

GOVERNMENT SERVICE INSURANCE SYSTEM (GSIS), PETITIONER, VS. TEODOSIO CUANANG, REPRESENTED BY MARC DENNIS CUANANG, RESPONDENT.

G.R. No. 158846. June 03, 2004

Ponente: YNARES-SATIAGO, J.

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YNARES-SATIAGO, J.:

This is a petition for review under Rule 45 of the Rules of Court seeking the reversal of the decision[1] of the Court of Appeals, dated November 21, 2002, in CA-G.R. SP No. 69305, which set aside the decision[2] dated December 4, 2001 of the Employee's Compensation Commission (ECC) in ECC Case No. MG-11995-1200.

Carmen T. Cuanang, deceased wife of respondent Marc Dennis Cuanang, was formerly employed as a teacher in the Division of City Schools, Manila. She was first appointed on October 1, 1972, as Elementary Grade Teacher. She was later promoted to Teacher I on July 1, 1989 and later on to Teacher II. Carmen Cuanang served as Teacher II until she applied for early optional retirement on November 9, 1998, after completing almost twenty six years of government service.[3]

From September 14 to September 18, 1997, Carmen Cuanang was confined at the University of the East Ramon Magsaysay Memorial Medical Center, for Bronchial Asthma and Pneumonia, Rheumatic Heart Disease (RHD) and Mitral Stenosis.[4] She filed a claim with the Government Service Insurance System (GSIS) for sickness benefits under Presidential Decree 626, as amended.[5] The GSIS awarded her Temporary Total Disability (TTD) benefits from November 14-25, 1998. Subsequently, Cuanang was also granted Permanent Partial Disability benefits equivalent to nine months.

Carmen Cuanang died on May 7, 2000 at the age of 65. The immediate cause of her death[6] was determined to be Cardio Pulmonary Arrest with Acute Myocardial Infarction as the antecedent cause, and Bronchial Asthma and Hypertension as underlying causes.

Consequently, respondent filed with petitioner GSIS a claim for death benefits under PD 626, as amended. Petitioner denied the said claim in its letter of July 20, 2000,[7] the pertinent portion of which reads:

After a careful study, the Medical Evaluation and Underwriting Department, submitted its findings and recommendations as follows:

“Death due to Myocardial Infarction is not compensable under PD 626 since it occurred after retirement and beyond PPD period.”

Based on the recommendation of our Medical Department, this office regrets to inform you that your claim can not be favorably considered. x x x.

Respondent sought a re-evaluation of his claim, which the GSIS denied in a letter dated September 5, 2000.[8]

Respondent then appealed the denial of his claim to the ECC. In its December 4, 2001 decision,[9] the ECC

affirmed the denial by the GSIS of the respondent's claim, thus:

The ailment Acute Myocardial Infarction (AMI) can not be considered work-connected since it is a complication of Rheumatic Heart Disease, which is a result of her (Carmen Cuanang's) Rheumatic Fever, acquired during childhood. In the same vein, Bronchial Asthma can not be given due course since Cuanang's death took place beyond the PPD period. Moreover, the fact that Hypertension was developed after Cuanang's retirement negates compensability since it may be due to factors other than her work or working conditions.

Undeterred, respondent filed with the Court of Appeals a petition for review under Rule 43 of the Rules of Court, challenging the above decision of the ECC. On November 21, 2002, the Court of Appeals made the following findings:

The degree of proof required under PD 626 is merely substantial evidence, which means, "such relevant evidence as a reasonable mind might accept as adequate to support a conclusion." The claimant must show, at least, by substantial evidence that the development of the disease is brought largely by the conditions present in the nature of the job. What the law requires is a reasonable work connection and not direct causal connection. It is enough that the hypothesis on which the workmen's claim is based is probable. Medical opinion to the contrary can be disregarded, especially where there is some basis in the fact for inferring work connection. Probability, not certainty is the touchstone.[10]

Hence, the Court of Appeals set aside the assailed decision of the ECC and ordered the Government Service Insurance System (GSIS) to pay respondent's claim for death benefits under the Employee's Compensation Act.

The basic question presented in this petition is whether the resulting death of Carmen Cuanang is compensable under Presidential Decree No. 626, as amended.

We hold in the affirmative.

Petitioner contends that the ailments which brought about the death of respondent's wife, Carmen Cuanang, do not fall within the ambit of the coverage of PD 626, considering that when they occurred she had long retired from government service.

We are not persuaded.

