

ESTRELLA MITRA, PETITIONER, VS. THE EMPLOYEES' COMPENSATION COMMISSION AND GOVERNMENT SERVICE INSURANCE SYSTEM (PHILIPPINE AIR FORCE), RESPONDENTS.

G.R. No. L-45846. February 21, 1980

Ponente: FERNANDEZ, J.

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FERNANDEZ, J.:

This is a petition to review the decision of the Employees' Compensation Commission in ECC Case No. 0183 (Remigio Mitra, Deceased) entitled "Estrella Mitra, Appellant, versus, Government Service Insurance System (Philippine Air Force), Respondent" affirming the decision of the Government Service Insurance System denying the claim of Estrella Mitra based on the death of her husband, Remigio D. Mitra, Tactical Sergeant of the Philippine Air Force.[1]

The petitioner, Estrella Vda. de Mitra, filed on June 7, 1976 a claim with the Government Service Insurance System in connection with the death of her husband, Remigio D. Mitra. In a letter dated June 26, 1976, the Government Service Insurance System denied the claim but gave the claimant ten (10) days from receipt of the letter within which to submit additional evidence to prove that the ailment of Remigio D. Mitra was caused by his employment.[2]

The petitioner wrote a letter dated July 29, 1976 to the Government Service Insurance System asking for reconsideration of the denial of the claim.[3] The motion was denied by the Government Service Insurance System in a letter to the claimant dated August 9, 1976.[4]

The claimant, petitioner herein, appealed to the Employees' Compensation Commission.[5]

The Employees' Compensation Commission affirmed the decision of the Government Service Insurance System denying the claim because the "pathological conditions that may lead to the contraction of hemorrhagic pancreatitis which eventuated in the death in question have not been shown by the evidence on record to have been due to the deceased's employment, the ensuing death, therefore, is hereby, as the respondent did, held not compensable." [6]

The facts, as found by the Employees' Compensation Commission, are:

"The late Remigio D. Mitra, a forty (46) six year old male Tactical Sergeant of the Philippine Air Force, was, previous to his death, performing the job of an Administrative Supervisor at the headquarters of the 520th ACWW, PAF, Nichols Air Base. At about 10:00 o'clock in the morning of February 26, 1976, he was noticed perspiring profusely, palloric and seemed to be feeling uncomfortably. In this condition, he went to the comfort room where he collapsed and found later by his co-employees unconscious. He was immediately brought to the medical section where it was found that his blood pressure registered almost a zero pressure. He was rushed to the Nichols Air Base Hospital where he died at around 10:45 o'clock, A.M. after a futile attempt to revive him by a heart massage. His death was determined by postmortem examination to have been caused by Cardio-Respiratory Arrest due to Hemorrhagic Pancreatitis." [7]

It is a fact that Remigio D. Mitra died in the actual performance of his duty as administrative supervisor in the Philippine Air Force on February 26, 1976. He died of heart failure which was supposed to be caused by hemorrhagic pancreatitis. According to the Employees' Compensation Commission, one of the causes of hemorrhagic pancreatitis is vascular and auto-immune mechanism: hypertension.[8]

The nature of the work of Remigio D. Mitra was such that he could have developed hypertension which caused hemorrhagic pancreatitis resulting in his death. From the facts found by the Employees' Compensation Commission, it is clear that the death of Remigio D. Mitra was caused by an ailment that may be classified as an occupational disease.

The argument that cardio-respiratory arrest due to hemorrhagic pancreatitis is not one of those listed by the Employees' Compensation Commission or the Ministry of Labor as an occupational disease is of no moment. Time and again the Commission or the Ministry of Labor includes in the list more occupational diseases. Such an arbitrary exercise of authority cannot militate against the fact that cardio-vascular arrest may be caused by tension arising from the performance of the duty of Remigio D. Mitra as administrative supervisor. He was performing his duty when at about 10:00 o'clock in the morning of February 26, 1976, he perspired profusely becoming pallid and went to the comfort room where he collapsed and was found later by his co-employees. Within the hour he was rushed to the Nichols Air Base Hospital where he died at about 10:45 o'clock in the morning on the said date.

Concern for labor is embodied in the Constitution. The amended Labor Code is a social legislation. Article 4 of said Code provides 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."

WHEREFORE, the decision of the Employees' Compensation Commission appealed from is hereby set aside and the Government Service Insurance System is ordered to pay the petitioner the amount of Twelve Thousand Pesos (P12,000.00) as death compensation, the amount of One Thousand Pesos (P1,000.00) as burial expenses, and the amount of One Thousand Two Hundred Pesos (P1,200.00) as attorney's fees.

SO ORDERED.

Teehankee, (Chairman), Makasiar, Guerrero, and De Castro, JJ., concur.
Melencio-Herrera, J., dissenting in a separate opinion.

[1] Annex "J", Rollo, pp. 38-42.

[2] Annex "E", Rollo, p. 32.

[3] Annex "G", Rollo, p. 34.

[4] Annex "H", Rollo, p. 35.

[5] Annex "I", Rollo, p. 36.

[6] Rollo, p. 42.

[7] Annex "J", Rollo, pp. 38-39.

[8] Comment of Employees' Compensation Commission, Rollo, p. 66.

DISSENTING OPINION

MELENCIO-HERRERA, J.:

Section 1(b), Rule III of the Amended Rules on Employees' Compensation explicitly provides:

"SECTION 1.

x x x

(b) For the sickness and the resulting disability or death to be compensable, the sickness must be the result of an occupational disease listed under Annex "A" of these rules with the conditions set therein satisfied; otherwise, proof must be shown that the risk of contracting the disease is increased by the working conditions" (Rules III, Amended Rules of Employees' Compensation) (underscoring supplied)

The cause of death of petitioner's husband was cardio-respiratory arrest due to hemorrhagic pancreatitis. The latter disease is not one of those listed as an occupational disease in Annex "A" of the Amended Rules on Employees' Compensation.

Neither do the records show that petitioner has presented proof that the risk of contracting hemorrhagic pancreatitis was increased by the working conditions surrounding her husband's employment as Tactical Sergeant of the Philippine Air Force, performing the job of an Administrative Supervisor at the headquarters, PAF, Nichols Air Base.

Hypertension is being singled out as the cause of the deceased's ailment from among the eight causes of hemorrhagic pancreatitis enumerated by respondent in its Comment. However, there is no evidence that petitioner's spouse, prior to his death, ever complained of any symptoms of hypertension.

I am of opinion, therefore, that by explicit provisions of existing laws, the present claim is not compensable.

Concern for labor as embodied in the Constitution does not mean "going out on a limb" and considering all diseases of employed persons as occupational diseases. Distinction must be made between the personality of an employee as a constituent of "labor" and his character as a mere constituent of the general citizenry. If such employee suffers injury or contracts a disease as a constituent of "labor", he is entitled to all benefits derivable from labor legislation. But if the injury or the disease is not labor connected, but is suffered by an employee as a constituent of the general citizenry he deserves no special treatment granted to labor.

Further, it is noteworthy that the amended Labor Code, even as a social legislation, spells out with more specificity the requirements for injuries and diseases which are to be compensable, and has abrogated the Workmen's Compensation Act under the aegis of which this Court has practically established that most diseases are work-connected or work-aggravated and should be compensable.

It also bears reiterating that rulings and opinions of administrative agencies in areas within their competence are entitled to great respect unless they have committed grave abuse of discretion, which is not so in this particular case.

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