

CLARITA SANTIAGO, PETITIONER, VS. EMPLOYEES' COMPENSATION COMMISSION AND GOVERNMENT SERVICE INSURANCE SYSTEM (BUR. OF ELEM. EDUCATION), RESPONDENTS.

G.R. No. L-47405. September 12, 1980

Ponente: FERNANDEZ, J.

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FERNANDEZ, J.:

This is a petition to review the decision of the Employees' Compensation Commission in ECC Case No. 0340 entitled "Clarita E. Santiago vs. Government Service Insurance System (Bureau of Elementary Education)", affirming the decision of the Government Service Insurance System denying the claim of Clarita E. Santiago for compensation under Presidential Decree No. 626, as amended, on the ground that her ailment is neither an occupational disease nor the result of the nature of her employment.[1]

The petitioner, Clarita E. Santiago, was employed as classroom teacher by the Bureau of Elementary Education since 1956 assigned at the Guerilla Elementary School, Bo. Concepcion, San Pablo City.

On May 24, 1976, the petitioner was admitted at the Good Samaritan Hospital, San Pablo City on complaint of hypogastric and lumbar pains, nausea and vomiting accompanied by scanty urination, on and off fever and general body malaise. The foregoing pathological conditions started since March 25, 1975. She was discharged from the hospital without apparent improvement from the clinical diagnosis of "Kidney Stones, Bilateral, Pyelonephritis, Secondary." In view of her rapidly deteriorating health, the petitioner applied for disability retirement under Republic Act 1616.

The petitioner filed on July 26, 1976, a claim for income benefits with the Government Service Insurance System under Presidential Decree No. 626, as amended, on the ground that her ailment was caused by the nature of her employment. On August 5, 1976, the said claim was denied by the respondent Government Service Insurance System on the ground that her ailment is not an occupational disease. The system further stated that the evidence submitted is not sufficient to establish that petitioner's ailment is the direct result of her occupation as teacher.

On September 7, 1976, the petitioner filed a request for reconsideration of the System's denial of her claim. In a letter dated September 13, 1976, the System denied the petitioner's request for reconsideration.

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

Hence, this petition for certiorari.

The Employees' Compensation Commission affirmed the decision of the Government Service Insurance System denying the claim of the petitioner because:

"It appears from the case's medical record that the main cause of appellant's present disability is her ailment of Staghorn Calculi, Pyelonephritis being merely secondary to the existing kidney stones. Staghorn calculi are

enlarged renal stones often associated with infection and progressive encroachment on renal function. Renal Stone formation is medically attributed to chronic dehydration, urinary obstruction and renal infection. On the other hand, Pyelonephritis is a disease resulting from the immediate or late effects of bacterial infection of the kidney. In the case on hand, urinary obstruction produced by the stones, makes the kidney susceptible to infection and the resulting pyelonephritis. (Principles of Internal Medicine by Harrison, 7th edition, pp. 1411-1412). Hence, for the disability resulting from the ailments to be compensable, it must be shown that the primary ailment of Staghorn Calculi, not being an occupational disease as listed under Annex 'A' of the implementing rules of P.D. No. 626, as amended, was brought about by an increased risk attributable to the appellant's nature of employment as a classroom teacher and/or the working conditions obtaining therefrom.

"We cannot accord due deference to the appellant's contention that her ailments developed from the heat emanating from the galvanized iron roofing of her classroom which is without ceiling. In the first place, such statement of the herein appellant is not substantiated by any evidence on record as to make it credible.

"A verdict of compensability under P.D. No. 626, as amended, cannot be based on mere unsubstantiated statement but it must be supported by a substantial evidence showing a causal link between the ailments in question and the working conditions. Secondly, if it were true that the excessive heat pervading inside her classroom as alleged, caused the development of the appellant's illnesses, it is not farfetched that the school children who keep the appellant company inside the classroom every school day, experiencing the same conditions as the appellant had, could have also developed the same ailments. Yet, there is nothing at all in the record indicative of the fact that any one or some of the school children are likewise afflicted of the appellant's ailments." [2]

The record discloses facts showing that the ailment of the petitioner was caused or aggravated by the nature of her employment.

When the petitioner was first employed by the Bureau of Elementary Schools as a classroom teacher, she was in good health. During the twenty years that she rendered service to the government, the petitioner's work was not confined to the routinary classroom activities. She was also assigned to supervise students on out-campus government programs in green revolution and youth civic action programs (YCAP). The petitioner was an active participant in scouting and at teachers' seminars and conferences and was involved in various community work and civic activities such as food production, organization of purok and barangay youth, as an election committee chairman, and attendance at barangay and PTA meetings and community assemblies. Occasionally she went with her co-teachers on a house to house visit to conduct census activities required by the government. There is also a showing that her classroom had no ceiling. Hence she was exposed to heat from the galvanized iron roof.

The nature of the out-campus activities of the petitioner could easily have caused the formation of kidney stones which may be due to inability to urinate regularly. The formation of the stones in the kidney made the kidney susceptible to infection. The infection of said kidney resulted to pyelonephritis.

The heat in the classroom must have contributed also to her ailment. Although the ailment is not listed by the National Labor Relations Commission as compensable disease, the evidence of record has established the causal relation between the ailment of Staghorn Calculi, pyelonephritis and the nature of the work and activities of the petitioner.

WHEREFORE, the decision of the Employees' Compensation Commission sought to be reviewed is hereby set aside and the Government Service Insurance System is ordered to pay the amount of P12,000.00 as income benefits for permanent total disability and P1,200.00 as attorney's fees.

SO ORDERED.

Teehankee, (Chairman), Makasiar, Guerrero, and De Castro, JJ., concur.

Melencio-Herrera, J., I vote to deny petitioner's claim as her ailment is not an occupational disease nor is it the direct result of her occupation as a teacher (Labor Code [PD 442]; section 1 (b), Rule III, Amended Rules on Employees' Compensation).

[1] Annex "A", Rollo, pp. 18-20.

[2] Annex "A", Rollo, pp. 18-19.

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