

NICETAS C. RODRIGUEZ, PETITIONER, VS. EMPLOYEES' COMPENSATION COMMISSION AND GOVERNMENT SERVICE INSURANCE SYSTEM (BUREAU OF ELEMENTARY EDUCATION), RESPONDENTS.

G.R. No. L-46454. September 28, 1989

Ponente: REGALADO, J.

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REGALADO, J.:

Petitioner's late husband, Hector P. Rodriguez, was a public school teacher assigned at Salaan Elementary School in Mangaldan, Pangasinan. On November 19, 1975 he went on sick leave and was confined at the Pangasinan Provincial Hospital after complaining of severe stomach pains accompanied by nausea and vomiting, later diagnosed as "Intestinal Lipomatosis of the Large Colon with Obstruction of the Ascending Colon." His ailment called for a surgical operation which was performed on November 27, 1975 but this proved unavailing. A few days thereafter, on December 2, 1975, he expired.

On January 28, 1976, petitioner filed a claim for death compensation under the Labor Code with respondent Government Service Insurance System (hereinafter referred to as GSIS). In a letter-decision dated February 23, 1976, the GSIS denied the claim finding that the cause of the death of petitioner's husband is not an occupational disease since the nature of his duties as a teacher, as well as the working conditions of his employment, could not have directly caused his ailment which eventuated in his subsequent death.[1] Petitioner's motion for reconsideration, dated August 11, 1976, was denied upon the finding that the evidence failed to establish that the decedent's employment had any causal relationship with the contraction of the ailment and there was no showing that the same directly arose therefrom or resulted from the nature thereof.[2] A second motion for reconsideration filed on October 18, 1976 having been denied by the GSIS, petitioner's claim was elevated for review to the respondent commission where it was docketed as ECC Case No. 0266.

On March 16, 1977, respondent commission affirmed the ruling of the GSIS and denied the claim of petitioner. The case is now before us on a petition for review.

The applicable rule established in law and jurisprudence concerning claims based on the provisions of the Labor Code on employees' compensation, particularly on death benefits under Article 194, is that they must result from an occupational disease. A compensable disease means any illness accepted and listed by the Employees' Compensation Commission or any illness caused by the employment subject to proof by the employee that the risk of contracting the same was increased by the working conditions.[3]

If the disease is listed in the Table of Occupational Diseases embodied in Annex A of the Rules on Employees' Compensation, no proof of causation is required. However, if it is not so listed, it has been held that the employee, this time assisted by his employer, is required to prove a positive proposition, that is, that the risk of contracting the disease is increased by the working conditions. The fact that the cause of the disease was not positively identified does not dispense with this burden of proof.[4]

The observations heretofore made do not mean that proof of direct causal relation is indispensably required. It is enough that the claimant adduces proof of reasonable work connection, whereby the development of the disease was brought about largely by the conditions present in the nature of the job. Strict rules of evidence are not demanded, the degree of proof required being merely substantial evidence, which has been held to be such relevant evidence as a reasonable mind might accept as sufficient to support a conclusion.[5]

After the surgical operation performed by Dr. Arturo de Vera, he gave the clinical impression that the deceased was suffering from "Intestinal Obstruction Partial, due to Lipomatosis of the Colon and Adhesion," explained by respondent commission as follows:

"x x x As established in medical science, intestinal obstruction is a condition in which the passage of intestinal contents is arrested or seriously impaired. This is due to causes which are either mechanical, vascular or neurogenic. Mechanical causes are intrinsic factors as adhesions and tumors, such as what happened in the instant case, and hernia, and such factors as impacted foreign body or feces, parasites and gallstones. Vascular causes include embolism or trombosis of a large blood vessel. The neurogenic causes consist of those seen in pneumonia and peritonitis and following abdominal surgery or injuries to the spinal cord. (The Merck Manual-8th edition: Principles of Internal Medicine by Harrison). x x x "[6]

Public respondent GSIS in its letter-decision also gave this explanation to petitioner:

"Intestinal Obstruction is failure of progression of intestinal contents due to mechanical causes or to inadequacy of intestinal muscular activity. In your husband's case, it was due to Lipomatosis and Adhesions. Lipomata are benign (sic) tumors characteristically found in middle adult life, although they may have been growing slowly for many years before making clinical mischief. They arise from adipose or fatty tissue anywhere in the body. The mesentery of the colon contains a large amount of such tissue and this may produce obstruction by compression of the intestinal wall. Worthy of note is the fact that the abdomen of your late husband was markedly obese."[7]

Petitioner does not dispute the fact that the principal duties of her husband as a classroom teacher alone would not have any connection with his disease. However, she posits that the deceased's auxiliary activities as a classroom teacher directly affected his physical constitution and indubitably caused him to have sustained some trauma in his abdominal cavity and other parts of the body. According to petitioner, the deceased was a member of the basketball team of the public school teachers in their school for the last five years prior to his death and had served as a coach in basketball for three years. He was also said to have been an active member of the Boy Scouts of the Philippines serving as committee chairman of Unit 671 of the Pangasinan council.[8]

