

NICERIO R. DELA CRUZ, PETITIONER, VS. EMPLOYEES COMPENSATION COMMISSION (ECC) AND SOCIAL SECURITY SYSTEM (SSS), RESPONDENTS.

Ponente: CARANDANG, J.

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CARANDANG, J.:

This petition for review under Rule 43 of the Rules of Court seeks to reverse and set aside the Decision[1] dated December 20, 2012 of the Employees Compensation Commission (ECC) which affirmed the Decision[2] dated September 11, 2012 of the Social Security System (SSS) denying petitioner's claim for disability benefits under the Employees' Compensation Law (P.D. No. 626, as amended).

The facts of the case:

Petitioner Nicerio R. Dela Ruz was employed as Second Engineer of various shipping agencies from November 24, 1994 until March 28, 2010. His last employment was with Manila Ship Management and Manning, Inc., Makati City, through its principal, Hellepont Steamship Corporation as Staff Chief Engineer from June 14, 2010 until September 21, 2011 on intermittent basis.

On October 24, 2011 or barely a month from the termination of his last contract, petitioner was rushed to the Lung Center of the Philippines after he lost consciousness. His bleeding pressure reading then was noted to be at 180/100 mmHg, with bipedal edema grade 2 and ABG revealing metabolic acidosis. On November 11, 2011, petitioner was diagnosed to be suffering from Anemia secondary to Chronic Kidney Disease, Hypertensive Nephrosclerosis, Hypertensive Cardiovascular Disease (HCVD) and Hyperuricemia.

On February 27, 2012, petitioner was admitted at the National Kidney and Transplant Institute (NKTi) due to difficulty of breathing. He was discharged on March 28, 2012 with the following diagnoses: Chronic Kidney Disease Stage V Secondary to Hypertensive Nephrosclerosis; Urinary Tract Infection; Bilateral Pleural Effusion Secondary to Hospital Acquired Pneumonia; Renal Anemia.

On account of his ailments, petitioner, with SSS Policy No. 03-3680284-6, filed a claim with the SSS for employees compensation benefits under the Employees Compensation Law (P.D. 626, as amended). He was granted SSS sickness benefits and Permanent Partial Disability (PPD) benefits but his claim for employees compensation benefits was denied.

Petitioner wrote a letter of reconsideration of the denial of his claim to the SSS-Diliman Branch asserting that his working conditions on board a vessel increased the risk of contracting his ailment.[3]

On September 11, 2012, the SSS-Medical Operations Department (SSS-MOD) reiterated its denial of petitioner's claim ratiocinating that the risk of contracting petitioner's disease was increased by his 30 pack year smoking.

Petitioner appealed the case to the ECC which likewise denied his claim in the assailed Decision dated December 20, 2012.

Hence, this petition raising a lone issue for resolution, to wit:

WHETHER THE EMPLOYEES' COMPENSATION COMMISSION GRAVELY ERRED IN FINDING THAT THE PETITIONER'S ILLNESSES HAD NO CAUSAL RELATIONSHIP TO HIS WORK BEING A SEAMAN/SECOND ENGINEER.

We find merit in this petition.

Petitioner maintains that there is reasonable proof that the risk of his ailments was exacerbated by the working conditions in his workplace. Petitioner argues that while End Stage Renal Disease (ESRD) is not listed as an occupational disease under Annex "A" of the Amended Rules on Employees Compensation, only reasonable proof of work-connection and not direct causal relation is required in compensation proceedings. He asserts that his job as a seaman required him to be in the ship's engine room where he was exposed to various chemicals and toxic fumes emitted by the ship's engine which are inimical to his health. He performed numerous tasks which are physically taxing and stressful. Further, even assuming that End Stage Renal Disease is not a compensable disease, petitioner claims that hypertension, one of his illnesses, is a compensable illness.

Under Section 1(b), Rule III implementing P.D. No. 626, sickness or death is compensable if the cause is included in the list of occupational diseases annexed to the Rules. If not so listed, compensation may still be recovered if the illness is caused or precipitated by factors inherent in the employee's work and working conditions. Here, strict rules of evidence are not applicable since the quantum of evidence required under P.D. No. 626 is merely substantial evidence, which means "such relevant evidence as a reasonable mind might accept as adequate to support a conclusion." What the law requires is a reasonable work-connection and not a direct causal relation. It is sufficient that the hypothesis on which the workmen's claim is based is probable since probability, not certainty, is the touchstone."^[4]

It is clear from the records that petitioner had been a merchant marine seaman employed as Second Engineer and Staff Chief Engineer of various shipping agencies from 1994 to 2011 or a period of almost seventeen (17) years.^[5] It is likewise established that petitioner worked on board an oil tanker/chemical tanker containing oil cargo transported worldwide such as crude oil, diesel oil, gasoline oil, jet fuel or aviation fuel and naphtha, and chemicals for maintenance such as boiler coagulant, condensate control, carbon remover, descaling liquid, hardness control, metal brite, electrosolv-E, coldwash-HD and environclean.^[6] Petitioner's exposure to said chemicals and toxic fumes which are all health hazards and the working conditions on board the oil/chemical tanker undoubtedly increased the risk of contracting his illness. Constant exposure to these toxic chemicals, harsh sea weather conditions, chemical irritants, dusts, and the physical strain and pressure attendant his job as Second Engineer/Staff Chief Engineer on the vessels he boarded has clearly aggravated the illness of petitioner.

