

MAXIMO DE LA TORRE (HUSBAND) AND GERTRUDES DE LA TORRE (DECEASED), PETITIONERS, VS. EMPLOYEES' COMPENSATION COMMISSION AND GOVERNMENT SERVICE INSURANCE SYSTEM (MINISTRY OF EDUCA...

G.R. No. 69491. August 07, 1985

Ponente: MAKASIAR, C.J.

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MAKASIAR, C.J.:

This is a petition for review on certiorari to set aside and/or modify the decision of respondent Employees' Compensation Commission, dated September 12, 1984, in ECC Case No. 2192, which affirmed the March 14, 1983 decision of respondent Government Service Insurance System denying petitioners' claim for disability bene-fits under P.D. 626, as amended.

On June 12, 1933, the deceased, Gertrudes de la Torre, was employed by the Ministry of Education and Culture (now Ministry of Education, Culture and Sports) as a classroom teacher at MECS Sikatuna District, Bohol, handling Grade II classes. In her work, she had to travel early morning for 12 kilometers, to stand in class for many years, and to prepare lesson plans under an oil lamp (p.13, ECC rec.). Sometime in the year 1950, she became hypertensive (p. 17, ECC rec.). On November 15, 1973, after more than 40 years of service and at the age of 62, she retired from the service and received her retirement benefits under C.A. 186, as amended by R.A. 660.

On August 21, 1978, after almost 5 years from retirement, she was hospitalized at the Bohol Provincial Hospital and was diagnosed as suffering from essential hypertension. Her greatly weakened physical condition, which started one week prior to her hospitalization, began with the trembling of both hands, weakness in the lower extremities and the tightness in the head and nape (p. 17, ECC rec.).

On February 7, 1983, due to her weakened physical state, she filed a claim for disability benefits under P.D. 626, as amended, with the Government Service Insurance System (GSIS).

On May 14, 1983, the GSIS denied the claim, stating thus:

"Our records show that you retired from the government service effective November 15, 1973. We wish to inform you that the GSIS, as an administering agency of the Employees' Compensation Program under the aforementioned decree, has jurisdiction only for claims of government employees who were still in the service on or after January 1, 1975."

On appeal to the Employees' Compensation Commission, it affirmed the above GSIS decision on September 12, 1984, stating that since the illness of Gertrudes de la Torre was contracted at almost 5 years from the time she had been out of the service, her illness cannot be a result of her employment and hence, not compensable under P.D. 626, as amended (pp. 6-10, rec.).

On October 25, 1984, Maximo de la Torre, husband of Gertrudes de la Torre, alleging that Gertrudes died, filed this instant petition for review with this Court (pp. 2-3, rec.).

The appeal is meritorious.

Since the illness, essential hypertension, of the deceased Genrudes de la Torre, was noted way back in 1950 and developed to its advanced stage during the time she was already out of the service, her cause of action, thus, accrued as early as 1950. Consequently, the governing law to petitioners' claim is the Workmen's Compensation Act, which was then enforced in 1950, and not the New Labor Code. This Court repeatedly held in a long line of cases, the most recent of which is the case of Poral vs. ECC (131 SCRA 602 [1984]), that the governing law in the prosecution of a cause of action which has accrued prior to the effectivity of a new law shall be the law enforced at the time of the accrual of said cause of action.

Under the Workmen's Compensation Act, it is a rule that when a sickness supervenes during employment, it is to be presumed that it either arose out of, or was at least aggravated by the nature and conditions of work (*Villavieja vs. Marinduque Mining and Industrial Corp.*, 132 SCRA 622 [1984]). The employee is, thus, relieved of the burden to show causation (*Monsale vs. Republic of the Philippines*, 80 SCRA 448 [1977]). It is the burden of the employer to establish the contrary by substantial evidence, otherwise, the presumption of compensability becomes conclusive (*Ceniza vs. ECC*, 118 SCRA 137 [1982]).

It is indisputable that when the deceased joined the government service at an early age of 21 years, she was in good health; and it was only after 17 years of strenuous teaching did she become hypertensive in 1950. It is, thus, presumed that her essential hypertension, which supervenes during her employment, either arose out of, or was at least aggravated by, the nature and conditions of her work; and since the records is bereft of evidence to show the contrary, such presumption becomes conclusive.

