

JAIME M. BARRIOS, SUBSTITUTED BY HIS HEIRS, ERLINDA BARRIOS AND CHRISTIANNE JOY BARRIOS, PETITIONERS, VS. EMPLOYEES' COMPENSATION COMMISSION AND GOVERNMENT SERVICE INSURANCE SYS...

G.R. NO. 148089. March 24, 2006

Ponente: SANDOVAL-GUTIERREZ, J.

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SANDOVAL-GUTIERREZ, J.:

For our resolution is the instant Petition for Review on Certiorari assailing the Decision[1] dated February 9, 2001 and Resolution[2] dated April 30, 2001 of the Court of Appeals (Fourteenth Division) in CA-G.R. SP No. 48150.

The pertinent facts as gleaned from the records are:

Jaime M. Barrios, now deceased, substituted by his heirs, wife Erlinda and daughter Christianne Joy, now petitioners herein, was employed on February 1, 1975 as a driver in the National Irrigation Administration (NIA), respondent. On January 16, 1997, he retired as Driver-Mechanic 3 after rendering twenty-two (22) years of public service. He was then fifty (50) years old.

From August 5 to 17, 1996, or five months and 11 days before his retirement, Barrios was confined at the Lung Center of the Philippines due to chronic renal failure and diabetes mellitus. Prior thereto, he had been suffering from diabetes for fifteen (15) years. After his discharge from the Lung Center, his condition did not improve. On October 8-31, 1996, he was treated at the Manila Doctors Hospital for end stage kidney disease secondary to diabetic nephropathy. On his second day, he began undergoing dialysis.

On September 2, 1997, Barrios filed with the Government Service Insurance System (GSIS) a claim for income benefits, pursuant to Presidential Decree (P.D.) No. 626,[3] as amended. The GSIS denied his claim on the ground that end stage renal disease and diabetic nephropathy are not among the compensable occupational diseases listed under Annex "A" of the Decree; and that there is no showing that his job as a driver-mechanic increased the risk of contracting the ailments.

Barrios filed a Motion for Reconsideration, but the GSIS denied the same. He then appealed to the Employees' Compensation Commission (ECC).

On January 15, 1998, while the case was pending in the ECC, Barrios passed away. The cause of death as shown by the Death Certificate was renal failure secondary to diabetes mellitus.[4]

On April 17, 1998, the ECC rendered its Decision affirming the GSIS ruling.

The heirs of Barrios then filed with the Court of Appeals a petition for review.

On February 9, 2001, the Court of Appeals promulgated its Decision. The dispositive portion reads:

WHEREFORE, premises considered, the present petition is hereby DENIED DUE COURSE and accordingly

DISMISSED, for lack of merit. Consequently, the Decision dated April 17, 1998 of respondent Employees' Compensation Commission in ECC Case No. MG-9371-1197 affirming the letter dated October 7, 1997 of respondent Government Service Insurance System denying the claim for income benefit is AFFIRMED.

SO ORDERED.

In denying the petition, the Court of Appeals held:

Petitioners' arguments rest mainly on their claim that Jaime's circumstance was the same as those of Geronimo's. However, a perusal of the records of this case discloses that while Mr. Barrios had been, in his lifetime, contending that his case falls squarely under the Narazo Case, they however failed to present any evidence to establish the claimed similarities. There was no evidence to prove Jaime's nature of work and working condition. More importantly, no evidence whatsoever was presented on any reasonable relationship between Jaime's working condition and the disease which eventually claimed his life. All he and his heirs had were bare assertions that his job as a driver-mechanic increased the risk of him contracting the said disease. But bare allegation does not ipso facto make Jaime's disease compensable. Award of compensation cannot rest on speculations or presumptions. The beneficiaries must present evidence to prove a positive proposition. And, while it is not required that the work-connection be proved by direct evidence, it is however required that the claimant should at the very least submit such proof as would constitute a reasonable basis for concluding ailment or that such working conditions had aggravated the risk of contracting that ailment. Sadly, neither the deceased nor his heirs have discharged this duty and for this reason we have no recourse but to agree with the findings of the respondent ECC.

