

RUBEN T. LIMBO, PETITIONER, VS. EMPLOYEES COMPENSATION COMMISSION AND SOCIAL SECURITY SYSTEM, RESPONDENTS.

G.R. No. 146891. July 30, 2002

Ponente: KAPUNAN, J.

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KAPUNAN, J.:

Before the Court is a petition for review on certiorari assailing the decision, promulgated on October 24, 2000, and the resolution, promulgated on January 29, 2001, of the Court of Appeals in CA-G.R. SP No. 51528.

Petitioner Ruben T. Limbo was employed at Nestlé Philippines, Incorporated from November 25, 1966 to December 31, 1996, first, as a salesman until he was promoted as Area Sales Supervisor in 1977.

Sometime in December 1994, Limbo was confined for one week at the Philippine General Hospital (PGH) because of joint pains. His work-up revealed that he had elevated BUN, creatinine and anemia. When Limbo was subjected to a renal ultrasound, it was further discovered that he had chronic renal disease and he was forthwith referred to a nephrologist and was advised to undergo a kidney transplant. On January 2, 1995, Limbo underwent a renal transplant at the PGH and was discharged therefrom on January 13, 1995.

Limbo filed a claim for compensation benefits before the Social Security System (SSS), invoking Presidential Decree (P.D.) No. 626, as amended. However, the claim was denied on the ground that Limbo's illness, "end-stage renal disease secondary to uric acid nephropathy," had no causal relationship to his job as Area Sales Supervisor. Limbo promptly appealed to the Employees Compensation Commission (ECC). In a decision, dated December 2, 1998, the ECC affirmed the decision of the SSS and dismissed the appeal for lack of merit.

Unsatisfied with the decision, Limbo went to the Court of Appeals for relief. However, in the now assailed decision, the appellate court dismissed the petition. Limbo's motion for reconsideration was later denied.

Hence, the present recourse.

The only issue here is whether or not "end-stage renal disease secondary to uric acid nephropathy" is compensable under P.D. 626, as amended.

We grant the petition.

Under the Amended Rules on Employees Compensation, "(f)or the sickness and the resulting disability 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." [1] Concededly, "end-stage renal disease secondary to uric acid nephropathy" is not among the Occupational Diseases under Annex "A" of the Amended Rules on Employees Compensation. This, however, would not automatically bar petitioner's claim for as long as he could prove that the risk of contracting the illness was increased by his working conditions.

Petitioner's job description showed that he was responsible for the following:

- (1) Territory's collection, merchandising, market hygiene and promotion goals;
- (2) Nestlé's principal satisfaction provider to the company's customers and business partners, government and other significant entities;
- (3) Principal Liason of the territory with the National Sales Manager, Areas Sales Manager and other Nestlé units;
- (4) Leads and manages territory sales force and 3rd party support as follows:

Field Staff

-

8 - 15

Contractuals (promo)

-

10 - 20

Contractuals (PDD)

-

20 - 40[2]

Petitioner's areas of responsibility included Manila, Bulacan, Pampanga and Nueva Ecija.

Considering the workload and areas of responsibility of petitioner in this case, it is not unlikely for him to develop hypertension, which in turn led to uremia. It should be stressed that in determining whether a disease is compensable, it is enough that there exists a reasonable work connection.[3] It is sufficient that the hypothesis on which the workmen's claim is based is probable since probability, not certainty, is the touchstone.[4]

We agree with the Office of the Solicitor General (OSG) that the findings of petitioner's attending physician supported the claim that his disease was work-related. Thus:

MEDICAL ABSTRACT:

Mr. Ruben Limbo is a 58 year-old male who was first seen by me in 1994.

He presented with a long history of hypertension requiring multiple drug therapy. He also had gout which was complicated by a urethral obstruction in 1997 due to a uric acid stone.

At the time of consult, he already had marked azotemia, metabolic acidosis and diffuse renal parenchymal disease. He was advised that he will eventually need dialysis or transplant.

In January 1995, he underwent a living related kidney transplant. He has gone well since then. He continued to have gout and hypertension post transplant, otherwise, his kidney function has been stable.

DISCUSSION:

Mr. Limbo suffered from a long history of hypertension and gout. This has led to several complications like

hypertensive heart disease, hypertensive nephrosclerosis and eventually renal failure. He was hypertensive while still employed and certainly, the stress at work could have aggravated his condition.

AGNES D. MEJIA, M.D.

Nephrologist[5]

As correctly pointed out by the OSG, a physician's report is the best evidence of work-connection of workmen's ailments and can be the basis of an award even if the physician was not presented as a witness.[6] We have no reason to doubt the findings of Dr. Mejia who is an expert in her field of work. Verily, petitioner was able to show that his ailment was work-related.

WHEREFORE, the petition is GIVEN DUE COURSE and is hereby GRANTED. The decision of the Court of Appeals, promulgated on October 24, 2000, is REVERSED and SET ASIDE. The Court orders the Social Security System to pay petitioner the compensation benefits due him under P.D. 626.

SO ORDERED.

Davide, Jr., C.J., (Chairman), Vitug, Ynares-Santiago, and Austria-Martinez, JJ., concur.

[1] Rule III, Section 1(b).

[2] Rollo, p. 34.

[3] Bonilla vs. Court of Appeals, 340 SCRA 760 (2000).

[4] Salmone vs. Employees' Compensation Commission, 341 SCRA 150 (2000).

[5] Rollo, p. 42.

[6] See Librea vs. Employees' Compensation Commission, 203 SCRA 545 (1991).

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