GOVERNMENT SERVICE INSURANCE SYSTEM, PETITIONER, VS. MERLITA PENTECOSTES, SUBSTITUTED BY JAIME R. PENTECOSTES, RESPONDENT.

G.R. No. 154385. August 24, 2007

Ponente: TINGA, J.

Read online (full-text search, related cases, audio case brief): https://batas.org/library/g-r-no-154385/

TINGA, J.:

In this Petition for Review[1] under Rule 45 of the 1997 Rules of Civil Procedure, petitioner Government Service Insurance System (GSIS) assails the Decision[2] dated 11 April 2002 of the Fourteenth Division of the Court of Appeals in C.A.-G.R. SP No. 65840 and its Resolution[3] dated 17 July 2002 denying its Motion for Reconsideration.

Following are the factual and legal antecedents, as culled from the decision of the Court of Appeals.

Respondent Merlita Pentecostes (Merlita) was 32 years old when she joined the government service in 1980 as a public school elementary teacher assigned to the remote and mountainous barangay elementary schools of the towns of Basud, Imelda, Labo and Jose Panganiban, all in the province of Camarines Norte. In 1995, Merlita was assigned to the urban town of Daet, Camarines Norte where she retired from service on 24 April 1998 on account of her serious malady. While assigned at the said mountainous towns, Merlita had to walk six (6) kilometers daily to and from the barangay elementary school where she taught and her temporary residence in the poblacion.[4] In said locales, Merlita's only source of drinking water came from a deep well. Merlita frequently experienced urinary tract infections.[5]

From 15 November 1997 to 8 December 1997, Merlita was confined at the Bicol Medical Center in Naga City due to Chronic Renal Failure secondary to Obstructive Uropathy Secondary to Urolithiasis.[6] Consequently, Merlita's right kidney was removed by way of a nephrectomy in October 1998.[7]

Merlita's left kidney also failed because of Nephrolithiasis (Renal Stones or Urolithiasis). On account of her condition, she underwent hemodialysis (a procedure where blood with the excretory products is removed and replaced with fresh blood) two (2) times a week which is an expensive procedure done not to cure the disease but to ease the pain, to lessen the retention of fluids, to minimize further complications, and to lengthen the chance of survival of Merlita.[8]

Merlita's condition constrained her to retire from service in April 1998. Her medical examiners considered her disability as total and permanent.[9] On account of her illness, Merlita filed a claim with GSIS for compensation benefits which was denied on the ground that Urolithiasis is not work-related. Merlita sought reconsideration, but it was similarly denied. On appeal, the Employees' Compensation Commission (ECC) likewise rejected Merlita's claim,[10] the pertinent portions of whose decision read:

> Viewed against the foregoing, we can safely conclude that the development of appellant's Urolithiasis was not due to factors present in her workplace or the nature of her employment as a teacher. Familial or hereditary

> predisposition have been noted in the development of this disease, thus, we believe that the respondent System correctly ruled against compensability.
>
> WHEREFORE, premises considered, the decision of the respondent System appealed from is hereby AFFIRMED, and the instant case is dismissed for lack of merit.[11]

Aggrieved, Merlita interposed an appeal in December 1999 before the Court of Appeals insisting that the conditions of her work greatly increased the risk of contracting the ailment.[12] A couple of days later, Merlita died and was substituted by her husband and six (6) children.[13]

The Court of Appeals sustained Merlita's position, reversed the decision of the ECC, and declared her heirs entitled to the compensation benefits under Presidential Decree (P.D.) No. 626, as amended.[14] The appellate court stated:

> It can be stressed that Merlita Pentecostes, when she commenced her career as a public school elementary teacher, first as a substitute classroom teacher from 1980 to 1984, then as a regular classroom teacher up to the time she went out of service in 1998 because of her serious kidney disease was, at the age of 32 years, young and in good perfect healthy condition. In the fourteen (14) years of teaching she was assigned in the arid, rural, tropical and mountainous barangays of Basud, Labo, Imelda and Jose Panganiban, all far-flung towns of Camarines Norte where the petitioner has to regularly walk daily an exhausting, dehydrating, and lung-busting six (6) kilometers stretch to and from the barangay elementary school and place of her temporary residence in the Poblacion of the municipality of said towns. A daily routine for fourteen (14) years which strained her kidneys coupled with drinking unchlorinated and uncertain impurities-filled water from deep and shallow water wells and the stress of working away from the loving arms and bliss of her family who lived in Daet, Camarines Norte. This dehydrating condition of walking six (6) kilometers to and from the arduous and hot mountainous barangays on the aforesaid towns of Camarines Norte put heavy toll on petitioner's kidneys by reducing urine volume and higher secretion and concentration of insoluble sediments-predisposing factors which contributed and increased the risk of petitioner's contracting Urolithiasis (a renal disease attributed to the development of calcium, oxalates, uric acid and/or cystine stones, in the calyces, papillae, ureter, urinary bladder and other renal parts). This undue strain on petitioner's kidneys predisposed petitioner to develop this malady, Urolithiasis, which as a consequence suppressed the kidney functions by way of renal failure. This predisposing factor of chronic dehydration which contributed and increased the risk of the petitioner to develop Urolithiasis and Renal Failure has been confirmed by medical experts and authorities in their respective fields in medicine x x x.[15]
>
> x x x x
>
> Moreover, since the cause or causes of Urolithiasis is or are still unknown, no proof can be presented because the law does not require the impossible.[16]

