

CALTEX (PHILIPPINES) INC., PETITIONER, VS. VICTORIANO D. CASTILLO AND WORKMEN'S COMPENSATION COMMISSION, RESPONDENTS.*G.R. No. 24657. November 27, 1967*

Ponente: FERNANDO, J.

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In this appeal by petitioner Caltex (Philippines) Inc. from a decision of respondent Workmen's Compensation Commission, the award granted the employee, respondent Victoriano D. Castillo, in view of the ailments "admittedly work-connected" with his employment at the ethylizing plant of petitioner, due to exposure to tetraethyl lead, is sought to be set aside on due process grounds, it being alleged that the finding as to the cause of such ailments "is not supported by any evidence on record" and that an additional compensation for alleged disability was likewise without such support and, what was worse, granted without such claim having been presented.

In the decision of respondent Workmen's Compensation Commission, which is sought to be reversed, the antecedents of the case were set forth, thus: "It appears that claimant Victoriano D. Castillo was first taken in by the respondent in 1954 to work in the Pumping and Shipping Section of its Refinery in Batangas with a daily wage of P13.17. He worked as TEL Blending Operator in this section, after undergoing the required training and had remained in this particular job up to July 1956, when he was transferred to another section because of his complaint of body weakness and dizziness. In this section, he was assigned to act as pump operator with the principal duty of opening intake and outlet valves of the respondent's storage tanks and noting their gauge readings until 1958, when his designation was changed to that of mechanic at P14.67 a day." [1]

Then came the finding as to the ailment from which respondent Castillo was found to be suffering. "On January 14, 1956, while still performing the job of a TEL Blending Operator (blending ethyl fluid, a poisonous substance, with gasoline), claimant was for the first time found to be suffering from Thrombo-phlebitis. In 1960 Castillo's varicose veins had become hemorrhagic and in 1961, his Thrombo-phlebitis, together with his dermatitis, had so asserted to the point of disabling him. When examined on June 14, 1961, by Dr. Prospero Ma. Oreta (doctor to whom claimant was referred by the respondent's physician for expert advice and treatment), Castillo was found to be suffering from 'Thrombo-phlebitis, obtronic, lags, bilateral, Allergic Dermatitis, leg, right.' His thrombo-phlebitis was operated on in the early part of 1962." [2] What transpired next follows: "On account of the above-described ailments, Castillo was not able to report for work from January 5, 1962, to September 3, 1962, and from October 29, 1962 to November 21, 1962. But because his ailments had considerably impaired his capacity to meet efficiently the duties attached to his job (mechanic) he was prevailed upon on March 7, 1964 by the respondent to retire under its retirement plan. During the first period of his disability, however, respondent paid him the amount of P460.95. The amount of P1,351.50 spent by Castillo for the hospital (P554.60) and for medicines (P796.90) came from his own pocket." [3]

The decision of respondent Commission likewise noted: "It further appears that on September 25, 1963, a decision in this case was rendered by the aforesaid officer holding respondent liable for compensation for the work-connected ailments (thrombo-phlebitis, varicose veins, and dermatitis) of the claimant. Respondent filed on October 17, 1963, a petition for review of said decision on the grounds we have at the outset stated. Apparently convinced by the soundness of one of the grounds (re: computation of compensation under Section 14 of the Act) interposed therein by the respondent, the Hearing Officer in an order dated December 12, 1963, modified the computation of the compensation provided for in said decision by reckoning claimant's weekly compensation at P35.00 (the maximum allowed by Law) and not at P39.51, as previously computed, but ordered, in the same breath, the elevation of the entire records to us pursuant to Section 5, Rule 23, Rules of the WCC." [4]

Thus, respondent Commission in effect upheld its hearing officer in San Pablo City. After being employed by petitioner for some time, respondent Castillo "noticed there was something wrong with his right foot. He consulted the company doctor and complained also of dizziness and pains on the chest and back. Dr. Leviste, the company physician, advised him to go to Dr. Prospero Maria Oreta of the St. Luke's Hospital who diagnosed the claimant's ailments as thrombo-phlebitis, chronic, legs bil.; varicose ulcer, leg right, edema, acute leg right; allergic dermatitis, leg right." [5] There was a summary of what was testified to by the Doctor: "Dr. Prospero Oreta, being presented as an expert witness, testified that the claimant's allergic dermatitis of the right leg is probably due to contact with tetraethyl lead. He further stated the other possibilities that there may be some other cause or causes for the ailment, but the history given by the claimant shows that he got this from his work because exposure to the tetraethyl lead is dangerous if it is prolonged and continuous. One exposure is not enough but if it is done again and again, it could lead to skin eruptions and other conditions. Claimant here works for 8 hours, sometimes, 4 hours at the minimum and sometimes more than 8 hours depending upon the exigencies of the work." [6] From which it was concluded: "The safety instructions for tetraethyl lead blending operations pre-sented by the claimant and the respondent as Exhibit "B" and Exhibit "1", respectively, clearly shows the danger of being contaminated by the tetraethyl lead." [7]

