

CECILIA V. ULIBAS, PETITIONER, VS. REPUBLIC OF THE PHILIPPINES (BUREAU OF PUBLIC SCHOOLS) AND THE WORKMEN'S COMPENSATION COMMISSION, RESPONDENTS.

G.R. No. L-43320. June 30, 1978

Ponente: MUÑOZ PALMA, J.

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MUÑOZ PALMA, J.:

This petition of Cecilia V. Ulibas for a review of the decision of the defunct Workmen's Compensation Commission which dismissed her claim for disability compensation benefits filed against the Republic of the Philippines, more particularly, the Bureau of Public Schools, is a clearly meritorious one.

Petitioner-claimant Cecilia V. Ulibas filed on July 25, 1974, with Regional Office No. 4 of the Department of Labor a "Notice of Injury or Sickness and Claim for Compensation" under the Workmen's Compensation Act. The claim was controverted on time by the Office of the Solicitor General and a hearing on the merits was held. As found by the acting referee, the following facts are duly established by the claimant's evidence:

"The claimant had worked with the respondent as a classroom teacher from June 1, 1930 up to November 21, 1968 with interruption during the time of war. From her entrance to the service up to June 30, 1952, the claimant was assigned in the Division of Romblon and on July 1, 1952, she was transferred to the Division of Ilocos Sur. As such classroom teacher, she handled subjects in the elementary level such as Reading, Writing, Arithmetic, Social Studies, Health & Science, Music, Language, Arts, Pilipino, Art Education and Work Education. Her last annual salary was P3,384.72 (Exhibit "A").

"Aside from teaching academic subjects, she had homeworks to do such as lesson plans for the subjects to be taught, writing boardwork, reading subject matter and references and preparation teaching aids and devices. In the preparation of all these, she usually slept late than usual for it took her up to 10:30 in the evening, or even later, to finish the same. She also attended to problems of students and did some home visitations. Her tour of duty was from 7:30 A.M. up to 11:30 A.M., and then, from 1:30 P.M. up to 5:00 P.M., Monday to Friday. During Saturdays, she usually attended seminars and meetings.

"In the course of employment, sometime in 1966, claimant began to complain of pains and inflammation of joints and muscles particularly the knees and ankle especially so during the night. This condition has been on and off. Unable to perform her daily chores efficiently due to feeling of general debility, easy fatigability, dizziness and fainting spells, she likewise suffered from loss of voice and difficulty in continuous talking in the classroom. But then she continued to work until the symptoms of these ailments became more frequent and more severe that sometime in September, 1966, this condition necessitated medical attendance. She consulted Dr. Alfredo A. Cadena of Candon, Ilocos Sur for treatment on September 16, 1966. After a brief history of the case was taken and after her subjection to a thorough medical examination, her ailments were diagnosed as chronic poly articular rheumatism, chronic laryngitis, anemia-hypotension and chronic weeping eczema (Exhibit "B") for which she was administered several medicines, among which are: ergapyrin injections and tablets, reipar injections, arcobutina forte injections, microferon capsules, enzactin ointments and neo-tar ointment (Exhibit "C"). With proper medications and regular consultation with her attending physician, the

claimant was able to continue performing her duties as a classroom teacher. However, when the manifestations of body weakness became prevailing, she was compelled to apply for retirement because she felt that she could no longer work on account of her disabling ailments. On November 22, 1968, the claimant was effectively retired at the age of 60.

"In support of her claim, a Physician's Report of Sickness or Accident dated June 11, 1974, marked as Exhibit "B", was presented which stated that the ailments of the claimant were caused by her employment; that the same were aggravated by the nature of such employment; and, that said ailments resulted in permanent total disability for labor. Dr. Alfredo A. Cadena advised claimant to retire from the service because the latter's employment would only aggravate her in spite of all medical treatment (Exhibit "C"). The claimant further testified that she is still under the medical care and treatment of Dr. Alfredo A. Cadena and in the course of treatment, she has incurred expenses but failed to keep the receipts for reimbursement purposes." (pp. 7-9, rollo)

On the basis of the above findings, Acting Referee Ignacio Valera rendered a decision the dispositive portion of which reads:

"WHEREFORE, premises considered, judgment is hereby rendered in favor of the claimant and against the respondent ordering the latter:

1) To pay claimant, Cecilia V. Ulibas, thru this Office the sum of SIX THOUSAND PESOS (P6,000.00) as disability compensation benefits;

2) To pay Atty. Miguel A. Inocencio, counsel of record for the claimant, the sum of THREE HUNDRED PESOS (P300.00) as attorney's fee; and,

3) To pay this Office the sum of SIXTY-ONE PESOS (P61.00) as administrative fee pursuant to Section 55 of the Act."