This presumption, which in itself can sustain petitioners' claim, is strengthened by the fact that medical authorities has established that the exact etiology of essential hypertension cannot be accurately traced, thus:

"x x The term essential hypertension has been employed to indicate those cases of hypertension for which a specific endocrine or renal basis cannot be found, and in which the neural element maybe only a mediator of other influences. Since even this latter relationship is not entirely clear, it is more properly listed for the moment in the category of unknown etiology. The term essential hypertension defines simply by failing to define; hence, it is of limited use except as an expression of our inability to understand adequately the forces at work. Nevertheless, the bulk of patients with significant and persistent elevation of diastolic pressure form a fairly uniform group for which no well-defined etiologic process has been delineated. From the standpoint of wide acceptance, the term probably should be retained" (p. 1252, chap. 276, 1970 ed. of Harrison's Principle of Internal Medicine).

Thus, to require petitioner to establish the actual causes or factors which led to the decedent's essential hypertension, whose etiology according to medical authorities is unknown, will be inconsistent with the policy of the State to afford maximum aid and protection to labor (*Cristobal vs. ECC*, 97 SCRA 473 [1980]).

Furthermore, medical experiments to trace the etiology of essential hypertension shows that there is a relationship between the sickness of the deceased with the nature and conditions of her work:

"x x x Numerous experimental studies have sought to define the role of a variety of components ultimately responsible for idiopathic, or so-called 'essential' hypertension. Evidence for the role played by abnormal psychologic stimuli comes from the finding that chronically stressed animals may become hypertensive, and that sedatives and tranquilizers are helpful in the treatment of many hypertensive patients. xx x" (p. 226, Chap. 37, 1970 ed. of Harrison's Principles of Internal Medicine).

The deceased, who travelled 12 kilometers early morning everyday, stood in class during class hours and prepared lesson plans under an oil lamp, definitely lived a stressful life which led her to contract essential hypertension.

This Court has previously recognized that public school teachers perform strenuous job, thus:

"We are well aware of the fact that only a handful of public elementary school teachers are fortunate enough to be assigned in urban areas where the working conditions are comparatively much better than those in the rural areas. A large majority of public elementary school teachers, as in the case of the petitioner, work in remote places such as sitios and barrios under poor working conditions. Thus, the daily task of conducting classes (normally composed of 40 to 50 pupils in urban areas and up to 70 pupils in rural areas) in an atmosphere that is, by any standard, not conducive to learning becomes even more physically taxing to the teachers. Tremendous amount of paper work during and after office hours (from correcting examination papers, assignments, school projects and reports to writing lesson plans and the computation and recording of grades) can be very physically draining especially to the senior members of the teaching profession such as the petitioner. Such and other related school activities of a teacher, aggravated by substandard, if not adverse, working conditions, give rise to increased tension, if not emotional and psychological disturbance on the part of the teachers. This is especially true in the case of public elementary school teachers whose pupils, being of tender age and immature, need to be disciplined and to be taught good manners and right conduct, as well as to be assisted in their formal school lessons.

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"We must not also neglect to mention the fact that public elementary school teachers are the lowest paid government workers, considering the nature and importance of the services they render. They are the most reliable and dedicated public servants being constantly called upon by officials of the local and national government to assist in various extra-curricular and civic activities which contribute to the welfare of the community and the country. Their responsibility in molding the values and character of the young generation of the country, cannot be over-estimated.

" 'Significantly, even Republic Act No. 4670, otherwise known as the Magna Charta for Public School Teachers, mandate in one of its provisions that "teachers shall be protected against the consequences of employment injury in accordance with existing laws. The effects of the physical and nervous strain on the teacher's health shall be recognized as compensable occupational diseases in accordance with existing laws' [Calvero vs. ECC, et al., 117 SCRA 462 (1972)]" (Makabili vs. ECC, 126 SCRA 174, 183-185 [1983]).

The fact that the deceased's optional retirement was approved when she was just 62 years old, indicates her incapacity to render further efficient service. This Court previously ruled that:

"It must be underscored that herein petitioner was compelled to apply for retirement ahead of schedule, at age fifty-eight (58) which is way ahead the compulsory retirement enjoyed by government employees like him. The approval of his optional retirement clearly demonstrates the fact of his physical incapacity to render further efficient service. For his optional retirement would not have received the stamp of imprimatur unless he could comply with the two requisite conditions called for in Memorandum Circular No. 133 issued by the Office of the President on October 19, 1967, to wit: (1) That he had not reached the compulsory age of 65 years; and (2) That he was physically incapacitated to render further efficient service. Petitioner could not have given up the high and prestigious position he was actually holding at the time of his retirement and the equally high remuneration attached to his position unless he was really incapacitated to render further efficient service. x x x" (Barrameda vs. ECC, 106 SCRA 621, 627 [1981]).

WE do not find merit in the contention of the Solicitor General, in his comment to this petition, that since the deceased had contracted her sickness five years after retirement when no employer-employee relationship exists, the deceased cannot claim compensation, inasmuch as such employer-employee relationship is the jurisdictional foundation for the recovery compensation.

