

**MIGUEL ACOSTA AND CESAR ACOSTA, PETITIONERS, VS.
EMPLOYEES COMPENSATION COMMISSION, GOVERNMENT
SERVICE INSURANCE SYSTEM AND MINISTRY OF EDUCATION AND
CULTURE, RESPONDENTS.**

G.R. No. L-55464. November 12, 1981

Ponente: DE CASTRO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/9efba4930985/>

DE CASTRO, J.:

Petition for review on certiorari of the decision dated September 18, 1980 of the Employees Compensation Commission.

Miguel Acosta filed a claim for employees' compensation benefit with the GSIS relative to the death of his wife, Fe Acosta due to carcinoma of the ovary. The System denied the claim on June 4, 1979 on the ground "that the fatal ailment is not in the least casually related to the employment of the deceased and hence, the case falls outside the compensable purview of the Employees Compensation law."

The deceased was a classroom teacher under the Ministry of Education and Culture. She started working for the government on July 11, 1949. At the time of the contraction of her ailment, she was assigned to Asingan Central School in Pangasinan.

On the first week of March, 1978, the deceased complained of lumbar pain and enlargement of the abdomen. On April 18, 1978, she was confined at the UST Hospital, and her illness was diagnosed as "endometrioid carcinoma ovaries, stage III," which compelled her to retire at the age of 51. The patient's case reached its terminal stage, and she succumbed to her ailment on October 2, 1978.

The GSIS in turning down the claim of Acosta, alleged that the ailment is not an occupational disease, and neither was the risk of contracting the ailment increased by her working conditions as a classroom teacher, and as pointed out by its medical officer, the ailment has something to do with "hormonal influence, infection and familial tendency," and that there has been no proof yet that a certain type of occupation can directly cause the said malignancy since it may occur in any adult female human being whether employed or not.

Unable to secure reconsideration, Acosta appealed to the Commission which affirmed the System's denial of the claim for compensation benefits, pertinent portions of the Commission's assailed decision being hereunder quoted as follows:[1]

"We have thoroughly studied the records of this case and we believe there appears more than sufficient basis to warrant the conclusion that (sic) the decedent's death does not fall within the compensable coverage of the law. Ovarian carcinoma, according to medical science, is a "relatively frequent disease, ranking next to the various forms of uterine cancer insofar as the female reproductive organs are concerned. It may be primary in the ovary or secondary to cancer in other organs. Malignant ovarian neoplasms may be solid or cystic, and our own laboratory material would suggest that the latter is about twice as common. Due consideration must be

given to the cystic degeneration which certain solid tumors undergo as well as the proliferative tendencies of the primary cystic lesions. It is not easy to distinguish between certain cystic and solid various neoplasms. It is manifestly impossible to cite the actual incidence or carcinoma of the ovary because of the varied interpretation between the benign and malignant. Randall, however, using figures from the New York State where cancer is a reportable disease, estimates that at age 40 the probability of a woman's developing ovarian cancer is approximately 0.9%, although the actual incidence rises to a peak of 4% at age 70, after which it decreases." (Reference: Novak, E.R.: Novak's Textbook of Gynecology; Scientific Book Agency, Calcutta; 7th edition, 1966, pp. 440). Like all other carcinomas, the cause of ovarian carcinoma is unknown " (Textbook of Medicine, R.C. Cecil Saunders, P.A., 10th edition, 1959, p. 915).

"From the foregoing, it is clear that the predisposing factors deemed largely responsible for the development of the fatal disease were not inherent in or peculiar to the decedent's employment or occupation as a classroom teacher assigned to Asingan Central School in Asingan, Pangasinan. Appellant's allegation that the decedent's ailment is work-connected is (sic) therefore conjectural and bereft of medical or legal basis. No evidence could substantially prove that the deceased's employment as teacher played a role in the genesis of cancer of the ovary. There was likewise no showing that the deceased's working conditions increased her risk of contraction of the fatal disease. Even the decedent's attending physician, Dr. Jesus Y. Alcid of the UST Hospital disclaims a causal relationship between the decedent's fatal disease and her employment. Thus, when confronted with the query, 'Was the injury or illness caused by the employee's duties,' (Attending Physician's Certification, Part III, GSIS Form) the doctor answered "No."

Strengthening further our conclusion of non-compensability of this case under Presidential Decree No. 626, as amended, is the report of the Medical Division of this Commission, viz:

"Findings:

"Carcinoma of the ovary may be primary or secondary. Primary carcinoma occurs at the usual cancer period. It is bilateral in about 50 percent of cases. This does not mean that the growth commences primarily in both ovaries. The second ovary is most probably always infected from the first; the tumors are of different size.

"Metastatic growth are common owing to the tendency of the carcinoma to break through the tunica albuginea of the ovary. The metastases are scattered over the peritoneum and are largely responsible for the characteristic ascites. Secondary growths may be found in the uterine muscle owing to the passage of the cells along the fallopian tubes.

"The origin of ovarian carcinoma is a matter of uncertainty. Many of the tumors arise from the malignant transformation of a cystadenoma, usually serous, occasionally psuedomucinous. Such tumors may still retain their dystic character, or the "cysts may be completely replaced by solid tissue. The origin of the primary solid types is still more obscure. The germinal epithelium, the epithelium of the follicles and wolffian rests have been suggested. Some cases are believed to have arisen in areas of ovarian endometriosis. (Pathology for the Surgeon, by W. Boyd, 7th edition, 1955, pp. 393-395).

