

FRANCISCO T. JIMENEZ, PETITIONER, VS. COURT OF APPEALS, EMPLOYEES' COMPENSATION COMMISSION, SOCIAL SECURITY SYSTEM AND HACIENDA LUISITA, INC., RESPONDENTS

G.R. NO. 144449. March 23, 2006

Ponente: AUSTRIA-MARTINEZ, J.

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AUSTRIA-MARTINEZ, J.:

Before us is a petition for review on certiorari filed by Francisco T. Jimenez (petitioner) assailing the Resolution of the Court of Appeals (CA) in CA-G.R. SP No. 56865 dated February 21, 2000[1] which dismissed his petition for review, for his failure to attach pertinent pleadings, and the Resolution dated August 7, 2000[2] which denied his motion for reconsideration.

The facts are as follows:

Petitioner Francisco Jimenez worked as clerk in the Administration and Records Department of the Hacienda Luisita Inc. (Hacienda) in Tarlac from September 5, 1959 to October 15, 1997. On February 2, 1982, he was found to be suffering from "non-insulin diabetes mellitus" and on October 3, 1989, he was diagnosed with "cataract senile, mature OD." He underwent cataract extraction and was confined at the Ramos General Hospital in Tarlac from January 29, 1995 to February 5, 1995. He was also advised to have regular medical examinations for "diabetes mellitus, mature cataract, and bullous keratopathy." [3]

In 1999, petitioner filed a claim for compensation benefits under Presidential Decree No. 626 (P.D. No. 626), before the Social Security System (SSS) which denied his claim on the ground that there was no direct relationship between his illness and his work at the Hacienda. [4] He appealed to the Employees' Compensation Commission (ECC) but the latter also denied his appeal stating that:

(Petitioner's) occupation did not, by its nature, lead to the development of his diabetes mellitus and its complication, cataract, considering that the etiology of diabetes mellitus points to factors not in any manner related to his work. The absence of a causal link between his occupation and his ailment gives us no other alternative but to deny the instant claim. [5]

On February 7, 2000, petitioner, with the aid of the Public Attorney's Office (PAO), particularly Attys. Arceli A. Rubin, Amelia C. Garchitorena and Eden B. Chavez, filed before the CA a petition for review alleging that petitioner's claim for compensation was denied by the SSS, as well as his subsequent motion for reconsideration thereof; and that his appeal to the ECC was also denied, thus his petition before the CA. [6]

On February 21, 2000, the CA issued a Resolution denying Jimenez's petition thus:

Upon examination of the present Petition for Review under Rule 43 of the 1997 Rules of Civil Procedure, this Court finds that the herein petition lacks some pertinent pleadings that would support the allegations in his petition, such as but not limited to the following: the certified true copy of the denial of the Motion for Reconsideration which he filed with the Social Security System (SSS); and the medical records to prove that

his alleged illness is work-related.

x x x

WHEREFORE, in view of the foregoing, the instant petition is OUTRIGHTLY DISMISSED for non-compliance with said rule.

SO ORDERED.[7]

Petitioner's counsel, the PAO, through Atty. Chavez, filed a Motion for Reconsideration with Leave of Court and Compliance, explaining that she inadvertently assumed and stated in the petition before the CA that Jimenez filed a motion for reconsideration of the SSS decision denying his claim; that upon perusal of the records however, she found out that petitioner did not file a motion for reconsideration and instead immediately appealed to the ECC. Atty. Chavez begged indulgence from the CA and attached the medical records of petitioner.[8]

On August 7, 2000, the CA denied the motion, as follows:

x x x

We find the Motion for Reconsideration to be frivolous and malicious, considering that the petitioner's counsel tried to deceive this Court for the decision of public respondent ECC clearly states that:

"In the early part of 1999, appellant filed with the respondent System a claim for income benefits under P.D. No. 626, as amended, but was disapproved. According to the System, there is no direct relationship of his job to his illness, hence, it is not work-related. He then requested reconsideration but was likewise disapproved for similar reason prompting him to appeal the case to this Commission."

x x x

If it is true that petitioner did not file a motion for reconsideration before the SSS, as certified by a certain Mr. JONATHAN GO CUNETA, a Stenographer I, from the ECC, how could the aforesaid decision mention such a motion? "Factual findings of administrative agencies are generally held to be binding and even final so long as they are supported by substantial evidence in the record of the case." Besides, what is the authority of Mr. Cuneta to issue the said certification?

