

GINA LEVISTE, PETITIONER, VS. SOCIAL SECURITY SYSTEM (SOLID MILLS, INC.), RESPONDENT.

G.R. No. 159060. November 28, 2007

Ponente: AUSTRIA-MARTINEZ, J.

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AUSTRIA-MARTINEZ, J.:

In her Petition for Review on Certiorari under Rule 45 of the Rules of Court, Gina Leviste (petitioner) assails the February 24, 2003 Decision[1] of the Court of Appeals (CA) in CA-G.R. SP No. 66223, which affirmed the dismissal of her claim for death benefits by the Employees' Compensation Commission (ECC) in its March 2, 2001 Decision;[2] and the July 9, 2003 CA Resolution[3] which denied her motion for reconsideration.

There is no dispute over the facts.

Petitioner is the widow of Ronald Leviste (decedent) who suffered “Sudden Cardiac Death”[sic] at 11:50 in the evening of September 9, 1999.[4] At the time of his death, the decedent was a Supervisor at Solid Mills, Inc. (Solid Mills) at Sucat, Muntinlupa City, and a member of the Social Security System (SSS).[5]

Petitioner filed with the SSS a claim for death benefits under the Employees' Compensation Law (P.D. No. 626).[6] In a letter dated August 9, 2000, the SSS dismissed her claim based on the following findings:

A cursory re-evaluation of the benefit claim records of your husband disclosed the following:

1)

Mr. Ronald Leviste last reported for work on Sept. 9, 1999 on a day shift and timed out at 4:00 p.m., as certified by his employer SOLID MILLS INC., located at Sucat, Muntinlupa City.

2)

That after his tour of duty at 4:00 p.m., he left the company premises and immediately proceeded home to join his family at Brgy. Poblacion, Malvar, Batangas;

3)

That at about 11:50 p.m. on the same date, he was rushed to a hospital nearby his residence and was pronounced dead on arrival, the immediate cause of which is “CARDIAC SUDDEN DEATH” as per death certificate Reg. No. 99-107 issued at Malvar, Batangas.

From the facts aforementioned, it appears that the circumstances surrounding the death of Ronald Leviste does not fall within the ambit of PD 626 which requires death or injuries to be considered work related must satisfactorily comply [with] the following:

1)

The employee is injured or dies at the place where his work requires him to be;

2)

The employee is performing his official functions;

3)

If the injury or death is sustained elsewhere the employee is executing an order for his employer

In view therefore, we affirm our stand that the death of your husband Ronald Leviste is NOT work related and thus, is not compensable under ECC.[7]

On appeal by petitioner, the ECC rendered a Decision on March 2, 2001, affirming the dismissal of her claim, thus:

x x x Based on his medical records, the deceased had no previous heart problem. Although the overexertion of vigorous exercise may precipitate heart attack, there is, however, no evidence on record that he was subjected to strenuous or vigorous activities on account of his employment.

WHEREFORE, the appealed decision is AFFIRMED and the claim is dismissed for lack of merit.[8] (Emphasis supplied.)

Petitioner impugned the findings of the ECC in a Petition for Review before the CA.[9] She pointed out that the ECC completely glossed over evidence extant in the records that, due to the nature of his work, the decedent was constantly exposed to harmful elements like fumes and heat, and that, at work in the afternoon before he died, the decedent performed an extremely strenuous activity of helping carry “a 100-kilo air-conditioning compressor from the rooftop of the three-storey administration building” down several flights of stairs and out to a workshop located 300 meters from the administration building.[10]

The CA dismissed the petition in its February 24, 2003 Decision. It also dismissed petitioner's motion for reconsideration.

Hence, petitioner's recourse to this Court on the sole ground that:

The Court of Appeals had decided the instant dispute in a way not in accord with law and jurisprudence when it refused to consider that the death of the petitioner's husband was service-connected and compensable.[11]

Petitioner is correct.

By Resolution No. 432 approved on July 20, 1997, the ECC included cardio-vascular diseases in the List of Occupational and Compensable Diseases (Annex “A”) appended to the Amended Rules on Employees' Compensation. The significance of the inclusion of cardio-vascular diseases in Annex “A” is that it relieved petitioner of the burden of proving a causal relation between the “sudden cardiac death” of the deceased member and the latter's work. Instead, Annex “A” established a presumption that “sudden cardiac death” is work-related.[12] Thus, on this score, the SSS was obviously mistaken when, in its August 9, 2000 letter, it dismissed petitioner's claim for lack of evidence of causal relation of “sudden cardiac death” to the work of the deceased member.[13] The ECC was quick to correct such mis-impression by pointing out that under Resolution No. 432, “sudden cardiac death” is now considered work-related.[14] The CA arrived at that same conclusion.[15]

However, while the diseases listed in Annex “A” are presumed to be work-related, not every death resulting therefrom automatically entitles a claimant to death benefits.[16] Annex “A” requires that, for the statutory presumption of causal relation to arise, it must be established beforehand that the listed disease was contracted under certain working conditions.[17]

With reference to cardio-vascular diseases, the same must be proven to have been contracted under any of the following conditions:

- a) If the heart disease was known to have been present during employment there must be proof that an acute exacerbation clearly precipitated by the unusual strain by reason of the nature of his work.
- b) The strain of work that brings about an acute attack must be of sufficient severity and must be followed within twenty four (24) hours by the clinical signs of a cardiac insult to constitute causal relationship.
- c) If a person who was apparently asymptomatic before subjecting himself to strain of work showed signs and symptoms of cardiac injury during the performance of his work and such symptoms and signs persisted, it is reasonable to claim a causal relationship.[18]

Petitioner accepts that the “sudden cardiac death” of the decedent did not occur under the first condition. She does not question the entry in the report of death submitted by Solid Mills to the SSS which reads:

CAUSE OF INJURY/SICKNESS

Cardiac Arrest Secondary to overfatigue. Px however does not have any previous cardiac problem.[19]
(Emphasis supplied.)

