

PERFECTO DE VERA, PETITIONER, VS. EMPLOYEES' COMPENSATION COMMISSION AND GOVERNMENT SERVICE INSURANCE SYSTEM (BUREAU OF PUBLIC SCHOOLS), RESPONDENTS.

G.R. No. L-48669. December 26, 1984

Ponente: MAKASIAR, J.

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MAKASIAR, J.:

This is a petition for review on certiorari of the decision of the Employees' Compensation Commission in ECC Case No. 0075, dated May 12, 1976, affirming the decision of the Government Service Insurance System which denied the claim of herein petitioner Perfecto de Vera for death benefits under P.D. 626, as amended (p. 2, rec.).

Petitioner Perfecto de Vera is the father of the late Violeta P. de Vera, a public school teacher assigned at the San Miguel Community School, Calasiao, Pangasinan, who died unmarried at the age of 34, of aplastic anemia. Pursuant to Article 167 (i) and (j) of P.D. 626, as amended, petitioner is now the secondary beneficiary of the deceased.

The records show that on March 10, 1975, Violeta suddenly collapsed while attending her class. She was immediately brought to a doctor who treated her for contusion on her lips sustained during her fall. She was able to return to work until March 18, 1975 when she was admitted at the Luzon Medical Center, Dagupan City, where her ailment was diagnosed as aplastic anemia. Despite medical treatment, she died on April 28, 1975 (p. 4 rec.).

On November 11, 1975, herein petitioner Perfecto de Vera, in his capacity as secondary beneficiary of his deceased unmarried daughter, filed a claim for death benefits with the respondent Government Service Insurance System in accordance with the provisions of P.D. 626, as amended.

On November 14, 1975, respondent GSIS, in a letter-decision, denied petitioner's claim. Pertinent portions of the said letter-decision read:

"xx xx xx.

"Please be advised that your claim cannot be given due course on the ground that the cause of your daughter's death, Aplastic Anemia, although listed as an occupational disease, has failed to satisfy other conditions in order to be compensable.

"For Aplastic Anemia to be compensable, the employee manifesting this disease should have an occupation involving exposure to X-rays, ionizing particles of radium or other forms of radiant energy and certain chemicals as benzene, dinitrophenol, gold, arsenic, etc. These chemicals and physical agents cause aplastic anemia by toxic depression of blood formation.

"The nature of your daughter's duties as a Teacher as well as the working conditions of her employment did not expose her to the risks mentioned above. We, therefore, regret to inform you that your claim is hereby denied.

"xx xx xx" (p. 5, rec.).

On December 11, 1975, petitioner sought recon-sideration of the aforesaid denial and submitted two additional supporting documents, to wit: the medical certificate of Dr. Benigno Parayno attesting that Violeta's duties as a teacher may have aggravated her ailment, and a radiological report and certification of Mrs. Luz E. Estrada (District Supervisor, Department of Education and Culture), certifying that Violeta had been subjected to X-ray every year (pp. 19, 20, rec.).

On December 22, 1975, petitioner's prayer for reconsideration was likewise denied by the respondent GSIS on the grounds that aggravation of an ailment is no longer compensable under the present Employees' Compensation Program, and that the yearly exposure of Violeta to X-rays cannot possibly cause aplastic anemia.

On February 16, 1976, petitioner appealed to the respondent Employees' Compensation Commission which rendered a decision on May 12, 1976 sustaining the denial of the claim on the ground that the petitioner failed to show direct causation between the ailment of his daughter and the nature of her employment as a classroom teacher, or that the risk of contracting the disease was increased by her working conditions (p. 14, rec.).

Hence, this petition.