Hence, the Motion is denied.

x x x x

WHEREFORE, the Motion for Reconsideration filed by Petitioner is hereby DENIED, and the Motion and Manifestation filed by the OSG is GRANTED.

SO ORDERED.[9]

Petitioner now comes before this Court, again through the PAO, except that Atty. Chavez is replaced by Atty. Ralph P. Tua, raising the sole issue of:

WHETHER OR NOT PETITIONER'S FAILURE TO ATTACH TO THE PETITION A CERTIFIED TRUE COPY OF THE RESOLUTION OF THE SOCIAL SECURITY SYSTEM AND HIS MEDICAL RECORDS IS A GROUND FOR THE OUTRIGHT DISMISSAL OF THE CASE.[10]

Petitioner alleges that upon receiving the CA February 21, 2000 Resolution, which denied his petition outright for non-compliance with Section 6, Rule 43 of the Rules of Civil Procedure, his former counsel filed a motion for reconsideration attaching therewith pertinent documents and a certified true copy of the SSS' Resolution together with an explanation why the annexes required were not attached to the petition for review when first filed; that the

CA rejected petitioner's plea to have the case decided on the merits; that the dismissal of the petition on the ground of technicality is unwarranted since this Court frowns upon dismissal of appeals on purely technical grounds; that the rules of procedure should not be applied in a very rigid and technical sense since it is designed to help secure and not override substantial justice; that what should guide judicial action is the principle that a party litigant must be given fullest opportunity to establish the merit of his case rather than for him to lose liberty, honor or property on mere technicalities; and that in the interest of justice, petitioner who is now totally blind by reason of a work-related illness, should be afforded his right to prove his case.[11]

On October 16, 2000, the Court denied the petition for lack of proof of service pursuant to Sec. 5(d), Rule 56 and Sec. 13, Rule 13.[12]

Petitioner filed a Motion for Reconsideration with Compliance dated November 10, 2000, which this Court granted through its Resolution dated December 4, 2000, reinstating the petition and requiring respondents to comment thereon.[13]

Upon separate manifestations and motions of the OSG,[14] ECC,[15] and the Hacienda[16] stating that the only party which should file its comment in this case is the SSS, pursuant to Sec. 4, Rule 45 of the Rules of Court, the Court in its Resolutions dated March 7, 2001,[17] October 1, 2001,[18] and February 6, 2002,[19] dispensed with their comments.

In its Comment and/or Opposition to the Petition for Review on Certiorari dated February 1, 2001, the SSS averred that: the petition has no basis in fact and in law; petitioner should adhere to the strict procedural requirements under Rule 43 of the Rules of Court as non-compliance thereof would defeat the purpose of the law; strict compliance with the Rules of Court is indispensable for the prevention of needless delay and for the orderly and expeditious dispatch of judicial business; and good faith cannot substitute strict compliance.[20]

On May 9, 2003, petitioner filed a Reply alleging that no arguments or issues were raised by the SSS against the petition itself as a perusal of the contents of said Comment reveals that what it was arguing for was the denial of petitioner's motion for reconsideration dated November 10, 2000 which was already granted by this Court in its Resolution dated December 4, 2000. Petitioner then reiterated that based upon the provisions of P.D. No. 626 and the case of *Flores v. Workmen's Compensation Commission* (89 SCRA 89, March 14, 1979), the working conditions and his numerous duties and responsibilities as Senior Clerk in the Administration and Records Department of Hacienda increased the risk of contracting his ailment, diabetes mellitus. He then prayed that the Court decide his claim based on the social justice precepts of P.D. No. 626 as amended and to take liberal attitude in favor of employees like him.[21]