The decision of respondent Workmen's Compensation Commission ordered petitioner:

"(a) To pay respondent Victoriano Castillo the amount of EIGHT HUNDRED THIRTY FOUR PESOS and 05/100 (P834.05), as compensation from January 5, 1962 to September 3, 1962 and from October 29, 1962 to November 21, 1962. This amount is the balance remaining after deducting from the total compensation of P1,295.00, the amount of P460.95 which represents the wages paid to the claimant from January 5, 1962 to September 3, 1962.

"(b) To pay him likewise the amount of ONE THOUSAND SEVEN HUNDRED TEN PESOS (P1,710.00), as compensation from March 7, 1964 to February 15, 1965 (48 6/7 weeks for P35.00 a week); and a weekly compensation of P35.00 beginning February 16, 1965, provided that the grand total of the compensations received and to be resolved does not exceed the amount of P4,000.00;

"(c) To reimburse him the amount of ONE THOUSAND THREE HUNDRED FIFTY ONE PESOS and 50/100 (P1,351.50) the hospital and medical expenses he personally paid for;

"(d) To provide him with such medical, surgical and hospital services and supplies which the nature of his ailments may require until such time as the same would appear cured; * * *." [8]

Petitioner was likewise required to pay respondent Castillo's legal counsel in the amount of Two hundred twenty-five pesos (P225.00) and respondent Commission the sum of Thirty-six pesos (P36.00) as partial decision fee and cost of the review, as well as the sum of one peso (P1.00) for every hundred pesos (P100.00) of compensation.

On the facts as above found, which this Court is not free to disregard, the first due process question raised, namely, the absence of evidence in support thereof, must fail. The scope of the appellate function exercised by this Court in appeals from decisions of the Workmen's Compensation Commission was set forth with clarity in *Basaysay v. Workmen's Compensation Commission*.^[9] According to the then Justice, now Chief Justice, Concepcion, "It is well settled that in appeals by certiorari, such as the one we have before us, the findings of fact made in the decision appealed from will not be reviewed by this Court, unless there has been a grave abuse of discretion in making said findings, by reason of the total absence of competent evidence - which, to our mind, is, also, substantial - in support of the finding contested in the case at bar which admittedly exists, petitioner's contention being merely that said evidence (Dr. Lorenzo's testimony) should not have been given credence. The task of ascertaining the credibility and weight of conflicting evidence, is, however, beyond the province of our authority in appeals by certiorari. Consequently, petitioner's contention is untenable."

Since the brief for petitioner would in effect require this Court to disregard the appraisal made by respondent Commission of the testimony of Dr. Oreta, to whom respondent Castillo "was referred by [petitioner's] physician for expert advise and treatment", the words of the Chief Justice Concepcion in the above case, if heeded, would show that such an assertion cannot possibly find acceptance with this Court.

Moreover, the allegation that the finding that the ailments from which respondent Castillo suffered were "admittedly work-connected" could be characterized "as wholly unsupported by any evidence" of record ignores the statutory provision that the presumption in the absence of substantial evidence to the contrary is that the claim comes within the provisions of this Act.^[10]

In the latest decision on the subject,^[11] this Court, thru Justice Bengzon, stated that under the above provision "once the claimant has established that the illness, upon which the claim is premised, supervened during the time of his employment, there is a rebuttable presumption that the illness arose out of or at least was aggravated by, his employment." The *Justiniano* case refers to an earlier decision.^[12] There, again in interpreting the above presumption established by the law, Justice J.B.L. Reyes speaking for the Court correctly noted "that the laborer at present is relieved from the burden of proving causation once the injury is shown to have arisen in the course of the employment." His opinion went on to state: "The disease having arisen in the course of the employment, it is presumed by law that it arose out of it; and the fact that the conditions of work are only a contributory cause that permitted the disease to take hold in the organism of the laborer does not make the injury less compensable (*Larson, Workmen's Compensation Law, Vol. 1, p. 50*)."

It would then be to reverse what is now settled doctrine in conformity with the mandate of the Workmen's Compensation Act and in keeping with its basic philosophy of holding an employer liable for injury or illness which thus afflicts an employee in the course of employment to sustain petitioner. Moreover a more careful analysis of what was testified to would disclose the inaccuracy of the assertion that there was no support for the finding made by the Commission.

