

DOLORES P. PORAL, PETITIONER, VS. EMPLOYEES' COMPENSATION COMMISSION, GOVERNMENT SERVICE INSURANCE SYSTEM (MINISTRY OF EDUCATION AND CULTURE), RESPONDENTS.

G.R. No. 62284. August 31, 1984

Ponente: RELOVA, J.

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RELOVA, J.:

Public respondent Employees' Compensation Commission (ECC) denied the claim of Dolores P. Poral, a teacher at Iwa Macatol Elementary School, Pototan, Iloilo, for disability benefits due to glaucoma.

Petitioner Dolores P. Poral, a 55-year old teacher, applied for retirement because of her ailment of acute glaucoma. She felt intense pain and blurring of vision in 1957 and she was advised to undergo an operation. Dr. Eduardo Gonzaga performed eye-surgery but, notwithstanding, she frequently missed her classes due to eye pain and blurring of vision.

On December 1, 1972, she again experienced severe pain and was forced to go on leave to consult her physician who advised her to go to Manila for another eye operation. She was operated on by Dr. Liborio Mangubat on December 4, 1972 but the operation only brought temporary relief. Her sight never returned to normal and she decided to apply for retirement benefits effective August 1977.

Her claim for income benefits under Presidential Decree No. 626, as amended, was denied by respondent GSIS on the ground that her ailment, acute glaucoma, left eye, and chronic glaucoma, right eye, is not an occupational disease. It is, respondent System contends, a common disease of middle and advanced life occurring generally between 40 to 70 years of age.

Hence, instant petition for certiorari, on the issue as to whether a teacher's glaucoma is compensable and whether such ailment is covered by the New Labor Code even if it occurred before 1975.

The petition should be granted. As we have stated before in numerous cases, compensation claims have been viewed and treated on a much broader perspective and We have always resolved such claims on the basis of the fundamental and well-entrenched constitutional precepts of social justice and protection to labor. (*Panangui vs. Employees' Compensation Commission*, 121 SCRA 65). Considerations based on the social justice and protection to labor provisions of the constitution also played a role in the following rulings:

"Petitioner's claim having accrued prior to the New Labor Code, the presumption of compensability, the principle of aggravation, the award of attorney's fees and the payment of administrative fees must be observed and applied. And the Employees' Compensation Commission as the successor of the defunct Workmen's Compensation Commission is duty bound to observe and apply the foregoing principles in passing upon worker's compensation. x x x" (*Corales vs. ECC, et al.*, 88 SCRA 554 [1979]; *Lao v. ECC, et al.*, 97 SCRA 780 [1980]; *Panangui v. ECC, et al.*, 121 SCRA 65).

"Under Section 44 of the Workmen's Compensation Commission Act, a presumption of compensability is

established, although rebuttable by substantial evidence to the contrary. And this Court ruled in *Segismundo v. GSIS, et al.*, 121 SCRA 305, that, 'the presumption of compensability places upon the employer the burden of establishing the contrary by substantial evidence. As there was no evidence presented by the employer to rebut the presumption, there can therefore be no occasion for respondent Commission to absolve the deceased's employer. The presumption of compensability becomes conclusive (*Pantoja v. Republic*, 87 SCRA 443; *Cañonero v. WCC*, 81 SCRA 712; *Lorenza v. WCC*, 81 SCRA 434; *Santos v. WCC*, 75 SCRA 365).

"And, 'the cause of the ailment is immaterial; what is important is that it occurred or was aggravated in the course of employment' (*Evangelista v. ECC, et al.*, 111 SCRA 66 [1982]). It then becomes unquestionable that once the illness supervened at the time of the employment, there is a rebuttable presumption that such illness arose out of the employment or was at least aggravated by such employment' (*Panangui, et al., v. ECC, et al.*, 121 SCRA 65; *Makabali v. ECC, et al.*, 126 SCRA 174)." (*Sabino v. ECC, et al.*, 127 SCRA 719)

And, in the case of *Makabali vs. ECC*, supra, this Court said that "like the real teacher that she is, petitioner went on working through sheer determination despite the fact that her vision was rapidly deteriorating. She should not therefore be deprived of her compensation but on the contrary she should be rewarded for her unstinted devotion to her duties as a teacher."

Applying precedents in earlier cases and in the latest case of *Sabino vs. ECC*, 127 SCRA 715, the Workmen's Compensation Act, as amended, is the law that governs the instant case and not Presidential Decree No. 626, as amended. In this case, claimant Cucufata A. Sabino was also suffering from glaucoma as early as 1972. Her claim filed on April 29, 1981 with the GSIS for disability compensation was denied on the ground that the illness causing disability is not an occupational disease within the contemplation of PD No. 626, as amended, and that there is no showing that the petitioner's position as a teacher increased the risk of her contracting said ailment. Notwithstanding, the claim of Sabino was granted because at the time it accrued the law in force was the old Workmen's Compensation Act which provides for a legal presumption of compensability of any ailment that occurred or was aggravated in the course of employment and in view of Our previous ruling that principles governing vested rights founded on statute should apply. In the case at bar, petitioner's claim accrued during the effectivity of the Workmen's Compensation Act; thus, she had already a vested right based on the old Workmen's Compensation Act. We are constrained to adopt the same pronouncement in favor of herein petitioner who is also a former teacher.

ACCORDINGLY, the decision of the Employees' Compensation Commission is SET ASIDE and the Ministry of Education, Culture and Sports is hereby ordered:

1. to pay the petitioner the sum of SIX THOUSAND (P6,000.00) PESOS as disability compensation benefits; and
2. to pay attorney's fees equivalent to ten percent (10%) of the amount of the award.

SO ORDERED.

Teehankee, Acting C.J., Melencio-Herrera, Plana, Gutierrez, Jr., and De La Fuente, JJ., concur.

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