I

WE find for the petitioner. In *Makabali vs. ECC*, 126 SCRA 180 (Nov. 29, 1983), this Court held that "x x x (I)n line with the doctrine laid down in *Corales vs. ECC*, et al. (88 SCRA 547 /1979/), and reiterated in the cases of *Villones vs. ECC*, et al. (92 SCRA 320 [1979]), *delos Angeles vs. ECC*, et al. (94 SCRA 308 [1979]), *Balatero vs. ECC*, et al. (95 SCRA 608 [1980]), *LaO vs. ECC*, et al. (97 SCRA 780 [1980]), *Calvero vs. ECC*, et al. (117 SCRA 452 [1982]), *Segismundo vs. GSIS*, et al. (121 SCRA 304 [March 28, 1983]), the question of compensability of petitioner's ailment hinges on the approximate, if not the exact, point in time when she contracted such ailment, which determines the law applicable in the instant case." Considering that petitioner's daughter died of aplastic anemia on April 28, 1975, or just a few months after P.D. 626 took effect on January 1, 1975, it is patent the disease supervened before the Labor Code was amended by P.D. 626.

As admitted by the respondent ECC, ".. obviously, when Violeta de Vera suddenly collapsed and fell on the classroom floor on March 10, 1975 she was already suffering from the illness which was medically diagnosed only on March 18, 1975 as aplastic anemia and which eventually caused her death on April 28, 1975. x x x" (p. 174, rec.).

Indeed, the symptoms of Violeta's ailment appeared much earlier than March 10, 1975 when she suddenly collapsed inside her classroom. The medical report of Dr. Benigno C. Parayno, Violeta's attending physician, said:

"On examination, she had contusion on her lips due to a fall when she collapsed while teaching in the class-room at the San Miguel Community School, Calasiao, Pangasinan. Further history taken from the patient shows the fol-lowing facts:

- "1. That previous to the attack, for about two weeks she had influenza.
- "2. Later she had bleeding of the gums and some petechial patches in her skin.
- "3. She became pale.
- "4. She feels dizzy and easily gets tired.

"xx xx" (p. 20, rec.).

Medical authorities state:

"As a rule the onset of aplastic anemia is insidious. x x x.

"On the other hand, symptoms may appear explosively. Important facts are the rate of development of anemia and its severity and the presence or absence of complications related to the granulocytopenia or thrombocytopenia. These patients may carry on without serious trouble for months with very low leukocyte and platelet counts, but at any time troublesome or serious bleeding may occur or respiratory or urinary tract infections, pyoderma, ulcerations in the oral cavity or around the nose, rectum, or vagina, and perirectal abscess or septicemia may develop, or oozing of blood from the gums, vagina, or rectum, or hemorrhage in the skin or into vital areas may produce discomforting or alarming effects" (Principles of Internal Medicine, Harrison, 5th ed., p. 645, *Italics supplied*).

In view of the foregoing, WE rule that the law applicable in the instant case is the Workmen's Compensation Act and not P.D. 626, as amended.

Under the Workmen's Compensation Act, it is a settled rule that a presumption of compensability arises when an ailment is contracted and/or aggravated in the course of one's employment, and the burden of refuting the same by substantial evidence is upon the employer. In the case at bar, the certification of Dr. Benigno Parayno to the effect that Violeta's work as a teacher had aggravated her ailment was not refuted by her employer, the then Bureau of Public Schools, now Ministry of Education and Culture, nor by the respondents Employees Compensation Commission and the Government Service Insurance System. In fact, the records show that the employer, the Ministry of Education and Culture, did not adduce any evidence that the ailment of Violeta is not compensable; therefore, the presumption of compensability becomes conclusive (*Calvero vs. ECC*, 117 SCRA 460 [September 30, 1982] citing *Lacson vs. The Secretary of Labor, et al.*, 99 SCRA 225, 233).

II

Granting, *arguendo*, that P.D. 626, as amended, is the law applicable in the instant case, still Violeta's claim is compensable.

Respondents Employees Compensation Commission and GSIS denied petitioner's claim for death benefits on the basis of the conditions set forth in Annex "A" of P.D. 626 for aplastic anemia to be compensable. Annex "A" of P.D. 626, as amended, provides:

"8 Ionizing radiation disease, inflammation, ulceration or malignant disease of skin or subcutaneous tissues of the bones or leukemia, or anemia of the aplastic type due to X-rays, ionizing particle, radium or other radioactive substance" (*Italics supplied*) "Exposure to ionizing particles of radium or other radioactive substance or forms of radiant energy"

However, the findings of medical authorities on the etiology of aplastic anemia show that there are several categories of aplastic anemia classified according to the agent causing such disease; thus:

"ETIOLOGY. Approximately half of the cases of 'aplastic anemia' are idiopathic. Another large category is comprised of cases associated with exposure to various chemical agents or to ionizing radiation. Rarely the condition may be congenital (Fanconi's syndrome) or it may be associated with thymic tumors.

