

NAPOLEON O. CARIN, PETITIONER, VS. EMPLOYEES' COMPENSATION COMMISSION AND GOVERNMENT SERVICE INSURANCE SYSTEM, RESPONDENTS.

G.R. No. L-46556. May 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 15 June 1977, affirming the decision of the Government Service Insurance System which denied petitioner's claim for compensation.

Petitioner Napoleon O. Carin was a Special Counsel in the Fiscal's office of Cebu City. Sometime in October 1975, he felt a severe pain in his left leg while getting the expedientes of cases scheduled for trial on that day. Petitioner's illness was subsequently diagnosed as osteomyelitis. As recommended by his physician, petitioner underwent surgery at the Cebu Doctor's Hospital. He was confined therein from 1 to 5 December 1975.

On 12 May 1976, petitioner filed a claim for income benefits for his disability under Presidential Decree No. 626, as amended, with the Government Service Insurance System. His claim was denied by the System on the ground that the cause of his disability was neither an occupational disease nor caused by his employment and that the risk of contracting the same was not increased by his working conditions. Reconsideration of the claim's denial was likewise denied.

Petitioner appealed to the respondent Employees' Compensation Commission which, on 15 June 1977, issued the assailed decision. Hence, this petition.

Petitioner contends that his illness, chronic osteomyelitis, although not an occupational disease as enumerated in Presidential Decree No. 626, is nonetheless compensable, anchored on the theoretical concept of "increased risk" as defined under Rule III, Section (b) of the implementing rules of Presidential Decree No. 626. According to petitioner, he had presented sufficient evidence to show that his sickness arose out of, and was caused by his employment and that the risk of contracting the same was increased by his working conditions. The evidence consisted of a report on his sickness, osteomyelitis, which he submitted on 12 May 1976 to the GSIS, together with the attending physician's report showing that he was working at the time of the illness and the affidavit of Assistant City Fiscal Felix Barral attesting to the fact that he (petitioner) suffered the attack or pain in his left leg at the City Fiscal's office of Cebu City while taking the expedientes for the day's scheduled trial.

We sustain the finding of the respondent Employees' Compensation Commission that petitioner failed to submit substantial evidence to prove that his illness was caused by his employment or that the risk of contracting it was increased by his working conditions[1].

Under the new law on employees' compensation, or Presidential Decree No. 626, in case the sickness or illness is not an occupational disease, as in the present case, to be compensable, proof must be adduced that the risk of

contracting the disease is increased by the working conditions[2].

The evidence presented by petitioner does not, in any way, show a reasonable connection between his ailment and the nature of his employment nor a direct causal relation between his employment and the illness he suffered.

Although the strict rules of evidence are not applicable in compensation claims[3], still, petitioner failed to show with substantial evidence that his illness was reasonably work-connected, to be entitled to compensation[4].

Further, petitioner's contention that the rule of compensability under Presidential Decree No. 626, as amended, is a revival of the old law on workmen's compensation or Act 3428, particularly Section 44 thereof, which recognized the presumption of compensability, is not meritorious.

The principle of presumption of compensability no longer obtains under the new law on Employees' Compensation[5].

WHEREFORE, the petition is DISMISSED. The decision of the Employees' Compensation Commission, under review, is AFFIRMED. With costs against the petitioner.

SO ORDERED.

Yap, C.J., (Chairman), Melencio-Herrera, and Sarmiento, JJ., concur.
Paras, J., in the result.

[1] Rollo, p. 12.

[2] *Jesus v. Employees' Compensation Commission*, 142 SCRA 92, 96.

[3] *Bravo v. Employees' Compensation Commission*, 143 SCRA 101, 106; *Sarmiento v. Employees' Compensation Commission*, 144 SCRA 421, 426.

[4] *Guevarra v. Employees' Compensation Commission*, 146 SCRA 64, 72.

[5] *Zozabrado v. Employees' Compensation Commission*, 141 SCRA 136, 140; *Milano v. Employees' Compensation Commission*, 142 SCRA 52, 56; *Millora v. Employees' Compensation Commission*, 143 SCRA 151, 154.

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