

EVELYN G. ACILO, PETITIONER, VS. SOCIAL SECURITY SYSTEM (SSS) AND EMPLOYEE'S COMPENSATION COMMISSION (ECC), RESPONDENTS.

Ponente: INTING, J.

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INTING, J.:

This is a Petition for Review[1] filed under Rule 43 of the Rules of Court assailing the Decision[2] dated April 28, 2011 of the Employee's Compensation Commission in ECC Case No. SM-18689-0309-11.

The facts of the case are as follows:

Oscar A. Acilo, the deceased husband of herein petitioner, was employed by Tagum Agricultural Development Company, Inc. (TADECO), Panabo, Davao del Norte as BW Treatment/Excavator. His employment lasted for about eleven (11) years and was covered by SSS Policy No. 09-1090323-9. Oscar was responsible for excavation and treatment of all moko (BW) infected plants to avoid contamination of bacteria to the neighboring plants. Aside from that, he was also required to perform the following:

- Prepares burning materials and equipment used for eradication;
- Burns and excavates moko infected plants properly;
- Collects and burns all debris and trashes inside the case properly;
- Observes proper procedure in eradication to avoid contamination;
- Cultivates the soil properly before fumigation treatment and keeps all equipments after work;
- Follows safety guidelines on treating the infected cases;
- Performs other work-related duties that may be assigned by superior from time to time.

On August 7, 2009, Oscar reported for work. While he was on the field, he suffered abdominal pains and was thereafter admitted to Davao Medical School Foundation Hospital, Bajada, Davao City. However, on August 9, 2009, Oscar died due to the following:

Immediate Cause: Cardio Pulmonary Arrest

Antecedent Cause: Congestive Heart Failure

Underlying Cause: Coronary Artery Disease;

Subendocardial Infraction

Other significant
conditions contributing
to death:

Peptic Ulcer

On account of the death of her husband, petitioner was granted death with funeral benefits under the SSS law.

On August 16, 2010, petitioner filed a claim for EC Death Benefits with the SSS Tagum City Branch. Her claim was, however, denied on the ground that the smoking history of the deceased was the major causative factor for his condition. On January 10, 2011, petitioner sent a letter to SSS requesting for a review of the denial of the claim. The records were forwarded to SSS Medical Operations Department (SSS-MOD) for re-evaluation. The SSS-MOD reiterated the denial of the claim and stated that "the risk of contracting the disease which led to member's death is increased by his being a smoker for 30 years."

On February 23, 2011, the SSS-MOD forwarded the case to the Employer's Compensation Commission (ECC). On April 28, 2011, the ECC issued its Decision affirming that of the SSS, the fallo of which provides:

WHEREFORE, the appealed decision is hereby denied.

SO ORDERED.

Aggrieved, petitioner filed the instant petition.

Petitioner now comes before Us raising the following assignment of errors[3]:

I.THE ECC ERRED IN DENYING THE DEATH CLAIM BENEFIT OF HEREIN PETITIONER.

II.THE ECC ERRED IN FINDING THAT THERE WAS NO SUBSTANTIAL EVIDENCE OF ANY UNUSUAL STRAIN DUE TO THE NATURE OF OCCUPATION OF THE DECEASED THAT WOULD HAVE CAUSED THE ATTACK AND ATTRIBUTED IT INSTEAD TO MEMBER'S SMOKING HISTORY.

On January 12, 2012, this Court issued a Resolution[4] denying the instant petition on the ground that it was filed after the period for filing of an appeal. Petitioner filed her motion for reconsideration on January 31, 2012[5]. Respondents ECC and SSS filed their Comment[6] thereto as directed by this Court. On June 19, 2012, this Court issued another Resolution[7] reinstating the instant petition in the interest of substantial justice.

Our Ruling

The petition is bereft of merit.

Sickness, as defined under Article 167 (1) Chapter I, Title II, Book IV of the Labor Code of the Philippines refers to "any illness definitely accepted as an occupational disease listed by the Employees Compensation Commission, or any illness caused by employment, subject to proof that the risk of contracting the same is increased by working conditions.[8]

In cases of death, such as in this case, Section 1(b), Rule III of the Rules Implementing P.D. No. 626, as amended, requires that for the sickness and the resulting disability or death to be compensable, the claimant must show: (1) that it is the result of an occupational disease listed under Annex "A" of the Amended Rules on Employees' Compensation with the conditions set therein satisfied; or (2) that the risk of contracting the disease is increased by the working conditions.[9]

Corrolarily, under Annex "A" of the Amended Rules, for an occupational disease and the resulting disability or death to be compensable, all of the following conditions must be satisfied:

- The employee's work must involve the risks described herein;
- The disease was contracted as a result of the employee's exposure to the described risks;
- The disease was contracted within a period of exposure and under such other factors necessary to contract it;

- There was no notorious negligence on the part of the employee.