"Agents associated with the occurrence of aplastic anemia may be divided into two groups; namely, (1) those which regularly produce marrow hypoplasia and aplasia if a sufficient dose is given, and (2) those which are only occasionally associated with such a change and presumably depend on idiosyncrasy. In the former category, may be included ionizing radiation (roentgen rays, radio-active phosphorus, etc.), the mustards (sulfur and nitrogen mustards, chlorambucil, cyclophosphamide, melphalan, etc.), urethan, busulfan, benzol, and the antimetabolites (antifolate compounds, 6-mercaptopurine, etc.). It will be noted that these agents have been or are used in the treatment of leukemia, Hodgkin's disease, and related disorders. Excessive dosage will

result in the production of marrow aplasia. Benzene (benzol) is no longer use in the treatment of leukemia, but it is employed in many industries (leather, enamel, rubber, lacquer, electroplating, airplanes, linoleum, celluloid, etc.), and must be kept in mind when aplastic anemia is encountered in a person working in one of these industries. Of the agents occasionally associated with hypo-plasia or aplasia of the bone marrow the following should be mentioned in particular: antimicrobial agents (arsenobenzols, chloramphenicol), anti-convulsants (Mesantoin), anti-thyroid drugs, antihistamines, insecticides and various miscellaneous agents such as gold preparations, phenylbutazone, and trinitrotulene. Although the evidence incriminating these drugs is only circumstantial, a sufficient number of cases has been reported to make it seem very likely that development of aplastic anemia following exposure to the drugs named is more than a coincidence. Less convincing is the evidence that other drugs are the cause of aplastic anemia, since there are only or very few reports incriminating them. In this last group may be mentioned the sulfonamides, oxytetracycline, chlortetracycline, Tridione, Nuvarone, Carbinazole, Tapazole, quinacrine, chlorpromazine, and various hair dyes and volatile insecticides.

"Idiopathic" cases, in which exposure to an offending agent could not be discovered, have been observed, most frequently in young adults or adolescents. x x x" (Principles of Internal Medicine, Harrison, 5th ed., pp. 664-665, *Italics supplied*).

The diagnostic report of Dr. B. Parayno, Violeta's attending physician until her death, reads:

"x x x x.

"On my physical examination of the patient and from the findings of blood examinations done for three times, there is a consistent anemia and gradual lowering of her blood platelets. In spite of blood transfusion done, for two times in which she receives about two liters of blood, the anemia did not show any improvement, but instead her red blood cell count and platelets became much lower.

"In view of the above findings, I diagnose her case as APLASTIC ANEMIA. x x x" (p. 20, rec.).

Comparing the simple examination made by Dr. Parayno and the aforequoted etiology of aplastic anemia, it is obvious that it is impossible to point out exactly the cause of Violeta's disease.

Violeta was assigned at the San Miguel Community School, Calasiao, Pangasinan, as an elementary school teacher. She served in that capacity for almost 14 years prior to her death on April 28, 1975. Public Schools in the rural areas, as in the instant case, have gardening projects wherein elementary school pupils are instructed to plant vegetables. These gardening activities of public elementary school pupils were intensified by the Green Revolution project of the government. All of these activities were done under the direct supervision of the teachers. Violeta was exposed to various chemicals, such as insecticides, fertilizers, etc., used in these gardening projects. WE cannot discount the possibility that one of these chemicals caused her disease. Conse-quently, WE find no merit in repondents ECC's and GSIS' assertion that Violeta's disease is not work-connected.

