

MARCELINA E. MARGARICO, PETITIONER, VS. SOCIAL SECURITY SYSTEM, RESPONDENT.

Ponente: DIMARANAN-VIDAL, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/bedc203ad20c/>

DIMARANAN-VIDAL, J.:

In this Petition for Review under Rule 43 of the Revised Rules of Court, MARCELINA E. MARGARICO (hereinafter Petitioner) is seeking the reversal of the Decision[1] dated 28 August 2003 of the Employees Compensation Commission (ECC) in ECC Case No. SM-14937-0317-03 which affirmed the decision[2] of the Social Security System (SSS) denying her claim for the death benefits of her deceased spouse, VIRGILIO T. MARGARICO (VIRGILIO for brevity) due to pulmonary tuberculosis (PTB).

THE FACTS

As synthesized by the ECC:

The appellant is the surviving spouse of the deceased, Virgilio Margarico (SSS No. 03-31962040), who worked as a Security Guard of Lockheed Detective and Watchman Agency, Inc., Quezon City from July, 1974 to September, 1995. He was assigned at the now closed Manila Banking Corp., Ayala Avenue, Makati City where he was required to work daily from 7:00 am to 7:00 pm. As a Security Guard, he was required to memorize the eleven (11) General Orders of Security Guards, conduct inspections on his area of responsibility, monitor the movement and activities, keep his allegiance to the government and to his agency, and to be fair, honest, and polite in the performance of his duty.

On 20 October 1995, the deceased was admitted at Jose Reyes Memorial Medical Center, Manila where his ailment was diagnosed as Pulmonary Newgrowth secondary to Malignant Pleural Effusion. On June 8, 1996, he died of Cardiorespiratory Arrest secondary to Pulmonary Tuberculosis. On account of the death of her husband, the appellant was granted SSS (under SSS law) Death with Funeral Benefits on June 20, 1996.

Believing that her husband's fatal ailment was service-connected, appellant herein filed a claim for death benefits under PD 626, as amended (sic) in 2002. The appellant, as the surviving spouse of the late Virgilio Margarico, takes the position that she is entitled to death benefits under PD 626, as amended. She bases her claim on the ground that the death of her husband was due to an occupational disease and/or at the least the cause of her husband's death was brought about by the nature of his work and the circumstances surrounding his employment. That due to the nature of her husband's work, the same illness was contracted with the resultant death thereafter, hence compensable. However, she did not submit chest x-ray results to substantiate her claim.

The System denied the appellant's claim reasoning that:

“cause of death has no causal relationship to this job”[3]

On 28 August 2003, the ECC rendered the assailed decision, the decretal portion of which reads:

WHEREFORE, the appealed decision is AFFIRMED and the claim is dismissed for lack of merit.[4]

Evidently, the ECC denied the petition on the ground that 1) there is no showing that the deceased was terminated due to his ailment; 2) no employer-employee relationship existed between the deceased and his former employer Lockheed Detective and Watchman Agency at the time of death; 3) there was no showing that the deceased's working conditions increased his risk of contracting PTB.

Aggrieved, the Petitioner comes now before Us with the sole issue, to wit:

WHETHER THE CAUSE OF DEATH OF PETITIONER'S HUSBAND IS COMPENSABLE UNDER P.D. 626, AS AMENDED.

OUR RULING

The Petition is impressed with merit.

It appears that VIRGILIO joined the workforce of Lockheed Detective and Watchman Agency with a clean bill of health in 1974 and worked thereat for a continuous period of twenty one (21) years or until 1995.[5] On 22 September 1995, he filed an application for vacation leave/forced leave of 15 days per his doctor's advice.[6] Shortly thereafter, he was confined at the Jose Reyes Memorial Medical Center for his ailment, Pulmonary Newgrowth, Malignant Pleural Effusion.[7] The ailment progressed until eight months after the confinement, VIRGILIO died of Cardiorespiratory Arrest secondary to Pulmonary Tuberculosis.[8]

From the foregoing, it is evident that VIRGILIO's illness, which eventually caused his death, started when he was still employed. Thus, ECC's findings that there was no more employer-employee relationship between VIRGILIO and Lockheed at the time of death is misplaced.

Per the pertinent provision of PD 626 vis-a-vis the Amended Rules on Employees' Compensation (Amended Rules for brevity) promulgated on 21 July 1987, Pulmonary Tuberculosis is a compensable occupational illness when certain work-related factors are present. The Amended Rules enumerate these factors as follow:

SECTION 2. Occupational Diseases — (a) The diseases listed in Annex "A" [herein below] of these Rules are occupational when the nature of employment is as described therein.

