

BLUE BAR COCONUT COMPANY, PETITIONER, VS. CLEMENTE C. LUGOD, RESPONDENT.

G.R. No. 12593. April 17, 1959

Ponente: REYES, A., J.

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REYES, A., J.:

This is a petition to review a decision of the Workmen's Compensation Commission on a claim for compensation filed against the Blue Bar Coconut Company by one of its laborers.

The facts as found by the Commission are set out in the following excerpt from its decision:

"A perusal of the records reveals that claimant was first employed by respondent in 1947 as a thread carrier, and remained employed as such up to June 5, 1952; that as a thread carrier, he received a daily wage of P4.20 when working on the day shift and P4.24 when on the night shift; that as a thread carrier, his work was to carry coconut threads loaded in a 'banera' from the grinder (molino) to the dry feeders, a distance of about 12 meters; that said 'banera' alone weighs from 16 to 20 kilos and, when loaded, it weighs 50 kilos more or less; that upon reaching the dry feeders claimant had to raise or lift the loaded 'banera' and deposit the desiccated coconut threads in the platform of the dry feeders which is knee-high from the floor; that he repeated this process more than 100 times during his 8 hours' work in a day; that because the temperature in the dry feeders is hotter than in the grinder he was exposed to continuous changes of temperature during his eight hours of work; and that on June 5, 1952, due to said exposure and the effort he exerted in carrying the loaded 'banera' and lifting it to the platform of the dry feeders to deposit the desiccated coconut threads, he felt back and chest pains and general weakness of the body, and when he spat due to coughing there was blood in his sputum.

"Records also disclose that prior to his admission in the respondent company, claimant was examined by Dr. Artemio U. Masangkay (respondent's physician) and was found to be physically fit for work; that on June 1, 1950, claimant was hospitalized at the San Pablo Hospital for one month and four days due to a stab wound about 2 inches wide; that said wound was completely healed at the time he was discharged from the hospital; that in the yearly examination of laborers of respondent by Dr. Masangkay he was always found physically fit and allowed to continue working; that it was only in the periodical examination in December, 1951 when he was found a TB suspect by Dr. Masangkay; that notwithstanding this finding, claimant was allowed to continue working; and that after claimant had informed Mr. Smiley, plant manager of the respondent company on June 5, 1952 of the pains he was suffering he (claimant) was given by respondent a leave of absence for one year.

"Records further show that claimant was again examined by Dr. Masangkay on October 14, 1952 and was found to be suffering from an impairment of the vesicular breathing; that because claimant was then under the personal care of Dr. Manzanero, a private practitioner, Dr. Masangkay began treating him only from July 17, 1953 to August 31, 1954; that upon suggestion of Dr. Masangkay, claimant entered and was confined in the Quezon Institute under the care of Dr. Juan T. de Jesus and Dr. Reyes; that he underwent two operations while in said hospital, one for bronchoscopy and another for decortication; that claimant left the Quezon Institute on January 4, 1956; that the Physician's Report of Sickness or Accident accomplished by Dr. de Jesus (Exhibit 'B' for claimant) dated July 23, 1955, states among other things:

'Diagnosis:

- Pulmonary tuberculosis chronic, Moderate, right; Minimal, left, active.
- Endobrochial tuberculosis, second degree.
- Spontaneous pneumothorax with fluid, right.

'General Remarks—Sputum is still positive tuberculosis; operated (decortication) for thickened pleura, right, March 1, 1955'; and that the X-ray examination (Film No. 79390) of the claimant at the National Chest Center, Division of Tuberculosis, dated August 23, 1955, reveals the following:

'R. Lung: Hemogenous density extending from apex laterally downward to the base with diffused density scattered rest of lung field and ares or rarefaction apex 2nd interspace.

'L. Lung: Essentially negative.

'Impression: Suggestive of PTB (mod. advanced)".

On the theory that the laborer's ailment resulted from the nature of his employment, the Commission ordered the company to pay him compensation, reimburse his medical expenses and furnish him treatment till his tuberculosis was arrested.

The petitioner tried to establish that respondent's sickness was produced by causes not connected with his work with the company. But the Commission found this claim not established and, on the other hand, declared it sufficiently proved "that claimant prior to and during the yearly examination of laborers of respondent company had always been found physically fit and allowed to continue his work; that it was only in December, 1951 when claimant was found in the course of said periodical examinations to be a TB suspect by respondent's physician, Dr. Masangkay; that in spite of this state of health of the claimant, he was permitted to continue working; and that on June 5, 1952 while claimant was in actual performance of his work as thread carrier, he felt back and chest pains and general weakness of the body and when he spat due to his coughing, there was blood in his sputum." The Commission, therefore, concluded that respondent's tuberculosis "was the result of the nature of his employment".

Petitioner cannot say that there is no evidence to support that conclusion, and its claim that respondent's work was not so heavy and could not have caused or aggravated his illness because in his five years with the company "he worked only 238½ days or 1/5 of the total working days", is obviously untenable. From the description, given and as found by the Commission, respondent's job would appear to be not only strenuous but also performed under conditions conducive to lung disease. As thread carrier, respondent had to lug the bañeras containing shredded coconut meat from the grinder to the dry feeders, a distance of about 12 meters, and lift them and dump their contents into a platform about knee-high from the floor. According to him, wheelbarrows were not yet being used when he was with the company. The bañeras were made of steel and iron. Each weighed from 15 to 20 kilos when empty and 50 kilos more or less (about the weight of a sack of rice) when filled with coconut shreds. On top of that the Commission found that the temperature at the place of the dry feeders was much hotter than at the place of the grinder. And while taking note of the fact that the claimant worked only 39 days in 1951 and 12 days in 1952 or a total of 51 days before he felt pains in the chest and spat blood while working, the Commission also points out that the claimant "had to handle the 'banera' and bring it from the grinder to the dry feeders 100 times a day, working 8 hours, or 5,100 times during the period above- mentioned." In the circumstances, we think the Commission was justified in concluding that "the efforts exerted by him in dragging the 'banera' and lifting the same from the floor, coupled with his unavoidable exposure to continuous changes of temperature in the performance of his assigned task as thread carrier, have contributed to the lowering of his resistance, thereby

setting in motion the tuberculosis in his system which might have remained latent and inactive but for his aforementioned employment."

Not much importance could be given to the suggestion of the company physician that the empyema for which respondent was treated in 1952 was probably caused by the infection of the wounds received by him in 1950. The doctor admitted that empyema, which usually is a collection of pus in the pleural cavity, could also be caused by tuberculosis. Moreover, respondent was examined by the company physician before his admission to the service and every year thereafter until 1951, and was always found in good health, although in his last examination, he was found to have "coarse vesicular breathing, left lung * * *." He was not, however, separated from the service but was allowed to continue working. Considering his heavy task and the fact that he was stricken with the sickness while in the performance of his work and there being no showing that before he felt chest pains and spat blood he was already suffering from advanced tuberculosis, the natural and reasonable inference is that his disability was either the immediate result of the nature of his employment or caused by a sickness then latent but aggravated by his work and therefore compensable. All doubts in this regard must be resolved in favor of the claimant in accordance with the established policy of liberal construction of the Workmen's Compensation Law in favor of the laborer or employee. (See *Ramos vs. Poblete and Jarin*, 73 Phil., 241; *Francisco vs. Consing*, 63 Phil., 354.)

In view of the foregoing, the decision appealed from is hereby affirmed with costs against the petitioner.

Paras, C. J., Bengzon, Padilla, Montemayor, Bautista Angelo, Labrador, Concepcion, and Endencia, JJ., concur.

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