

GLORIA D. MEÑEZ, PETITIONER, VS. EMPLOYEES' COMPENSATION COMMISSION, GOVERNMENT SERVICE INSURANCE SYSTEM (DEPARTMENT OF EDUCATION & CULTURE), RESPONDENTS.

G.R. No. L-48488. April 25, 1980

Ponente: MAKASIAR, J.

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MAKASIAR, J.:

Petition for review on certiorari from the decision en banc dated March 1, 1978 of the Employees' Compensation Commission in ECC Case No. 0462, affirming the denial by the Government Service Insurance System of the claim of petitioner for benefits under Presidential Decree No. 626 (now Title II of the New Labor Code) and dismissing said claim.

The records disclose that petitioner Gloria D. Meñez was employed by the Department (now Ministry) of Education & Culture as a school teacher. She retired on August 31, 1975 under the disability retirement plan at the age of 54 years after 32 years of teaching, due to rheumatoid arthritis and pneumonitis. Before her retirement, she was assigned at Raja Soliman High School in Tondo-Binondo, Manila -- near a dirty creek.

On October 21, 1976, petitioner filed a claim for disability benefits under Presidential Decree No. 626, as amended, with respondent Government Service Insurance System (p. 1, ECC rec.).

On October 25, 1976, respondent GSIS denied said claim on the ground that petitioner's ailments, rheumatoid arthritis and pneumonitis, are not occupational diseases taking into consideration the nature of her particular work. In denying afore-said claim, respondent GSIS thus resolved:

"Upon evaluation based on generally accepted medical authorities, your ailments are found to be in the least causally related to your duties and conditions of work. We believe that your ailments are principally traceable to factors which are definitely not work-connected. Moreover, the evidences you have submitted have not shown that the said ailments directly resulted from your occupation as Teacher IV of Raja Soliman High School, Manila" (Letter-Resolution, p. 4, ECC Case No. 0462).

On November 24, 1976, petitioner filed a letter-request for reconsideration of the aforesaid denial of her claim, which request was denied by the GSIS in its letter-resolution of November 28, 1976 therein reiterating that on the basis of the evidence on record, it appears that petitioner has not established that her employment had any causal relationship with the contraction of the ailments (p. 6, ECC rec.).

On March 7, 1977, petitioner again requested for reconsideration of the second denial of said claim, still alleging that her ailments arose out of and in the course of employment (p. 11, ECC rec.).

On March 11, 1977, respondent GSIS reaffirmed its stand on the case and elevated the entire records thereof to the Employees' Compensation Commission for review (p. 12, ECC rec.).

On March 1, 1978, respondent Commission issued a decision en banc thus stating:

"x x x Despite assertions to the contrary by herein appellant, this Commission fully agrees with the respondent system that appellant's employment has nothing to do with the development of her disabling illnesses, Appellant's ailments are not listed as occupational diseases for the employment she was engaged in as to merit compensation under Presidential Decree No. 626, as amended" (p. 13, rec.).

On July 7, 1978, petitioner filed this petition seeking a review of aforesaid decision of respondent Commission (p. 2, rec.).

Petitioner claims she contracted pneumonitis and/or bronchiectasis with hemoptysis and rheumatoid arthritis on January 27, 1975 after wetting and chilling during the course of employment which are permanent and recurring in nature and work-connected (p. 2, rec.).

She specifically alleged that --

"x x x said sickness and/or disabilities arose out of or in the course of employment and is aggravated by the condition and nature of the work in school, that appellant belonged to the afternoon and night shifts as shown by her time record, Annex D, subjecting her to varying climatic (sic) temperature at noon and night time; and that the place of work, Raja Soliman High School, is surrounded by the Divisoria market at the north, Sta. Helena Bridge and Creek which is heavily polluted; in the Northeast, is the presence of many squatter houses too, and in the south -- gasoline stations, bakery, Textile market as stated before and a fact. That as a teacher of social studies handling 250 students more or less a day, she is subjected to infections from students who have flu, colds and other respiratory infections which aggravated her ailments" (p. 3, rec.).

Petitioner now maintains that her ailments arose in the course of employment and were aggravated by the condition and nature of her work. Specifically, she asserts that "pneumonitis or baby pneumonia which has become chronic that led to bronchiectasis which is irreversible and permanent in nature is compensable under No. 21 of compensable diseases (Resolution No. 432 dated July 20, 1977) as conditions were present as attested to by doctors' affidavits and certifications."

Respondents Commission and System contend that petitioner's ailments of rheumatoid arthritis and pneumonitis are not among the occupational diseases listed as compensable under Presidential Decree No. 626, as amended, or under Annex "A" of the Rules on Employees' Compensation; and, that respondent Commission's decision is supported by substantial evidence in the form of accepted medical findings thus making said decision final and conclusive on the matter (p. 33 & 68, rec.).

