

TALENTO GRAGASIN, PETITIONER, VS. WORKMEN'S COMPENSATION COMMISSION AND HONIRON PHILIPPINES, INC., RESPONDENTS.

G.R. No. L-46504. August 31, 1978

Ponente: MAKASIAR, J.

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MAKASIAR, J.:

This is a petition for review of the decision of the defunct Workmen's Compensation Commission affirming the dismissal of RO4-WC No. 163353 by the Assistant Chief of Section, Labor Regional Office No. 4, Manila.

It appears that petitioner filed a claim for disability benefit under the Workmen's Compensation Law for having allegedly contracted pulmonary tuberculosis while in the employ of Honiron Philippines, Incorporated for about 19 years. On February 10, 1976, the Assistant Chief of Section, Labor Regional Office No. 4, Manila, to whom the complaint was assigned, dismissed the same upon his findings that the claimant (now petitioner) had already received from the private respondent the amount of P13,594.50 which amount allegedly includes separation pay, gratuity pay and compensation benefits. Dissatisfied with this order of February 10, 1976, claimant Talento Gragasin appealed the order of dismissal to the Workmen's Compensation Commission.

Acting on the appeal filed by the petitioner, the Workmen's Compensation Commission affirmed the order of the Acting Referee and stated:

"x x x After a careful review of the records of the case, we find no merit in the claimant's contentions. As can be gleaned from the records of the case, claimant's letter of resignation did not mention that he was resigning because of any illness or disability due to the nature of his work with the respondent. Truth to tell, even Dr. Rosauro Maravilla, claimant's attending physician, stated, in his physician's report, that he started treating the claimant only on August 11, 1973 (see answer to Item No. 12 of the Physician's Report). Even his chest x-ray which reveals that he has PTB, was taken only on October 5, 1974 or one year and five months after his resignation from the respondent. Apparently, claimant's PTB can no longer be traced to his employment with the respondent."

Petitioner was originally employed in the purchasing department of respondent, Honiron Philippines, Inc., with a monthly salary of P447.00 (p. 11, rollo). On May 4, 1973, he resigned from the service of respondent, for which he was paid by the respondent the amount of P13,594.50 covering separation pay, gratuity pay and compensation benefits. Subsequently, he filed a claim for payment of his compensation benefits alleging that even before his resignation, he already contracted pulmonary tuberculosis, an occupational disease, which must have been aggravated by reason of his employment. The respondent firm resisted this claim of the petitioner and maintains that:

"1. He voluntarily resigned from the service on May 4, 1973.

"2. His alleged illness of pulmonary tuberculosis started only on August 23, 1973, more than three (3) months from date he stopped working.

"3. His Chest X-ray which was submitted to support his claim that he had pulmonary tuberculosis was taken only on October 5, 1974 or more than one year and five (5) months from the date of resignation.

"4. His letter of resignation did not mention that he resigned on account of any illness or disability due to the nature of his employment with herein respondent."

Annex "A" (p. 15, rollo) submitted in support of petitioner's motion for reconsideration of March 16, 1976, and filed with the defunct Workmen's Compensation Commission, clearly shows that as early as August 7, 1972, petitioner was confined at the Quezon Institute for treatment of PTB and was discharged therefrom on September 21, 1972. His treatment at the Quezon Institute for PTB was at the instance and at the expense of the petitioner. Again, Annex "B" (p. 16, rollo), also submitted in support of the motion for reconsideration above-referred to, succinctly shows that on May 2, 1973, or two days prior to his resignation from the service of the respondent, petitioner was still suffering from PTB.

Claimant did not voluntarily resign. The manager of private respondent handed him a prepared letter of resignation for him to sign, which implies moral coercion.

In a long catena of cases, "it is not necessary that the illness be caused by the employment or by the nature thereof. It is sufficient that the illness is aggravated by the nature of the employment. So, when an employee contracts tuberculosis either directly caused by his employment, or merely aggravated by or the result of the nature of said employment, the employer is bound to pay compensation" (*Blue Bar Coconut Co. vs. Reyes*, G.R. No. L-7242, Aug. 31, 1954).

"Withal, it is now settled that the employer has the burden of disproving by substantial evidence the strong presumption that an illness which supervened during employment arose out of the employment or was at least aggravated by it" (*Asuncion Vda. de Galler vs. WCC and the Phil. Packing Corporation*, G.R. No. L-41985, 1st Division, Feb. 28, 1977).

There is no doubt that petitioner contracted PTB while still in the employ of the respondent. And under Section 2 of the Workmen's Compensation Act, as amended, said ailment is certainly compensable.

The records do not show the actual amount being claimed; but in analogous cases, all promulgated on June 30, 1978 [G.R. No. L-43021, *Aninias vs. WCC and the City of Manila*; G.R. No. L-42840, *Villafranca vs. WCC and Republic of the Philippines (Bureau of Public Schools)*; and G.R. No. L-44958, *Puntera vs. WCC and Republic of the Philippines (Bureau of Public Schools)*], the claimant was awarded the amount of six thousand pesos (P6,000.00) as disability compensation.

WHEREFORE, THE DECISION APPEALED FROM IS HEREBY REVERSED AND SET ASIDE AND THE RESPONDENT CORPORATION IS HEREBY ORDERED

- TO PAY HEREIN PETITIONER-CLAIMANT SIX THOUSAND PESOS (P6,000.00) AS DISABILITY

COMPENSATION;

- TO REIMBURSE PETITIONER-CLAIMANT ALL HIS MEDICAL AND HOSPITAL EXPENSES DULY SUPPORTED BY PROPER RECEIPTS;
- TO PROVIDE PETITIONER-CLAIMANT WITH SUCH MEDICAL, SURGICAL AND HOSPITAL SERVICES, APPLIANCES AND SUPPLIES AS THE NATURE OF HIS DISABILITY AND THE PROGRESS OF HIS RECOVERY MAY REQUIRE AND THAT WHICH WILL PROMOTE HIS EARLY RESTORATION TO THE MAXIMUM LEVEL OF HIS PHYSICAL CAPACITY;
- TO PAY ATTORNEY'S FEES IN THE AMOUNT OF SIX HUNDRED PESOS (P600.00); AND
- TO PAY AS ADMINISTRATIVE FEE, SIXTY-ONE PESOS (P61.00).

SO ORDERED.

Teehankee, (Chairman), Muñoz Palma, Fernandez, and Guerrero, JJ., concur.

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