Petitioner maintains, however, that the evidence she presented established that the decedent succumbed to “sudden cardiac death” under the second and third conditions. Her evidence consists of the following:

First, the report of death itself in which Solid Mills acknowledged that the decedent died from “cardiac arrest secondary to overfatigue.”[20]

Second, the job specification issued by Solid Mills which describes the working conditions of the decedent, to wit:

WORKING CONDITIONS:

- Six (6) days a week, regular time
- Continuous exposure to several disagreeable elements with occasional relief, such as dust, dirt, fumes, grease and heat.[21]

Third, the joint affidavit of Oscar Sanchez and Renato Linga, co-workers of the decedent, in which they vividly described the nature of the work they (including the decedent) regularly engage in:

2.2

Kung kinakailangang baklasin namin, upang kumpunihin, and isang supply air fan, kinakailangang buhatin namin and napakalaking propeller nito na tumitimbang ng higit 60 kilo. Para sa gawaing ito, kinakailangang gumamit ng chain block.

2.3

Kapag may kinukumpuni kaming anumang problema sa rotary filters, na siyang humihigop ng mga bulak, halos inuulan kami ng bulak.

2.4

At kung may aayusin naman kami sa IR compressor, na oil-cooled, halos naliligo naman kami sa langis.[22]

Affiants also confirmed that, on the day of his death, the decedent supervised the repair of a supply air fan and assisted in lifting a 100-kilo air compressor from a building rooftop to the repair workshop. They observed that

the decedent skipped lunch in order to rest for, as the latter explained, he was not feeling well.[23]

Finally, the affidavit of petitioner in which she recalled that, in the afternoon before he died, the decedent came home from work extremely exhausted.[24]

Yet, incredibly, the ECC found the foregoing evidence insufficient to establish that the decedent was “subjected to strenuous or vigorous activities on account of his employment.”[25]

We are unable to accept such assessment of the ECC and the erroneous affirmance thereof by the CA.

Strict rules of evidence do not govern claims for workmen's compensation for under P.D. No. 626; the degree of proof required is merely substantial evidence or such relevant evidence as a reasonable mind might accept as adequate to support a conclusion. Thus, it suffices that such claims be based on mere probability, not certainty, of causal relation.[26]

There is no question that the high-grade uncontested documentary evidence presented by petitioner established with a reasonable probability - even certainty - that the decedent succumbed to “sudden cardiac death” within twenty-four (24) hours from undertaking backbreaking work and after manifesting signs of over-fatigue. His death took place under the second condition, giving rise to the presumption that it was work-related and therefore compensable.

The “sudden cardiac death” of the decedent may also be considered to have taken place under the third condition covered by Item No. 18 of Annex “A” which refers to the situation of persons who are asymptomatic or “symptomless” and “presenting no subjective evidence of disease.”[27]

It appears that the CA overlooked the third condition when it affirmed the dismissal of petitioner's claim merely because the decedent “had no heart problem prior to his cardiac arrest.”[28] Such view is obviously amiss for the third condition under Item No. 18 of Annex “A” precisely covers persons not previously diagnosed to be suffering from a cardio-vascular disease but who, after undergoing strain of work, show signs and symptoms of cardiac injury during the performance of their work; and whose symptoms and signs persisted. We applied this concept to *Ranises v. Employees' Compensation Commission*, viz.:

Records show that petitioner falls under the third condition. In September 1997, when he was diagnosed to be suffering from myocardial infraction, he was employed as a driver-messenger by Data Craft Systems and subsequently by ADCOMS International, Inc. Prior to his employment, both companies' doctors certified that he was in good health and fit to work. As a driver and messenger, he spent virtually his whole day driving around Metro Manila, delivering equipment, collecting checks, and picking up company guests at the airport and driving them to designated places. Obviously, petitioner in the performance of his job, was subject to severe strain and fatigue and exposed to the stress and strain of everyday traffic. We thus agree with the Solicitor General that petitioner's ailment, being work-connected, is compensable.[29]

The uncontroverted evidence presented by petitioner convinces us that the physical strain to which the decedent was subjected in his regular work schedule and, more particularly, on the day of his death, proved too extreme that his heart, seemingly normal before undertaking such labors, simply succumbed.

In all, contrary to the ruling of the CA, the evidence of petitioner sufficiently demonstrated that the “sudden cardiac death” of the decedent occurred under both the second and third conditions of Item No. 18, Annex “A” of the Amended Rules on Employees' Compensation, and is therefore presumed to be work-related and compensable.

WHEREFORE, the petition is GRANTED. The February 24, 2003 Decision and July 9, 2003 Resolution of the Court of Appeals in CA-G.R. SP No. 66223 are REVERSED and SET ASIDE. The Social Security System is

ORDERED TO PAY Gina Leviste, petitioner, the compensation benefits due her under P.D. No. 626, as amended.

No costs.

SO ORDERED.

Ynares-Santiago, (Chairperson), Chico-Nazario, Nachura, and Reyes, JJ., concur.

[1] