

CAYETANO DANGUE, PETITIONER, VS. FRANKLIN BAKER COMPANY OF THE PHILIPPINES AND WORKMEN'S COMPENSATION COMMISSION, RESPONDENTS.

G.R. No. 15838. April 29, 1960

Ponente: BARRERA, J.

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BARRERA, J.:

This is a petition for review on certiorari of the decision dated March 12, 1959 of respondent Workmen's Compensation Commission, and its resolution, en banc, of June 23, 1959.

In the morning of July 17, 1954, while petitioner Cayetano Dangué, an employee of respondent Franklin Baker Company of the Philippines, was cleaning his kaingin, his right eye was hit by the leaves of a shrub known as "payang-payang". Since his right eye was becoming reddish in color, he consulted respondent company's physician on July 19, 1954. Apparently finding nothing serious, he was allowed to work. On the following day, July 20, 1954, while petitioner was in the course of his work as sheller (shelling coconuts), his right eye was struck by a flying speck of coconut shell. As a result, there developed an unbearable pain and blurring of vision. On July 21, 1954, upon the advice of respondent company's physician, petitioner was given leave of absence, which was extended from time to time, until November 10, 1954, when he resumed work. During this time, he was thrice operated on his injured eye and sustained a 16.4% loss of vision, thus causing his temporary total disability and permanent partial disability. For the entire period of his said leave of absence, from July 21 to November 10, 1954, petitioner was not paid any compensation by respondent company.

On September 6, 1954, petitioner filed with the Department of Labor a complaint against respondent company praying, inter alia, for payment of compensation in accordance with the Workmen's Compensation Act.[1]

On June 10, 1957, after due hearing, the Hearing Officer of respondent Commission at San Pablo City rendered a decision (Annex A) ordering respondent company to pay petitioner the amount of P460.77, as compensation pursuant to Sections 14 and 17 of the aforecited Act.

On June 21, 1957, respondent company filed with respondent Commission a petition for review of said decision of the Hearing Officer. On March 12, 1959, respondent Commission rendered a decision dismissing petitioner's claim for compensation and absolving respondent company from liability. From this decision, petitioner filed a motion for reconsideration, which motion, was denied by respondent Commission in its resolution en banc of June 23, 1959 (Annex C).[2] Hence, this petition for review.

Petitioner claims that respondent Commission erred in dismissing his claim for compensation.

We agree with petitioner. It is not disputed that petitioner, after consulting the company physician about his eye, was allowed to report for work. This fact indicates that the first injury, if at all, received on July 17, 1954 was not serious. If it were so, respondent company would have undoubtedly, and by all means, advised or even prevented him from reporting for work, and petitioner himself would not have been able to go about his task, considering the

extreme sensitiveness of the human eye. It appears, however, that after he met the second accident while working for the company as a sheller, petitioner was, on the following day, or on July 21, 1954, advised to go on leave, which indicates that this second accident was serious, as in fact it was, as he had to be operated on thereafter and his leave continued until November 10, 1954. True it is, that petitioner's right eye was first injured while he was engaged in the performance of work outside of his employment, but said injury became worse or was aggravated by the accident which he met, while performing work in the course of his employment in respondent company. Consequently, he is entitled to compensation.

"Recovery will not be prevented because the consequences of the injury received In the accident were aggravated by the employee's physical condition at the time the injury was received." (71 C.J. 606.)

"But even assuming that appellant's left eye was already defective when he entered appellee's employ, nevertheless it is clear that the defect was somehow aggravated or accelerated by his employment and ultimately necessitated an operation by reason of the accident in question. Appellee is not therefore relieved of responsibility under the Workmen's Compensation Law, for acceleration of a previously existing disease in an injury under Workmen's Compensation Laws (Brightman vs. Aetna Life Insurance Company, 220 Mass. 17, 107 E.E. 527), and it is sufficient that the injury and a pre-existing disease combined to produce disability in order to make the injury compensable." (71 C. J., 614; Izar vs. Kellog and Sons, 40 Off. Gaz., 167).

"The fact that the employee suffered from impaired vision prior to the accident does not prevent the loss or further impairment of his vision from constituting an injury such as the statute authorizes compensation for." (Hicatur vs. Hunter, 39 Pa. Super. 393.)

"Where a steel chip flew into an employee's eye, accelerating the development of a cataract and causing the loss of sight, he suffered an injury within the statute." (Kucinic vs. United Engineering and Foundry Co., 160 A. 344; 110 Pa. Super. 261.)

"Where a miner while at work was struck so hard a blow on the left eye by a piece of coal that it accelerated the development of a cataract in that eye, and made necessary an operation which resulted in the loss of the vision of the eye, he suffered an injury within the statute." (Sakunas vs. Philadelphia and Reading Coal and Iron Co., 78 Pa. Super. 261.)

"An employee was struck in the eyes by a stream of analyne. His eyes were injured and he was advised by the employer's physician to wear dark glasses. A month later while wearing' these glasses, he fell downstairs and permanently injured one eye. The second injury was held the natural and proximate result of the first accident." (VI Schneider's Compensation Text, 39-40, and cases therein cited.)

"The Workmen's Compensation Act is a social legislation designed to give relief to the workman who has been the victim of an accident in the pursuit of his employment and must be liberally construed to attain the purpose for which it has been enacted." (71 C.J. 341- 352; Ramos vs. Poblete 73 Phil., 241; Francisco vs. Consing, 63 Phi1), 354.)[3]

Petitioner also contends that respondent Commission erred in absolving respondent company from liability, in spite of its non-controversion of petitioner's claim and admission of his injury in the performance of his regular work.

There is also merit in the contention. Examination of the records of the case discloses that the Employer's Report of Accident or Sickness, signed by respondent company's personnel manager, Mr. Gregorio Imperial, contains the following: (1) as to controversion, said report stated "No", indicating that respondent company will not controvert petitioner's claim; (2) as to the question, "Was he (petitioner) injured in regular occupation?", the answer is "Yes"; and (3) as to the description of the accident, said report stated: "while taking off the shell from a coconut, a speck of coconut shell hit his (petitioner's) eye." As a rule, when the employer does not controvert the claim of the

employee for compensation, he is also deemed to have waived his right to interpose any defense, and he could not prove anything in relation thereto. (Victorias Milling Co., Inc. vs. Workmen's Compensation Commissioner, G.E. No. L-10533, prom. May 13, 1957.)

Wherefore, the appealed decision and resolution of respondent Commission are set aside. Respondent Franklin Baker Co. is hereby ordered to pay petitioner the amount of P460.77, as compensation in accordance with Sections 14 and 17 of the Workmen's Compensation Act, and to pay the amount of P5.00 to respondent Commission, pursuant to Section 55 of the same Act. With costs against respondent company. So ordered.

Paras, C. J., Bengzon, Padilla, Montemayor, Labrador, Concepcion, and Endencia, JJ., concur.
Reyes, J.B.L., J., on leave, took no part.

[1] Act No. 3428, as amended.

[2] With Associate Commissioner Nieves Baens del Rosario dissenting in a separate opinion.

[3] See II Francisco, Labor Laws (3rd Ed.) 137-145.

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