

**MARIWASA MANUFACTURING, INC., PETITIONER, VS.
WORKMEN'S COMPENSATION COMMISSION AND OCTAVIO B.
VIDANES, JR., RESPONDENTS.**

G.R. No. L-40608. January 31, 1984

Ponente: MELENCIO-HERRERA, J.

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MELENCIO-HERRERA, J.:

The Petition for Review on Certiorari filed herein was treated by this Court as a special civil action.[1]

Challenged is the Decision of the Workmen's Compensation Commission in RPO-WC Case No. C-812, dated April 11, 1975, entitled "Octavio B. Vidanes, Jr., Claimant versus Mariwasa Manufacturing, Inc., Respondent" affirming, with modifications, the Decision of Acting Referee Manuel P. Asuncion of Labor Regional Office No. 4, granting compensation benefits to herein private respondent Octavio B. Vidanes, Jr. The dispositive portion of the questioned Decision reads:

"WHEREFORE, the decision appealed from should be, as it is hereby, AFFIRMED with modifications as to attorney's fee awarded and the award of review costs pursuant to law governing them in appealed cases. The respondent is hereby ordered to pay the following liabilities:

1. To the claimant, thru this Commission, the sum of TWO THOUSAND THREE HUNDRED SEVENTY NINE PESOS AND THIRTY EIGHT CENTAVOS (P2,379.38) as his compensation benefit under Section 14 of the Act, as amended;
2. To Attorney Arturo Carbonell, the sum of TWO HUNDRED THIRTY SEVEN PESOS AND NINETY THREE CENTAVOS (P237.93) as attorney's fee in accordance with Section 31 of the Act, as amended; and
3. To the Workmen's Compensation Fund, the sum of TWENTY NINE PESOS (P29.00) including review costs in accordance with Section 55 of the Act, as amended." [2]

The facts of the case, as found by the Commission and which we find supported by the evidence, follow:

"The claimant entered into employment connection with the respondent on June 12, 1967, working with it up to September 6, 1971, when he was removed from employment because he was suffering from an illness diagnosed as Hansen's disease. He used to work eight hours daily for a wage of P9.50 a day, for 6 days a week.

During his employment, he worked in several departments of the respondent from the Glazing Department to the Gloss Department, and from the Gloss Department to the Japanese Press Department.

Prior to his employment, he was physically examined, which was a fact admitted by the respondent. He became sick while in the employ of the respondent and granted sick leave by it. He underwent treatment in the Sumilang Skin Clinic and later in the San Lazaro Hospital. x x x

A showing was made by the claimant that he was of sound health when he entered into employment relation with the respondent on June 12, 1967. The respondent admitted that a pre-employment physical examination

was conducted upon the claimant."[3]

"The medical records of the claimant shows that on July 18, 1970 he made his first consultation with the medical clinic of the respondent with complaint that his thigh was "parang namamanhid" or sort of being numbed. Suspecting that he was suffering from lack of Vitamin B, he was prescribed with Vitamin B complex. The next consultation was on September 23, 1970. There being no sign of relief, claimant was given a rather thorough examination by Dr. de Guzman. He was pricked on some parts of the body but could not feel. Sensing that there was something wrong, claimant was told to go to the San Lazaro Hospital for examination but he did not obey. A follow-up advice was made by Dr. de Guzman and herein claimant was given a referral slip to the Philippine General Hospital Dermatology Section for examination of his complaint. This was made on May 13, 1971. The examination conducted at the Philippine General Hospital confirmed that claimant was suffering from Hansen's disease. x x x"[4]

Premised on these antecedent circumstances, on October 19, 1971, Vidanes, Jr. filed with the then Department of Labor, Regional Office No. 4, Mandaluyong, Rizal, a notice and claim for compensation under the Workmen's Compensation Act claiming that he had contracted Hansen's disease (leprosy) during his employment, the same having been "caused by the chemical reaction of special kind of soil and dust mixed with chemicals in the manufacture of tiles coupled with the intensive heat of the machineries and equipment where the products are heated and molded".[5] Petitioner-employer opposed the claim.