In his letter^[7] of reconsideration filed with SSS, petitioner explained that with the kind of cargoes they are transporting, it is hard not to inhale the fumes while doing maintenance on the machineries of the vessel or repairing big cargo pump inside the pump room. They even have to leave their work sometimes because it gives them headache. Petitioner further claimed that the water they are drinking is sometimes contaminated with salt water and the reservoir is often rusty. The food supply are all frozen (meat, pork, chicken and fish) save for fresh vegetables which is only good for 10-15 days, that is why they do not have a balanced diet. As a Senior Officer, petitioner has no fix working time. Aside from his regular working hours, there is emergency work at times and paper works that need to be done, all of which required him to stay up all night.

Verily, while End Stage Renal Disease is not listed as an occupational disease under Annex "A" of the Amended Rules on Employees Compensation, there is a certain degree of probability that the working conditions aboard the

vessel aggravated or increased the risk of contracting the illness of petitioner. The reasonable connection between his work and his disease suffices for compensability. It has been held time and again that probability and not the ultimate degree of certainty is the test of proof in compensation proceedings. The progression of petitioner's disease was brought about largely by the working conditions in his job as a seaman for seventeen (17) long years.

Besides, there can be no question that petitioner's other illness, Essential Hypertension, is a compensable illness.[8] High blood pressure (hypertension) is a leading cause of kidney disease and kidney failure (end-stage renal disease).[9] It has been shown that End Stage Renal Disease is scientifically linked to hypertension.[10] Hence, We cannot close our eyes to the reasonable connection of his work vis-à-vis his illness.

The ECC denied petitioner's claim on the ground that petitioner's history of cigarette smoking caused the manifestation of his hypertension. Petitioner admitted that he used to smoke but he already stopped on August 2000 when he got sick and was hospitalized for almost one (1) month because of lung abscess. Besides, while smoking is a known cause of hypertension which causes damage to the kidneys, this Court is of the belief that petitioner's smoking is not the proximate cause of contracting his illnesses. He stopped smoking in 2000 and he was diagnosed with End Stage Renal Disease only in 2011. With Our observations afore-stated, there is indeed reasonable proof that the working conditions on board the vessel aggravated or increased the risk and is probably a big factor in the development of petitioner's illnesses.

P.D. No. 626, otherwise known as the Employees Compensation Act, is a specie of social legislation, the primary purpose of which is to provide meaningful protection to the ordinary worker against the perils of disability, the hazards of illness, and hardships of other contingencies which may result in the loss of income. Indeed, it is the policy of the State to give maximum aid and protection to labor.[11] Workers whose capabilities have been diminished, if not completely impaired, as a consequence of their service, ought to be given benefits they deserve under the law. Compassion for them is not a dole-out, but a right.[12]

WHEREFORE, premises considered, the instant petition is GRANTED. The assailed Decision dated December 20, 2012 of the Employees Compensation Commission (ECC) is REVERSED and SET ASIDE. The Employees Compensation Commission is hereby DIRECTED to pay petitioner Nicerio R. Dela Cruz his claim for compensation benefits pursuant to P.D. 626, as amended.

SO ORDERED.

WE CONCUR:

C E R T I F I C A T I O N

Pursuant to Article VIII, Section 13 of the Constitution, it is hereby certified that the conclusions in the above decision were reached in consultation before the case was assigned to the writer of the opinion of the Court.

Gonzales-Sison and Sorongon, JJ., concur.

[1] Rollo, pp. 24-31.

[2] Rollo, p. 83.

[3] Rollo, pp. 81-82.

[4] GSIS vs. Cordero, GR Nos. 171378 & 171388, March 17, 2009.

[5] See Certificate of Sea Service, Rollo, p. 32.

[6] See Certification dated June 29, 2012 issued by Manila Shipmanagement & Manning, Inc., Rollo, p. 85.

[7] Rollo, pp. 81-82.

[8] GSIS vs. Cordero, G.R. No. 171378 & 171388, March 17, 2009; Republic vs. Mariano, G.R. No. 139455, March 28, 2003, 400 SCRA 86; GSIS vs. Gabriel, 308 SCRA 705, 1999

[9] <http://www.webmd.com/hypertension-high-blood-pressure/guide/hypertension-related-kidney-disease>

[10] GSIS vs. Cordero, G.R. No. 171378 & 171388, March 17, 2009.

[11] Rañises vs. ECC & SSS, G.R. No. 141709, August 16, 2005.

[12] Republic vs. Mariano, G.R. No. 139455, March 28, 2003.

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