

LAGUNA TAYABAS BUS COMPANY, PETITIONER, VS. VISITACION CONSUNTO AND THE WORKMEN'S COMPENSATION COMMISSION, RESPONDENTS.

G.R. No. L-12726. May 20, 1960

Ponente: PADILLA, J.

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PADILLA, J.:

This is an appeal by certiorari under the provisions of sections 46 and 49, Act No. 3428, as amended by Act No. 3812, Commonwealth Act No. 210 and Republic Acts Nos. 772 and 889, in connection with Rule 44 of the Rules of Court, to review a decision of the Workmen's Compensation Commission dated 26 June 1957 ordering the petitioner to pay the respondent Visitacion Consunto the total sum of P4,106.90 as compensation for the death of her husband Gerardo Estiva and medical and burial expenses, and the resolution of the Commission en banc dated 6 August 1957 denying the petitioner's motion for reconsideration (case No. 42989).

The evidence, as stated and summarized in the decision under review, is as follows:

Claimant, thru counsel, seeks a review of the decision rendered by Referee Ricardo S. Inton on June 1, 1956, dismissing her claim for death benefits under Act No. 3428, as amended, otherwise known as the Workmen's Compensation Act.

It appears that the late Gerardo Estiva, husband of the claimant herein, was, prior to and until November 24, 1954, employed by the respondent as section inspector, with a daily wage of P7.04 or an average weekly wage of P49.28. He died on November 24, 1954 of cerebral hemorrhage at the Laguna Provincial Hospital. The core of controversy between the parties lies on the circumstances or factors that brought about the cerebral hemorrhage of which the said employee died. The evidence adduced by both parties before the Hearing Officer of San Pablo City Regional Office, is embodied in the decision of the referee, pertinent portions of which are hereunder quoted:

"The parties, however, appear to have presented diametrically opposed versions as to how Gerardo Estiva met his death. The evidence for the claimant tended to show that Estiva bumped his head inside the bus he was riding on Nov. 23, 1954, and that the traumatic injury he so received induced the cerebral hemorrhage that cost him his life.

"Dr. Villarasa, Municipal Health Officer, stationed at Majayjay, Laguna, testifying for the claimant declared: That on Nov. 23, 1954, at around 11:00 A.M., an LTB bus stopped in front of his clinic and four men stepped down and carried Gerardo Estiva into the clinic; that he examined Estiva and found that he could not speak well, had clammy perspiration, and was complaining: of severe headache; that he found no usual nor abnormal signs on Estiva's body except a slight swelling on the right postal occipital parietal region; that he gave the patient heart stimulant, and ice capped over the head; that Estiva lost consciousness around 2:00 o'clock that afternoon and he sent the patient to the provincial hospital; that he asked Estiva what happened to him and the patient replied that he got bumped while in the truck.

"Mrs. Aurora Villarta, another witness for the claimant, testified as follows: That she knew Gerardo Estiva

very well and remembers having met him on Nov. 23, 1954, at the junction leading to Majayjay where she boarded an LTB bus; that she sat at the fifth row of seats of the bus and Estiva was there standing beside her inspecting the passengers' tickets; that when the bus reached a certain place named Suba, Estiva complained to her of severe headache; That Estiva leaned and rested his head on her lap and vomitted; that she did not see Estiva bump his head inside the truck but that Estiva told her so; that she tied a handkerchief around Estiva's head; that she saw a 'bukol' somewhere in Estiva's head but on being cross-examined she admitted not having seen such 'bukol' at all because she was preoccupied or busy with tying the handkerchief around Estiva's head; that the bus proceeded to Majayjay and Estiva was brought to the puericulture center thereat.

"Emilio Adriano, another witness called to the stand by the claimant testified: That he was the driver of the bus where Inspector Estiva rode on that morning of Nov. 23, 1954; that the road leading to Majayjay was, on said date, not damaged; that he drove the bus at moderate speed and that no one ever complained about the way he was driving the bus; that while driving the bus, he overheard someone inside the bus, with a voice resembling that of Estiva complaining of headache; that at the puericulture center at Majayjay he helped carry down Estiva who had a handkerchief tied around his head.

"On the other hand, the respondent tried to disprove claimant's assertions that there was any accident which could have caused injury to Estiva while inside the bus on that morning of Nov. 23, 1954. The respondent tried to show that Estiva did not sustain any traumatic injury on that date and attributed the workman's death to natural causes.

