

## **BEBERISA RIÑO, PETITIONER, VS. EMPLOYEES COMPENSATION COMMISSION AND SOCIAL SECURITY SYSTEM, RESPONDENTS.**

*G.R. No. 132558. May 09, 2000*

Ponente: PANGANIBAN, J.

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### **PANGANIBAN, J.:**

Death benefits under the Labor Code, as amended, are awarded only when the cause of death is listed as an occupational disease by the Employees' Compensation Commission, or when the claimant presents proof that the working conditions increased the risk of contracting the fatal disease.

#### **The Case**

Before us is a Petition for Review on Certiorari under Rule 45 of the Rules of Court seeking to set aside the June 30, 1997 Decision[1] of the Court of Appeals (CA)[2] in CA-GR SP No. 41257. The dispositive portion of the challenged CA Decision reads:

"WHEREFORE, the decision of the Employees' Compensation Commission is AFFIRMED, and the petition DISMISSED."[3]

The Decision of the Employees' Compensation Commission (ECC) affirmed by the CA disposed as follows:

"Based on the foregoing medical findings, it would appear that the etiology of deceased's ailment which caused his death is not attributable to his employment. Since the ailment is not deemed work-connected, the instant claim for death benefits cannot be given due course.

"WHEREFORE, the decision of the respondent Social Security System appealed from is hereby AFFIRMED, and the instant case is dismissed for want of merit."[4]

Petitioner also assails the January 29, 1998 Resolution[5] of the appellate court denying reconsideration.

#### **The Facts**

Virgilio T. Riño Sr., husband of herein petitioner, was employed by Allied Port Services Inc. as stevedore since July, 1982. His duties included: (1) handling of steel cargoes; (2) loading and unloading of silica sand; (3) handling, loading and unloading of lumber products; (4) supervising other stevedores; and (5) performing other related work.[6]

On July 19, 1992, Virgilio Riño collapsed while working at the South Harbor, Manila. He was rushed to the Philippine General Hospital (PGH) because of "melena, fever, chills and abdominal pains 8 days [prior to confinement] x x x." He died three days later. According to the Medical Certificate issued by Fe B. Bais, chief of the PGH Medical Records Division, the cause of death was "uremia [secondary] to chronic renal failure. Chronic glomerulonephritis. x x x"[7]

Petitioner Beberisa Riño, his spouse, filed a claim for death benefits before the Social Security System (SSS). However, the SSS denied the claim in this wise:[8]

"The cause of death of your husband cannot be considered work-connected because based on the clinical abstract you submitted, your husband had already on and off attack of edema and hypertension which are signs of kidney disease even before his employment with the company."[9]

On appeal, the ECC affirmed the findings of the SSS.[10] Ruling that petitioner failed to present relevant evidence to establish the causal connection between the deceased's ailment and his work as stevedore, the ECC held:

"Moreover, medical evaluation suggests that Uremia is the sine qua non of chronic renal failure. It results from the retention in the blood of urea and other end products of metabolism normally excreted into the urine. Chronic Renal Failure on the other hand, is a toxic clinical condition associated with renal insufficiency and retention in the blood of nitrogenous waste products. It may be due to the following:

- a) nephritis
- b) congestive heart failure
- c) couch syndrome
- d) poison

(Reference: Harrison's Principles of Internal Medicine, 11th Edition p. 1155).

"Based on the foregoing medical findings, it would appear that the etiology of deceased's ailment which caused his death is not attributable to his employment. Since the ailment is not deemed work-connected, the instant claim for death benefits cannot be given due course."[11]

After the ECC denied the Motion for Reconsideration,[12] petitioner appealed to the CA.

Ruling of the Court of Appeals

In affirming the ECC, the Court of Appeals ruled:

"Since petitioner failed to establish any causal connection of the disease which led to the death of her husband with the nature of his working conditions, and, in particular, that said working condition had increased the risk of contracting the disease, then the claim for death benefits must fail.

"The former law on compensation, the Workmen's Compensation Act, was replaced by a novel scheme in the New Labor Code under the title 'Employees' Compensation and State Insurance Fund.' The new law discarded, among others, the concept of 'presumption of compensability and aggravation' and substituted one based on social security principles. The purpose was to restore a sensible equilibrium between the employer's obligation to pay workmen's compensation and employee's right to receive reparation for work-connected death or disability. x x x

"While as a rule, labor and social welfare legislation should be liberally construed in favor of the applicant, such liberal construction of labor laws may not be applied where the pertinent provisions of law are clear and leave no room for interpretation."[13]

Hence, this Petition for Review.[14]

Issue

The lone issue submitted for this Court's resolution is:

"Whether x x x petitioner's claim for death benefits under P.D. No. 626, as amended, shall prosper under the increased risk theory."[15]

### This Court's Ruling

The Petition has no merit.

#### Main Issue:

#### Compensability of Riño's Death

Under the Labor Code, as amended,[16] the beneficiaries of an employee are entitled to death benefits if the cause of death is a sickness listed as occupational disease by the ECC; or any other illness caused by employment, subject to proof that the risk of contracting the same is increased by the working conditions.[17]

The primary and antecedent causes of Virgilio Riño's death are not listed as occupational diseases. Hence, petitioner should have presented substantial evidence, or such relevant evidence which a reasonable mind might accept as adequate to justify a conclusion, showing that the nature of her husband's employment or working conditions increased the risk of uremia, chronic renal failure or chronic glomerulonephritis.[18] This the petitioner failed to do.

