

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

G.R. No. L-44221. August 31, 1978

Ponente: MUÑOZ PALMA, J.

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MUÑOZ PALMA, J.:

Claimant, now petitioner Federico Sevilla, a native of Mangatarem, Pangasinan, was appointed as a classroom teacher by respondent herein, Bureau of Public Schools, Republic of the Philippines, on June 1, 1929, with assignment in Iloilo City where he served until the outbreak of the second World War, December 8, 1941. During the war he was employed in various capacities under the "Free Civil Government of Panay" and was a member of the Panay Guerilla under the Armed Forces of the Philippines. On March 22, 1945, he was recalled to his prewar teaching position, and on September 20, 1947, he received his first promotion as Principal II. On July 1, 1955, he was promoted to Principal III, and on December 26, 1961, he was given the item of Supervisor I which he held up to the time of his optional retirement on December 4, 1972, at the age of 63, receiving at the time an annual compensation of P7,236.00.[1]

On January 8, 1973, Sevilla filed with the Workmen's Compensation Unit, Regional Office No. VII, Iloilo City, a claim for compensation against the Bureau of Public Schools alleging that he became disabled from work and was forced to retire from the government service on December 4, 1972, by reason of "rheumatoid arthritis and diabetes mellitus" which he incurred since September 10, 1966 in the course of his employment as supervisor of schools and personnel in the Division of Iloilo.[2]

An employer's report of accident and sickness was filed on May 18, 1973, with the Labor Office by Aurelio Juele, Division Superintendent of Schools, which confirmed the allegations of the claimant.[3]

On August 7, 1973, a formal controversion of Sevilla's claim was entered by the Office of the Solicitor General through Assistant Solicitor General Eulogio Raquel-Santos who at the same time manifested that their Office would be represented in the hearing by the City Fiscal of Iloilo City.[4]

The case was set for hearing with notice to the parties and in view of the physical inability of the claimant to appear at the Labor Office, the hearing was held in the house of the claimant on different scheduled dates.

On November 15, 1974, referee Concepcion N. Amamanglon rendered a decision[5] in favor of the claimant based on the following findings:

Federico Sevilla, as a supervisor in the Division of Iloilo, supervised classes in the elementary grades as well as in the secondary schools and had to travel for his supervisory visits to far-flung barrios. He made periodic and on-the-spot evaluation of schools and school activities and conducted, as necessity demanded, seminars, workshops, and conferences to improve the competence of guidance counselors/coordinators and

administrators on research, evaluation, and guidance whose work he also supervised. Because of his work he had to do a lot of walking, crossing of rivers, in all kinds of weather and on difficult terrain of the location of the schools, all of which caused him to suffer pain on his joints and extremities starting September 10, 1966. He continued however in his work in the course of which his ailment worsened and he had to be hospitalized in Iloilo City and at the GSIS General Hospital in Quezon City, where he was diagnosed to be suffering from "diabetes mellitus and rheumatoid arthritis." Sevilla was also personally examined by Dr. Josue S. Sabido of the Department of Labor of Regional Office No. VII, Iloilo City, who certified that Federico Sevilla suffered 100% disability of both lower extremities and 90% disability of both wrists.[6] The findings of Dr. Sabido were confirmed in another report of physician-surgeon Dr. Napoleon J. Deocampo who certified that Federico Sevilla suffered "total permanent disability" and is unable to walk and write.[7] In addition, the Division Science Supervisor, Division Health Supervisor, and Division Fiscal Officer certified on May 24, 1973 that the illnesses of Federico Sevilla occurred and were aggravated in the course of his service and by the nature of his work.[8] And finally, by reason of his hospitalization on various dates in Iloilo City and at the GSIS General Hospital in Quezon City, the claimant incurred medical expenses in the total amount of P3,252.55.[9]

Upon receipt of copy of the referee's decision, the Office of the City Fiscal filed a motion for reconsideration but the same was denied in an order of December 5, 1974, and the case was accordingly elevated to the Commission en banc.

On January 27, 1976, the Commission reversed the referee's decision alleging that the ailments sustained by the claimant were not directly caused by his employment and were not compensable inasmuch as diabetes mellitus is a hereditary metabolic disease while rheumatoid arthritis is a degenerative disease which is the result of an aging process.

This case presents one of those regrettable and unfortunate decisions rendered by the defunct Workmen's Compensation Commission on the eve of its abolition pursuant to the New Labor Code. Notwithstanding well-settled jurisprudence in this jurisdiction on the legal presumption of compensability of a worker's claim for a disabling illness which occurred or was aggravated in the course of employment, the Commission in a two-page decision perfunctorily set aside the referee's award and denied the claim of herein petitioner.

The defunct Commission reasoned out that the claimant's rheumatoid arthritis was caused by the aging process while his diabetes mellitus was a hereditary metabolic disease. Such an argument loses its validity in the face of what this Court stressed in the oft-quoted case of *Abana vs. Quisumbing*, 1968, and which We quote:[10]

"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."

