

ELIODORO T. ISCALA, PETITIONER, VS. REPUBLIC OF THE PHILIPPINES (DEPT. OF EDUCATION & CULTURE, BUREAU OF PUBLIC SCHOOLS), GOVERNMENT SERVICE INSURANCE SYSTEM, ET AL., RESPONDENTS.*G.R. No. L-47414. December 11, 1987*

Ponente: SARMIENTO, J.

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Before her death, Nena S. Iscala was employed as an elementary school teacher in Buruanga Elementary School, Buruanga, Aklan for fifteen years. In September of 1969, in the course of her employment, she underwent medical treatment for stomach ailment diagnosed by the examining physician as peptic ulcer. On several occasions thereafter, i.e., on February 3, May 18, July 6, December 10, 1970, January 12, 1972, October 10, 1973, January 10 and May 16, 1974, she was treated by the same physician for the same illness. On Feb. 25, 1975, she was confined at the Community Hospital and Health Center for Amoebic Abscess and on March 1 of the same year, she succumbed to Acute Pancreatitis and Recurrent Duodenal Ulcer.

For the death of Nena Iscala, her surviving spouse, the petitioner herein, filed a claim for income benefit under Presidential Decree (PD) 626 with the Government Service Insurance System (GSIS). The claim was denied. The petitioner then appealed to the Employees Compensation Commission which dismissed the appeal and affirmed the decision of the GSIS. In deciding thus, the Employees Compensation Commission applied the new employees compensation program and held that the sickness which caused the death of Nena Iscala was not listed as an occupational disease under the Rules Implementing PD 626. Neither did the petitioner prove that the risk of contracting the ailment was increased by the deceased's working condition as a teacher, a proof required for compensability under the new law.

We do not agree with the Commission. We hold that the petitioner is entitled to his claim for income benefit by virtue of his wife's death. For although the deceased passed away on March 10, 1975, just two months and ten days after the effectivity of the new law, on January 1, 1975, the sickness which caused her demise could be traced way back in 1969 when she first had her medical treatment for peptic ulcer. The cause of action for the income benefit claim, therefore, has arisen as early as 1969 before the new law had even been conceived. Following the principle that "rights accrued and vested while a statute was in force ordinarily survives its repeal,"[1] we must apply the old Workmen's Compensation Law. Under the said law, whenever an illness was contracted by an employee in the course of his employment, there existed a legal presumption of causation, i.e., that the sickness was caused by and/or aggravated by the nature of the job. The onus to rebut this presumption was on the employer who was required to show convincing proof that while the illness of the employee supervened in the course of employment, it did not necessarily follow that it also arose from such employment or was at least aggravated by it.[2]

The opinion of the deceased's attending physician that the sickness which caused the death of Nena Iscala was not

directly caused by the employee's duties, thus, disconnecting the deceased's ailment from her employment is not sufficient to overthrow the presumption of compensability mandated by law. In *Agana v. Quisumbing*,^[3] we said:

"x x x [U]nder the law, it is not required that the employment be the sole factor in the growth, development or acceleration of claimant's illness to entitle him to the benefits provided for. It is enough that his employment had contributed, even in a small degree, to the development of his disease. It has been repeatedly held that under the Workmen's Compensation Law, it is not necessary for a claimant to carry the burden of proof to establish his case to the point of demonstration. It is sufficient to show that the hypothesis on which he bases his claim is probable."

Furthermore, the applicable law being in the nature of social legislation, its provisions must be interpreted liberally in favor of employees because the law was intended to protect their rights.^[4]

Inevitably there is no other recourse but to grant the claim of the herein petitioner for income benefits.

WHEREFORE, in view of the foregoing, the decision of the Employees Compensation Commission dated October 12, 1977 denying petitioner's claim for compensation for the death of Nena Iscala is hereby SET ASIDE and the GSIS is hereby ordered to AWARD to the petitioner such compensation as provided by the Workmen's Compensation Act. NO COSTS.

SO ORDERED.

Yap (Chairman), Melencio-Herrera, and Padilla, JJ., concur.

Paras, J., concur but even the new law compensation must also be given.

[1] 82 CJS 1010 as cited in *Corales v. Employees Compensation Commission, et al.*, L-44063; Feb. 27, 1979.

[2] *Lizardo v. Workmen's Compensation Commission*, No. L-42995, March 14, 1979, 89 SCRA 77.

[3] No. L-23489, March 27, 1968, 22 SCRA 1278, 1289.

[4] *Security Services Unlimited, Inc. v. Workmen's Compensation Commission*, No. L-40739, January 30, 1976, 69 SCRA 269.

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