"Dr. Serafin Pañgat, testifying for the respondent declared on the witness stand: That he was, on Nov. 23, 1954, and thereafter, a senior resident physician at the Laguna Provincial Hospital; that as such senior resident physician he was called in to attend to Gerardo Estiva, when the latter was admitted to the hospital as a serious case; that he found Estiva, on admission to the hospital, in an unconscious state, with difficulty of breathing, practically in morbid condition with paralysis of the extremities, with dilating pupils, and with bradycardia or, in plain language, with low heart rate; that he examined Estiva physically and found on his person no sign of trauma, such as contusion, hematoma or any break in the continuity of Estiva's skin which could show or indicate that he was subjected to injury due to external factors; that he diagnosed Estiva's illness to be that of cerebral hemorrhage secondary to hypertension; that the trauma or injury due to external factor could not have been the cause of Estiva's cerebral hemorrhage because trauma could only be of importance or be a cause of hemorrhage. only if it were severe enough to cause a depression of the skull or severe enough to cause jarring of the brain such as fall from a distance; that if it were true that Estiva bumped his head inside the bus a distinguishing mark thereof would have been apparent and he could have seen the same as he made the physical examination of Estiva immediately after admission to the hospital which was only about three hours away from the time of the alleged incident; that even a slight contusion could have been detected by him during said examination but that he did not see any mark of such kind.

"As the last attending physician of the deceased, Dr. Pañgat filled out the WCC Form No. 4, Physician's Report of Illness or Accident, on May 21, 1955, and the same was submitted to the Commission, In said report Dr. Pañgat supplied the Commission with the following data:

- Cause of illness: Cerebral Hemorrhage.
- Was the injury caused by accident due to and in pursuance of the employment? No.
- Was the illness contracted directly caused by the workman's employment or the result of the nature of such employment? No.
- Give your findings to support items 8 & 9. Cerebral hemorrhage is a vascular disease and not an occupational disease. As such the nature of employment cannot cause the illness.

* * * * *

GENERAL REMARKS

(Please give full explicit details on the Case)

"Admitted in the hospital per stretcher in a comatose condition. A few hours prior to admission the patient lost consciousness followed by convulsive seizure, rise of temperature and noisy breathing. He was given the necessary medication but then he showed no signs of improvement, until he ceased to breathe on November 24, 1954 at 12:35 A. M.

"Another witness called to the stand by the respondent was Deogracias Cobrana, who testified as follows: That he was the conductor of the bus driven by Emilio Adriano that morning of Nov. 23, 1954; that the bus came from Sta. Cruz enroute to Majayjay; that at the outskirts of Magdalena, he saw Estiva in a store drinking 7-up that at the approach of the bus Estiva, who was in full uniform, wearing a gray suit and helmet, left the store and boarded the bus; that upon boarding the bus Estiva had his helmet on and Cobrana gave him his seat which was on the fourth row and Cobrana took the seat immediately behind Estiva at the fifth row; that after the bus had traveled a distance of about three electric posts, Estiva seated himself still wearing his helmet; that he (Cobrana) gave Estiva the tickets but Estiva handed said tickets back to him saying he (Estiva) had a headache; that he observed Estiva massaging his own forehead; that when the bus reached the junction leading to Majayjay, the bus came to a stop and Estiva was helped by him in transferring to a seat at the third row where Estiva sat beside a woman who appeared very well known to Estiva and Estiva rested his head on this woman's lap; that the other passengers began to talk about the inspector and he (Cobrana) overheard a passenger remarked that maybe the inspector bumped his head; that upon reaching the puericulture center at Majayjay he helped carry Estiva inside the clinic and he left to inform Estiva's wife about his inspector's illness."

In reversing the referee's decision, the Commission said:

We believe the referee erred in dismissing the claim for compensation on the bases of the above-stated consideration. The circumstance that Dr. Pangat, in the course of his examination, did not see any "telltale mark" on the head of Estiva does not mean that said employee did not bump his head against the bus. We have the finding of Dr. Villarasa, Municipal Health Officer of Majayjay Laguna to whom Estiva was first brought for treatment, that there was a slight swelling on the right postal occipital parietal region of the head of Estiva. Dr. Pañgat's examination of Estiva was conducted only when the latter was brought to the hospital and after the lapse of 3 hours. Dr. Villarasa, therefore, was more in a position to determine the existence or non-existence of such swelling on Estiva's head. The further fact that Dr. Villarasa placed an ice cap on the head of Estiva might have reduced the lump or swelling to a point that it could hardly be noticeable by Dr. Pañgat when he conducted the examination afterwards.