Article 167(1) of the new Labor Code provides that --

"(1) 'Sickness' means any illness definitely accepted as an occupational disease listed by the Commission, or any illness caused by employment subject to proof by the employee that the risk of contracting the same is increased by working conditions. x x x"

Rule III, Section 1(b) of the Amended Rules on Employees' Compensation thus provides:

xxx xxx xxx

"(b) For the sickness and the resulting disability or death to be compensable, the sickness must be the result of an occupational disease listed under Annex 'A' of these Rules with the conditions set therein satisfied; otherwise, proof must be shown that the risk of contracting the disease is increased by working conditions."

Rule III, Section 1(c) of said Rules states:

"(c) Only injury or sickness that occurred on or after January 1, 1975 and the resulting disability or death shall

be compensable under these Rules."

The aforementioned provisions clearly establish that for an illness to be compensable, it must either be:

- An illness definitely accepted as an occupational disease; or
- An illness caused by employment subject to proof by the employee that the risk of contracting the same is increased by working conditions.

An occupational disease is one "which results from the nature of the employment, and by nature is meant conditions to which all employees of a class are subject and which produce the disease as a natural incident of a particular occupation, and attach to that occupation a hazard which distinguishes it from the usual run of occupations and is in excess of the hazard attending the employment in general" (Goldberg vs. 954 Mancy Corp., 12 N.E. 2d 311; underlining supplied).

To be occupational, the disease must be one "due wholly to causes and conditions which are normal and constantly present and characteristic of the particular occupation; that is, those things which science and industry have not yet learned how to eliminate. Every worker in every plant of the same industry is alike constantly exposed to the danger of contracting a particular occupational disease" (Seattle Can Co. vs. Dept. of Labor, 265, p. 741; underscoring supplied).

An occupational disease is one which develops as a result of hazards peculiar to certain occupations, due to toxic substances (as in the organic solvents industry), radiation (as in television repairmen), repeated mechanical injury, emotional strain, etc. (Schmidt's Attorneys' Dictionary of Medicine, p. 561).

From the foregoing definitions of occupational diseases or ailments, rheumatoid arthritis and pneumonitis can be considered as such occupational diseases. All public high school teachers, like herein petitioner, admittedly the most underpaid but overworked employees of the government, are subject to emotional strains and stresses, dealing as they do with intractable teenagers, especially young boys, and harassed as they are by various extra-curricular or non-academic assignments, aside from preparing lesson plans until late at night, if they are not badgered by very demanding superiors. In the case of the petitioner, her emotional tension is heightened by the fact that the high school in which she teaches is situated in a tough area -- Binondo district, which is inhabited by thugs and other criminal elements and further aggravated by the heavy pollution and congestion therein as well as the stinking smell of the dirty Estero de la Reina nearby. Women, like herein petitioner, are most vulnerable to such unhealthy conditions. The pitiful situation of all public school teachers is further accentuated by poor diet, for they can ill-afford nutritious food.

In her work, petitioner also has to contend with the natural elements, like the inclement weather -- heavy rains, typhoons -- as well as dust -- and disease-ridden surroundings peculiar to an insanitary slum area.

These unwholesome conditions are "normal and consistently present in" or are the "hazards peculiar to" the occupation of a public high school teacher. It is therefore evident that rheumatoid arthritis and pneumonitis are the "natural incidents" of petitioner's occupation as such public high school teacher.

But even if rheumatoid arthritis and pneumonitis are not occupational diseases, there is ample proof that petitioner contracted such ailments by reason of her occupation as a public high school teacher due to her exposure to the adverse working conditions above-mentioned.

Indisputably, petitioner contracted pneumonitis and/or bronchiectasis with hemoptysis and rheumatoid arthritis on January 27, 1975 after being drenched and the consequent "chilling during the course of employment which are permanent and recurring in nature and work-connected." Undoubtedly, petitioner's ailments thus become

compensable under the New Labor Code since under Rule III, Section 1(c) of its Implementing Rules, "only sickness or injury which occurred on or after January 1, 1975 and the resulting disability or death shall be compensable under these Rules."

It must be borne in mind that petitioner was a teacher of the Raja Soliman High School which is located in the heart of Binondo District. She was constantly exposed to the heavily polluted air and congestion (squatters' area) characteristic of the area. She was not only exposed to the elements -- varying degrees of temperature throughout the day and night -- but also had to withstand long hours of standing while performing her teaching job. Likewise, she had to regularly negotiate long trips from her home in Project 2, Quirino District, Quezon City (her residence) to said high school in Binondo, scampering from one ride to another, rain or shine, and sweating in the process.

Furthermore, judicial notice should be taken of the fact that our country is in a typhoon belt and that yearly we experience torrential rains and storms. Needless to say, in her daily rides from Quezon City to Binondo and back, she had to go through the ordeal of perspiring and getting wet from downpours or heavy rains, thus making her susceptible to contracting her ailments. Moreover, petitioner was always in contact with 250 students who might have been carriers of contagious respiratory diseases like flu and colds and who were themselves inadequately nourished, residing as they do in a depressed and congested area. And adding to the unhygienic working atmosphere was her malnutrition or undernourishment. More often than not, a teacher who has no other source of income takes to -- aside from the poor man's staple diet of tuyo, daing, and rice -- legumes like mongo, vegetables and fruits with edible seeds which contain much uric acid.