The affirmative relief granted by the Acting Referee was, as earlier stated, upheld by the Workmen's Compensation Commission on appeal, with slight modifications. Mariwasa, the defeated party below, filed this Petition seeking reversal.

On the strength of recent jurisprudence, we affirm the reviewed judgment. The ailment contracted by private respondent was work-connected and work-aggravated, criteria for compensability recognized by the Workmen's Compensation Act, the statute that governs the present situation. As held in *G. B. Francisco, Inc. vs. Workmen's Compensation Commission*[6], private respondent's exposure during the course of his employment to chemicals, dust, heat and other air pollutants, and the lessening of his body resistance due to the stress and strain of work could have caused or aggravated the ailment which had afflicted him.

"x x x Turning to the unfortunate situation now before Us, there is no valid reason for discounting leprosy, one of the most dreaded diseases there is, x x x. All that We have is the bare assertion in the pleadings of petitioner that leprosy is not compensable. Against that assertion, however, as found by respondent Commission, is the certification of the attending physician appearing in the record that the disease of Urdas was caused in the course of and in pursuance of his employment. This is understandable considering that Urdas did painting jobs for G.B. Francisco, Inc. in the latter's realty business in the course of which he was exposed to chemicals, dust, heat, and other environmental factors of air pollution and the like, all of which could have caused or aggravated the leprosy which afflicted him."

And, as stressed by the Commission insofar as "contact with a leprous person inside petitioner's premises" is concerned, it stated:

"We even believe more strongly that the claimant had contact with an open case or cases right in the company compound. First, he was with the Glazing Department of the respondent company, and then he was transferred to the Gloss Department, and later to the Japanese Press Department; in contact, therefore, with many workers. Dr. Virginia Guzman showed impliedly how lax was the respondent company in the admission of employees for she observed about 20 persons employed and working in the premises of the respondent having skin diseases. (T.N. p. 265). We took notice of the following records of the examination of Dr. Guzman during one of the proceedings in this case:

"A: We do blood pressure examination, complete physical examination exclusive neurological examination

like pinprick testing because that is not part of routine procedure, and chest x-ray.

"Q. You do not do blood testing of applicants?

"A. No blood testing." [7]

The adverse medical findings relied upon by petitioner, to the effect that Hansen's disease is neither a compensable nor occupational disease, cannot prevail over the legal presumption, which has not been successfully rebutted, that claimant's disabling illness was contracted by him in the course of his employment or at least aggravated by the nature of such employment.

"Hence, we have repeatedly ruled that the mere opinions of doctors on the non-causal connection between illness and/or death and the nature of claimant's work, presented as evidence by the employer, do not meet the required quantum of evidence as aforesaid; and therefore, such opinions cannot prevail over the presumption of compensability established by law (Simon vs. Republic, 71 SCRA 646[1977]; Maria Cristina Fertilizer Corporation vs. WCC, 60 SCRA 228 [1974]; Abana vs. Quisumbing, 22 SCRA 1282-1283 [1968]; and Magalona vs. WCC, 21 SCRA 1203 [1967]).

"Furthermore, We have applied with pedantic rigor the aforesaid legal presumption of compensability even in the absence of a definite finding or knowledge of the precise medical cause of the claimant's illness as long as the illness and/or death supervened in the course of employment. For precisely, the vital function of legal presumption is to dispense with the need for proof. (Mulingtapang vs. Workmen's Compensation Commission, 80 SCRA 610, 615 [1977])"

WHEREFORE, the Decision of respondent Workmen's Compensation Commission is hereby affirmed.

Costs against petitioner. SO ORDERED.

Teehankee, (Chairman), Plana, Relova, and Gutierrez, Jr., JJ., concur.

[1] p. 54, Rollo.

[2] pp. 50 & 51, *ibid*.

[3] pp. 1-2, Decision of the Commission, pp. 47 & 48, Rollo.

[4] pp. 2-3, Decision of the Workmen's Compensation Unit, Regional Office No. 4, pp. 30 & 31, Rollo.

[5] p. 29, Rollo.

[6] 87 SCRA 22 (1978).

[7] p. 49, Rollo.

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