

ROSALINA G. NAVALTA, PETITIONER, VS. GOVERNMENT SERVICE INSURANCE SYSTEM, BUREAU OF CUSTOMS AND EMPLOYEES' COMPENSATION COMMISSION, RESPONDENT.

G.R. No. L-46684. April 27, 1988

Ponente: GUTIERREZ, JR., J.

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GUTIERREZ, JR., J.:

This is a petition for review on certiorari of the decision of the Employees' Compensation Commission which affirmed the decision of the Government Service Insurance System and denied the claim for income benefits filed by Rosalina Navalta, widow of the late Alberto Navalta.

The facts as found by the respondent Commission are as follows:

"Before his death on September 8, 1976, Alberto Navalta was employed as Port Administration Checker in the Office of the Special Commissioner on Port Administration, Bureau of Customs. It appears that his actual duties consisted of controlling receipts, storing and distributing supplies and equipment; conducting periodic inventory supplies, materials and equipment; disposing obsolete and unserviceable properties; and doing related work. Sometime in August, 1976, while deceased was assigned at warehouse 12 to assist in the inventory of properties of the defunct CAS per Office Order No. 15-76, he suddenly complained of extreme abdominal pain, for which reason, he was confined at the Philippine General Hospital for nineteen (19) days. He died in the hospital on September 8, 1976 due to Cancer of the Pancreas.

"Deceased's widow filed a claim for income benefits with the Government Service Insurance System. On the basis of a finding that deceased's fatal ailment, Cancer of the Pancreas, is not an occupational disease, the System denied compensation to the claimant.xxx" (p. 18, Rollo)

After the respondent Commission affirmed the decision of the Government Service Insurance System, the petitioner went to his Court on petition for review.

The petitioner alleges that the deceased as a member of the customs inventory team and later as port administration checker was exposed to various cargoes stored inside warehouses, which included carbons, ink, concentrated toners and chemicals such as alphanaphtylamine, betanaphtylamine, or bensidine auramine or magenta in their raw forms. The petitioner argues that since the deceased's cancer has spread to the gallbladder, it may be concluded that papilloma of the bladder, which is listed in the employee's compensation law as an occupational disease, was one of the causes of his death.

The petitioner's views have no merit.

Since the deceased's ailment is not an occupational disease listed by the Employees' Compensation Commission, it became incumbent upon the petitioner to prove that the employee's working conditions increased the risk of his contracting the fatal illness (*Bonifacio v. Government Service Insurance System*, 146 SCRA 276).

This task was not satisfactorily discharged by the petitioner.

As a general rule, cancer is a disease of still unknown origin which strikes people in all walks of life, employed or unemployed (*Milano v. Employees' Compensation Commission*, 142 SCRA 52). Unless it be shown that a particular form of cancer is caused by specific working conditions or environment, we cannot conclude that it was the employment which increased the risk of contracting the disease. The nature of cancer of the pancreas is discussed by a medical authority as follows:

"Cancer of the Pancreas

"Gen. Considerations. Carcinoma of the pancreas is now the 4th commonest cancer causing death in the US; only cancer of the lung, colon and breast occur more frequently, xxx The disease is more common in males than females (1.5:1), and the peak incidence is between the ages 60 to 70. Although the etiologic factors in most cases are not known, incidence of carcinoma of the pancreas is 2.0 to 2.5 times greater in smokers than in non-smokers, and about 2 times greater in patients with diabetes mellitus. Patients with calcific pancreatitis also have an increased incidence of pancreatic carcinoma. Some reports have suggested an association between heavy coffee intake and increased risk of pancreatic cancer, but whether a true causal relationship exist is uncertain. The tumors are usually adenocarcinomas arising from ductal epithelium. The head of the pancreas is involved in about 65%, the body and tail in 30 percent, and the tail alone is 5%. At the time of diagnosis the tumor is confined to the pancreas in only 15% of patients; 25% demonstrate local invasion or regional lymph node spread, and the remaining 60% exhibit distinct metastases." (*Harrison's Principles of Internal Medicine*, 10th Ed., p. 1845)

These medical findings support the evaluation of the Government Service Insurance System that "(P)ancreatic carcinoma is a malignant new growth of the said organ, characterized by loss of weight, pain and yellowish discoloration of the skin. It affects predominantly patients over forty-five (45) years of age. Predisposing factors are age, sex, genetic influence and presence of diabetes mellitus. Diabetic patients are believed to have increased susceptibility to the disease." (p. 19, Rollo)

We do not find merit in the petitioner's contention that Mr. Navalta's cancer was caused by his exposure to certain chemicals. As the respondent Commission opined 'exposure to the (above named) chemicals is the risk involved in the contracting of cancer of the epithelial lining of the bladder.' (p. 19, Rollo) The petitioner's contention that cancer of the bladder was also one of the causes of her husband's death was correctly denied due to the fact that the employee's bladder was affected as a result of metastatic spread only. The real and direct cause of his death remains cancer of the pancreas.

IN VIEW OF THE FOREGOING, the petition is DISMISSED. The decisions of the Government Service Insurance System and the Employees' Compensation Commission are hereby AFFIRMED.

SO ORDERED.

Fernan, Feliciano, Bidin, and Cortes, JJ., concur.

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