

GOVERNMENT SERVICE INSURANCE SYSTEM, PETITIONER, VS. VICTORIOUSA B. VALLAR, RESPONDENT.

G.R. NO. 156023. October 18, 2007

Ponente: SANDOVAL-GUTIERREZ, J.

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SANDOVAL-GUTIERREZ, J.:

For our resolution is the instant Petition for Review on Certiorari seeking to reverse the Decision^[1] of the Court of Appeals (Second Division) promulgated on November 15, 2002 in CA-G.R. SP No. 69620.

The undisputed facts are:

From 1991 to 1996, former Judge Teotimo Vallar presided over the Municipal Circuit Trial Court (MCTC) of Catarman-Sagay, Camiguin Province.

During his tenure, Judge Vallar suffered chronic obstructive pulmonary disease (COPD). From December 12, 1995 to January 6, 1996, he was confined at the Cebu Doctors Hospital, Cebu City due to “neuromyelitis optica: pneumothorax” secondary to “bullous emphysema.”

From January 8 to January 24, 1996, Judge Vallar was hospitalized anew, this time at the Cebu Velez General Hospital, Cebu City as he was afflicted with “ascending traverse myelitis” and COPD.

On July 4, 1996, Judge Vallar passed away at the age of sixty-six (66). The cause of death was “bronchopneumonia secondary to paraplegia: neuromyelitis.”

His surviving spouse, Victoriousa Vallar, convinced that her husband’s ailment was work-related, filed a claim for death benefits with the Government Service Insurance System (GSIS) pursuant to Presidential Decree (P.D.) No. 626, as amended.^[2] However, the GSIS, in its Decision dated December 18, 2001, denied her claim for lack of substantial evidence to prove that the cause of his death was work-connected.

On appeal by Victoriousa, the Employees Compensation Commission (ECC) rendered a Decision affirming the GSIS judgment.

Victoriousa elevated the matter to the Court of Appeals by way of a petition for review under Rule 43 of the 1997 Rules of Civil Procedure, as amended.

On November 15, 2002, the Court of Appeals rendered its Decision reversing that of the ECC, thus:

Premises considered, the petition is GRANTED. The decision of the ECC is reversed and set aside. The petitioner and the legitimate children of the decedent Teotimo Vallar are hereby awarded full benefits pursuant to the provisions of Presidential Decree No. 626, as amended.

SO ORDERED.

In granting respondent’s claim, the Court of Appeals held:

Petition is well-taken.

Contrary to the assertion of the respondent, we acquiesce with petitioner's contention that the risk exposed to her spouse in contracting neuromyelitis optica, the underlying decedent's illness, was triggered by environmental work conditions.

Pursuant to the provision of the law on employee's compensation, also known as P.D. 626, reasonable work connection suffices for compensability. Probability, not certainty is the touchstone (*Bonilla v. CA*, 340 SCRA 764, 21 September 2000)

Neuromyelitis optica or also known as Devic's disease is a disorder, the spinal cord (usually, but not invariably, in the thoracic region) and the optic nerves or chiasm are affected by demyelinating lesions in close temporal association (William Weiner, *Emergent and Urgent Neurology*, Philadelphia: J.B. Lippincott Co., 1992, p. 346).

The clinical picture is one of unilateral or bilateral visual impairment together with paraparesis or paraplegia (paralysis of lower limbs due to injuries of spinal cord (J.P. Chaplin, *Dictionary of Psychology*, (2nd) Edition), 1985) and a sensory level. Visual impairment may progress rapidly over a course of several hours. Spinal cord involvement manifests as transverse myelitis (William Weiner, *Emergent and Urgent Neurology*, Philadelphia: J.B. Lippincott Co., 1992, *supra*). Transverse Myelitis is the inflammation of the whole cross-sectional area of the cord (Raymund Adams, Maurice Victor and Allan H. Ropper, *Principles of Neurology*, (6th) edition), New York: McGraw-Hill, 1997, p. 1237). The pathogenesis of this disease is disordered immune response to an infection rather than the direct effect of an infectious agent (Raymund Adams, Maurice Victor and Allan H. Ropper, *Principles of Neurology*, [6th] edition], New York).

It is of judicial notice that the judiciary is beset with the gargantuan task in unclogging dockets, not to mention the shortage of judges occupying positions in far flung areas such as in the herein case. Apart from presiding in the trial of cases, justices and judges are required to resolve the same within a prescribed period mandated by law.

In the case at bar, the decedent was compelled to render constant overtime work in order to study and formulate decisions. The petitioner described her husband's routine as MCTC Judge of Camiguin in the following manner:

x x x. By the nature of his work as a judge, he has to read voluminous records of cases, transcript of stenographic notes, law books, legal periodicals and other legal materials often at night and with the use of strong light. All these involved prolonged use of the eyes, making them highly susceptible to visual fatigue, stress and strain. The eyes like the brain bear the brunt of the judge's strenuous work. A judge works under continuous time pressure, hence, he also does his work at home and even during weekends. x x x (*Rollo*, p. 25).

These strenuous working conditions weakened the immune system of the late Judge Teotimo Vallar and caused him to contract neuromyelitis which further brought complications to his health and eventually to his death.

The development of the decedent's illness which occurred when he was still a member of the judiciary is duly supported by medical reports.

Petitioner was able to prove with substantial evidence that her husband's illness was reasonably work-connected to be entitled compensation.

Although P.D. 626, as amended, eliminated the principle of presumption of compensability, liberality in the application of the law must be upheld.

The issue before us is whether the Court of Appeals erred in holding that the diseases which caused the demise of

Judge Vallar are compensable under the law.

We sustain the findings of the Court of Appeals.

Section 1 of P.D. No. 626, as amended, defines a compensable sickness as “any illness definitely accepted as an occupational disease listed by the Commission or any illness caused by employment subject to proof by the employee that the risk of contracting the same is increased by his working conditions.” Under the Amended Rules on Employee Compensation, for the sickness and the resulting disability or death to be compensable, the claimant must prove that: (a) the sickness must be the result of an occupational disease listed under Annex “A” of the Rules with the conditions set therein satisfied, or (b) it must be shown that the risk of contracting the disease is increased by the working conditions.[3]

It is true that “neuromyelitis optica” or “Davit’s disease,” a disorder of the spinal cord, is not listed as an occupational disease in Annex “A” of the Amended Rules on Employee Compensation. However, this will not bar a claim for benefits under the law if the complainant can adduce substantial evidence that the risk of contracting the illness is increased or aggravated by the working conditions to which the employee is exposed to.

The late Judge Vallar was a front-line officer in the administration of justice, being the most visible living representation of this country’s legal and judicial system.[4] As a magistrate in the far-off province of Camiguin, he resolved disputes arising from simple rural folks who comprise the great bulk of our populace. In his daily judicial functions, he had the closest and most frequent contact with the people at the grass roots level.

As visible representations of the law and the justice system, trial judges, like Judge Vallar, are bound to dispose of the court’s business and to decide cases within the required period. In order to achieve this, they are expected to keep abreast of all laws and prevailing jurisprudence.[5] Judicial competence requires no less.

Judge Vallar evidently did his best to live up to these exacting standards. He worked long hours and burned the midnight oil reading records of cases, transcripts of stenographic notes, law books, legal periodicals and other legal materials. Often, he had to work at home and even during weekends. His daily routine certainly subjected him to visual fatigue, stress and strain. These severely strenuous working conditions contributed to the weakening of his immune system and caused him to contract neuromyelitis. Thus, his health failed and eventually, he died.

We note that as per Certification[6] dated August 27, 1996 of Pablita S. Bonacmita, clerk of court of the MCTC of Catarman-Sagay, Camiguin, Judge Vallar had “no criminal, civil and administrative cases left pending for decision.”

Respondent herein, Judge Vallar’s surviving spouse, is now 82 years old. She has been pursuing an arduous struggle in claiming her benefits for over a decade now. As the public agency charged by law in implementing P.D. No. 626, petitioner GSIS should not lose sight of the fact that the constitutional guarantee of social justice towards labor demands a liberal attitude in favor of the employee in deciding claims for compensability.

WHEREFORE, we DENY the petition. The Decision of the Court of Appeals (Second Division) promulgated on November 15, 2002 in CA-G.R. SP No. 69620 is AFFIRMED. Petitioner GSIS is ordered to pay respondent Victoriousa B. Vallar, upon notice, the full benefits she is entitled to under P.D. No. 626, as amended.

SO ORDERED.

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

[1] Rollo, pp. 36-40. Per Associate Justice Buenaventura J. Guerrero and concurred in by Associate Justice

Teodoro P. Regino (both retired) and Associate Justice Mariano C. Del Castillo.

[2] Employees' Compensation And State Insurance Fund.

[3] Salalima v. Employees Compensation Commission, G.R. No. 146630, May 20, 2004, 428 SCRA 715, 721.

[4] Junio v. Rivera, Jr., A.M. No. MTJ-91-565, August 30, 1993, 225 SCRA 688, 706-707.

[5] Pascual v. Javellanos, A.M. No. MTJ-02-1429, October 4, 2002, 390 SCRA 333, 337, citing Carpio v. De Guzman, 262 SCRA 615 (1996); and Morales, Sr. v. Dumlao, A.M. No. MTJ-01-1339, February 13, 2002, 376 SCRA 573, 577.

[6] Rollo, p. 133.

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