

SUSANA M. LEAL, PETITIONER, VS. EMPLOYEES COMPENSATION COMMISSION AND THE GOVERNMENT SERVICE INSURANCE SYSTEM (NATIONAL IRRIGATION ADMINISTRATION), RESPONDENTS.

G.R. No. L-46545. October 30, 1980

Ponente: FERNANDEZ, J.

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FERNANDEZ, J.:

This is a petition to review the decision of the Employees Compensation Commission denying the claim of Susana M. Leal for employees' compensation arising from the death of her husband, Anacleto A. Leal.[1]

The petitioner filed with the Government Service Insurance System an application for benefits under Presidential Decree No. 626, as amended on the ground that her husband, Anacleto A. Leal, died of severe anemia secondary to gastric malignancy which was caused by the nature of his duties as ditchtender of the National Irrigation Administration assigned to the Agno River Irrigation System, Urdaneta, Pangasinan.

In a letter dated September 13, 1976, the Government Service Insurance System through its Assistant General Manager denied the claim on the ground that severe anemia secondary to gastric malignancy is not an occupational disease.[2]

After the request for reconsideration was denied by the Government Service Insurance System in a letter dated October 11, 1976,[3] the petitioner appealed to the Employees Compensation Commission.[4]

The record shows that Anacleto A. Leal was employed as ditchtender with the National Irrigation Administration at Urdaneta, Pangasinan; that as ditchtender his duties were to clean the canals, lateral gates and conduits of deposits and debris, to inspect and repair damaged canals to prevent unauthorized diversion of water; that the nature of his work required him to be in the field most of the time not only during the day but also at night; and that on April 15, 1976, Anacleto A. Leal died of an ailment diagnosed as "severe anemia secondary to gastric malignancy".

The Medical Division of the Employees Compensation Commission found as one of the predisposing factors of gastric malignancy "environmental such as rural residence x x x".[5]

The nature of the duties as ditchtender must have subjected Anacleto A. Leal to heat and exposure to the elements which ultimately weakened him resulting in gastric malignancy which directly caused severe anemia.

While it is true that gastric malignancy is not one of the occupational diseases listed by the National Labor Relations Commission, the facts of record clearly show that said ailment must have been caused by the nature of the employment of Anacleto A. Leal.

In view of the foregoing, the ailment which caused the death of Anacleto A. Leal is compensable under Presidential Decree No. 626, as amended.

WHEREFORE, the decision sought to be reviewed is hereby set aside and the Government Service Insurance System is ordered to pay the petitioner the amount of SIX THOUSAND PESOS (P6,000.00) as death benefits; the amount of SIX HUNDRED PESOS (P600.00) as attorney's fees; and the amount of ONE THOUSAND PESOS (P1,000.00) as funeral expenses.

SO ORDERED.

Teehankee, Acting C.J., Makasiar, Guerrero, and De Castro,[*] JJ., concur.

Melencio-Herrera, J., "Severe anemia secondary to gastric malignancy" is not listed as an occupational disease. Nor is it an ailment caused by the nature of the employment of Anacleto Leal as a ditchtender. I am constrained, therefore, to vote for the affirmance of the decision of the Employees' Compensation Commission.

[*] Mr. Justice de Castro was designated to sit with the First Division.

[1] Annex "E", Rollo, pp. 16-17.

[2] Annex "A", Rollo, p. 9.

[3] Rollo, p. 14.

[4] Rollo, p. 15.

[5] Decision of Employees Compensation Commission, Rollo, p. 17.

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