

NICETAS VDA. DE CASAPAO, PETITIONER, VS. REPUBLIC OF THE PHILIPPINES (PHILIPPINE NAVY), THE SECRETARY OF LABOR AND/OR ACTING SECRETARY OF LABOR AMADO G. INCIONG AND/OR THE COMPE...

G.R. No. L-46584. December 29, 1980

Ponente: FERNANDEZ, J.

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FERNANDEZ, J.:

This is a petition to review the decision of the Compensation Appeals and Review Staff of the Office of the Secretary of Labor, successor to the Workmen's Compensation Commission, in R04-WC-Case No. 139481, entitled "Nicetas G. vda. de Casapao, etc. et al. vs. Republic of the Philippines" reversing the decision of the Acting Referee of Region No. 4 dated September 9, 1973 and dismissing the claim for death benefits.[1]

On March 22, 1973 the petitioner, Nicetas vda. de Casapao, for herself and on behalf of her minor son, Clifford G. Casapao, filed with the Regional Office No. 4, Department of Labor in Manila a claim for death compensation benefit on account of the death of Guillermo Casapao, husband of said petitioner.

The Acting Referee rendered his decision dated September 9, 1973, the dispositive portion of which reads:

"WHEREFORE, judgment is hereby entered in favor of herein claimants, and respondent REPUBLIC OF THE PHILIPPINES (Philippine Navy) is hereby ordered:

- To pay claimant, NICETAS G. VDA. DE CASAPAO, in lump sum and thru this Office, the total amount of FIVE THOUSAND FOUR HUNDRED (P5,400.00) PESOS as death compensation and reimbursement for burial expenses under Sections 8, and 9, of the Act, as amended;
- To pay Atty. Felizardo R. Moreno, the sum of TWO HUNDRED SIXTY (P260.00) PESOS as his attorney's fees or 5% of the amount due the claimants under Section 31 of the said Act;
- To pay to this Office the additional sum of FIFTY THREE (P53.00) PESOS as administrative costs under Section 55 of the said Act."[2]

The respondent, Philippine Navy, appealed to the Workmen's Compensation Commission, the successor of which reversed the decision of the Acting Referee on the ground that the death of Guillermo Casapao was not compensable.

The facts, as found by the Acting Referee, are:

"The evidence clearly disclose that the late Guillermo Casapao has been employed by respondent since June 1, 1960 up to his death on January 16, 1973. He received P425.00 monthly salary and as serviceman worked six days a week and sometimes seven days, performing strenuous work and other odd jobs. He had been complaining of chest pains and severe headaches accompanied by difficulty of breathing as early as 1971.

"On the evening of January 15, 1973, while Guillermo Casapao was talking with his relatives, he was suddenly

attacked by his affliction, causing him to collapse and fall. He was brought to V. Luna General Hospital and was attended to by respondent's physician. He was not able to survive the ordeal and expired the next day, January 16, 1973, at 6:30 in the morning. The cause of his death was cerebral hemorrhage. He was survived by his widow, claimant herein dependent upon deceased for support and were both living with him immediately before his death."[3]

The Acting Referee concluded that the death of Guillermo Casapao had arisen out of and in the course of his employment with the respondent because:

"After a careful review of the evidence we find no difficulty in arriving at the conclusion that Guillermo Casapao's death had indeed arisen out of and in the course of his employment with respondent as such serviceman.

"There is no doubt that when he first entered the employ of respondent, deceased was physically and medically examined and found not afflicted with any kind of illness. Thus, in the course of employment he began to suffer the symptoms of his illness that ultimately claimed his life on January 16, 1973. Even the responsible employees and officials of respondent knew of Guillermo Casapao's death and yet respondent did not file its Employer's Report as required under Section 37 of the Act nor did respondent file its controversion within the reglementary period under Section 45 of the same Act. Such failure of respondent to interpose its controversion on time now bars respondent from invoking any defense to the right of claimants to compensation. There is therefore the legal presumption to the effect that the compensability of the instant claim is now deemed established beyond dispute. (Lourdes Magalona vs. Nassco, et al., G.R. No. L-21849, December 11, 1967).

"In fact even the Philippine Navy's responsible officials considered Guillermo Casapao's death as having arisen in line of duty. We conclude and find therefore that the instant claim falls squarely within the protective umbrella of the Act, as amended."[4]

A review of the record shows that the facts found by the Acting Referee are supported by substantial evidence.

It is a fact that the illness of Guillermo Casapao supervened during his employment with the Philippine Navy. Hence, there is a disputable presumption that the claim is compensable.[5] The claimant is relieved of his duty to prove causation as it is then legally presumed that the illness arose out of the employment. To the employer is shifted the burden of proof to establish that the illness is non-compensable.[6]

The petitioner did not rely on the disputable presumption alone. She presented the evidence that the ailment of Guillermo Casapao was either the result of or aggravated by the nature of his employment with the Philippine Navy. The respondent did not present any evidence to rebut the disputable presumption and the evidence adduced by the petitioner.

WHEREFORE, the decision of the Compensation Appeals and Review Staff sought to be reviewed is set aside and the respondent, Republic of the Philippines (Philippine Navy), is hereby ordered:

- (1) To pay the petitioner the sum of SIX THOUSAND PESOS (P6,000.00) as death compensation benefit and the sum of SIX HUNDRED (P600.00) PESOS as attorney's fees; and
- (2) To pay the sum of SIXTY ONE (P61.00) as administrative fees.

SO ORDERED.

Teehankee, (Chairman), Makasiar, Guerrero, and Melencio-Herrera, JJ., concur.

[1] Annex "G", Rollo, pp. 34-35.

[2] Rollo, pp. 27-28.

[3] Rollo, pp. 25-26.

[4] Rollo, pp. 26-27.

[5] Section 44, Workmen's Compensation Commission; Justiniano vs. Workmen's Compensation Commission, 18 SCRA 677.

[6] Malanga vs. Workmen's Compensation Commission, et al., 83 SCRA 721.

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