(p. 11, rollo)

Copy of the foregoing decision was received in the Office of the Solicitor General on September 24, 1975. A "Petition to elevate the records for relief from judgment" was filed by the Office of the Solicitor General on October 17, 1975. Acting on this petition respondent Commission rendered on February 19, 1976, a decision reversing the award of the referee and absolving the employer, Bureau of Public Schools, from any liability under the Workmen's Compensation Act.

Hence, this petition of the claimant praying that the decision of the Workmen's Compensation Commission be set aside principally on the ground that the award rendered by the referee had become final and executory in view of the failure of respondent employer, within 15 days from receipt of the award, to file a motion for reconsideration or an appeal to the Commission.

It is admitted that the Solicitor General's Petition dated October 10, 1975 was filed outside of the 15-day reglementary period and that the delay was due to the "volume and heavy pressure of work in the Office of the Solicitor General." (p. 12, rollo) It is claimed however that said petition was in the nature of a "Petition for relief from judgment" under Sections 1 and 3 of Rule 22 of the Rules of the Commission and consequently it was filed within 30 days from receipt of the decision allowed under said Rule.

The foregoing argument of the Government was the same argument advanced by it in the case of *Ranada, et al. vs. W.C.C. and Republic of the Philippines* (Supreme Court), L-43709, September 30, 1976, but which the Court held to be untenable.

The circumstances in *Ranada* are the same as those attendant in the case of petitioner Ulibas. In *Ranada*, an award

was rendered by the acting referee in favor of the heirs of the late Judge Santiago Ranada, Sr. of the Court of First Instance of Rizal who died in office on January 26, 1974, due to "stress gastric bleeding." Copy of this award was received by the employer, Republic of the Philippines, more particularly, the Supreme Court, through the office of the Solicitor General, on November 17, 1975, but it was only on December 11, 1975, or 24 days from receipt, that a petition to elevate records to the Commission was filed. The Commission set aside the award notwithstanding the failure of respondent employer to appeal within the 15-day reglementary period. In contesting the appeal made to this Court by the claimants, the Office of the Solicitor General asserted that its petition to elevate the records was filed within the period provided for in Sections 1 and 3 of Rule 22 of the Revised Rules of the Workmen's Compensation Commission, and that the reason for the delay was the pressure and volume of its work. The Court, through Justice Ruperto Martin, held that for a petition for relief from judgment to be meritorious, although filed within the period granted by the rules, it must be accompanied by an affidavit showing "the fraud, accident, mistake or excusable negligence and the facts constituting the petitioner's good and substantial cause of action or defense", and that "mere pressure of work cannot be considered as a valid excuse for not filing a motion for reconsideration of a decision of the acting labor referee" and "the negligence committed cannot be considered excusable." (73 SCRA 263, 268, 269)

In this case of Ulibas the same reason was given by Assistant Solicitor General Guillermo C. Nakar, Jr. and Special Attorney Bienvenido C. Mata for their failure to file a motion for reconsideration of the referee's award within the 15-day period, that is, "due to the volume and heavy pressure of work in the Office of the Solicitor General." (p. 12, rollo) As in the case of Ranada, there was no affidavit of merits in this case showing the facts constituting the employer's substantial causes of defense other than a general verification made at the bottom of the petition for relief. (p. 13, rollo) Perforce, the Ranada case is controlling.

More importantly, the claim of petitioner for disability compensation benefits is meritorious and justified.

The evidence submitted below shows that in the course of petitioner's employment as a teacher she developed in the year 1966 "chronic poly articular rheumatism, chronic laryngitis, anemia- hypotension and chronic weeping eczema" (p. 8, rollo), resulting in her loss of voice and general physical weakness which compelled her to leave her teaching job at the age of 60. Respondent's contention that petitioner Ulibas stopped working at her own choice to enjoy the benefits of retirement, is accordingly without basis.