The fact that Estiva was wearing then his helmet is not a conclusive evidence that he had not bumped his head inside the bus. The helmet, if at all, would only serve to cushion the impact of said bumping on the head of Estiva but such impact could have been strong enough as to jar his brain to the extent of causing cerebral hemorrhage. His wearing of the helmet must have been the reason why there was only a slight swelling on his head. It would be more reasonable, therefore, to conclude that the impact of the bumping on the head of Estiva was of such force that, in spite of the helmet protection, the swelling on his head was noticeable. And Dr. Villarasa testified that such manifestation of swelling on the head of Estiva might have caused the cerebral hemorrhage.

The conclusion of the referee that there is "some reason to believe that the theory of having bumped the head may have been artificially developed in the course of time considering the fact that the death occurred on November 24, 1954 and the claim was filed only on May 14, 1955" is purely conjectural. And as to the referee's further observation that the claimant had to amend her claim for compensation by changing the "factors or events that led or contributed to the accident/illness" of her deceased husband it can be stated that as she is not the person or employee who met the fatal accident but her husband it would be expecting too much from her to know the facts and circumstances surrounding his death.

The preponderance of probabilities points towards the direction that Estiva bumped his head inside the bus, resulting in the cerebral hemorrhage that caused his untimely demise. Even on the assumption that the versions of the parties on the circumstances surrounding the death of Estiva are equally compatible with the true facts of the case, we are nevertheless inclined, in view of these conflicting stands, to resolve the doubt in favor of the claimant. Tipping the scales in favor of the workers or their dependents, in case doubt arises as to their right to compensation, is a way to carry out the intentment of the Act. * * *

Section 46, Act No. 3428, as amended, provides that decisions of the Workmen's Compensation Commission are appealable "to the Supreme Court, in the same manner and in the same period as provided by law and by Rules of Court for appeal from the Court of Industrial Relations to the Supreme Court," Section 2, Rule 44, provides that only questions of law may be raised in the petition for review. Therefore, findings of fact by the Workmen's Compensation Commission are binding upon this Court and will not be disturbed on appeal except when the decision appealed from is not supported by substantial evidence.[1]

Schneider in his treatise on "Workmen's Compensation" says:

It may be stated generally that if the conditions of the employment, whether due to over-exertion, excessive heat, excessive inhalation of dust and fumes, shock, excitement, nervous strain or trauma, tend to increase an employee's blood pressure sufficiently to cause a cerebral hemorrhage, such result constitutes a compensable accident within the intent of most compensation acts, through the employee may have been suffering from a pre-existing diseased condition which predisposed him to such result, or where such result would have occurred in time due to the natural progress of such pre-existing condition. But where the cerebral hemorrhage is due solely to the natural progress of the disease or such progress causes dizziness and a fall and the fall causes the hemorrhage, then it is the disease and not the accident or fall that is the producing cause of the disability and such disability is not compensable. * * *. (Volume 4, third or permanent edition [1945], p. 543.)

The respondent widow claims that her husband accidentally bumped his head inside the bus while in the performance of his duties as section inspector of the petitioner and as a result of the accident he had cerebral hemorrhage which caused his death. On the other hand, the petitioner denied that Gerardo Estiva had such an accident and contends that the cerebral hemorrhage secondary to hypertension that the inspector suffered was due to natural causes.

The finding by the respondent Commission that Gerardo Estiva bumped his head inside the bus while performing his duties as section inspector of the petitioner, which resulted in a cerebral hemorrhage and in his death thereafter, is not unsupported by evidence, for Dr. Villarasa, Municipal Health Officer, who gave the first medical aid to Gerardo Estiva, testified that he found "a slight swelling on the right postal occipital parietal region," and that when he asked the patient "what happened to him," "the patient replied that he got bumped while in the truck."

The decision under review is affirmed, with costs against the petitioner.

Paras, C. J., Bengzon, Bautista Angelo, Labrador, Concepcion, Barrera, and Gutierrez David, JJ., concur.
Montemayor, J., took no part.

[1] Union of the Philippine Education Employees (NLU) vs. Philippine Education Co., 91 Phil., 93; 48 Off. Gaz., 5278.

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