

HILARIA DABATIAN, PETITIONER, VS. GOVERNMENT SERVICE INSURANCE SYSTEM (GENERAL SERVICES DEPARTMENT, CAGAYAN DE ORO CITY), RESPONDENT.

G.R. No. L-47294. April 08, 1987

Ponente: GANCAYCO, J.

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GANCAYCO, J.:

A petition to review the decision of the Employees' Compensation Commission dated June 27, 1977 in ECC Case No. 0217 which affirmed the decision of the Government Service Insurance System (GSIS) denying the claim for death benefits of Hilaria Dabatian, widow of the late Sigfredo A. Dabatian, was filed on September 26, 1977. However, for failure to file the necessary docket fees, this Court denied the petition in a Resolution dated September 30, 1977.

A Motion for Reconsideration together with a motion to litigate as pauper was filed by the petitioner and this Court, in a Resolution dated November 11, 1977, gave due course to the petition and required the parties to file simultaneous memoranda. The Employees' Compensation Commission, which was not formally impleaded as respondent in the petition, filed its memorandum and so did respondent GSIS. Petitioner failed to file her memorandum. The case was submitted for decision on August 30, 1978.

The undisputed factual background as found by the ECC which should have been made the proper respondent in this case, is as follows:

"At the time of his death, Sigfredo A. Dabatian was employed as Garbage Truck Driver in the General Services Department of the City Government of Cagayan de Oro City. As Garbage Truck Driver, he was assigned mostly in the night shift. In fact, at the time of his death, his time of duty started from 10:00 o'clock at night to 6:00 o'clock in the morning the next day. It was gathered from the evidence on record that the deceased was a heavy coffee drinker which was his way of warding off sleepiness.

"Prior to his death, he was observed by his co-employees to have been getting paler and weaker while at work until the time he collapsed and became unconscious while on his tour duty and was brought to his residence by his companions. Despite hospitalization, he died two weeks later on July 3, 1976.

"A claim for income benefits under the Employee's Compensation Program was filed by the widow, the herein appellant. The Government Service Insurance System decided against the compensability of the claim on the ground that decedent's ailment, Peptic Ulcer, is not definitely accepted as an occupational disease, as listed under the present law on compensation. Neither was there a showing that the same was directly caused by his employment and that the risk of contracting the same was increased by the working conditions attendant to the deceased's employment."[1]

The case was then elevated to the ECC which ruled that:

"x x x Peptic ulcer, the deceased's main ailment, is a sharply circumscribed loss of tissue resulting from the digestive action of acid gastric juice. Aggravating factors are ingestion of alcohol, coffee, tea and cola drinks.

Cigarette smoking & has also been documented to be a definite cause of delayed healing of ulcer. Some drugs also contribute to its occurrence. Another factor in the production of peptic ulcer is the hereditary predisposition which seems to play a major role in the occurrence of peptic ulcer. Intractable bleeding is a complication of peptic ulcer. Death will ensue due to irreversible shock as a result of a bleeding peptic ulcer. (Principles of Internal Medicine by Harrison).

Upon evaluation based on generally accepted medical authorities, the deceased's ailment was found not to be in the least causally related to his duties and conditions of work. His ailment was principally traceable to factors which were definitely not work-connected, specifically, his inherent predisposition to drinking coffee heavily which could have aggravated his contraction of the disease resulting to his death. However, aggravation of an illness is not a ground for compensation under the present compensation law."^[2]

On these considerations, the ECC found no sufficient basis to reverse the ruling of the GSIS denying petitioner's claim. Hence, this petition for certiorari.

The sole issue which the Court must determine is whether or not under the premises the death of Sigfredo A. Dabatian is compensable.

The petition obviously addresses itself to the presumption of compensability and the principle of aggravation which were sufficient grounds for entitlement under the Workmen's Compensation Act. In fact, all the cases cited by the petitioner were decided under the old compensation law.

The records show that petitioner died on July 3, 1976 when the old compensation law had already been abrogated. No competent evidence whatsoever was submitted to prove that Dabatian's ailment was contracted prior to January 1, 1975 in order to bring it under the protective mantle of the old compensation law.^[3] There are no medical findings, affidavits, reports or any other evidence that the deceased suffered from pain or any discomfort prior to the effectivity of the New Labor Code. No allegation was even made to this effect. True it is, that strict rules on evidence do not apply in cases such as this and that all doubts should be resolved in favor of labor. However, We cannot over-extend the limits of such rules. Justice and fair play dictate otherwise. The new law on compensation should be applied to this case.

The present labor Code, P.D. 442 as amended, abolished the presumption of compensability and the rule on aggravation of illness caused by the nature of employment, the reason being - "to restore a sensible equilibrium between the employer's obligation to pay workmen's compensation and the employee's right to receive reparation for work-connected death or disability x x x."^[4] It was found, and rightly so, that the old law, the Workmen's Compensation Act, destroyed the parity or balance between the competing interests of employer and employee with respect to workmen's compensation. The balance was tilted unduly in favor of the workmen since it was possible to stretch the work-related nature of an ailment beyond seemingly rational limits.^[5]

Thus, under the present law,^[6] in order for the employee to be entitled to sickness or death benefits, the sickness or death resulting therefrom must be, or must have resulted from either a) any illness definitely accepted as an occupational disease listed by the Commission, or b) any illness caused by employment subject to proof that the risk of contracting the same is increased by working conditions.

Since peptic ulcer is not included in the list of occupational diseases as drawn up by the Commission, then petitioner has the burden of proving that the nature of her husband's work increased the risk of contracting the disease.

Aside from the undisputed fact that the deceased is a heavy coffee drinker, which was his way of warding off sleepiness, no evidence was ever adduced by petitioner to bolster the theory that her husband's work increased the

risk of contracting the ailment.

Being a heavy coffee drinker may have aggravated his peptic ulcer, but, aggravation of an illness is no longer a ground for compensation under the present law.

This Court takes notice of the fact that the conditions in this case are not peculiar to the work mentioned herein. Many, if not most, employees are equally exposed to similar conditions but have not been victims of peptic ulcer.

WHEREFORE, premises considered, the petition is denied for lack of merit. No costs.

SO ORDERED.

Yap, (Chairman), Narvasa, Melencio-Herrera, Cruz, Feliciano, and Sarmiento, JJ., concur.

[1] Pages 9-10, Record.

[2] Supra, pp. 10-11.

[3] Article 208, PD 442 as amended.

[4] Armeña vs. ECC, 122 SCRA 851; Sulit vs. ECC, 98 SCRA 483, among others.

[5] De Jesus vs. ECC, 142 SCRA 92, 99.

[6] Article 167 (L) of the New Labor Code, PD 442 as amended, and Section 1(b), Rule III of the Amended Rules on Employees' Compensation; De Jesus vs. ECC, 142 SCRA 92; Vda. de Silencio vs. ECC, 131 SCRA 128; Armeña vs. ECC, 122 SCRA 851.

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