

LOUELLA G. JIMENEZ, PETITIONER, VS. EMPLOYEES' COMPENSATION COMMISSION AND GOVERNMENT SERVICE INSURANCE SYSTEM, (PHILIPPINE NATIONAL RAILWAYS), RESPONDENTS.

G.R. No. 57341. January 18, 1982

Ponente: FERNANDEZ, J.

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FERNANDEZ, J.:

This is a petition to review the decision[1] of the Employees' Compensation Commission in ECC Case No. 1450 entitled "Louella G. Jimenez, Appellant, versus Government Service Insurance System (Philippine National Railways), Respondent", affirming the denial by the Government Service Insurance System of the claim for income benefits for the death of Leonardo J. Jimenez, a former employee of the Philippine National Railways.

The petitioner, Louella G. Jimenez, is the widow of the deceased, Leonardo J. Jimenez.

The facts, as found by the Employees' Compensation Commission, are:

"The late Leonardo J. Jimenez, whose death is the subject matter of this claim, was formerly employed by the Philippine National Railways. His stint thereat consisted of a temporary appointment as a police in 1961, assigned as a security guard in 1962, and promoted to the post of researcher-analyst on December 31, 1975. Among his duties as embodied in his application for income benefits were as follows: 'acts as personnel/document and physical security that are assigned for investigation, conducts surveillance that may be assigned by the chief cso/pcs; and attends to hearing in court from time to time.'

"Sometime in 1975, the subject decedent was subjected to radioactive iodine treatment at the Philippine General Hospital to arrest a follicular carcinoma of his thyroid gland. Subsequently, he sought admission at the Veterans Memorial Medical Center due to easy fatigability, shortness of breath and on and off high grade fever. His ailment was confirmed to be papillary follicular ca of the thyroid gland, pulmonary and neck metastasis. He died on June 23, 1978.

"Following his death, a claim for death benefit was filed by his widow, appellant herein, Louella G. Jimenez. Said claim was denied by the respondent Government Service Insurance System based on its finding that the cause of death is not an occupational disease and no evidence could show that the decedent's risk of contraction of the ailment was increased by the nature of his employment."[2]

The Employees' Compensation Commission denied the claim because:

"The cause of death is carcinoma of the thyroid gland. Although the etiology of subject disease is unknown, it is generally accepted that it may develop in patients with toxic goiter who are under prolonged thiouracil therapy and from in-take of antithyroid drugs in large doses. (Textbook of Surgery, 3rd Edition, Mosely, p. 398).

"In the instant case, there is no indication that the late Leonardo Jimenez was predisposed to carcinogenic

elements in his employment at the Philippine National Railways. In most cases, one is predisposed to the disease by frequent exposure to drugs which does not apply to this case as can be gleaned from the records.

"P.D. 626, as amended, dictates that the ailment must be an occupational disease listed in Annex "A" of the implementing rules and regulations; otherwise there must be proof that the employee's risk of contracting the disease was increased by his working condition." [3]

According to the respondent, Government Service Insurance System, the background facts are:

"Petitioner's husband, the late Leonardo J. Jimenez, was employed by the Philippine National Railways, first as a temporary policeman in 1961, then as security guard in 1962, and finally as researcher-analyst on December 31, 1975. Relative to his last position, his duties included documentation, investigative and surveillance work and attendance at court hearings from time to time.

"On January 7, 1975, he was admitted at the Philippine General Hospital where he received radioactive iodine treatment to arrest a follicular carcinoma of his thyroid gland. Later, he sought admission at the Veterans Memorial Medical Center on complaint of easy fatigability, shortness of breath, and on-and-off high-grade fever. His ailment was confirmed to be papillary follicular Ca of the thyroid gland, pulmonary and neck metastasis. On June 23, 1978, he died on account of his ailment." [4]

It is clear from the undisputed facts that the disease of the deceased, Leonardo J. Jimenez, supervened prior to January 1, 1975 when the Workmen's Compensation Act was still the law governing claims for compensation. Indeed the Government Corporate Counsel, in his Comment for the Government Service Insurance System, said:

"It is undisputed that petitioner's husband was admitted at the Philippine General Hospital on January 7, 1975 where he was subjected to radioactive iodine treatment to arrest his follicular carcinoma of the thyroid gland. Undoubtedly, the diagnosis of the ailment of petitioner's husband as carcinoma was made prior to undergoing the treatment on January 7, 1975 and the symptoms thereof could only have developed or appeared even earlier. Thus, the onset of the ailment of the deceased occurred prior to January 1, 1975 when the new employees' compensation scheme under the State Insurance Fund became effective, hence, prior to the repeal of the old Workmen's Compensation Law. Thus, the claim accrued under the Workmen's Compensation Law.

"What should then apply in the case at bar are the provisions as the old Workmen's Compensation Act, and assuming the compensability of the claim under said law, the liability should be imposed upon the employer of the deceased, the Philippine National Railways, and not upon the State Insurance Fund. The body or agency which assumed the functions of the defunct Workmen's Compensation Commission is, therefore, the proper forum to entertain the instant claim. The claim should have been filed with the Workmen's Appeal and Review Staff of the Ministry of Labor." [5]

Under the Workmen's Compensation Act there is a disputable presumption that the death of Leonardo J. Jimenez is compensable because his illness occurred during his employment with the Philippine National Railways.

In *G.B. Francisco, Inc. vs. Workmen's Compensation Commission* [6] this Court held:

"The Workmen's Compensation Act which governs the present situation expressly provides in its Section 44 that in the absence of substantial evidence to the contrary it is presumed that a claim comes within the provisions of this Act. Time and again this Court stated that under this declaration of a benign and sound public policy, an employee is freed from the burden of proving that his illness or injury was caused or aggravated by the nature of his work. In fact, the cause of the ailment is immaterial; what is important is that it occurred or was aggravated in the course of employment and disabled the workman from pursuing his ordinary occupation."

It does not appear that the employer, Philippine National Railways, adduced any evidence to rebut the presumption that the death of the deceased employee was compensable.

The contention of the Government Corporate Counsel that the compensation should be paid by the employer, Philippine National Railways, and not by the State Insurance Fund has no merit. The State Insurance Fund and the funds of government employers are both government funds and it would not matter where the payment of employees' compensation claims would come from. In fact in *Corales vs. Employees' Compensation*[7] this Court ordered the Government Service Insurance System to pay the claim which accrued under the Workmen's Compensation Act. Whether or not the Government Service Insurance System is entitled to reimbursement from the employer, Philippine National Railways, is a matter to be threshed out between the employer and the System. It cannot affect the payment of the claim to the petitioner.

The petitioner is entitled to reimbursement of medical and funeral expenses and attorney's fees.

WHEREFORE, the decision appealed from is hereby set aside and the Government Service Insurance System is ordered:

- a. To pay the petitioner the amount of SIX THOUSAND PESOS (P6,000.00) as death benefits;
- b. To reimburse the petitioner medical and funeral expenses supported by proper receipts;
- c. To pay the petitioner the amount of SIX HUNDRED PESOS (P600.00) as attorney's fees; and
- d. To pay the Ministry of Labor the amount of P61.00 as administrative costs.

SO ORDERED.

Teehankee, (Chairman), Makasiar, Guerrero, Melencio-Herrera, and Plana, JJ., concur.

[1] Annex "A", Rollo, pp. 14-16.

[2] Ibid., Rollo, pp. 14-15.

[3] Ibid., Rollo, pp. 15-16.

[4] Comment, Rollo, p. 55.

[5] Ibid., Rollo, p. 57.

[6] 87 SCRA 22, 30.

[7] 88 SCRA 547.

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