Further, assuming arguendo that indeed part of Jaime's work was to drive around Metro Manila for 3 to 5 hours daily, carrying officials of the NIA to their respective appointments, still, the Narazo Case cannot be applied to his case because his nature of work and work condition is not the same as in the case of Geronimo. While Geronimo was a Budget Examiner in the Office of the Governor primarily dealing with the detailed preparation of the budget, financial reports and review and/or examination of other provincial and municipal offices — a job requiring full concentration and thorough study of the entries of accounts in the budget and/or financial reports, Jaime's job, on the other hand, does not require the same degree of concentration as would make him forego urinating or control the same. His job requires skill not analytical thinking. And, unlike Geronimo, Jaime could relieve himself without having to worry about forgetting what the last transaction was, what the last entry in the ledger was, how much it costs or if the local government has fund for it. Moreover, while waiting for the officials of the NIA, Jaime has a waiting period which he can make use of the rest and relieve himself if need be.

Besides, it is most probable that Jaime is not the only driver at the NIA and such being the case, he could not have been driving for the officials of the said office day in and day out. There would be others on duty and there must have been a working schedule being followed by the drivers of NIA so that not one of them would be unjustly burdened with driving everyday. In addition, we also find it impossible that the officials of NIA were attending meetings outside their office everyday that would warrant the daily driving activities of Jaime.

Petitioners seasonably filed a Motion for Reconsideration, but the Court of Appeals denied the same.

Hence, the instant Petition for Review on Certiorari.

The sole issue before us is whether petitioners are entitled to income benefits under P.D. No. 626, as amended.

Section 1(b), Rule III implementing P.D. No. 626, as amended, provides:

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.

Under the above Rule, for the death of Barrios to be compensable, petitioners, as claimants, must prove that (a) his sickness was the result of an occupational disease listed under Annex "A" of the Rules of Employees' Compensation, or (b) the risk of contracting the disease was increased by his working conditions. In *Salalima v. Employees' Compensation Commission*,^[5] we held that where the disease or illness that caused the death or disability of the employee is not included in Annex "A," his or her heirs are entitled to compensation if they can prove that the risk of contracting the disease was increased by his or her working conditions. The law does not require that the connection be established with absolute certainty or that a direct causal relation be shown. It is enough that the theory upon which the claim is based is probable. Probability, not certainty, is the touchstone.^[6]

In the instant case, the Court of Appeals rejected petitioners' main argument that a driver-mechanic in Metro Manila, tasked with transporting NIA officials to their destinations for several hours a day, would have severe problems associated with urinary functions. Petitioners invoked our ruling in *Narazo v. Employees' Compensation Commission*.^[7] In this case, Geronimo Narazo (deceased, and substituted by his wife Amalia) was a former budget examiner in the Office of the Governor of Negros Occidental. Geronimo's duties were preparing the provincial budget, drafting financial reports, and reviewing the budgets of provincial and municipal offices. He had to sit for hours and, more often than not, had to forego or even delay urinating so as not to interrupt his concentration. Moreover, he was under tremendous tension and pressure. Because of the nature of his work, which required full attention and thorough studies of the entries of accounts in the budget and/or financial reports, he suffered uremia due to destructive nephropathy and benign prostatic hypertrophy which caused his death. Although uremia is not among the compensable ailments under P.D. No. 626, we granted him compensation benefits. We held that under the circumstances, the risk of contracting his disease was aggravated by his working condition.

It is true that the work of the late Barrios did not require analytical mental process. As the Court of Appeals held, he did not have "to worry about forgetting what the last transaction was, what the last entry in the ledger was, how much it costs or if the local government has funds for it." However, the Appellate Court failed to consider the nature of his ailment and the working conditions associated with his employment. The court then failed to see the connection between these two.

Barrios was diagnosed to be suffering from diabetes mellitus complicated by end stage renal disease. This is where the line must be drawn between him and Geronimo Narazo.

Diabetes mellitus is "a metabolic disorder in which the ability to oxidize carbohydrates is more or less completely lost, usually due to faulty pancreatic activity, especially of the islets of Langerhaus and subsequent disturbance of normal insulin mechanism. This produces hypoglycemia with resulting glycosuria and polyuria giving symptoms of thirst, hunger, emaciation and weakness and also imperfect combustion of fats with resulting acidosis."^[8] Glycosuria is "the presence of an abnormal amount of glucose in the urine."^[9] Polyuria, in turn, is "the passage of a large volume of urine in a given period."^[10] A fundamental characteristic of diabetes, regardless of whether it is Type 1 (insulin dependent) or Type 2 (non-insulin dependent), is frequent urination or polyuria.^[11]

End stage renal disease, on the other hand, is attributable to complications of diabetes. The kidneys or renal system filter waste products out of the blood and recycle other important substances. This ailment is the stage where the kidneys or renal system fail to perform their function of filtering waste products out of the blood. Damaging chemicals, such as creatinine and urea, remain in the blood, thus, necessitating dialysis or mechanical cleansing of the blood.^[12]

Diabetes is "a deficiency condition marked by habitual discharge of an excessive amount of urine." [13] Simply put, a diabetic sufferer has to urinate frequently. Otherwise, he will suffer nephropathy or kidney disease.