In the case of *Abana*, the Court emphasized that the exact medical cause of the illness of an employee is not significant, for, granted for argument's sake, that the evidence of the claimant is insufficient to show a causal link between the nature of his employment and his ailment, under the provisions of Section 44 of the Workmen's Compensation Act, as amended, it is to be presumed that the claimant's illness which supervened at the time of his employment, either arose out of, or was at least aggravated by, said employment, and that with this legal presumption, the burden of proof shifts to the employer, and the employee is relieved of the burden to show causation.[11]

In *Caparas vs. WCC and Seven-Up Bottling Company*, 1976, the claimant-employee suffered hyperthyroid heart disease and rheumatoid arthritis, and under the principle of presumption of compensability, this Court set aside the decision of respondent Commission which denied the claim for compensation benefits, and awarded compensation to the claimant *Caparas*.^[12] Also in *Vda. de Leorna vs. Workmen's Compensation Commission, et al.*, per Makasiar, J., where the employee of LUSTEVECO died of rheumatism with heart complication at the age of 62, his heirs were granted compensation benefits by this Court under the presumption established in Section 44 (1) of the Workmen's Compensation Act, the Court stating that the employee's rheumatism was aggravated by the nature of his duties as a stevedore working under all kinds of weather conditions.^[13]

We reiterate here what We said in *Bautista vs. Workmen's Compensation Commission, et al.* that while the possibility that an ailment may be caused by the aging process, as claimed by respondent Commission in its decision, may not be discounted, nonetheless that fact alone will not be sufficient to remove the ailment from the periphery of compensable disabling diseases under the Workmen's Compensation Act for the law applies to the young as well as to the aged, and while advancing age may be a contributing factor to the occurrence of an injury, the constant physical and mental exertions, strain, and tension exerted by an employee in the course of his work are equally contributing and aggravating causes which render the resulting disabling injury or ailment compensable under the law.^[14]

In the case before Us, petitioner Sevilla was afflicted with rheumatoid arthritis while in the performance of his tour of duty as a supervisor in the Division of Schools in Iloilo City and his ailment resulted in a permanent and total physical disability which forced him to retire at the age of 63, i.e., two years before his compulsory retirement at 65. Undoubtedly, his case falls within the presumption of compensability established by law especially since no evidence was adduced by respondent employer to dispute or overthrow the merits of the claim.

WHEREFORE, We find the decision of the defunct Workmen's Compensation Commission to be contrary to law and jurisprudence and We set aside the same. The referee's award is hereby affirmed and reinstated and respondent Republic of the Philippines (Bureau of Public Schools) is ordered to pay:

- to claimant FEDERICO SEVILLA the amount of SIX THOUSAND PESOS (P6,000.00) as disability compensation, plus THREE THOUSAND TWO HUNDRED FIFTY-TWO & 55/100 PESOS (P3,252.55) as reimbursement for medical expenses, or a total of NINE THOUSAND TWO HUNDRED FIFTYTWO & 55/100 PESOS (P9,252.55);
- to Attys. Maximo Cartera and Roque P. Marañon, THREE HUNDRED PESOS (P300.00) each, or a total of SIX HUNDRED PESOS (P600.00) as attorney's fee; and
- to the Workmen's Compensation Fund, SIXTY-ONE PESOS (P61.00) as administrative fee.

SO ORDERED.

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

Makasiar, J., concurs in a separate opinion.

[1] pp. 26-27, WCC record

[2] p. 1, *ibid.*

[3] p. 6, *ibid.*

[4] p. 47, *ibid.*

[5] pp. 129-135, *ibid.*

[6] see p. 12, *ibid.*

[7] see p. 10, *ibid.*

[8] p. 16, *ibid.*

[9] p. 119, *ibid.*

[10] 22 SCRA 1278, 1282, citing *Manila Railroad Company vs. WCC and Crispin Pineda*, L-19773, May 30, 1964.

See also *Naira vs. WCC, et al.*, 1962, 6 SCRA 361, per Reyes, J.B.L., J.

Lambino vs. Del Rosario, 1962, 6 SCRA 1017, per Barrera, J.

[11] *supra*, p. 1282

[12] 73 SCRA 221, per Martin, J.

[13] 73 SCRA 228

[14] 80 SCRA 313, 319, per Muñoz Palma, J.

SEPARATE CONCURRING OPINION

MAKASIAR, J.:

I concur with the additional opinion that the respondent employer should likewise be directed to provide the claimant with such medical, surgical and hospital services as well as appliances and supplies as the nature of his disability and the progress of his recovery may require and which will promote his early restoration to the maximum level of his physical capacity. It is my consistent view that the provisions of Section 13 of the Workmen's Compensation Act, as amended, and Article 184 of the New Labor Code, as amended, confer such right on the disabled employee, whether his disability is temporary or permanent. This is in compliance with the social justice guarantee of both the 1935 and 1973 Constitutions and in obedience to the directive of Article 4 of the New Labor Code that "all doubts in the implementation and interpretation of the provisions of this Code, including its implementing rules and regulations, shall be resolved in favor of labor", which is a re-statement of existing jurisprudence as well as Article 1702 of the New Civil Code. To limit such right to a temporarily disabled employee would inflict gross injustice on those permanently disabled, who still need to be relieved from the pain, trauma, social ostracism or humiliation generated by such permanent disability.

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