ANNEX "A"

xxx xxx xxx

The following diseases are considered as occupational when contracted under working conditions involving the risks described herein:

Occupational Diseases

For an occupational disease and the resulting disability or death to be compensable, all of the following conditions must be satisfied:

- The employee's work must involve the risks described herein;
- The disease was contracted as a result of the employee's exposure to the described risks;
- The disease was contracted within a period of exposure and under such other factors necessary to contract it;

There was no notorious negligence on the part of the employee.

xxx xxx xxx

PULMONARY TUBERCULOSIS. In addition to working conditions already listed under PD 626, as amended, any occupation involving constant exposure to harmful substances in the working environment, in

the form of gases, fumes, vapors and dust, as in chemical and textile factories; overwork or fatigue; and exposure to rapid variations in temperature, high degree of humidity and bad weather conditions xxx (emphasis added)

In *Acosta and Acosta vs. ECC*[9] et al, the Supreme Court emphatically held that [u]nder PD 626, as amended, the present law on compensation, the listed occupational diseases are compensable when the conditions contained therein are met xxx. Further, it has been ruled that the incidence of a listed occupational disease is enough basis for requiring compensation.[10] That only substantial evidence is required to prove occupational illnesses is enunciated by the Supreme Court in *Jacang vs. ECC*,[11] thus:

Substantial evidence required under P.D. No. 626, is such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.

As may be gleaned from the recorded evidence, the Petitioner's stance that VIRGILIO's illness was work-connected because his duties as a security guard constantly exposed him to different people was not satisfactorily controverted by the Respondent. The nature of the decedent's job which required him to frequently move from the airconditioned premises of the bank to the outdoor areas thereof where he was exposed to the elements apparently lowered his resistance, thus, making him susceptible to PTB. In fact, to buttress her claim, the Petitioner presented a certified xerox copy of VIRGILIO's duties as a security guard, which include:

2. Conduct frequent inspections on his AOR [area of responsibility].
3. Monitors (sic) the movement and activities of the subjective personalities.[12]

Verily, it is of judicial knowledge that the duties of a security guard entail constant exposure to harmful elements like dust and pollution, rapid temperature changes and bad weather conditions. Moreover, this line of work, which usually include long hours of constant standing with very few short breaks, makes one vulnerable to overwork and fatigue. In the case of *Caluza vs. The Workmen's Compensation Commission, etc.*[13] the Supreme Court ruled that the death of a security guard due to PTB was compensable because he contracted a respiratory ailment in the course of his employment and that said illness was aggravated by the nature of his employment.

The Supreme Court emphatically held in *Acosta and Acosta vs. ECC* et al, that [i]n compensation cases, the evidence of the test as to the relation of the work to the ailment is probability and not certainty.[14] Indeed, the evidence on record satisfies the substantial evidence requirement of the law. To require the Petitioner to prove with certainty the conditions of work which led to the decedent's infection with PTB would be contrary to the liberal interpretation accorded social legislation.[15] In said case of *Acosta and Acosta*, the Supreme Court succinctly held:

[T]o 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. (underscoring supplied)

Definitely, it is Our duty to breathe life into the Constitutional provisions protecting the working man, rather than to treat the same as mere rhetoric. As pronounced by the Supreme Court in *Lopez vs. ECC*, thus:[16]

The Employees Compensation Act is a social legislation whose primordial purpose is to provide amelioration of the working class of our society. As held in the case of *Nitura v. Employees Compensation Commission*, 201 SCRA 278 (1991): "As an official agent charged by law to implement social justice guaranteed and secured by the Constitution, the ECC should adopt a liberal attitude in favor of the employee in deciding claims for compensability especially where there is some basis in the facts for inferring a work connection with the incident.

WHEREFORE, premises considered, the instant Petition is GRANTED, the assailed Decision of the ECC is REVERSED and SET ASIDE and the SSS is DIRECTED to pay the Petitioner her claim for compensation due to the death of her husband, VIRGILIO T. MARGARICO.

SO ORDERED.

De Los Santos, (Chairman) and Lampas Peralta, JJ., concur.

[1] Rollo, p. 22-27

[2] Rollo, p. 33: SSS Routing Slip

[3] Rollo, pp. 22-23

[4] Rollo, p. 24

[5] Rollo, p. 29

[6] Rollo, p. 35

[7] Rollo, p. 31

[8] Rollo, p. 32

[9] G.R. No. L-55464. November 12, 1981.

[10] Government Service Insurance System v. Gabriel, G.R. No. 130379, 21 June 1999, 308 SCRA 705, 713; Government Service Insurance System v. Court of Appeals, G.R. No. 115243, 1 December 1995, 250 SCRA 491, 499.

[11] G.R. No. 151893. October 20, 2005

[12] Rollo, p. 30

[13] G.R. No. L-41961. July 21, 1978.

[14] G.R. No. L-55464. November 12, 1981

[15] Ibid.

[16] G.R. No. 90267. December 21, 1993.

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.