In the case of *Neri vs. ECC* (127 SCRA 680 [Feb. 20, 1984]), this Court ruled thus:

"The sweeping statement of the Employees Compensation Commission to the effect that the 'predisposing factors for the development of the deceased's ailments are manifestly not inherent or peculiar to his employment or employment conditions as cashier in the DBP Ozamiz Branch (p. 16, rec.) is untenable and not in accordance with the facts on record. From a position of uncertainty, one cannot draw a conclusion of certainty" (*Italics supplied*).

Furthermore, in view of the constitutional mandate of protection to labor, this Court held that the strict rules of evidence are not applicable in claims for com-pensation. Thus, in the case of *Cristobal vs. ECC* (103 SCRA 336 [1981]), this Court said:

"x x x. To establish compensability of the claim under the said theory, the claimant must show proof of work-connection. Impliedly, the degree of proof required is merely substantial evidence, which means 'such relevant evidence as a reasonable mind might accept as adequate to support a conclusion' (Ang Tibay vs. The Court of Industrial Relations and National Labor Union, Inc., 69 Phil. 635) or clear and convincing evidence. In this connection, it must be pointed out that the strict rules of evidence are not applicable in claims for compensation. Respondents however insist on evidence which would establish direct causal relation between the disease rectal cancer and the employment of the deceased. Such a strict requirement which even medical experts in the field cannot support considering the uncertainty of the nature of the disease would negate the principle of liberality in the matter of evidence. Apparently, what the law merely requires is a reasonable work-connection and not a direct causal relation. This kind of interpretation gives meaning and substance to the liberal and compassionate spirit of the law as embodied in Article 4 of the new Labor Code which states that 'all doubts in the implementation and interpretation of the provisions of this Code, including its implementing rules and regulations shall be resolved in favor of labor.'

"xx xx" (Italics supplied).

Moreover, in *LaO vs. ECC, et al.* (97 SCRA 791 [1980]), WE ruled that: "x x x where the cause of the illness of the claimant or of the death of the deceased is not definitely determinable, the medical report of findings presented by respondent employer (the ECC or GSIS) does not or cannot constitute substantial evidence to prevail over the presumption of compensability and aggravation and thus defeat the compensability of the claim."

III

The contention of respondents ECC and GSIS that since the grounds for compensation are clearly stated in the law and there is no doubt regarding the illness of the deceased and her employment, there is no occasion to apply the beneficent provisions of Article 4 of the Labor Code (pp. 90, 176, rec.), is likewise untenable.

WE have ruled in *Panangui vs. ECC, et al.* (121 SCRA 69 [March 18, 1983]) and reiterated in *Makabali vs. ECC* (126 SCRA 188 [November 29, 1983]) that "(A)s WE have consistently and even persistently stated before in numerous cases, We have always viewed and treated compensation claims on a much broader perspective and have always resolved such claims on the basis of the fundamental and well-entrenched constitutional precepts of social justice and protection to labor. x x."

On this point, "(W)e 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" (*Makabali vs. ECC, supra*, p. 184).

IV

The GSIS, as prayed for, is hereby dropped as party-respondent in this case since the law applicable is the Workmen's Compensation Act and not the new Labor Code (*Gonzaga vs. ECC and GSIS*, 127 SCRA 443 [January 31, 1984]).

WHEREFORE, THE DECISION OF THE EMPLOYEES' COMPENSATION COMMISSION IS HEREBY SET ASIDE AND THE BUREAU OF PUBLIC SCHOOLS IS HEREBY ORDERED

1. TO PAY THE PETITIONER THE SUM OF SIX THOUSAND (P6,000.00) PESOS AS DEATH BENEFITS;

2. TO REIMBURSE PETITIONER'S MEDICAL AND HOSPITAL EXPENSES DULY SUPPORTED BY PROPER RECEIPTS;
3. TO REFUND PETITIONER HIS FUNERAL EXPENSES IN THE AMOUNT OF TWO HUNDRED (P200.00) PESOS;
4. TO PAY PETITIONER SIX HUNDRED (P600.00) PESOS AS ATTORNEY'S FEES; AND
5. TO PAY ADMINISTRATIVE COSTS.

SO ORDERED.

Concepcion, Jr., Abad Santos, Escolin, and Cuevas, JJ., concur.

Aquino, J., no part.

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