Acute arthritis is inflammation of a joint marked by pain, swelling, heat and redness; the result of rheumatism or gout (p. 56, *The Simplified Medical Dictionary for Lawyers*). Gout is a disease characterized by painful inflammation of the joints, an excessive amount of uric acid in the blood. Poor man's gout is caused by hard work, poor food and exposure (p. 268, *supra*). It may thus be seen that uric acid eventually causes arthritis, aside from excessive mental and physical stresses to which teachers are subject by reason of their duties.

Consequently, this Court finds petitioner to have substantially shown that the risk of contracting her ailments had been increased by unfavorable working conditions.

In *Dimaano vs. Workmen's Compensation Commission* (78 SCRA 510 [1977]), WE ruled that illnesses of rheumatic arthritis with sub-acute exacerbation and hypertension of therein petitioner, who was herself a teacher, as service-connected, after WE considered her working conditions and nature of employment which are substantially the same as those of herein petitioner.

Significantly also, the Employees' Compensation Commission, in its Resolutions Nos. 233 and 432, respectively dated March 16, 1977 and July 20, 1977, adopted a more realistic construction of the provisions of the New Labor Code by including in the list of compensable ailments and diseases, cardiovascular disease which comprehends myocardial infarction, pneumonia and bronchial asthma (*Sepulveda vs. WCC, et al.*, L-46290, Aug. 25, 1978).

Furthermore, it must be stressed that "the approval of petitioner's application for retirement is a clear indication that she was physically incapacitated to render efficient service (*Sudario vs. Republic*, L-44088, Oct. 6, 1977; *Dimaano vs. WCC, et al.*, *supra*). Petitioner was allowed to retire under the disability retirement plan on August 31, 1975 at the age of 54 which is way below the compulsory retirement age of 65. Under Memorandum Circular No. 133 optional retirement shall be recommended for approval only when "the employee applicant is below 65 years of age and is physically incapacitated to render further efficient service." Obviously, petitioner thus retired by reason of her ailments.

Finally, Republic Act 4670, otherwise known as the Magna Charta for Public School Teachers, recognized the

enervating effects of these factors (duties and activities of a school teacher certainly involve physical, mental and emotional stresses) on the health of school teachers when it directed in one of its provisions that "Teachers shall be protected against the consequences of employment injury in accordance with existing laws. The effects of the physical and nervous strain on the teacher's health shall be recognized as compensable occupational diseases in accordance with laws" (Pantoja vs. Republic, et al., L-43317, December 29, 1978).

WHEREFORE, THE DECISION OF THE EMPLOYEES' COMPENSATION COMMISSION IS HEREBY SET ASIDE AND THE MINISTRY OF EDUCATION AND CULTURE IS HEREBY ORDERED

1) TO PAY PETITIONER THE SUM OF SIX THOUSAND [P6,000.00] PESOS AS DISABILITY INCOME BENEFITS; AND

2) TO REIMBURSE PETITIONER'S MEDICAL AND HOSPITAL EXPENSES DULY SUPPORTED BY RECEIPTS.

SO ORDERED.

Fernandez, Guerrero, and De Castro, JJ., concur.

Teehankee, (Chairman), J., concurs in the result.

Melencio-Herrera, J., see dissent.

DISSENTING OPINIONMELENCIO-HERRERA, J.:

I am constrained to dissent.

The Workmen's Compensation Act has been expressly repealed. It is the new Labor Code and its provisions on employees' compensation that govern compensability. Section 1(b), Rule III of the Amend-ed Rules on Employees Compensation explicitly provides:

"SECTION 1.

x x x

(b) For the sickness and the resulting disability or death to be compensable, the sickness must be the result of an occupational disease listed under Annex "A" of these rules with the conditions set therein satisfied; otherwise, proof must be shown that the risk of contracting the disease is increased by the working conditions" (Rule III, Amended Rules of Employees' Compensation) (underscoring supplied)

Petitioner retired due to rheumatoid arthritis and pneumonitis. Those ailments are not listed as occupational diseases. Nor is there adequate proof that the risk of contracting them was increased by conditions under which petitioner worked. In fact, in so far as rheumatoid arthritis is concerned, it has been described as a "chronic systemic inflammatory disease of unknown cause" (Current Medical Diagnosis and Treatment, Krupp & Chatton, 16th Annual Revision, p. 474). It is also a disease that is worlds apart from acute arthritis, mentioned in page 7 of the Decision.

And, as I stated in my dissent in Biscarra vs. Republic and WCC (G.R. No. L-43425), Mitra vs. ECC (G.R. No. L-45846), and Torbela vs. ECC (G.R. No. L-42627), the rulings and opinions of administrative agencies in areas within their competence command great respect and weight, except in case of palpable error or grave abuse of discretion. With these factors absent in this particular case, I vote for the affirmance of the ruling of the Employees' Compensation Commission.

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