

NONATO ROSALES, PETITIONER, VS. EMPLOYEES' COMPENSATION COMMISSION, GOVERNMENT SERVICE INSURANCE SYSTEM AND THE DEVELOPMENT BANK OF THE PHILIPPINES, RESPONDENTS.

G.R. No. L-46443. June 28, 1988

Ponente: PADILLA, J.

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PADILLA, J.:

Assailed in this petition for review on certiorari is the decision of the Employees' Compensation Commission, dated 17 April 1977, affirming in toto the ruling of the Employees' Compensation Department of the Government Service Insurance System, dated 23 August 1976, which denied petitioner's claim for benefits.

Petitioner, at the time of his retirement on 31 July 1976, was an employee of the Development Bank of the Philippines, Ilagan, Isabela, specifically, a Collateral and File Clerk. Prior to holding said position, he held the positions of clerk-typist, clerk-stenographer and collection clerk, respectively, in the same bank.

On 6 to 10 April 1976, petitioner was confined in the University of Santo Tomas Hospital where his ailment was diagnosed as Rheumatoid Arthritis. Following his disability, petitioner filed on 12 August 1976 with the Government Service Insurance System (GSIS) a claim for employees' compensation under Presidential Decree No. 626. His application was denied on 23 August 1976.[1] Petitioner twice moved to reconsider the denial of his claim with the GSIS, but the latter denied both motions for reconsideration. On appeal to the Employees' Compensation Commission (JECC), the order of denial was affirmed in toto.[2] Hence, the instant petition.

In his three-page petition, petitioner raises as errors allegedly committed by the ECC. the following:

"A.

That respondent Commission have acted with grave abuse of discretion when it declared that petitioner's ailment, DIAGNOSED as 'Rheumatoid Arthritis' is not an occupational disease;

B.

Likewise, respondent Commission has acted with grave abuse of discretion when it declared that petitioner miserably failed to offer proofs substantial enough to show that such disease arose or has aggravated in the course of his employment due to working conditions;

C.

Finally, respondent Commission has acted in excess of its jurisdiction in denying altogether petitioner's compensation benefits.

and contends that the decision of the (iSIS, thru its Employees' Compensation Department, and that of the ECC are "not in accord with the applicable decisions of this Tribunal and in violative to (violation of the spirit of Social Legislations which are designed for the benefit of retiring employees of the government. [3]

The petition is without merit.

Petitioner filed his claim under PD No. 626 which took effect on 1 January 1975. Under said law, for an illness to be compensable, it must be definitely accepted as an occupational disease listed by the Commission, or any illness caused by employment subject to proof by the employee that the risk of contracting the same was increased by working conditions.[4]

The ECC denied the claim of petitioner for compensation on the ground that the ailment. Rheumatoid Arthritis, was not an occupational disease, and that, as required by law, petitioner failed to show proof that the risk of contracting the disease was increased by his working conditions. We quote from the assailed decision:

"Perusal of the evidence on record in the instant claim will disclose to the miserable failure of the appellant to discharge the burden required of him by the new law on employees' compensation. Much as we may postulate the identity of liberality, we cannot go so far as to cast favorable reflection on what is otherwise a claim clearly lacking of support in evidence, which is mandatory requisite under PD. No. 626. as amended, for finding the ailment in question as an occupational disease, or that, its contraction was the result of the appellants' working conditions, it follows then that the appealed decisions is in accordance with the law and cannot be disturbed.[5]

In denying, petitioner's claim, the ECC properly applied PD No. 626.

In workmen's compensation cases, the governing law is determined by the date on which the claimant contracted his illness.[6] Thus, where an ailment supervened before the new Labor Code took effect, the governing law is the old Workmen's Compensation Act. On the other hand, where an ailment occurred after 1 January 1975, the new law on Employees' Compensation applies.[7] Applying the foregoing rules to the present case, we find nothing in the allegations as to when petitioner contracted the disease. For failure to do so, and having filed his claim under PD. No. 626, the presumption is that he contracted the disease after the effectivity of PD No. 626 on 1 January 1975. The ECC, therefore, in rendering the assailed decision and resolution, denying petitioner's claim, could not be faulted in applying the governing law, which is PD. No. 626.

Moreover, the doctrine enunciated by this Court in *Caparas vs. WCC, et al.*, [8] cited by petitioner in his motion for reconsideration of the ruling of the Employees' Compensation Department of the GSIS, is not applicable in the present case. In that case, the Court granted compensation, on the basis of the old Workmen's Compensation Act, it appearing that claimant contracted the disease prior to the effectivity of PD No. 626.

WHEREFORE, the petition is hereby DENIED. With costs against petitioner.

SO ORDERED.

Yap, C.J. (Chairman), Melencio-Herrera, and Sarmiento, JJ., concur.

Paras, J., concurs in the result.

[1] Annex A, Rollo, p. 13.

[2] Annex C, Rollo, pp. 15-16.

[3] Petition, p. 2.

[4] De Jesus vs. HCC. 142 SCRA 92. 96.

[5] Rollo, p. 16

[6] Pilipinas Shell Petroleum Corporation of the Philippines vs. De la Rosa, citing the case of Cepeda vs. Bacolod, 135 SCRA 505; 146 SCRA 222,227.

[7] Milano vs. ECC, 142 SCRA 52. 55.

[8] 73 SCRA 221.

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