

FE N. SULIT, PETITIONER, VS. EMPLOYEES' COMPENSATION COMMISSION AND GOVERNMENT SERVICE INSURANCE SYSTEM (CAVITE NAVAL SHIPYARD NAVAL SHORE ESTABLISHMENT), RESPONDENTS.

G.R. No. L-48602. June 30, 1980

Ponente: AQUINO, J.

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AQUINO, J.:

This is a claim for employee's compensation. Gregorio S. Sulit was employed as a mechanic in the Cavite Naval Shipyard, Naval Shore Establishment, Cavite Naval Base of the Philippine Navy from May 26, 1966 up to his death on December 17, 1975 at the age of fifty-three years. His duties were as follows:

"Under general supervision, inspect, repair, and overhaul gas and diesel propulsion engine, auxiliary engine, dock machineries and other mechanical equipment such as compressors, pumps, reduction gear, windlass, transmission, steering control mechanism and other allied machineries; disassemble and reassemble engine and other mechanical equipment in accordance with instruction manual.

"Take data of engine parts in order to determine further serviceability and submit report to leadingman for checking; assemble and install parts repaired and adjust to conform with their prescribed clearances; assemble, reinstall and align prime mover, compressor, motor, generator and repair and service other mechanical accessories on board PN vessels and may perform other duties as directed."

Due to persistent backaches and bilateral lumbar pains, accompanied by fever and chills, he was confined in the Philippine General Hospital from December 11, 1975 up to his death six days later. He died of acute pyelonephritis and bronchopneumonia.

Pyelonephritis is an acute pyogenic infection of the kidney. Strictures, calculi, tumors or prostatic hypertrophy cause obstruction to the flow of urine and may predispose a person to contract such a disease. It is caused by pus-producing bacteria (like the colon bacilli) which may originate from infected tonsils, carious teeth or other foci of infection in the body and which reach the kidney by way of the blood-stream or lymphatics. (The Merck Manual, 8th ed., p. 563.)

On the other hand, bronchopneumonia is an infection of the bronchi and lung tissue and is usually a complication of a debilitating disease. (See Annex A.)

Fe N. Sulit, the widow of the deceased mechanic, filed a claim for employee's compensation under Presidential Decree No. 626. She contended that her husband's work was postural in nature and time-consuming and that his repairing of a motor vehicles while in a prone position under it for long perspiring hours daily in the span of his working career produced a kinking of his ureters, thereby causing a constant and progressive stagnancy of urine flow which led to infection in the urinary tract and stone formation therein.

The Government Service Insurance System and the Employees' Compensation Commission rejected the claim

because pyelonephritis and bronchopneumonia are not occupational diseases since they do not usually and directly result from the occupation or profession of the worker. Furthermore, the risks of contracting such diseases were not increased by the working conditions concomitant with the decedent's employment.

The Commission pointed out that aggravation of the disease due to the work of the employee is no longer a legal basis for granting compensation under Presidential Decree No. 626. (See Annexes A, B and D.)

Mrs. Sulit appealed to this Court. She contends that she was denied due process because she was not accorded an opportunity to be heard. That gripe is baseless.

The filing with the GSIS of a claim for income benefits is in its inception not an adversary proceeding. The claim is filed on a prescribed form. The claimant may present with the claim supporting papers or proof that the disability or death was work-connected or that the risk of contracting the disease involved in the claim was increased by the working conditions.

The claim is processed by the GSIS. No formal hearing is required in the processing of the claim.

If after processing, the GSIS finds, as in this case, that on its face the claim has no basis, then it is rejected outright. The claim becomes controversial when the claimant appeals to the Employees' Compensation Commission, or when an aggrieved party appeals from the Commission to this Court (Arts. 180 and 181, Labor Code; Secs. 3 to 5, Rule XVII and sec. 1, Rule XVIII, Amended Rules on Employees' Compensation).

Mrs. Sulit was given all the opportunity in the GSIS and in the Commission to prove that her husband's death was work-connected. She was not able to do so.

We hold that the GSIS and the Commission did not err in denying her claim. Pyelonephritis was not caused by her husband's work as a mechanic. The contracting of such a disease was not increased by the working conditions of his job. Hence, that disease is not compensable in this case. The same observations apply to bronchopneumonia.

Claimant's other contention that the decisions of the GSIS and the Commission are not in conformity with the law and established jurisprudence is palpably unmeritorious.

Mrs. Sulit has in mind the rulings under the old law, Act No. 3428. She has overlooked that her claim is being decided under the Labor Code, the employees' compensation provisions of which are different from those of the old law.

Article 166 of the Labor Code provides that "the State shall promote and develop a tax-exempt employees' compensation program whereby employees and their dependents, in the event of work-connected disability or death, may promptly secure adequate income benefit, and medical or related benefits".