On May 25, 2005, the Court required the parties to file their respective memoranda.[22]

Petitioner in his Memorandum reiterated the arguments in his petition.[23]

SSS in its Memorandum, argued that: the CA acted in accordance with law in outrightly dismissing the Petition for Review for lack of certified true copy of the Motion for Reconsideration which petitioner filed with the SSS and the medical records to prove that his alleged illness is work-related; Sec. 6, Rule 43 on which the CA based its resolution is mandatory and failure to comply or observe the said rule warrants dismissal of the petition as provided in Sec. 7 thereof; the CA is empowered to require the parties to submit additional documents as may be necessary in the interest of substantial justice; the plaintiff could have easily cured the defect by attaching the needed documents in his Motion for Reconsideration with Leave of Court and Compliance, however he only attached copies of medical records and in lieu of the copy of the Motion for Reconsideration filed with the SSS, he submitted a certification issued by a clerk of the ECC certifying that petitioner did not file such motion; in

Atillo v. Bombay (351 SCRA 362, February 7, 2001), the Court explained that the necessity of attaching pertinent documents is to enable the CA to determine at the earliest possible time the existence of prima facie merit in the petition; in this case, the insufficiency of the documents combined with the unjustified refusal of petitioner to substantially comply with the attachment requirement justified the dismissal of the petition. [24]

The Court agrees with petitioner that the CA erred in denying his petition for review on the ground of failure to attach pertinent pleadings.

It is true that litigation is not a game of technicalities.[25]

After a closer examination of the records of the case, the Court finds that no motion for reconsideration was actually filed before the SSS. Except for the statement of the ECC that petitioner requested for a reconsideration in the SSS, no motion for reconsideration is found in the records. Absent any allegation or showing that the records were tampered with, it is just and reasonable to conclude that the ECC, just like petitioner's counsel, also assumed that a reconsideration was asked for, when in fact none was made.

In any case, petitioner submitted medical records with his motion for reconsideration, together with an explanation that no resolution by the SSS on a motion for reconsideration could be produced, which the CA should have considered as sufficient as the medical records so submitted can already aid the court in evaluating whether petitioner's claim for disability has merit.

As held in *Mendoza v. David*:[26]

Instead of denying the Motion for Reconsideration, the Court of Appeals should have ruled on the merits of the case considering that Mendoza already submitted the pleadings and documents required by the Court of Appeals. The rules of procedure are designed to ensure a fair, orderly and expeditious disposition of cases. As much as possible, appeals should not be dismissed on a mere technicality in order to afford the litigants the maximum opportunity for the adjudication of their cases on the merits.[27]

While it is petitioner's prayer that the CA resolutions be reversed and set aside and that the CA be ordered to give due course to his petition,[28] because of the lapse of time and in order to avoid further delay, however, the Court will resolve the petition on the merits instead of remanding the case to the CA.[29]

After evaluating the merits, the Court finds that petitioner's illness, diabetes and its complications cataract and bullous keratopathy, are not occupational diseases recognized by law, neither has petitioner shown that the risk of contracting the same was increased by his working conditions.

To be entitled to disability benefits under the Employees' Compensation Law,[30] there must be loss or impairment of a physical or mental function which resulted from an injury arising out of or in the course of employment, or from any illness definitely accepted as an occupational disease listed by the Commission, or any illness caused by employment subject to proof that the risk of contracting the same is increased by working conditions.[31]

As clearly stated by Sec. 1 Rule III of the Amended Rules on Employees Compensation:

SECTION I. Grounds — (a) For the injury and the resulting disability or death to be compensable, the injury must be the result of an employment accident satisfying all of the following conditions:

- (1) The employee must have been injured at the place where his work requires him to be;
- (2) The employee must have been performing his official functions; and
- (3) If the injury is sustained elsewhere, the employee must have been executing an order for the employer.

(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.