The other due process question raised, on its face, appears to call for a more serious consideration. It is undeniable that Commissioner Baens del Rosario did not limit her award to cover only the earlier period for which the claim was filed. Her decision of February 5, 1965, in addition to affirming what was granted by the hearing officer, increased the compensation by ONE THOUSAND SEVEN HUNDRED TEN PESOS (P1,710.00), with the proviso that the weekly amount of THIRTY FIVE PESOS (P35.00) be granted respondent Castillo from February 16, 1965 as long as the limit of FOUR THOUSAND PESOS (P4,000.00) was not reached. As to such additional compensation than the contention that petitioner was not originally heard could plausibly be raised. It is understandable then why procedural due process was invoked.

From *Ang Tibay v. Court*,^[13] to *Philippine Air Lines v. Civil Aeronautics Board*,^[14] it has been the constant holding that one must be heard. A disregard of such a right has fatal consequences. If such indeed were the case, then petitioner must prevail. Could it be truly said however that such a right was in fact denied petitioner? Such an assertion, as above noted, could only have been made when the matter was before the hearing officer. Then came the above modification by Commissioner Baens del Rosario. Petitioner could argue that such an amendment could not have been anticipated. While no doubt true, it is not decisive. In its petition for reconsideration before respondent Workmen's Compensation Commission, petitioner did have the opportunity to make vocal its protest against the grant of additional compensation. Moreover, it sought and was heard on oral argument before respondent Workmen's Compensation Commission where the opportunity to discuss such a question was once again afforded it.

It cannot be truthfully said then that it was not heard at all. As this Court had occasion to state once, what is sought to be safeguarded against is not "lack of previous notice but the denial of opportunity to be heard on the claim."^[15] The due process requirement therefore was not altogether disregarded. One other thing. Neither in the motion for reconsideration filed before respondent Workmen's Compensation Commission, nor in its brief was there even the remotest hint that if it were thus heard, the result would have been different. Since what due process contemplates is freedom from arbitrariness and what it requires is fairness or justice, the substance rather than the form being paramount, an allegation based solely on the lack of opportunity to be heard without notice does not per se merit unconditional approval.

That counsel would exert his utmost to advance his client's cause is commendable. It often happens that in the zeal of advocacy, in his earnest desire to press his claim, the temptation to employ strong language to show the weakness of the contrary view may be difficult to resist. Nonetheless, counsel must make the effort. He should be aware that a pleading unduly harsh in its characterization of what the other party did would be far from persuasive. The brief for petitioner has not avoided such a pitfall. As Chief Justice Bengzon noted, the use of "intemperate language * * * detracts from the force of arguments * * *."^[16]

Nor is this all. Proper respect must be accorded quasi judicial agencies like the Workmen's Compensation Commission. Along with the courts, they are collaborative instruments in the search for justice. To demean them is to cast an undeserved reflection on the juristic process. Belief in the rule of law is thereby eroded. No member of the legal profession should contribute, even if inadvertently, to such a deplorable state of affairs.

WHEREFORE, the decision of the Workmen's Compensation Commission appealed from is affirmed, with costs against petitioner.

Dizon, Acting C.J., Makalintal, Bengzon, Zaldivar, Sanchez, Castro, and Angeles, JJ., concur.
Concepcion, C.J., and Reyes, J., on official leave.

[1] Decision of Chairman Baens del Rosario, Annex F, Brief for the Petitioner, p. XLV.

[2] *Ibid*, at pp. XLV-XLVI.

[3] *Ibid*, at p. XLVI.

[4] *Ibid*, at pp. XLVI-XLVII.

[5] Brief for petitioner, Annex B, pp. XXXIV-XXXV.

[6] *Ibid*, at p. XXXV.

- [7] Ibid, at p. XXXV.
- [8] Decision of Chairman Baens del Rosario, Annex F, Brief for Petitioner, pp. LIII-LV.
- [9] L-16438, November 29, 1961.
- [10] Section 44, Act No. 3428 as amended by Republic Act No. 771.
- [11] Justiniano v. Workmen's Compensation Commission, L-22774, November 21, 1966.
- [12] Agustin v. Workmen's Compensation Commission, L-19957, September 20, 1964.
- [13] 69 Phil. 635 (1939).
- [14] L-24321, July 21, 1967.
- [15] Fuentes v. Binamira, L-14965, August 31, 1961.
- [16] Lagumbay v. Commission on Elections, L-25444, January 31, 1966.

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