

NATIONAL DEVELOPMENT CO., PETITIONER, VS. WORKMEN'S COMPENSATION COMMISSION AND GUILLERMA MILLANO, RESPONDENTS.

G.R. No. L-19854. December 27, 1963

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Review by certiorari of a decision of the Workmen's Compensation Commission.

Respondent Guillerma Millano had been working as spinner of petitioner National Development Company, hereinafter referred to as NDC, since November 1947. While she was in a stopping position, picking up bobbins, in the premises of the NDC on January 11, 1951, at about 9:00 p.m., two (2) roves, each weighing about two (2) kilos, fell upon her back from a height of seven (7) or eight (8) feet. As a consequence, she felt dizzy and began spitting blood. A fellow worker, brought her to the officer in charge, who had her taken to the medical department. The next morning, she was brought, in a semi-conscious condition, to the Quezon Institute where she was found to be suffering from pulmonary tuberculosis, chronic, active, bilateral, moderately advanced. On April 20, 1951, her condition had improved sufficiently to permit her discharge from the hospital, although not completely cured, in view of which her medical treatment continued up to October 1955. Prior thereto, or on February 11, 1951, while still confined in the hospital, she, received a letter from the NDC Acting General Manager stating that, effective upon the expiration of her leave privileges, her services with the company were thereby terminated, with a gratuity equivalent to one (1) month's wage for every year of service rendered, "but not exceeding twelve month's wage."

Thereafter, she filed her claim for compensation and, in due course, a hearing officer of Regional Office No. 4, Department of Labor, rendered a decision directing the NDC to pay P2,995.20 as compensation, plus P1,800 by way of reimbursement of the medical expenses incurred by the claimant, and P150 as attorney's fees, in addition to P30 as fees, under section 55 of Act No. 3428. Upon petition for review filed by the NDC, Associate Commissioner Perez of the Workmen's Compensation Commission caused the case to be set for hearing, before an officer of the Commission, for the submission of additional evidence on the medical expenses and doctor's fees, allegedly paid by the claimant. After appropriate proceedings, thereafter, said Associate Commissioner rendered a decision affirming, in effect, said awards of P2,995.20, as compensation, and P1,800 as medical expenses, but increasing the attorney's fees and costs to P224.64 and P35.00, respectively. A reconsideration of this decision having been denied by the Commission en banc, the NDC brought this case to Us for review on certiorari upon two (2) grounds, namely: (1) that the decision appealed from makes "new findings of fact in an appeal on a question which has not been raised in the pleadings in the petition for review, and is not supported by the evidence during the trial" and (2) that claimant's illness was not "a result of the nature of employment."

The first ground is based upon the following premises, namely: (a) that the claim of Guillerma Millano was "based on the ground that her pulmonary tuberculosis was aggravated by the nature of her employment;" (b) that the decision of the hearing officer was "based solely on the ground that there was an aggravation of the disease due to her employment;" (c) that the petition for review of the NDC merely contested the accuracy of this finding; and (d) that since claimant had not appealed from the award of the hearing officer, said finding had become final

and conclusive insofar as she is concerned.

It is not true, however, that the claim and the award of the hearing officer were predicated solely upon the thesis that claimant's illness had been aggravated by her employment. In her complaint she alleges that her work involved "exerting heavy pressure of efforts in operating her machines, lifting and pushing heavy objects"; that "aside from being strenuous," said work "had been performed under conditions conducive to the development and aggravation of tuberculosis, such as the inhalation of excessive cotton dust; continuous night work services; frequent exposure to sudden changes of temperature; close contact with workers and employees suffering from active pulmonary tuberculosis;" that when she entered the services of the NDC, "she was free from any sign of pulmonary tuberculosis"; that it was only in the middle part of 1950 when she begun to feel back and chest pains, suffered continuous chronic coughing, loss of weight and appetite;" and that "in the latter part of 1950 her sickness was confirmed to be that of pulmonary tuberculosis, when she was X-rayed at the instance" of the NDC" and thereafter she was treated for said p.t.b. by said" NDC.

Taken as a whole, the complaint did not rely solely, not even primarily, upon "aggravation" of claimant's illness. The allegations about the seemingly good condition of her health when she began working for the NDC in 1947, and the emphasis laid upon the strenuous nature of her work and the conditions under which the same had to be undertaken, when considered in relation to the averment that they were conducive to the "development and aggravation of pulmonary tuberculosis," are sufficient to warrant the conclusion what she claimed that her illness was a result of the nature of her employment as well as that the conditions thereof had aggravated her condition.

Similarly, the decision of the hearing officer taken in its entirety likewise relies upon both grounds in awarding for the claimant. In effect, he held that the nature of her employment and the conditions under which she worked had caused her to contract pulmonary tuberculosis in 1950, and that the fact' that she was allowed to work thereafter under the same conditions, despite the NDC's knowledge of her illness, had led to the aggravation thereof in 1951. Hence, in passing upon the petition for review of the NDC, Associate Commissioner Perez did not exceed his authority in affirming substantially said decision of the hearing officer.

Moreover, upon a review of the record we are satisfied that said conclusion is supported by substantial evidence and that in fact the impairment of claimant's health was a consequence of the nature of her employment and of the conditions under which she had to work.

Wherefore, the decision appealed from should be as it is hereby affirmed, with costs against the petitioner. It is so ordered.

Padilla, Bautista Angelo, Paredes, Regala and Makalintal, JJ., concur.

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