

SOCORRO J. CATIBOG (DECEASED), SUBSTITUTED BY: LAURO CATIBOG, HUSBAND, FLORDELIZA DE JOYA AND CONSUELO A. ADMANA, SISTERS, PETITIONERS, VS. WORKMEN'S COMPENSATION COMMISSION AND...

G.R. No. L-43416. December 08, 1976

Ponente: MAKASIAR, J.

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MAKASIAR, J.:

Appeal from the decision of the Workmen's Compensation Commission in R05-WC Case No. 2695, which was treated as a special civil action (Resolution of the Supreme Court dated July 21, 1976, p. 69, rec.).

On March 10, 1975, Socorro J. Catibog filed a claim for compensation benefits under Republic Act No. 3428, as amended, with the Department of Labor, Regional Office No. 5, against the Republic of the Philippines (Bureau of Public Schools), due to physical disability on account of her illness of hypertensive heart disease with left ventricular hypertrophy hypercholesterolemia, angina pectoris.

On December 15, 1975, the Department of Labor Regional Office No. 5 in Batangas City, decided for petitioner (Decision of the Acting Referee [Annex "B" of petition], p. 25, rec.). The Solicitor General filed a motion for reconsideration, which was denied by the Acting Referee who elevated the case to the Workmen's Compensation Commission (Order of the Referee [Annex "E" of petition], p. 36, rec.). On March 8, 1976, respondent WCC reversed the decision of the Acting Referee and absolved respondent Republic of the Philippines (Bureau of Public Schools), from any liability under the Act.

During the hearing of this case before the regional office, it was established that Socorro J. Catibog worked for about 43 years in various capacities with respondent Bureau of Public Schools, that is, from 1932 to November 8, 1975, starting as classroom teacher, then Principal I, then Principal II, and finally as District Supervisor at Tuy, Batangas, when she was granted her disability retirement.

Petitioner, since and even prior to July, 1974, already experienced the symptoms of high blood pressure. She occasionally went on sick leave for two or three days after which she resumed work. On September 7, 1974, her illness recurred seriously. She had to stop working. Upon the recommendation of her attending physician, Dr. Vicente Magsino, she applied for disability retirement which was approved effective December 20, 1974.

In awarding her claim for compensation benefits, the Department of Labor Regional Office No. 5 Acting Referee found that respondent failed to controvert seasonably the claim, resulting in a waiver of all non-jurisdictional defenses. The Acting Referee further stated:

"Significantly, there is no question that when claimant initially entered the government service, she must have been in good and perfect condition. Her fitness for work continued to prevail for quite a number of years or to be more specific for almost 41 years since 1932. It was only commencing July, 1974 that claimant's illness began to manifest thereby forcing herself to submit for physical and medical examinations. Indeed, claimant

despite suffering the disabling ailment did not immediately retire from the service but at most consulted only different physicians for treatment and medication. As claimant's physical condition worsened while in the course of her work with the respondent, therefore, the rebuttable presumption is that her illness was either aggravated by or the result of the nature of employment. The purpose of this legal presumption is to relieve the sick worker of proving causation. The burden of proof is shifted to the employer to show that the illness is not traceable to claimant's employment. In this case, there is no evidence to rebut the claim. The fact that claimant retired from the service is of no moment since her retirement or severance from the service is due to physical disability. Although, there is no certainty that claimant's works as anteriorly enumerated are the only factors responsible to the development of the disease, this under the law is not a drawback to its compensability as the law only requires that claimant's work contributed even if a small degree in the development or acceleration of the disease, which we believe so as claimant's work is mentally arduous in nature."

These findings sufficiently support the petitioner's claim for compensation benefits. In addition, this Court received a Notice of Death of petitioner with the Death Certificate enclosed, showing that she died on May 1, 1976. Her cause of death was "Coronary Thrombosis and Hypertension" (Annex "A", pp. 44-45, rec.). This final document speaks most eloquently that the symptoms of her illness of high blood pressure as early as July, 1974, did not only disable her from her teaching job but would ultimately, and in fact did, cause her death.

Indeed, the death of petitioner due to coronary thrombosis and hypertension, one year and eight months following her retirement under disability, strengthened the presumption that at the time she filed her application for retirement, or during and in the course of her employment, she was already afflicted with the disease. This would prove that her illness was work-connected and work-aggravated during her 43 years of employment, and should be considered within the purview of the WCL (*Aurora C. Vda. de Leorna, etc. vs. Workmen's Compensation Commission, et al.*, L-42543, September 30, 1976).

The late claimant left as surviving heirs her husband, Lauro Catibog, and her sisters, Flordeliza de Joya and Consuelo A. Admana, who are now substituted as claimants.

WHEREFORE, THE DECISION OF THE WORKMEN'S COMPENSATION COMMISSION IS HEREBY REVERSED AND THE RESPONDENT BUREAU OF PUBLIC SCHOOLS IS HEREBY DIRECTED TO PAY:

(1) THE HEIRS OF CLAIMANT SOCORRO J. CATIBOG

[a] THE SUM OF SIX THOUSAND PESOS (P6,000.00) REPRESENTING DISABILITY AND/OR DEATH BENEFITS; AND

[b] THE SUM OF FOUR HUNDRED FORTY-ONE PESOS AND 10/100 (P441.10) REPRESENTING REIMBURSEMENT FOR MEDICAL EXPENSES INCURRED;

(2) ATTY. VEDASTO HERNANDEZ THE SUM OF SIX HUNDRED TWENTY-TWO PESOS AND 10/100 [P622.10] AS ATTORNEY'S FEES; AND

(3) THE SUM OF SIXTY-ONE PESOS [P61.00] AS ADMINISTRATIVE FEES.

SO ORDERED.

Teehankee, (Chairman), Muñoz Palma, Concepcion, Jr., and Martin, JJ., concur.

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