(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. (Emphasis supplied)

Since diabetes mellitus, senile and mature cataract, and bullous keratopathy, are not listed in the Table of Occupational Diseases embodied in Annex "A" of the Rules on Employees' Compensation, petitioner is required to present proof that the risk of contracting the disease is increased by his working conditions. This petitioner failed to do as he merely alleged that his work as clerk in the Administration and Records Department of the Hacienda increased his risk of contracting his illnesses.[32]

It is his claim that when he started working at the Hacienda, he was in perfect health and was not suffering from any illness. It was only in 1982 or 23 years after his employment as clerk in the Administration and Records Department of the Hacienda that he was diagnosed with diabetes. Having incurred his illness in the course of his employment, it is his theory that his diabetes mellitus could be attributed to his working conditions.[33] Petitioner cites *Flores v. Workmen's Compensation Commission* to support his position.

The Court is not swayed.

It is true that in the case of *Flores v. Workmen's Compensation Commission*[34] which is being invoked by petitioner, diabetes mellitus was deemed compensable. In said case, the Court did not give weight to the expert opinion that petitioner's illness of diabetes mellitus is one inherent in the individual and cannot be caused or aggravated by the nature of his employment, as the Court reasoned that the opinion of doctors cannot prevail over the presumption established by law.[35]

Under the Workmen's Compensation Act (Act No. 3428), on the basis of which the *Flores* case was decided, the presumption is that if the injury or disease arose out of and in the course of employment, the claim for compensation falls within the provisions of the law and the employee need not present any proof of causation since it is the employer who should prove that the illness or injury did not arise out of or in the course of employment.[36]

It must be emphasized, however, that said ruling may not be applied to the present case. As thoroughly explained in *Orate v. Court of Appeals*[37]

The first law on workmen's compensation in the Philippines is Act No. 3428, otherwise known as the Workmen's Compensation Act, which took effect on June 10, 1928. This Act works upon the presumption of compensability which means that if the injury or disease arose out of and in the course of employment, it is presumed that the claim for compensation falls within the provisions of the law. Simply put, the employee need not present any proof of causation. It is the employer who should prove that the illness or injury did not arise out of or in the course of employment.

On November 1, 1974, the Workmen's Compensation Act was repealed by the Labor Code (Presidential Decree No. 442). On December 27, 1974, Presidential Decree No. 626 (which took effect on January 1, 1975) was issued. It extensively amended the provisions of Title II, Book IV of the Labor Code on Employees' Compensation and State Insurance Fund. The law as it now stands requires the claimant to prove a positive thing — that the illness was caused by employment and the risk of contracting the disease is increased by the working conditions. It discarded, among others, the concepts of "presumption of compensability" and "aggravation" and substituted a system based on social security principles. The present system is also administered by social insurance agencies — the Government Service Insurance System and Social Security System — under the Employees' Compensation Commission. The intent was to restore a sensible equilibrium

between the employer's obligation to pay workmen's compensation and the employee's right to receive reparation for work-connected death or disability.

In *Sarmiento v. Employees' Compensation Commission*, et al., we explained the nature of the new employees' compensation scheme and the State Insurance Fund, as follows —The new law establishes a state insurance fund built up by the contributions of employers based on the salaries of their employees. The injured worker does not have to litigate his right to compensation. No employer opposes his claim. There is no notice of injury nor requirement of controversion. The sick worker simply files a claim with a new neutral Employees' Compensation Commission which then determines on the basis of the employee's supporting papers and medical evidence whether or not compensation may be paid. The payment of benefits is more prompt. The cost of administration is low. The amount of death benefits has also been doubled.

On the other hand, the employer's duty is only to pay the regular monthly premiums to the scheme. It does not look for insurance companies to meet sudden demands for compensation payments or set up its own funds to meet these contingencies. It does not have to defend itself from spuriously documented or long past claims.

The new law applies the social security principle in the handling of workmen's compensation. The Commission administers and settles claims from a fund under its exclusive control. The employer does not intervene in the compensation process and it has no control, as in the past, over payment of benefits. The open ended Table of Occupational Diseases requires no proof of causation. A covered claimant suffering from an occupational disease is automatically paid benefits.

