

**DOMNA VILLAVERT, PETITIONER, EMPLOYEES' COMPENSATION COMMISSION & GOVERNMENT SERVICE INSURANCE SYSTEM (PHILIPPINE CONSTABULARY), RESPONDENTS.**

*G.R. No. L-48605. December 14, 1981*

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. 0692, entitled "Domna N. Villavert, appellant versus Government Service Insurance System (Philippine Constabulary), respondents," affirming the decision of the Government Service Insurance System denying the claim for death benefits.[1]

The petitioner, Domna N. Villavert, is the mother of the late, Marcelino N. Villavert who died of acute hemorrhagic pancreatitis on December 12, 1975 employed as a Code Verifier in the Philippine Constabulary. She filed a claim for income benefits for the death of her son under P.D. No. 626 as amended with the Government Service Insurance System on March 18, 1976. The said claim was denied by the Government Service Insurance System on the ground that acute hemorrhagic pancreatitis is not an occupational disease and that the petitioner had failed to show that there was a causal connection between the fatal ailment of Marcelino N. Villavert and the nature of his employment.

The petitioner appealed to the Employees' Compensation Commission which affirmed on May 31, 1978 the decision of the respondent, Government Service Insurance System, denying the claim.

The record shows that in addition to his duties as Code Verifier, Marcelino N. Villavert also performed the duties of a computer operator and clerk typist. In the morning of December 11, 1975, Marcelino reported as usual to the Constabulary Computer Center at Camp Crame, Quezon City. He performed his duties not only as code verifier but also handled administrative functions, computer operation and typing jobs due to shortage of civilian personnel. Although he was complaining of chest pain and headache late in the afternoon of December 11, 1975, after a whole day of strenuous activities, Marcelino was still required to render overtime service until late in the evening of the same day, typing voluminous classified communications, computing allowances and preparing checks for the salary of Philippine Constabulary and Integrated National Police personnel throughout the country for distribution on or before December 15, 1975. He went home late at night and due to fatigue, he went to bed as soon as he arrived without taking his meal. Shortly thereafter, Marcelino was noticed by his mother, the herein petitioner, gasping for breath, perspiring profusely, and mumbling incoherent words. The petitioner tried to wake him up and after all efforts to bring him to his senses proved futile, she rushed Marcelino to the UE Ramon Magsaysay Memorial Hospital where he was pronounced dead at 5:30 o'clock in the morning of December 12, 1975 without regaining consciousness. The cause of death was acute hemorrhagic pancreatitis.

To support the claim that Marcelino N. Villavert died of acute hemorrhagic pancreatitis as a result of his duties as a code verifier, computer operator and typist of the Philippine Constabulary, the petitioner submitted the

following certification of Lt. Colonel Felino C. Pacheco Jr., commanding officer, of the Philippine Constabulary, which reads:

"THIS IS TO CERTIFY that MARCELINO N. VILLAVERT, a regular employee of the Constabulary Computer Center, had been performing the following duty assignments in this office in addition to his appointment as Coder Verifier before his death:

"a. Computer Operator - As computer operator he was subjected to excessive heat and cold;

"b. Clerk Typist - As typist he was responsible for typing important communications not only for the office of the Constabulary Computer Center but also for other posts, including engagement speeches of the Chief of Constabulary and other ranking officers of the Command;

"c. Due to the shortage of qualified civilian personnel to handle the task, he was given excessive work responsibilities in the office which could have aggravated his ailment.

"d. That more often he took his meals irregularly late in view of the nature of his work especially during the preparation of checks for the salary of the Philippine Constabulary and the National Integrated Police personnel throughout the country.

"e. He used to perform rotation duties, thereby leaving him insufficient time to consult the Constabulary Medical Dispensary for routine physical check up about his health.

"f. That subject employee never drinks alcoholic liquor, neither smokes nor engages on immoral habits during his lifetime.

"g. That he died in line of duty after retiring from his night shift.

"This certification is being issued in behalf of legal heirs in order to justify their claim for payment of benefits from the Employees' Compensation to reciprocate the services rendered by the late Marcelino N. Villavert, a loyal and dedicated public servant."[2]

The foregoing certification of Lt. Col Felino C. Pacheco Jr. was corroborated by the affidavit of Rustico P. Valenzuela, Chief Clerk of the Constabulary Computer Center, which reads:

"I, RUSTICO P VALENZUELA, Master Sergeant, Philippine Constabulary, Filipino of legal age, married and presently Chief Clerk of the Constabulary Computer Center, Camp Crame, Quezon City after having been duly sworn to in accordance to law hereby depose and say:

"a. That as Chief Clerk I am responsible to my Commanding Officer about the accounting, detail, duties etc. of all military and civilian personnel in the office and therefore the duties of the late Marcelino N. Villavert are personally known to me prior to his death;

"b. That the late Marcelino N. Villavert although was appointed as Code Verifier still he was instructed to perform extra additional workload due to shortage of qualified civilian personnel to handle administrative function, he being a graduate of the Computer Operator and an expert typist which is seldom found among the qualities of civilian personnel assigned in the Constabulary Computer Center;

"c. That the late Marcelino N. Villavert was complaining of chest pain and headache prior to his death but because of an urgent call to the service, although it necessitated his rest; he was obliged to go on strenuous duty on the night of December 11, 1975, typing voluminous classified communications, compute allowances and prepare checks for the salary of Philippine Constabulary and Integrated National Police personnel throughout the country for distribution on or before December 15, 1975, scheduled payday, thereby aggravating his ailment due to excessive work, exposed to heat and cold, operating computer machine and over fatigue that caused his sudden death;

"d. That the late Marcelino N. Villavert before his death have insufficient time to consult the Medical Dispensary for routine physical check-up due to the rotation of his duties and therefore no record of his physical examination could be found in this Head-quarters;

"e. That the death of late Marcelino N. Villavert was service connected in view of the fact that he died while in the performance of his official duties.