Records show that as a driver-mechanic, Barrios was tasked with transporting NIA officials, various consultants, and even World Bank officers, to different destinations in Metro Manila and the surrounding provinces of Central Luzon and Southern Tagalog. These travels required him to sit behind the wheel for many hours. Job efficiency required him to transport his passengers to their respective destinations on time. He thus faced a situation where he had to forego urinating for hours. To this must be added the stress and strain every driver encounters while on the road. [14]

We have no argument with the finding of the Court of Appeals that as a driver, Barrios had waiting times during which he could freely relieve his bladder. But what the court overlooked was his need to urinate frequently due to his diabetes. This ailment afflicted him not only when he was resting, but also when he was on the road. With high ranking passengers in his charge, he had no choice but to drive continuously most of the time. As a consequence, his disease was aggravated. Nephropathy then set in with fatal results.

Under these circumstances, we must apply the avowed policy of the State to construe social legislation liberally in favor of the beneficiaries. [15] This is in line with Article 166 of P.D. No. 626, as amended, which reads:

ART. 166. Policy. — The State shall promote and develop a tax-exempt employees' compensation program whereby employees and their dependents, in the event of work-connected disability or death, may promptly secure adequate income benefit and medical or related benefits.

P.D. No. 626 is a specie of social legislation. Its primary purpose is to provide meaningful protection to the ordinary worker against the perils of disability, the hazards of illness, and hardships of other contingencies which may result in the loss of income. It seeks to give full force and effect to the policy of the State of giving maximum aid and protection to labor. [16] This is so mandated by Section 18, Article II of the Constitution which provides:

SEC. 18. The State affirms labor as a primary social economic force. It shall protect the rights of the workers and promote their welfare.

Where, as here, there is a basis for inferring that the risk of contracting the disease was aggravated by the employee's working conditions, it is but proper that the ECC, tasked with implementing social legislation, adopt a liberal attitude in favor of petitioners, like the widow and orphan of the late Barrios.

WHEREFORE, we GRANT the petition. The assailed Decision and Resolution of the Court of Appeals (Fourteenth Division) in CA-G.R. SP No. 48150 are REVERSED and SET ASIDE. The GSIS is directed to promptly pay the petitioners compensation benefits arising from the death of Jaime Barrios pursuant to P.D. No. 626, as amended.

SO ORDERED.

Puno, (Chairperson), Corona, Azcuna, and Garcia, JJ., concur.

[1] Rollo, pp. 29-33. Penned by Associate Justice Martin S. Villarama, Jr., with Associate Justices Conrado M. Vasquez, Jr., and Perlita J. Tria Tirona (retired) concurring.

[2] Id., p. 34.

[3] Employees' Compensation and State Insurance Fund.

[4] Rollo, p. 60.

[5] G.R. No. 146630, May 20, 2004, 428 SCRA 715, 721.

[6] *Salmone v. Employees' Compensation Commission*, G.R. No. 142392, September 26, 2000, 341 SCRA 150, 155, citing *Sarmiento v. Employees' Compensation Commission*, 228 Phil. 400 (1986).

[7] G.R. No. 80157, February 6, 1990, 181 SCRA 874.

[8] *Dorland's Medical Dictionary* (24th Ed.) 414.

[9] *Id.*, p. 623.

[10] *Id.*, p. 1199.

[11] M. Hammerly, *Diabetes: The New Integrative Approach* (2001 Ed.) 62-63.

[12] *Id.*, pp. 49-50.

[13] G.R. No. 80157, February 6, 1990, 181 SCRA 874, *supra*.

[14] *Buena Obra v. Social Security System*, G.R. No. 147745, April 9, 2003, 401 SCRA 206.

[15] *Government Service Insurance System v. Court of Appeals*, G.R. No. 132648, March 4, 1999, 304 SCRA 243, 251.

[16] *Government Service Insurance System v. Court of Appeals*, G.R. No. 126352, September 7, 2001, 364 SCRA 624, 630, citing *Lazo v. Employees' Compensation Commission*, 186 SCRA 569 (1990).

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