In the instant petition, GSIS reiterates its previous submission that Merlita failed to discharge the burden of presenting evidence that her ailment was caused by her work.[17] Moreover, it states that the sad plight and the deterioration of the GSIS State Insurance Fund should not be aggravated by approving claims of ailments not intended by law to be covered.[18]

In her Comment[19] dated 20 January 2003, Merlita maintains that the development of urolithiasis as being secondary to chronic renal failure has no clear etiologic factor so as to a create a conclusive causal connection leading to the disease. Since the cause or causes of the disease is or are still unknown, no proof can be presented because the law does not require the impossible.[20]

In a Resolution[21] dated 19 March 2007, the Court noted the death of Merlita's husband and substitute respondent, Jaime P. Pentecostes, Sr. He was substituted by one of his children, Jaime R. Pentecostes, Jr., as party

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

respondent.

The sole issue before the Court is whether Merlita is entitled to compensation benefits under P.D. No. 626, as amended.

After a thorough evaluation of the case and assessment of the arguments of the parties, the Court finds for Merlita and affirms the challenged decision of the Court of Appeals.

Section 1(b), Rule III implementing P.D. 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 Merlita's sickness and resulting disability to be compensable, there must be proof that (a) her 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 her working conditions. This means that if the claimant's illness or disease is not included in Annex "A," then he is entitled to compensation only if he can prove that the risk of contracting the illness or disease was increased by his working conditions.[22] 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.[23]

Pertinently, the Court stated in the case of Employees' Compensation Commission v. Court of Appeals:[24]

> Despite the abandonment of the presumption of compensability established by the old law, the present law has not ceased to be an employees' compensation law or a social legislation; hence, the liberality of the law in favor of the working man and woman still prevails, and the official agency charged by law to implement the constitutional guarantee of social justice should adopt a liberal attitude in favor of the employee in deciding claims for compensability, especially in light of the compassionate policy towards labor which the 1987 Constitution vivifies and enhances. Elsewise stated, a humanitarian impulse, dictated by no less than the Constitution itself under the social justice policy, calls for a liberal and sympathetic approach to legitimate appeals of disabled public servants; or that all doubts to the right to compensation must be resolved in favor of the employee or laborer. Verily, the policy is to extend the applicability of the law on employees' compensation to as many employees who can avail of the benefits thereunder.[25]

Concededly, Merlita's illness, urolithiasis, is not among those listed in the table of occupational diseases embodied in Annex "A" of the Rules on Employees' Compensation. Nevertheless, the Court agrees with the Court of Appeals in its finding that Merlita was able to prove by substantial evidence that her working conditions increased the risk of contracting the disease. Substantial evidence is the amount of relevant evidence which a reasonable mind might accept as adequate to justify the conclusion.[26]

Urolithiasis is the process of forming stones in the kidney, bladder and/or urethra (urinary tract).[27] It is the formation of urinary calculi at any level of the urinary tract. Urinary calculi (stones) are worldwide in its distribution but are more common in some geographic areas as in parts of United States, South Africa, Pakistan, India and Southeast Asia. Nutritional and environmental factors seem to play a role in stone formation.[28] The prevalence of urinary calculi is higher in those who live in mountainous, desert or tropical areas. Higher temperatures increase perspiration, which may result in concentrated urine. This promotes increased urinary crystallization. The mineral content of water also may contribute to the causes of stone disease. Some studies state that excessive water hardness causes a greater incidence of stone disease.[29]

The 15[th] Edition of Smith's General Urology states that fluid intake and urine output may have an effect on urinary stone disease. It also states that individuals living in hot climates are prone to dehydration, which results

in an increased incidence of urinary stones. Although heat may cause a higher fluid intake, sweat loss results in lowered voided volumes. Hot climates usually expose people to more ultraviolet light, increasing vitamin D3 production. Increased calcium and oxalate excretion has been correlated with increased exposure time to sunlight.[30] Those who become dehydrated due to strenuous physical activity are also particularly at risk of developing stones.[31]

According to the 13[th] Edition of Harrison's Principles of Internal Medicine, Vol. 2. (International Edition, 1994), urinary stones usually arise because of the breakdown of a delicate balance. The kidneys must conserve water, but they also must excrete materials that have a low solubility. These two opposing requirements must be balanced during adaptation to diet, climate and activity.[32]

The foregoing medical reports establish that the environment (climate and geographical location), water or fluid intake and activity are important factors in the development or inhibition of urinary stone disease. The regularity of urination likewise plays an important role since withholding urine for sometime may disturb the balance.[33] Merlita was assigned to schools located in mountainous barangays which required her to walk daily a considerable distance. Considering the climate, the location of her workplace, i.e. mountainous and far-flung, and the strenuous walk she had to daily endure, she was prone to dehydration which could have led to the formation of urinary stones. Additionally, in said place the only available drinking water was the water taken from the deep well which in all probability was hard water, containing minerals which contribute to the formation of kidney stones. Merlita could also have missed the important habit of regular urination. Teachers have a tendency to sit for hours on end, and to put off or postpone emptying their bladders when it interferes with their teaching hours or preparation of lesson plans.[34] Thus, while the Court concedes that the nature of Merlita's work as a teacher does not per se ordinarily cause urolithiasis, the risk of contracting the same in this case was aggravated by the peculiar conditions and location of her workplace, which required her to undergo a five-day week schedule of strenuous and protracted walking.