We take our bearings from our pronouncements in the case of *Consortia F. Manuzon v. Employees' Compensation Commission, et al.*,[11] In said case, the Employees' Compensation Commission denied petitioner's claim because the cause of death of her husband, an assistant professor at the Mindanao State University, which was myocardial infarction, came four and one half years after his retirement. We held:

We believe otherwise. The evidence clearly shows that during his employment, the deceased suffered from a stroke, a cardio vascular accident. It was caused by thrombosis or blockage of the arteries. He had to retire because of paralysis caused by that cardio vascular attack or myocardial infarction. Stated otherwise, the cause of his compulsory retirement due to paralysis arising from cardio vascular accident is closely related to the cause of his death, which was also a cardio vascular attack or myocardial infarction. That heart disease developed when he was still working as a professor. It caused his paralysis and his total permanent disability. The disease was work oriented because of the nature of his employment as a professor. The same disease eventually caused his death, contrary to the conclusion of both the GSIS and the Employees' Compensation Commission. The Court holds that the heirs of Mr. Manuzon are entitled to the benefits they are claiming.[12]

In the instant case, the wife of the respondent died a year after her retirement. Clearly, the period between her retirement and demise was less than one year. Indeed, if a death which occurred almost four and one half years after retirement was held to be within the coverage of the death benefits under PD 626, as in the *Manuzon* case, with more reason should a death which occurred within one year after retirement be considered as covered under

the same law. A claim for benefit for such death cannot be defeated by the mere fact of separation from service.[13]

Further, we agree with the pronouncements of the Court of Appeals that there was substantial evidence to support respondent's claim. Hence, the degree of proof required under PD 626 was satisfied, i.e., "such relevant evidence as a reasonable mind might accept as adequate to support a conclusion." [14] Probability and not ultimate degree of certainty is the test of proof in compensation proceedings.[15]

In the case at bar, the requisite substantial evidence came from the expert opinion of Dr. Arsenio A. Estreras Jr., a Diplomate in Internal Medicine who issued the Death Certificate, thus:

Acute Myocardial Infarction generally occurs with the abrupt decrease in coronary blood flow that follows a thrombotic occlusion of a coronary artery previously narrowed by atherosclerosis. It is common knowledge among medical practitioners that hypertension is one major risk factor among multiple coronary risk factors that can precipitate an acute coronary occlusion. (Harrison's Principle of Internal Medicine, 14th ed., pp. 1066, 1110) Mrs. Carmen Cuanang was hypertensive and also had bronchial asthma. Therefore Acute Myocardial Infarction which she suffered can be a consequence also of her chronic hypertension vis-à-vis her rheumatic heart disease.[16]

The aforementioned expert opinion deserves credence considering that we have previously held that no physician, who is aware of the far reaching and serious effects that his statement would cause on a money claim filed with a government agency, would issue a certification indiscriminately without even minding his own interests and protection.[17]

Moreover, this expert opinion is fully supported by the facts leading to Carmen Cuanang's deteriorating health condition, and ultimately, her death. When the deceased joined the government service on October 1, 1972, she was in perfect health. It was only in 1997, while she was still in the service, that her condition started to worsen. Her fragile condition necessitated her confinement at the University of the East Ramon Magsaysay Medical Center from September 14, 1997 to September 18, 1997 for Bronchial Asthma and Pneumonia; Rheumatic Heart Disease and Mitral Stenosis.[18]

Myocardial Infarction, also known as coronary occlusion or just a "coronary", is a life threatening condition. Predisposing factors for myocardial infarction are the same for all forms of Coronary Artery Disease, and these factors include stress. Stress appears to be associated with elevated blood pressure.[19] It is of common knowledge that the job of a teacher can be very stressful. Carmen Cuanang's responsibilities were never limited to the four corners of the classroom. Aside from teaching students, she also prepared lesson plans, attend seminars, conferences and other school activities, within and outside the school premises, such as tree planting for the beautification of the school premises and the community, sportsfest programs and parades, year after year throughout her almost 26 years in government service. During election periods, she was also deputized by the Commission on Elections to act as an election registrar. In addition, in going to and from the school, she was constantly exposed to the ravages of the natural elements such as heat, rain and dust.[20] Needless to say, the collective effect of all these factors can indeed be very stressful especially for someone afflicted with Rheumatic Heart Disease as Carmen Cuanang. It goes without saying that all these conditions contributed much to the deterioration of her already precarious health.