In *Bello vs. W.C.C. and Republic of the Philippines*, L-43018, October 28, 1977, the Court stated:

"Disability occurs when an employee is disabled from rendering further service due to his physical inability to perform work in the usual and customary way. For purposes of the Workmen's Compensation Act there is disability when there is a loss or diminution of earning power which is due to an injury arising out of and in the course of the employment. It is not the injury which is compensated but rather it is the incapacity to work resulting in the impairment of one's earning capacity." (citing "Labor Standard and Welfare Legislation" by Fernandez and Quiazon, cited in *Marcelino vs. Seven-Up Bottling Co., et al.*, 1972, 47 SCRA 343, and *Vicente Francisco*, "Labor Laws of the Philippines," 4th Ed., Vol. II, p. 492)

And in *Leonila Romero vs. W.C.C. and the Bureau of Public Schools*, We stressed that with the approval of an employee's optional retirement, the fact of the employee's disability is placed beyond question of doubt considering that under C.A. 186, as amended by R.A. 1616 and R.A. 4968 in conjunction with Memorandum Circular No. 133 of the Office of the President, October 19, 1967, optional retirement before reaching the compulsory age of 65 is authorized only when the employee "is physically incapacitated to render sound and efficient service." [1]

It is the theory of respondent Commission that the ailments complained of by petitioner-claimant are "diseases in

no way connected with her employment" as they are either degenerative in nature or constitute a deficiency in the hemoglobin content of the red blood cells, an inflammation of the larynx, and a manifestation of skin disease. (p. 26, rollo)

Such a posture of respondent Commission betrays a total disregard of jurisprudence laid down by this Court even prior to the date of the decision under review.

In *Abana vs. Quisumbing*, 1968, the Court ruled:

"While there is that possibility that factors other than the employment of the claimant may also have contributed to the aggravation of his illness, this is not a drawback to its compensability. For, under the law, it is not required that the employment be the sole factor in the growth, development or acceleration of claimant's illness to entitle him to the benefits provided for. It is enough that his employment had contributed, even in a small degree, to the development of the disease. It has been repeatedly held that under the Workmen's Compensation Law, it is not necessary for a claimant to carry the burden of proof to establish his case to the point of demonstration. It is sufficient to show that the hypothesis on which he bases his claim is probable.

"Viewing the case from a different angle, the exact medical cause of the illness, however, is not really significant. For, granting, only for argument's sake, that the evidence for petitioner is insufficient to show a causal link between the nature of his employment and his heart ailment, under the provision of section 44 of the Workmen's Compensation Act, as amended, it is to be presumed that petitioner's illness, which supervened at the time of his employment, either arose out of, or was at least aggravated by, said employment. With this legal presumption, the burden of proof shifts to the employer, and the employee is relieved of the burden to show causation." (per Angeles, J., 22 SCRA 1282; emphasis supplied)

The decision in *Abana* was extensively relied upon in *Belmonte vs. W.C.C.*, 1974, per Teehankee, J., wherein a letter-carrier died of a stroke resulting from hypertension, and his heirs were granted death compensation benefits, the Court holding that all that the Workmen's Compensation Act, Section 2, requires to entitle a claimant to its benefits is a showing that the nature of his work and duties did aggravate his illness.[2]

In the instant case of *Ulibas* there can be no question that her work as a classroom teacher from 1930 to 1968, with a brief interruption during World War II, took its toll on her health, and in fact directly caused and aggravated the inflammation of the larynx and loss of voice and her anemia-hypotension which produced general physical weakness.

WHEREFORE, We set aside the decision of respondent Commission and reinstate the award of the acting referee in favor of petitioner Cecilia Ulibas with the modification that the attorney's fee is increased to Six Hundred Pesos (P600.00) by virtue of the services rendered in this appeal.

So Ordered.

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

[1] L-42617, June 30, 1977, 77 SCRA 482. See also *Evangelista vs. WCC and Bureau of Public Schools*, L-43572, June 30, 1977; *Flores vs. WCC*, 71 SCRA 633; *Galang vs. WCC*, 72 SCRA 454; *Ybañez vs. WCC*, 77 SCRA 501; *Sudario vs. Republic*, 79 SCRA 337.

[2] 58 SCRA 138, 143 See also *Philippine Graphic Arts, Inc. vs. Mariano & WCC*, 1973, 53 SCRA 409; *Visayan Stevedore & Transportation Co. vs. WCC, et al.*, 1974, 59 SCRA 89.

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