Since there is no employer opposing or fighting a claim for compensation, the rules on presumption of compensability and controversion cease to have importance. The lopsided situation of an employer versus one employee, which called for equalization through the various rules and concepts favoring the claimant, is now absent. . . .

In workmen's compensation cases, the governing law is determined by the date when the claimant contracted the disease. An injury or illness which intervened prior to January 1, 1975, the effectivity date of P.D. No. 626, shall be governed by the provisions of the Workmen's Compensation Act, while those contracted on or after January 1, 1975 shall be governed by the Labor Code, as amended by P.D. No. 626.[38] x x x

In this case, petitioner was diagnosed with diabetes in 1982 and with cataract in 1989. Clearly, therefore, petitioner's case falls under the present law where the burden is on him, as claimant, to prove that the risk of contracting his illnesses was increased by his working conditions.[39] Petitioner must prove, by substantial evidence, reasonable work-connection, if not direct causal relationship between his ailment and his working conditions;[40] and by substantial evidence, we mean, such relevant evidence which a reasonable mind might accept as adequate to support a conclusion.[41] The fact that he was employed with the Hacienda for many years and that he was employed thereat when he was diagnosed with diabetes and its complications, cannot be considered as evidence which a reasonable mind might accept as adequate to support the conclusion that it was his working conditions which caused his diabetes and its complications.

In a similar case, *De Guia v. Employees' Compensation Commission*,[42] where the claimant, who was employed with the Bureau of Internal Revenue from 1956 to 1988 as storekeeper to Supervising Revenue Enforcement Officer, sought compensation benefits under P.D. No. 626 after suffering loss of vision secondary to diabetes mellitus, the Court held:

Inasmuch as petitioner's "diabetic retinopathy" and its underlying ailment, "diabetes mellitus," are not listed in the Table of Occupational Diseases embodied in Annex "A" of the Rules on Employees' Compensation, petitioner is required to prove a positive proposition, which is, that the risk of contracting the disease is increased by working conditions. x x x That burden of proof, petitioner has failed to discharge.

Petitioner's "diabetic retinopathy" is a complication linked with his diabetic condition, from which he was suffering for twenty-five (25) years. The very medical terminology emphasizes that complication. In other words, petitioner's eye condition was not contracted by reason of his employment but came about as a complication of an underlying disease. Neither can it be said, therefore, that the risk of contracting the eye ailment was increased by his working conditions for irrespective of those conditions, the complication could have set in.

The underlying ailment, "diabetes mellitus" is neither work-connected. It is a metabolic and a familial disease to which one is pre-disposed by reason of heredity, obesity "or" old age. While petitioner states that no one in his family is suffering from the illness, genetic susceptibility is a factor that stretches from generation to generation. And even assuming that petitioner has satisfactorily proven that he is not predisposed to the disease due to heredity, he has not shown that he is not predisposed thereto due to old age or obesity. Stated otherwise, irrespective of the type of work that petitioner had been engaged in, he could have contracted diabetes.

We thus find no causal relation between petitioner's basic illness, "diabetes mellitus" and its complication "diabetic retinopathy" with his employment and working conditions nor can we say that the nature of his work had increased the risk of his contracting either ailment.[43]

While the Court is saddened by the plight of petitioner, we are constrained to deny his claim for compensation benefits absent proof establishing causal relationship between his illnesses and his occupation or the risk of contracting his illnesses was increased by his working conditions. Indeed, awards of compensation cannot rest on speculations and presumptions as the claimant must prove a positive proposition.[44]

Again, as well explained in *Orate v. Court of Appeals*[45]

Much as we commiserate with (petitioner), our sympathy cannot justify an award not authorized by law. It is well to remember that if diseases not intended by the law to be compensated are inadvertently or recklessly included, the integrity of the State Insurance Fund is endangered. Compassion for the victims of diseases not covered by 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. This stems from the development in the law that no longer is the poor employee still arrayed against the might and power of his rich corporate employer, hence the necessity of affording all kinds of favorable presumptions to the employee. This reasoning is no longer good policy. It is now the trust fund and not the employer which suffers if benefits are paid to claimants who are not entitled under the law.[46]

One last point. Petitioner's counsel failed to state accurate narrations in their pleadings. Not only did counsel erroneously state that a motion for reconsideration was filed with the SSS in their petition before the CA when there was actually none, the Petition and Memorandum filed with this Court also stated that a resolution issued by the SSS was attached to the motion for reconsideration filed with the CA when no such resolution was attached.