Petitioner did not adduce any proof of a reasonable connection between the work of the deceased and the cause of his death. There was no showing that the progression of the disease was brought about largely by the conditions in Virgilio's job. Indeed, petitioner presented no medical history, records or physician's report in order to substantiate her claim that the working conditions at the Port Area increased the risk of uremia, renal failure or glomerulonephritis.[19]

As we ruled in *Sante v. Employees' Compensation Commission*,[20] "x x x a claimant must submit such proof as would constitute a reasonable basis for concluding either that the conditions of employment of the claimant caused the ailment or that such working conditions had aggravated the risk of contracting that ailment. What kind and quantum of evidence would constitute an adequate basis for a reasonable man (not necessarily a medical scientist) to reach one or the other conclusion, can obviously be determined only on a case-to-case basis. That evidence must, however, be real and substantial, and not merely apparent; for the duty to prove work-causation or work-aggravation imposed by existing law is real x x x not merely apparent." At most, petitioner merely claims that:

"x x x The nature of his work required physical strength in handling cargoes and at the same time giving full attention in supervising his men as the group's leadman assigned at Del Pan Area. It is worth mentioning that in the place where the deceased was assigned, there were no available comfort rooms to enable him to answer the 'call of nature'. In effect, delayed urination was a reality, coupled with the fact that being the leadman of his group, his continuing physical presence at the work's premises was indispensable. x x x"[21]

Such bare allegation does not ipso facto make Virgilio's death compensable. Awards of compensation cannot rest on speculations or presumptions.[22] The beneficiaries must present evidence to prove a positive proposition.[23]

While this Court has ruled that the sympathy of the law on social security is toward its beneficiaries,[24] it is likewise important to note that such sympathy must be balanced by the equally vital interest of denying undeserving claims for compensation. "Compassion for the victims of diseases not covered by the law ignores the need to show a greater concern for the trust fund to which the tens of millions of workers and their families look to for compensation whenever covered accidents, diseases and deaths occur." [25] In this case, this Court has no other course but to apply the clear provisions of the law.[26]

WHEREFORE, the Petition is hereby DENIED and the assailed Decision and Resolution AFFIRMED. No pronouncement as to costs.

**SO ORDERED.**

Melo, (Chairman), Vitug, and Gonzaga-Reyes, JJ., concur.

Purisima, J., abroad, no part.

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[1] Rollo, pp. 34-38.

[2] Eighth Division. The Decision was written by J. Oswaldo D. Agcaoili, with the concurrence of JJ Jaime M. Lantin (Division chairman) and Buenaventura J. Guerrero (member)

[3] CA Decision, p. 5; rollo, p. 38.

[4] ECC Decision, p. 4; rollo, p. 29.

[5] CA Rollo, p. 75.

[6] Rollo, p. 21.

[7] CA rollo, p. 20.

[8] Through Dr. Florencia C. Peña, manager of the Medical Evaluation Department of the SSS.

[9] Rollo, p. 24.

[10] Rollo, pp. 26-29.

[11] ECC Decision, pp. 3-4; rollo, pp. 28-29.

[12] Rollo, p. 30.

[13] CA Decision, pp. 4-5; rollo, pp. 37-38.

[14] The case was deemed submitted for decision on April 6, 1999, upon receipt by this Court of respondents' Memorandum signed by Assistant Solicitor General Cecilio O. Estoesta and Solicitor Antonio D. Marigomen. Petitioner's Memorandum, signed by Attys. Amelia C. Garchitorena and Eden B. Chavez of the Public Attorney's Office, was filed on March 23, 1999.

[15] Petition, p. 4; rollo, p. 15. See also petitioner's Memorandum, p. 3; rollo, p. 75.

[16] Article 194.

[17] Article 167 (I) of the Labor Code, as amended. See also Rule III of the Amended Rules on Employees' Compensation; Government Service Insurance System v. Court of Appeals and Zenaida Liwanag, 296 SCRA 514, September 25, 1998.

[18] Employees' Compensation Commission (ECC) and Government Service Insurance System (GSIS) v. Court of Appeals and Lilia S. Arreola, 264 SCRA 248, November 14, 1996.

[19] See *Librea v. Employees' Compensation Commission and Government Service Insurance System*, 203 SCRA 545, November 14, 1991.

[20] 174 SCRA 557, 565, June 29, 1989, per Feliciano, J.

[21] Petition, p. 6; rollo, p. 17.

[22] *Kirit Sr v. Government Service Insurance System and Employees' Compensation Commission*, 187 SCRA 224, July 6, 1990.

[23] *Raro v. Employees' Compensation Commission and Government Service Insurance System*, 172 SCRA 845, April 27, 1989.

[24] *Employees' Compensation Commission v. Court of Appeals and Aida Alvaran*, 257 SCRA 717, 726, June 28, 1996.

[25] *Government Service Insurance System v. Court of Appeals*, 296 SCRA 514, 531-532, September 25, 1998, per Davide, J. (Now CJ)

[26] *Government Service Insurance System v. Angelita L. Gabriel*, GR No. 130379, June 21, 1999. See also *Raro v. Employees' Compensation Commission*, *supra*.

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