It is our considered view that the circumstances alleged by the petitioner and the evidence she presented are not enough to discharge the required quantum of proof, liberal as it is. There is no clear evidence as to when the disease commenced and supervened; the tumors which developed in the deceased's colon may have been growing for many years even before he was employed as a teacher. Neither was there any indication as to what really caused the disease: in fact, the nature of the disease as described militate against a finding of a causal nexus. The "trauma" that was supposed to have caused or at least contributed to the disease was neither satisfactorily clarified nor adequately proved. Surely, the activities relied upon by the petitioner being outside the regular or primary functions of a teacher could not have been done every working day. It is safe to assume that they were done only for certain limited periods of time and on isolated occasions as for instance, during competitions. Thus, it cannot be said that decedent's work as a teacher exposed him to hazards different or greater from those involved in ordinary or normal life-styles. There is no showing that he did not engage in other extraneous activities, aside from playing basketball or being a member of the Boy Scouts. Of further note is the observation that the abdomen of the deceased was markedly obese, which circumstance may also have been a causative or contributive factor considering the etiological and pathological particulars of said ailment.

Additionally, even assuming ex gratia argumenti that said co-curricular activities can be considered as "hazards," as theorized by petitioner, exposure to the same was on the voluntary choice of the deceased. As pointed out by respondent commission, the decision to engage therein was at decedent's option since, not forming part of his work as teacher, there was no compulsion on him to participate said activities.

UNDER THE FOREGOING CONSIDERATIONS, the instant petition is DENIED and the decision of respondent Employees' Compensation Commission is AFFIRMED.

SO ORDERED.

Melencio-Herrera, (Chairman) and Padilla, J., concur.

Paras, J., I dissent conformably with my dissent in the RARO case.

Sarmiento, J., I dissent. (See dissenting opinion.)

[1] Rollo, 20.

[2] Ibid., 12-13.

[3] Art. 167 (1), Labor Code; Dabatian vs. GSIS, 149 SCRA 123 (1987); Tanedo vs. Employees' Compensation Commission, et al., 154 SCRA 289 (1987); Mora, Jr. vs. Employees' Compensation Commission, et al., 156 SCRA 16 (1987); Garol vs. Employees' Compensation Commission, et al., G.R. No. 55233, November 29, 1988.

[4] Raro vs. Employees' Compensation Commission, et al., G.R. No. 58445, April 27, 1989.

[5] Bagsican vs. Court of Appeals, et al., 141 SCRA 226 (1986); Tolentino, et al. vs. Court of Appeals, et al., 150 SCRA 26 (1987).

[6] Ibid., 22.

[7] Ibid., 11-12.

[8] Ibid., 15.

Rodriguez vs ECC : L-46454 : September 28, 1989 : J. Sarmiento : Second Division : Dissenting Opinion 6 pt 6 pt 0 3 MicrosoftInternetExplorer4 st1:.*{behavior:url(#ieooui) } /* Style Definitions */ table.MsoNormalTable {mso-style-name:"Table Normal"; mso-tstyle-rowband-size:0; mso-tstyle-colband-size:0; mso-style-noshow:yes; mso-style-parent:""; mso-padding-alt:0in 5.4pt 0in 5.4pt; mso-para-margin:0in; mso-para-margin-bottom:.0001pt; mso-pagination:widow-orphan; font-size:10.0pt; font-family:"Times New Roman";}

DISSENTING OPINION

SARMIENTO, J.:

The view I expressed in the dissent I filed in Raro vs. Employees' Compensation Commission, et al., [1] consonant with my opinion in Iscala vs. Republic of the Philippines (Dept. of Education & Culture, Bureau of Public Schools). Government Service Insurance, et al., has not changed one whit.

I wrote in Raro:

I do not think that the Labor Code intended to do away with the "presumption of compensability" prevailing under the old Workmen's Compensation Act. It must be noted that as a social legislation, the Code is

fundamentally a measure intended to afford protection unto the working class. If any protection should be given to labor, it is in workmen's compensation cases that protection is a felt need.

The primacy that the majority would give to the integrity or the trust fund “to which the tens of millions of workers and their families look for compensation whenever covered accidents, diseases, and deaths occur” is correct but, in my view, hardly the point. In granting the petitioner compensation, I do not believe we would have dissipated substantially the State Insurance Fund, and considering the fact that the petitioner is a victim herself.

It must likewise be noted that the petitioner is suffering from cancer (brain tumor), whose cause medical science is yet to unravel. It would then be asking too much to make her prove that her illness was caused by work or aggravated by it, when experts themselves are ignorant as to what brings it about.

I do not believe, finally, that the question is a matter for legislation. Compassion, in my view, is reason enough.[2]

Compassion and liberality in favor of employees and workers in the constrution of social legislation are constant.

[1] G.R. No. 58445. April 27, 1989, En Banc.

[2] L-47414, December 11, 1987, Second Division: 166 SCRA 270.

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