

LOIDA SEPULVEDA, PETITIONER, VS. EMPLOYEES' COMPENSATION COMMISSION & GOVERNMENT SERVICE INSURANCE SYSTEM, (BUREAU OF ELEMENTARY EDUCATION), RESPONDENTS.

G.R. No. L-46290. August 25, 1978

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. 0186 entitled "Loida Sepulveda, Appellant, vs. Government Service Insurance System (Bureau of Elementary Education), Respondent", dismissing the claim of the petitioner.[1]

The petitioner, Loida Sepulveda, is the widow of the late Gabriel M. Sepulveda who was a grades school teacher in Balatacan, Tangub City, and who died on December 6, 1975 due to an ailment diagnosed as myocardial infarction after having been in the employ of the Department of Education and Culture for more than thirty (30) years.

The petitioner filed on April 20, 1976 with the Government Service Insurance System a claim for income benefits for the death of her husband under Presidential Decree No. 626, as amended.

The Government Service Insurance System denied the claim on the ground that the cause of death of Gabriel M. Sepulveda is not an occupational disease.

The petitioner appealed to the Employees' Compensation Commission which affirmed the decision of the Government Service Insurance System.

The facts as found by the Employees' Compensation Commission are that the late Gabriel M. Sepulveda, a 60-year old elementary grades teacher of Balatacan, Tangub City, had been employed by the Department of Education and Culture for more than 30 years; that his ailments which resulted in his death started in 1966 as symptoms of sudden cough, which on diagnosis, was determined to be bronchial asthma and hypertension with hypercholesterolemia; that thereafter, Gabriel M. Sepulveda had been confined on several occasions at different hospitals due to the same pathological conditions; and that finally, he died at the Aruelo General Clinic on December 6, 1975 due to an ailment diagnosed as myocardial infarction.[2]

In their comment and motion, the respondents state:

"The fact that the risk of contracting the disease is increased by the working conditions is not an independent ground by itself to make the illness compensable. There must be first of all an illness caused by employment, the proof required by the employee being merely a requisite condition thereto.

It is in view of the above-considerations that this instant claim of the petitioner for the death of her husband was decided by the respondent Commission; and consequently, the denial of petitioner's claim.

However, the respondent Commission, under Resolution No. 223 dated March 16, 1977, adopted, as a policy, the institution of a more compassionate interpretation of the restrictive provisions of Presidential Decree No. 626, as amended, by its administering agencies, the Social Security System and the Government Service Insurance System, with respect to, among others, Myocardial Infarction and other borderline cases. Further, under Resolution No. 432 dated July 20, 1977, the respondent Commission, pursuant to its policy of expanding the list of compensable diseases, has approved for incorporation into the official list of work-related diseases under PD 626, as amended, seven (7) additional diseases which included among others, Cardio-vascular disease which may include Myocardial Infarction, Pneumonia and Bronchial Asthma.

Furthermore, the respondent Commission likewise ruled in *Amparo vs. GSIS*, ECC Case No. 0046, August 18, 1976, that, under conditions of work obtaining therein, death caused by Myocardial Infarction is compensable under the theory of increased risk in the contraction thereof."^[3]

The petitioner presented as part of her evidence the certification of the attending physician of Gabriel M. Sepulveda which states that the asthmatic condition was contracted by Gabriel M. Sepulveda due to his occupation as a schoolroom teacher assigned to one of the remotest parts of Tanguib City way back in 1945 and that this asthmatic attack came on and off depending upon the stress of his work.^[4]

It is, therefore, clear that the illness of the deceased Gabriel M. Sepulveda was directly brought about by his employment or was a result of the nature of such employment.

WHEREFORE, the decision appealed from is hereby set aside and the GSIS is ordered to pay petitioner and dependent children (if any) as primary beneficiaries the death benefits due and payable to them under Article 194 of the Labor Code (P. D. No. 442 as amended) up to the amount of Twelve Thousand Pesos (P12,000.00).

SO ORDERED.

Teehankee, (Chairman), Makasiar, Muñoz Palma, and Guerrero, JJ., concur.

[1] Annex "E", Rollo, pp. 32-35.

[2] Annex "G", Rollo, pp. 32-33.

[3] Rollo, pp. 57-58.

[4] Rollo, p. 33.

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