In the case at bar, Oscar's immediate cause of death was cardio pulmonary arrest while the antecedent cause of death is congestive heart failure. Apropos to these, cardiovascular diseases are considered as occupational when contracted under any of the following conditions:

(a)

If the heart disease was known to have been present during employment there must be proof that an acute exacerbation clearly precipitated by the unusual strain by reason of the nature of his work.

(b)

The strain of work that brings about an acute attack must be of sufficient severity and must be followed within twenty-four (24) hours by the clinical signs of a cardiac insult to constitute causal relationship.

(c)

If a person who was apparently asymptomatic before subjecting himself to strain at work showed signs and symptoms of cardiac injury during the performance of his work and such symptoms and signs persisted, it is reasonable to claim a causal relationship.[10]

The burden of proof is on petitioner to show that any of the above conditions have been met in his case. The required proof is further discussed in *Gatus v. SSS*[11] citing *Ortega v. Social Security Commission*:[12]

The requisite quantum of proof in cases filed before administrative or quasi-judicial bodies is neither proof beyond reasonable doubt nor preponderance of evidence. In this type of cases, a fact may be deemed established if it is supported by substantial evidence, or that amount of relevant evidence which a reasonable mind might accept as adequate to justify a conclusion. In this case, substantial evidence abounds.

In ruling against the granting of death benefits to petitioner, the ECC relied on the ground that aside from the fact that Oscar was a smoker for thirty (30) years, petitioner failed to substantiate her claim for compensation on account of the death of her husband. The conditions for compensability of cardiovascular disease were not complied with and there was no substantial evidence of any unusual strain due to the nature of the occupation of the deceased that would have caused the attack.

We agree with the ECC.

Well-settled is the rule that the claimant must show, at least, by substantial evidence that the development of the disease is brought largely by the conditions present in the nature of the job.[13] In Oscar's case, no evidence was presented by petitioner to show that the nature of Oscar's duties and the conditions under which he worked were such as to eventually cause the onset of his cardio pulmonary arrest. None of the conditions for compensability was even alleged by the petitioner to have existed. Aside from her bare allegations that Oscar's working condition greatly increased his chance of developing cardiovascular disease, no other evidence was shown to prove it. Neither did petitioner cite any circumstance in the past wherein Oscar had complaints regarding his state of health or that his health had deteriorated from time to time due to the nature of his work. In fact, petitioner did not present any physician's report in order to substantiate her allegation that the working conditions had increased the risk of Oscar acquiring the cardiovascular disease.

Indeed, following the specific mandate of P.D. No. 626, as amended, and its Implementing Rules, petitioner must have at least provided sufficient basis, if not medical information which could help determine the causal connection between Oscar's cause of death and the duties and responsibilities attached to his work.[14] This leans on the precept that the awards for compensation cannot rest on speculations and presumptions.[15]

To repeat, the claimant must show, at least by substantial evidence, that the development of the disease was brought about largely by the conditions present in the nature of the job. What the law requires is a reasonable work connection, not a direct causal relation. Petitioner did not discharge the burden of proof imposed under the law to show that Oscar's ailment was work-related. Verily, her contention that the working condition of Oscar greatly increased his chance of cardiovascular disease does not ipso facto make the resulting death compensable. Awards of compensation cannot rest on speculations or presumptions, for the claimant must prove a positive proposition.[16] Furthermore, it is an undisputed fact that Oscar had been smoking for thirty (30) years. Medical books and studies are replete with information stating that cigarette smoking is a major cause of coronary heart disease. Without any proof that Oscar's nature of work caused or contributed to the cause of his death, it cannot therefore be discounted that his being a smoker for a long span of years was the cause thereof.

All told, this is not to say, however, that this Court is unmindful of the claimant's predicament. While we sympathize with the petitioner, it is important to note that such sympathy must be balanced by the equally vital interest of denying undeserving claims for compensation.[17]

WHEREFORE, the petition is hereby DENIED. The Decision dated April 28, 2011 of the Employee's Compensation Commission in ECC Case No. SM-18689-0309-11 is AFFIRMED.

SO ORDERED.

Camello, (Chairperson), and Perez, JJ., concur.

[1] Rollo, pp. 6-19

[2] Rollo, pp. 21-27

[3] Rollo, p. 12

[4] Rollo, pp. 50-53

[5] Rollo, pp. 57-61

[6] Rollo, pp. 72-82

[7] Rollo, pp. 84-87

[8] Lorenzo v. GSIS, G.R. No. 188385, October 2, 2013

[9] Supra

[10] Gatus v. SSS, G.R. No. 174725, January 26, 2011

[11] Supra

[12] G.R. No. 176150, June 25, 2008

[13] Supra Note No. 10; Salmone v. Employees' Compensation Commission, G.R. No. 142392, September 26, 2000

[14] Lorenzo v. GSIS, G.R. No. 188385, October 2, 2013

[15] Supra

[16] Supra Note No. 10

[17] Supra Note No. 14

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