Such contention rests on a wrong premise. As heretofore stated, the deceased contracted her essential hypertension during her employment and not five years after her retirement. The fact that the essential

hypertension of the deceased got worse at the time she was already out of service is without moment. The main consideration for its compensability is that her essential hypertension was contracted during and by reason of her employment; and any non-work related factor that contributed to its aggravation is immaterial.

This Court in the case of *Lao vs. ECC* (97 SCRA 780, 790 [1980]), ruled that:

"It should be stressed that as early as 1960, this Court, in the case of *MRR vs. WCC and Pineda*, ruled that compensability is not affected by the presence of extraneous factors causing or accelerating a claimant's illness. In reiteration, it further stated that 'while there is that possibility that factors other than employment of the claimant may also have contributed to the aggravation of his illness, this is not a drawback to its compensability. For, under the law, it is not required that the employment be the sole factor in the growth, development or acceleration of claimant's illness to entitle him to the benefits provided for. It is enough that his employment had contributed, even in a small degree, to the development of the disease. xx x"

And this Court, in the case of *Caoili vs. Republic* (88 SCRA 736, 742 [1979]) stated, thus:

"The order of the acting referee which was sustained by the respondent Commission has no legal basis to stand on for although the employer-employee relationship between the respondent Republic and the petitioner had ceased to exist, the rights that have already arisen are not thereby necessarily extinguished. Further, it is not necessary that employer-employee relationship exists at the time of the award. If the validity of a judgment or order of the Workmen's Compensation Commission were made to depend on the existence of an employer-employee relationship at the time the award or judgment is rendered, then the employer could with impunity avoid all its obligation under the Act by the simple expedient of dismissing its employees as soon as indications of their injury or illness arise. While it is true that retirement from the service results in the severance of employer-employee relationship which relationship is the jurisdictional foundation of a claim for compensation benefits under the Workmen's Compensation Act, nevertheless, as long as the illness of injury for which compensation is claimed arose out of or in the course of the employment, the retired employee is still entitled to compensation benefits under the provision of Act 3428. The enjoyment by government employees covered by GSIS of retirement benefits under GSIS Law (C.A. 186, as amended), concurrently with benefits under the Workmen's Compensation Act is expressly provided for in Sec. 3 of said Act 3428."

WE do not find tenable the contention of the Solicitor General, that if ever the deceased was already suffering from any illness during her retirement on November 15, 1973, her action filed on February 17, 1983 a little less than 10 years is barred.

In the case of *Javier vs. ECC* (123 SCRA 735), We reiterated the settled doctrine that claims falling under the scope of the Workmen's Compensation Act has a 10-year prescriptive period.

WHEREFORE, THE DECISION OF RESPONDENT EMPLOYEES' COMPENSATION COMMISSION DATED SEPTEMBER 12, 1984 IS HEREBY REVERSED AND SET ASIDE, AND THE MINISTRY OF EDUCATION AND CULTURE (NOW MINISTRY OF EDUCATION, CULTURE AND SPORTS) IS HEREBY ORDERED:

1. TO PAY HEREIN PETITIONER THE SUM OF SIX THOUSAND PESOS (P6,000.00) AS DISABILITY COMPENSATION BENEFITS;
2. TO REIMBURSE PETITIONER'S MEDICAL EXPENSES WHICH ARE DULY SUPPORTED BY RECEIPTS;
3. TO PAY PETITIONER THE SUM OF TWO HUNDRED PESOS (P200.00) AS FUNERAL BENEFITS;
4. TO PAY PETITIONER THE SUM OF SIX HUNDRED PESOS (P600.00) AS ATTORNEY'S FEES; AND
5. TO PAY ADMINISTRATIVE COSTS.

SO ORDERED.

Concepcion, Jr., Abad Santos, Plana, Escolin, Relova, Gutierrez, Jr., De La Fuente, Cuevas, and Alampay, JJ., concur.

Melencio-Herrera, J., dissents. The stand taken by the Solicitor General that, since the deceased had contracted her sickness almost five years after retirement when no employer-employee relationship existed, the deceased can no longer claim compensation, is legally sound, for which reason I am dissenting.

Moreover, the statement in the majority opinion that “the deceased contracted her essential hypertension during her employment and not five years after her retirement” runs counter to the medical opinion cited with approval in the Decision that “the term essential hypertension has been employed to indicate those cases of hypertension for which a specific endocrine or renal basis cannot be found.” This Court does not have the expertise nor enough medical training to conclude when the cause for hypertension in this case occurred and what was that cause.

Teehankee and Aquino, JJ., no part.

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