" Recommendation:

"The disease is not within the compensatory coverage of PD 626, as amended and therefore cannot be considered compensable.

"The decision of the GSIS denying the instant claim should be affirmed."

"Much as we desire to grant compensation to the appellant for the demise of his beloved wife, we cannot do so as the decision of the respondent System is fully buttressed by law and evidence."

Not satisfied with the said decision, Miguel Acosta, impleading Cesar Acosta, the surviving minor child of the deceased, as co-petitioner, filed the instant petition and alleged that the duties of the deceased consisted not only

of classroom work but also field work such as YCAP, Girl Scouts Camporals done in open fields, physical education programs, and some activities in connection with the barangay development program; that she performed said activities even during her menstrual periods, exposing her to all kinds of weather, to the elements of heat, rain, and moisture which lowered her body resistance; that the fatal disease contracted by the deceased, cancer of the ovary, is akin to "rectal cancer" which the Commission in its Resolution No. 233, dated March 16, 1977, found to be compensable disease; that from the Commission's conclusion wherein it admitted that the cause of the cancer of the ovary is unknown and uncertain, it is highly absurd and illogical for said Commission to rule as it did, that said disease was not caused by the nature of the employment since the ailment surfaced in March 1978 and the record shows that the deceased completed the term of her duties up to the closing of the school year 1977-78. Petitioners, likewise, raised the issue whether the mere opinion of the attending physician of the deceased would disconnect the latter's death from her employment and prevail over the presumption established by the law that the illness which supervened, arose out of, or aggravated by, her employment.

Under PD 626, as amended, the present law on compensation, the listed occupational diseases are compensable when the conditions contained therein are met, and certain diseases are allowed to be compensable whenever the claimant can prove that the risks of contracting the disease are increased by the working conditions of the employment of the deceased. As to the degree of proof required, the claimant must show at least by substantial evidence that the development of the disease is brought largely by the conditions present in the nature of the job.

It appears that the deceased was in perfect health when she joined the government service in 1949, but her various out-of-campus activities, exposing her to the elements of heat and rain, contributed to the deterioration of her health, and her body resistance weakened due to the stress brought about by the nature of her work.

The GSIS itself was inclined to believe that the ailment of the deceased was aggravated by the nature of her work when it stated in the comment[2] that "it has no relation at all to the work of the deceased as a public school teacher except perhaps by way of aggravation." If this is so, there would be no consistency in respondent denying the claim for compensation on the ground that the risk of contracting the disease was not increased by her working conditions. It is more in keeping with reason to hold that once a situation of aggravation arises, there exists a causal relation between her work and her ailment which caused her death, as shown, respondent GSIS has conceded the possibility of aggravation being present.

Likewise, the Medical Officer admitted that one of the causes of the ovarian cancer is "infection" then it follows that when the body resistance of the deceased lowered because of the strain of her out-of-campus activities, her physical constitution weakened, thus making her more susceptible to contract infection leading to a dreadful ailment.

In the case of *Cristobal vs. ECC*,[3] the Court stated that—

" . . . the respondent Commission under Resolution No. 223 dated March 16, 1977, adopted as a policy, the institution of a more compassionate interpretation of the restrictive provisions of Presidential Decree No. 626, as amended by its administering agencies, the Social Security System and the Government Service Insurance System, with respect, to among others, Myocardial Infraction and other borderline cases. . . ."

The aim of the resolution is to extend the applicability of the decree to a greater number of employees who can avail of the benefits under the law, which is in consonance with the avowed policy of the State to give maximum aid and protection to labor. The ailment of the deceased is classified as one of the "borderline cases" previously mentioned. Petitioners have substantially complied with the condition as to the degree of proof required under the theory of increased risk, hence, their claim should be given favorable consideration. To deny them the benefits would render meaningless the constitutional guarantees in favor of the workingmen.

Further, to require petitioners to prove the actual causes or factors which led to the development of the ovarian cancer of the deceased would be inconsistent with the liberal interpretation of the labor law. In compensation cases, the evidence of the test as to the relation of the work to the ailment is probability and not certainty.

It is generally accepted that the exact origin of practically all types of cancer is not yet determined. Scientists and medical experts are still in the process of discovering the most effective cure for that malady. With this backdrop, one should not expect ordinary persons like petitioners to prove the real cause of the ailment of the deceased when the experts themselves are still in the dark.

The records do not show the date when the deceased contracted the ailment since it was only found .put in April 1978 when she was confined in hospital, which took place after the effectivity of the New Labor Code, and construing the law liberally in favor of the workers, the petitioners should be awarded the benefits prayed for.

WHEREFORE, the decision dated September 18, 1980 of the Employees Compensation Commission is hereby SET ASIDE and the GSIS is DIRECTED to pay petitioners the amount of twelve thousand (P12,000.00) pesos as death benefits and the amount of one thousand two hundred (PI ,200.00) pesos as attorney's fees.

SO ORDERED.

Barredo (Chairman), Concepcion Jr., Guerrero and Abad Santos, JJ., concur.

Aquino, J., took no part.

Guerrero, J., was designated to sit with the Second Division.

[1] pp. 21-24, Rollo.

[2] pp. 31-46, Rollo.

[3] 97 SCRA 478-479 (citing *Sepulveda vs. ECC*, 84 SCRA 771).

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.