A compensable sickness "means any illness definitely accepted as an occupational disease listed by the (Employees' Compensation) Commission, or any illness caused by employment subject to proof by the employee that the risk of contracting the same is increased by working conditions. For this purpose, the Commission is empowered to determine and approve occupational diseases and work-related illnesses that may be considered compensable based on peculiar hazards of employment." (Art. 167[1], as amended by Presidential Decree No. 1368, effective May 1, 1978.)

Originally, Act No. 3428 restricted compensation to an injury sustained by the employee in the course of his employment or to an illness caused by his employment or resulting from the nature thereof, as shown in the following provisions:

"SEC. 2. Grounds for compensation. - When any employee receives a personal injury from any accident due to

and in the pursuance of the employment, or contracts any illness directly caused by such employment or the result of the nature of such employment, his employer shall pay compensation in the sums and to the persons hereinafter specified."

The original law did not contain any presumption of compensability.

Act No. 3812 amended section 2 by substituting the phrase "arising out of and in the course" for the phrase "due to and in the pursuance of". Section 2 was clarified by the New Civil Code in the following provisions:

"ART. 1711. Owners of enterprises and other employers are obliged to pay compensation for the death of or injuries to their laborers, workmen, mechanics or other employees, even though the event may have been purely accidental or entirely due to a fortuitous cause, if the death or personal injury arose out of and in the course of the employment. The employer is also liable for compensation if the employee contracts any illness or disease caused by such employment or as the result of the nature of employment. If the mishap was due to the employee's own notorious negligence, or voluntary act, or drunkenness, the employer shall not be liable for compensation. When the employee's lack of due care contributed to his death or injury, the compensation shall be equitably reduced."

Republic Act No. 772, which took effect on June 20, 1952, amended section 2 of Act No. 3812, by (1) specifying tuberculosis as a compensable disease, (2) adopting the rule that aggravation of the disease by the nature of the employment is compensable and (3) abolishing the fellow-servant rule which was already abrogated by article 1712 of the Civil Code. As thus, amended section 2 reads:

"SEC. 2. Grounds for compensation. - When an employee suffers personal injury from any accident arising out of and in the course of his employment, or contracts tuberculosis or other illness directly caused by such employment, or either aggravated by or the result of the nature of such employment, his employer shall pay compensation in the sums and to the persons hereinafter specified. The right to compensation as provided in this Act shall not be defeated or impaired on the ground that the death, injury or disease was due to the negligence of a fellow servant or employee, without prejudice to the right of the employer to proceed against the negligent party."

Furthermore, Republic Act No. 772 introduced the presumption of compensability by providing in section 43 that "in any proceeding for the enforcement of the claim for compensation under this Act, it shall be presumed in the absence of substantial evidence to the contrary – 1. that the claim comes within the provisions of this Act; 2. that sufficient notice thereof was given; 3. that the injury was not occasioned by the willful intention of the injured employee to bring about the injury or death of himself or of another; 4. that the injury did not result solely from the intoxication of the injured employee while on duty; and 5. that the contents of verified medical and surgical reports introduced in evidence by claimants for compensation are correct."

Those radical innovations, the presumption of compensability and the rule on aggravation of illness, which favor the employee, paved the way for the latitudinarian or expansive application of the Workmen's Compensation Law in favor of the employee or worker.

It now appears that after the government had experimented for more than twenty years with such employee-oriented application of the law, the lawmaker found the result to be unsatisfactory because it destroyed the parity or balance between the competing interests of employer and employee with respect to workmen's compensation. The balance was tilted unduly in favor of the workmen.

Hence, to restore a sensible equilibrium between the employer's obligation to pay workmen's compensation and the employee's right to receive reparation for work-connected death or disability, the old law was jettisoned and in its place we have the employees' compensation and state insurance fund in the Labor Code, as amended.

As correctly observed by the learned Government Corporate Counsel, Manuel M. Lazaro, the Labor Code abolished the presumption of compensability and the rule on aggravation of illness caused by the nature of the employment. This Court is powerless to apply those rules under the Labor Code (Resolution of March 8, 1978 in L-47008, Ibañez vs. Workmen Compensation Commission).

WHEREFORE, the appeal is dismissed and the decisions of the GSIS and the Employees' Compensation Commission, denying the claim, are affirmed. No costs.

SO ORDERED.

Concepcion, Jr., J., concur.

Abad Santos, and De Castro,[*] JJ., in the result.

Barredo, J., I concur because I can see that the legal conclusions of Mr. Justice Aquino are meritable, but I have my reservations as to whether or not the so-called “latitudinarian or expansive” jurisprudence should be abandoned. Any backward step in the rights of labor is always difficult to justify. Those in charge of the innovations in the law would be well advised if they tried their best to be compassionate in applying them.

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