"Affiant further sayeth none.

"IN WITNESS WHEREOF, I have hereunto set my hand this 22nd day of August 1977 at Quezon City.

“(SGD) RUSTICO P VALENZUELA

Affiant

"SUBSCRIBED AND SWORN to before me this 22nd day of August 1977 at Quezon City, Metro Manila. Affiant exhibited his Residence Certificate No. A 1183510 issued at Taguig, Metro Manila on January 10, 1977.

"(SGD) ENRIQUE C VILLANUEVA JR

1LT PC

Administrative Officer"[3]

The Government Service Insurance System and the Employees' Compensation Commission denied the claim for compensation on the ground that the petitioner did not present evidence that the illness of Marcelino N. Villavert, acute hemorrhagic pancreatitis, was caused or aggravated by the nature of his duties as employee of the Philippine Constabulary.

Employees' Compensation Commission, citing a book on medicine, said:

"In medical science, acute hemorrhagic pancreatitis is 'acute inflammation with hemorrhagic necrosis of the pancreas.' It occurs most commonly in association with alcoholism. The onset of the symptoms often occurs during or shortly after bouts of alcoholic intoxication. It also occurs in association with biliary tract disease. Occasionally, it occurs as a complication of peptic ulcer, mumps, viral hepatitis or following the use of drugs such as glucocorticoids, or chlorothiazide. It is sometimes associated with metabolic disorders such as hyperlipidemia and hyperparathyroidism. It may also be associated with a genetic type of pancreatitis with onset in childhood. Trauma is a relatively frequent cause of pancreatitis; it may result from a severe blow to the abdomen, a penetrating injury from a bullet or knife wound, inadvertent trauma from surgical procedures in the upper abdomen or rarely, electric shock. Approximately 20% of the patients have no apparent underlying or predisposing cause. (Principles of Internal Medicine by Harrison, 7th Edition, pp. 1571)"[4]

However, the Medico Legal Officer of the National Bureau of Investigation stated that the exact cause of acute hemorrhagic pancreatitis is still unknown despite extensive researches in this field, although most research data are agreed that physical and mental stresses are strong causal factors in the development of the disease.[5]

From the foregoing facts of record, it is clear that Marcelino N. Villavert died of acute hemorrhagic pancreatitis which was directly caused or at least aggravated by the duties he performed as code verifier, computer operator and clerk typist of the Philippine Constabulary. There is no evidence at all that Marcelino N. Villavert had a "bout of alcoholic intoxication" shortly before he died. Neither is there a showing that he used drugs.

It should be noted that Article 4 of the Labor Code of the Philippines, as amended; provides that "All doubts in the implementation and interpretation of this Code, including its implementing rules and regulations shall be resolved in favor of labor."

WHEREFORE, the decision of the Employees' Compensation Commission sought to be reviewed is set aside and judgment is hereby rendered ordering the Government Service Insurance System to pay the petitioner death benefits in the amount of SIX THOUSAND PESOS (P6,000.00).

**SO ORDERED.**

Teehankee, (Chairman), Makasiar, Guerrero, and Plana, JJ., concur.  
Melencio-Herrera, J., see attached dissent.

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[1] Rollo, pp. 17-21.

[2] Rollo, p. 23.

[3] Rollo, p. 24.

[4] Rollo, pp. 31-32.

[5] Rollo, p. 25.

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**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" (italics supplied).

The cause of death of petitioner's son was acute hemorrhagic pancreatitis. This disease is not one of those listed, even under the additional listing, as an occupational disease in Annex "A" of the Amended Rules on Employees' Compensation. Neither did petitioner present evidence to prove that the risk of contracting hemorrhagic pancreatitis was increased by the working conditions surrounding her son's employment as code verifier, computer operator and typist of the Philippine Constabulary. For which reasons, the Government Service Insurance System and the Employees' Compensation Commission denied the claim for compensation.

That physical and mental stresses are strong causal factors in the development of the disease, as stated by the Medico Legal Officer of the National Bureau of Investigation is not scientifically confirmed "research data." Medical science still associates the disease with alcoholism, biliary tract disease, the use of drugs, or trauma, among others. In fact, the exact cause is still unknown. Medical reports indicate that approximately 20% of the patients suffering from that disease have no apparent underlying or predisposing cause.

The illness of petitioner's son not having been caused nor aggravated by the nature of his duties as an employee of the Philippine Constabulary, petitioner's claim is not compensable under explicit provisions of existing laws.

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