation benefits under Act 3428, as amended; however, the Workmen's Compensation Commission reversed the award reasoning thus:

"x x x the disease of hypertension - characterized by the thickening, hardening and loss of elasticity of the arterial walls, with inflammatory, degenerative or hyperplastic changes, the etiology of which has been variously attributed to abnormal metabolism of fats, toxin and infection cannot be considered as an occupational disease in the particular trade the deceased was engaged in the course of his employment and as understood under the Workmen's Compensation Law, i.e. , disease which is due to causes and conditions which are characteristics of and peculiar to a trade, occupation, process or employment. They further argue that from the fact that the deceased employee had been working for five years without a stroke, it may be inferred that his work did not in any way cause his death."[9]

The Court through then Justice Arsenio P. Dizon ruled:

"xxx xxx xxx

x x x The fact that the deceased suffered the stroke near his working table in the third floor of the office building while performing his routinary duties further justified petitioner's claim that the death of her husband was in the course of his employment and was brought about -- in part, at least -- by the strenuous nature of his work.

xxx xxx xxx

"Furthermore, it is the rule in Workmen's Compensation cases that it need not be proven that his employment was the sole cause of the death or injury suffered by the employee, it being enough, to entitle him or his heirs to compensation benefits under the law, that there be a showing that his employment had contributed to the aggravation or acceleration of his death or ailment. This has been sufficiently proven to be the case in the one before Us."^[10]

In this case now before the Court, the documentary evidence on hand establish that in the course of his work as assistant provincial assessor, Justiniano Ortiz became afflicted with diabetes mellitus, sustained a non-healing wound, and suffered infection of the kidneys with other complications. These ailments forced him to go on sick leave off and on until he had to apply for optional retirement at the age of 63. He was on terminal leave from November 16, 1971 which was to expire on September 7, 1972; however, even before the end of his terminal leave, Justiniano Ortiz died on June 29, 1972, and the cause of his death was advanced diabetes mellitus.^[11]

WHEREFORE, We find the decision under review to be contrary to law and existing jurisprudence, and We accordingly set aside the same. The respondent Province of Misamis Oriental is ordered:

1. To pay claimant, Irma Ortiz, the following:

a) SIX THOUSAND (P6,000.00) PESOS as death compensation;

b) TWO THOUSAND THIRTY-NINE and 95/100 (P2,039.95) PESOS as reimbursement of medical and hospital expenses, and

c) TWO HUNDRED (P200.00) PESOS as burial expenses.

2. To pay claimant's counsel, Atty. Angel Quimpo, SIX HUNDRED (P600.00) PESOS as attorney's fee, and

3. To pay SIXTY-ONE (P61.00) PESOS as administrative fee to the Workmen's Compensation Fund.

SO ORDERED.

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

[1] p. 96, WCC record

[2] pp. 70-71, *ibid.*

[3] pp. 21-23, *ibid.*

[4] p. 11, *ibid.*

[5] p. 9, *ibid.*

[6] *Jabasa, et al. vs. WCC, et al.*, L-43354; *Cama vs. WCC, et al.*, L-43122, and *Amador vs. WCC, et al.*, L-45399 per Teehankee, J., June 30, 1978, citing *Visayan Stevedore & Transportation Co. vs. WCC, et al.*, 59 SCRA 89.

[7] p. 80, WCC record

[8] 6 SCRA 361, 363.

[9] 22 SCRA 282, 285. See also *Luzon Stevedoring Co., Inc. vs. WCC, et al.*, 10 SCRA 207; *Manila Railroad Co. vs. WCC, et al.*, 10 SCRA 41; *Manila Railroad Co. vs. WCC, et al.*, 11 SCRA 305; *Batangas Transportation Co. vs. WCC, et al.*, 11 SCRA 793; *Agustin vs. WCC, et al.*, 12 SCRA 55; *Vda. de Acosta, et al. vs. WCC, et al.*, 12 SCRA 168; *Paulino vs. WCC, et al.*, 12 SCRA 523; *National Power Corp. vs. WCC, et al.*, 13 SCRA 116; *Hernandez vs. WCC, et al.*, 14 SCRA 219; *A. D. Santos Inc. vs. Vda. de Sapon, et al.*, 16 SCRA 791; *Justiniano vs. WCC, et al.*, 18 SCRA 677.

[10] 22 SCRA 282, 285-286

[11] pp. 80, 84-88, WCC record.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.