

**ELIGIO P. MIRASOL, PETITIONER, VS. EMPLOYEE'S
COMPENSATION COMMISSION AND GOVERNMENT SERVICE
INSURANCE SYSTEM (DEPARTMENT OF EDUCATION AND CULTURE),
RESPONDENTS.**

G.R. No. L-45910. April 28, 1980

Ponente: FERNANDEZ, J.

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FERNANDEZ, J.:

This is a petition to review the decision of the Employee's Compensation Commission in ECC Case No. 0134 entitled "Eligio Mirasol, Claimant, versus, Government Service Insurance System (Department of Education and Culture), Respondent" affirming the decision of the Government Service Insurance System denying the claim for compensation of Eligio P. Mirasol on the ground that the claimant's ailments, hypertension and rheumatic infection in both knees, are not occupational diseases arising from his employment.[1]

The petitioner, Eligio P. Mirasol, while in good health, was appointed as classroom teacher on August 1, 1945 in the public school in Libmanan, Camarines Sur. In 1960, he was appointed as District Food Production Coordinator and Attendant Teacher in the same school. He became a District Green Revolution Coordinator and Attendant Teacher in 1972. In 1974, the petitioner was given additional assignment as District Vocational Coordinator. The district was composed of forty eight (48) central-barrio schools, eighteen (18) of which were in the mountains which could be reached only on foot. Eight (8) schools were 30 kilometers and the nearest was 10 kilometers from the petitioner's headquarters in the town proper of Libmanan, Camarines Sur. It was the petitioner's duty to visit monthly all the district schools. On August 25, 1973, he experienced for the first time symptoms of malignant hypertension and rheumatoid arthritis. The ailments of the petitioner persisted. He was under continuous medical treatment until he retired on February 28, 1976 after having been in the government service for thirty one (31) years, more or less. His retirement was brought about by ailments diagnosed as high blood pressure and rheumatoid arthritis, both knees.[2]

The petitioner applied for compensation benefits under P.D. No. 626 to the Government Service Insurance System (GSIS) in 1976. In a letter dated March 8, 1976, the Senior Assistant General Manager, Domingo N. Garcia, of the GSIS denied the claim on the ground that the ailments of hypertension and rheumatic infection, both knees, are not occupational diseases and that the working conditions of the petitioner's employment could not have directly caused such ailments.[3]

The motion for reconsideration filed by the petitioner was denied by the Senior Assistant General Manager of the Government Service Insurance System in a letter dated May 17, 1976.[4]

The petitioner appealed to the Employee's Compensation Commission which affirmed the decision of the Government Service Insurance System denying the claim.

It is a fact that part of the duties of the petitioner was to make monthly visits to various schools which are not

accessible by road. To reach these mountainous schools, the petitioner had to hike through muddy ricefields and climb slippery mountains during sunny and rainy days. During these monthly visits, the petitioner fell down many times because of the slippery paths in the rice-fields and trails in the mountains. The ailments of hypertension and rheumatoid arthritis, both knees, must have been caused by the exposure to the elements of the petitioner and his falling down many times while hiking in muddy ricefields and on slippery mountain trails under all kinds of weather conditions on his way to the barrio schools not accessible by road.

There is sufficient substantial evidence of record to show that the ailments of the petitioner were caused by the duties of his employment and that the risk of contracting said ailments was increased by the working conditions. He is entitled to permanent total disability compensation.

The record also discloses that the petitioner received medical treatment.

WHEREFORE, the decision of the Employee's Compensation Commission sought to be reviewed is hereby set aside and the Government Service Insurance System is ordered:

- 1) To pay the petitioner the amount of Six Thousand Pesos (P6,000.00) as disability benefit;
- 2) To reimburse the petitioner the medical ex-penses he incurred, supported by proper receipts; and
- 3) To pay the petitioner the amount of Six Hundred Pesos (P600.00) as attorney's fees.

SO ORDERED.

Teehankee, (Chairman), Makasiar, Guerrero, and De Castro, JJ., concur.
Melencio-Herrera, J., dissents.

[1] Rollo, pp. 24-26.

[2] Petitioner's Memorandum, Rollo, pp. 160-161.

[3] Appendix "K", Rollo, p. 13.

[4] Appendix "L", Rollo, p. 20.

DISSENTING OPINION

MELENCIO-HERRERA, J.:

I am constrained to dissent, rheumatoid arthritis and hypertension not being occupational diseases, as held by the Employees' Compensation Commission. Its decision is on a matter within the area of its expertise.

Moreover, consistent with my view in *Meñez vs. ECC, et al.*, G.R. No. L-48488, rheumatoid arthritis has no definitely known etiology. It can be a hereditary disease. And as far as hypertension is concerned, its exact nature is not evident from the record, for one to be able to conclude that the risk of contracting it was increased by petitioner's working conditions.

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