

CUCUFATA A. SABINO, PETITIONER, VS. EMPLOYEES' COMPENSATION COMMISSION, GOVERNMENT SERVICE INSURANCE SYSTEM (MINISTRY OF EDUCATION AND CULTURE), RESPONDENTS.

G.R. No. 63921. February 20, 1984

Ponente: GUTIERREZ, JR., J.

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GUTIERREZ, JR., J.:

This is a petition for review of the decision of the Employees' Compensation Commission (ECC) which affirmed the ruling of the Government Service Insurance System (GSIS) disallowing the petitioner's claim for disability compensation.

Petitioner Cucufata A. Sabino is now completely blind. She had been a public school teacher from June 14, 1963 until her retirement which took effect on July 6, 1981. She retired because of visual defects caused by retinitis pigmentosa and bilateral glaucoma OS absolute.

The records show that as early as 1972, the petitioner had episodes of dimness of vision occurring occasionally. On April 29, 1981, she filed a claim with the GSIS for disability compensation. The claim was denied by the GSIS on the ground that the illnesses causing disability are not occupational diseases within the contemplation of P.D. No. 626, as amended, and that there is no showing that the petitioner's position as teacher increased the risk of her contracting said ailments.

On September 12, 1981, the petitioner filed a motion for reconsideration with the GSIS, stressing that her position as elementary classroom teacher increased the risks of her contracting her ailments. She asked in the alternative that Section 44 of the Workmen's Compensation Act on the legal presumption of compensability be applied to her case. Applying the new Labor Code, the GSIS denied the motion for reconsideration.

On March 22, 1983, the petitioner appealed the GSIS' ruling to the Employees Compensation Commission. The Employees Compensation Commission affirmed the GSIS decision basing its affirmance on the following medical dissertation:

"Medical science intimates that glaucoma is a visual disorder characterized by increased intraocular tension which can cause impairment of vision ranging from slight abnormalities to absolute blindness. Glaucoma may be of an acute or chronic congestive (narrow angle) type or chronic simple (wide angle) type. Absolute glaucoma is one kind of primary glaucoma. Among the predisposing factors of glaucoma are vasomotor and emotional instability, hyperopia and heredity. Secondary glaucoma results from pre-existing ocular disease, usually uveitis, intraocular tumor, or an enlarged cataract. Prolonged corticosteroid therapy, especially with topical ophthalmic preparations, can produce and increase pressure, particularly in patients with a predisposition. It usually occurs in the 6th and 8th week of therapy.

"The last stage of any form of glaucoma when unrelieved by treatment is referred to as absolute glaucoma. The eye is blind due to progressive atrophy of the optic nerve head. The pupil is widely dilated and fixed, the iris atrophied, the disc deeply excavated. After a time, the eyeball may degenerate. (The Merck Manual of

Diagnosis and Therapy, 13th ed., 1977, pp. 1702-1703). Similarly, retinitis pigmentosa is pigmentary degeneration of the retina often associated with other abnormalities of which cataracts, deafness and mental deficiency are outstanding. It is strongly hereditary, chiefly as a recessive trait, although dominant inheritance has been seen (Wintrobe, et al., Harrison's Principles of Internal Medicine, 7th ed., p. 1848)."

The theory of aggravation and the legal presumption of compensability found in the Workmen's Compensation Act were not applied by the Employees' Compensation Commission for the reason that the same are no longer provided for in the new Labor Code.

The following issues are raised in this petition:

I. WHETHER THE AILMENTS OF PETITIONER WHICH ACCRUED IN 1972 AND GRADUALLY DEVELOPED UNTIL HER FORCED RETIREMENT ON JUNE 6, 1981 BE DECIDED UNDER THE PROVISIONS OF THE OLD WORMENS COMPENSATION ACT, AS AMENDED OR UNDER THE NEW LABOR CODE ON EMPLOYEES COMPENSA-TION LAW, PD 626, AS AMENDED.

II. WHETHER THE PRINCIPLES OF PRESUMPTION OF COMPENSABILITY AND AGGRAVATION RULE ARE APPLICABLE TO THE CLAIM OF PETITIONER.

The only question raised is whether it is the Labor Code or the Workmen's Compensation Act that is applicable to the facts of the case.

The petitioner contends that since her illness started in 1972 and developed until 1980 the respondent Commission erred in applying the new Labor Code to her case.

On the other hand, the respondent Commission maintains that nowhere in the Labor Code on the Employees' Compensation and State Insurance Fund is there a pro-vision authorizing either the GSIS or the ECC to apply the provisions of the Workmen's Compensation Act to claims filed with the GSIS under the provisions of the new Labor Code. It states that when a claim is filed, the GSIS and the ECC apply the provisions of the Labor Code in determining the compensability or non-compensability of a claim.

The petition should be granted. Applying precedents in earlier cases, the Workmen's Compensation Act, as amended, is the law that governs the instant case and not P.D. No. 626, as amended. This Court has ruled that principles governing vested rights founded on statute should apply. 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 v. ECC, et al., 88 SCRA 554 [1979]; Lao v. ECC, et al., 97 SCRA 780 [1980]; Panangui, et al. 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, '(T)he 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., ECC, et al., 121 SCRA 65; Makabali v. ECC, et al. Nov. 29, 1983).

The respondent Commission contends that the records of the case do not include the applications for sick leave of absence of petitioner in determining when for the first time petitioner complained of her visual defects. It questions the allegations of the petitioner that the present claim filed in April 1981 is still within the prescriptive period of ten years allowed by this Court for these types of claims. According to respondents, the petitioner was disabled from her work only after January 1, 1975.

The medical history of the petitioner shows that in 1972 she had episodes of dimness of vision which occurred occasionally. In July, 1980 she had severe headache and sudden loss of vision of the left eye and was totally unable to engage in her work until the present time. Her failure to stop working in 1972 does not necessarily mean that she was not ill or suffering from physical disability then. In the case of Makabali v. ECC (supra) this Court expressed 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." We are constrained to apply the same presumption in favor of the petitioner who is a former teacher.

WHEREFORE, the decision of the Employees' Compensation Commission is hereby 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;
2. To reimburse petitioner her medical and hospital expenses duly supported by proper receipts; and
3. To pay attorney's fees equivalent to ten percent (10%) of the amount of the award.

SO ORDERED.

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

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