The first law on workmen's compensation in the Philippines was 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.[21]

P.D. No. 626 further amended Title II of Book IV on the ECC and State Insurance Fund of the Labor Code of the Philippines (P.D. No. 442, as amended). This law abandoned the presumption of compensability and the theory of aggravation under the Workmen's Compensation Act.[22] For the sickness and 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 on Employees' Compensation, or (b) the risk of contracting the disease was increased by the claimant's working conditions.[23] In other words, if the claimant's illness or disease is not included in the said 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.[24]

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.[25]

Notwithstanding 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,[26] especially in light of the compassionate policy towards labor which the 1987 Constitution vivifies and enhances.[27] 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.[28] 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.[29]

Therefore, claims falling under the Employees' Compensation Act should be liberally resolved to fulfill its essence as a social legislation designed to afford relief to the working man and woman in our society. It is only this kind of interpretation that can give meaning and substance to the compassionate spirit of the law as embodied in Article 4 of the New Labor Code, which states that all doubts in the implementation and interpretation of the provisions of the Labor Code including its implementing rules and regulations should be resolved in favor of labor.[30]

WHEREFORE, the petition is DENIED. The decision of the Court of Appeals in CA-G.R. SP No. 69305 dated November 21, 2002, which set aside the decision of the Employees' Compensation Commission, is AFFIRMED. The claim of Teodosio Cuanang for compensation benefits for the death of his wife, Carmen Cuanang, is GRANTED.

SO ORDERED.

Davide, Jr., C.J., Panganiban, Carpio, and Azcuna, JJ., concur.

[1] Penned by Justice Godardo A. Jacinto and concurred in by Justices Martin S. Villarama, Jr. and Mario L. Guarina III. Rollo, pp. 42-52.

[2] Rollo, pp. 35-40.

[3] Id., p. 43.

- [4] Original Records, pp. 36-37.
- [5] *Id.*, p. 35.
- [6] Based on Carmen Cuanang's Death Certificate issued on May 9, 2000; Original Records, p. 54.
- [7] *Id.*, p. 55.
- [8] Original Records, pp. 57-58.
- [9] *Id.*, pp. 27-32. Decision certified as correct by Elmer D. Juridico, Executive Director of the ECC.
- [10] Page 5 of the Assailed Decision, citing *Salmone v. Employees' Compensation Commission*, G.R. No. 142392, 6 September 2000; Rollo, p. 46.
- [11] G.R. No. 88573, 25 June 1990, 186 SCRA 738.
- [12] *Supra* note 11 at p. 744.
- [13] *Aniano Ijares v. Court of Appeals*, G.R. No. 105854, 26 August 1999, 313 SCRA 141.
- [14] *Sarmiento v. Employees' Compensation Commission*, 228 Phil. 400 (1986), citing *Cristobal v. Employees' Compensation Commission*, G.R. No. L-49280, 26 February 1981, 103 SCRA 329; *Acosta v. Employees' Compensation Commission*, G.R. No. L-55464, 12 November 1981, 109 SCRA 209.
- [15] *Philippine Transmarine Carriers, Inc. v. National Labor Relations Commission*, G.R. No. 123891, 28 February 2001, 335 SCRA 47.
- [16] Original Records, p. 54.
- [17] *Vicente v. Employees' Compensation Commission*, G.R. No. 85024, 23 January 1991, 193 SCRA 190.
- [18] Rollo, p. 66.
- [19] *Luckman and Sorensen, Medical-Surgical Nursing*, [3rd]Edition, pp. 929, 934.
- [20] *Supra* note 18.
- [21] *Norma Orate v. Court of Appeals*, G.R. No. 132761, 26 March 2003.
- [22] *Employees' Compensation Commission v. Court of Appeals*, G.R. No. 121545, 14 November 1996, 264 SCRA 248, citing *Naval v. Employees' Compensation Commission*, G.R. No. 83568, 18 July 1991, 199 SCRA 388.
- [23] Section 167 (l), Labor Code of the Philippines; Section 1, Amended Rules on Employees Compensation. See also *GSIS v. Court of Appeals*, G.R. No. 115243, 1 December 1995, 250 SCRA 491.
- [24] *Supra*, note 22 at p. 256.
- [25] *Supra*, note 21.
- [26] *Nitura v. Employees' Compensation Commission*, G.R. No. 89217, 4 September 1991, 201 SCRA 278.
- [27] *Aris (Phils) Inc. v. NLRC*, G.R. No. 90501, 5 August 1991, 200 SCRA 246.
- [28] *Diopenes v. GSIS*, G.R. No. 96844, 23 January 1992, 205 SCRA 331.
- [29] *Lazo v. Employees' Compensation Commission*, G.R. No. 78617, 18 June 1990, 186 SCRA 569.

[30] Maria Buena Obra v. Social Security System, G.R. No. 147745, 9 April 2003.

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