Finally, it is well to recall the Court's exhortation in Vicente v. Employees' Compensation Commission[35] reiterated in the case of Employees' Compensation Commission v. Court of Appeals[36] wherein the Court ruled that therein private respondent's job as an NBI Engineer, which included field work, increased her risk of contracting uterelothiasis, also a urinary stone disease, to wit:

> The court takes this occasion to stress once more its abiding concern for the welfare of government workers, especially the humble rank and file, whose patience, industry, and dedication to duty have often gone unheralded, but who, in spite of very little recognition, plod on dutifully to perform their appointed tasks. It is for this reason that the sympathy of the law on social security is toward its beneficiaries, and the law, by its own terms, requires a construction of utmost liberality in their favor. It is likewise for this reason that the Court disposes of this case and ends a workingman's struggle for his just dues.[37]

WHEREFORE, the Decision dated 11 April 2002 of the Fourteenth Division of the Court of Appeals in C.A.-G.R. SP No. 65840, ordering the Government Service Insurance System to pay the heirs of Merlita Pentecostes compensation benefits as provided under P.D. No. 626, as amended, is AFFIRMED.

SO ORDERED.

Quisumbing, (Chairperson), Carpio, Carpio-Morales, and Velasco, Jr., JJ., concur.

---

[1] Rollo, pp. 13-27; Dated 4 September 2002.

[2] Id. at 33-42; Penned by Associate Justice Mercedes Gozo-Dadole with the concurrence of Associate Justices

Salvador J. Valdez, Jr. and Juan Q. Enriquez, Jr.

[3]Id. at 45.

[4] Rollo, pp. 33-34.

[5] CA rollo, pp. 120-121.

[6] Rollo, pp. 33-34.

[7]Id. at 49.

[8]Id. at 34.

[9] CA rollo, p. 92.

[10] Rollo, p. 34; In a decision dated 22 September 1999, id. at 48-53.

[11]Id. at 52.

[12] CA rollo, pp. 3-15.

[13] Id. at 50-60; Merlita's husband subsequently died on 3 November 2005. He was substituted by one of his children as party respondent. See id. at 89.

[14] Id. at 42.

[15]Id. at 37.

[16] Id. at 40.

[17] Id. at 18; CA rollo, p. 185.

[18] Id. at 57-60.

[19] Id. at 57-60.

[20] Rollo, p. 58.

[21] Id. at 97.

[22]GSIS v. Court of Appeals, 321 Phil. 70, 76-77 (1995).

[23] Barrios v. Employees' Compensation Commission, G.R. No. 148089, 24 March 2006, 485 SCRA 320, 326.

[24] 332 Phil. 278 (1996).

[25]Id. at 287.

[26] GSIS v. Court of Appeals, 7 September 2001, 417 Phil. 102, 108-109 (2001).

[27] Definition of Urolithiasis, Medicine. Net.Com, http://www.medterms.com/script/main/art.asp?articlekey=6649 (visited 8 August 2007).

[28] Epidemiological Risk Factors and Composition of Urinary Stones in Riyadh Saudi Arabia, by Abdus Salam Khan, Manzoor Ellahi Rai, Gandapur, Ayesha Pervaiz, Arif Hussain Shah, Abdallah Aba Hussain, Muhammad Siddiq (visited 9 August 2007)

[29] Clinical Epidemiology of Urolithiasis in Tropical Areas, Leonardo R. Reyes Rabanal, M.D., Instituto de

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

Nefrologia, Havana, Cuba (visited 9 August 2007)

[30] Urinary Stone Disease, Chapter 17, p. 306.

[31] READER'S DIGEST ABC'S OF THE HUMAN BODY, A FAMILY ANSWER BOOK, p. 264.

[32]Page 1330, cited in Employees' Compensation Commission v. Court of Appeals, 332 Phil. 278, 290 (1996).

[33] Employees' Compensation Commission v. Court of Appeals, G.R. No. 121545, 14 November 1996, 264 SCRA 257, 259.

[34] Ceniza v. Employees' Compensation Commission, et. al., 203 Phil. 521, 532 (1982).

[35] G.R. No. 85024, 23 January 1991, 193 SCRA 190, 197.

[36] Supra note 22.

[37] Supra note 22, at 290-291.

Study hands-free: podcast-style lessons with read-along highlighting - batas.org

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at https://batas.org

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.