Much confusion was caused by the erroneous statements of counsel of petitioner, and this Court cannot just gloss over such mistakes. Petitioner's counsel is therefore admonished to adhere closely and faithfully to the tenets espoused in the Code of Professional Responsibility particularly Rules 10.01 and 10.02 of the Code of Professional Responsibility, which states that:

Rule 10.01. — A lawyer shall not do any falsehood, nor consent to the doing of any in court; nor shall he mislead, or allow the Court to be misled by any artifice.

Rule 10.02 — A lawyer shall not knowingly misquote or misrepresent the contents of a paper, the language or the argument of opposing counsel, or the text of a decision or authority, or knowingly cite as law a provision already rendered inoperative by repeal or amendment, or assert as a fact which has not been proved.

WHEREFORE, the petition is GRANTED. The Resolutions of the Court of Appeals dated February 21, 2000 and

August 7, 2000 are REVERSED and SET ASIDE. However, petitioner's claim for compensation benefits under P.D. No. 626 is DENIED for lack of merit.

SO ORDERED.

Panganiban, C.J., (Chairperson), Ynares-Santiago, Callejo, Sr., and Chico-Nazario, JJ., concur.

[1] Rollo, pp. 23-24, penned by Associate Justice Remedios A. Salazar-Fernando and concurred in by Associate Justices Angelina Sandoval-Gutierrez and Salvador Valdez, Jr.

[2] Rollo, pp. 73-74.

[3] Id. at 141-142, Employees' Compensation Commission Decision.

[4] Id. at 142.

[5] Id. at 144-145.

[6]CA rollo, pp. 10, 15.

[7] Rollo, pp. 23-24.

[8]CA rollo, p. 33.

[9] Rollo, pp. 73-74.

[10] Rollo, p. 14.

[11] Id. at 15-17.

[12] Id. at p. 77.

[13] Id. at 78-83.

[14] Id. at 93-94.

[15] Id. at 114-116.

[16] Id. at 110-111.

[17] Id. at 97-98.

[18] Id. at 117.

[19] Id. at 121.

[20] Id. at 88-89.

[21] Id. at 129-130.

[22] Id. at 134.

[23] Id. at 207-211.

[24]Id. at 175-177.

[25] Mendoza v. David, G.R. No. 147575, October 22, 2004, 441 SCRA 172, 181.

[26] Id.

[27] Id. at 181.

[28] Rollo, pp. 17-18.

[29] Mendoza v. David, *supra* note 25 at 178.

[30] Book Four, Title II, Labor Code, as amended by P.D. No. 626.

[31] Hata Hataie v. Employees' Compensation Commission, G.R. No. 92803, March 22, 1991, 195 SCRA 580, 582-583.

[32] CA rollo, p. 11-12.

[33] Id. at 12.

[34] G.R. No. L-43540, March 14, 1979, 89 SCRA 89.

[35] Id. at 96.

[36] Orate v. Court of Appeals, 447 Phil 654, 660 (2003).

[37] Id.

[38] Id. at 660-662.

[39] Id. at 665.

[40] Government Service Insurance System v. Court of Appeals, G.R. No. 115243, December 1, 1995, 250 SCRA 491, 496.

[41] *Supra* note 36 at 666.

[42] G.R. No. 95595, July 8, 1991, 198 SCRA 834.

[43] Id. at 836-837.

[44] Orate v. Court of Appeals, *supra* note 36, at 666.

[45] *Supra* note 36.

[46] Id. at 667.

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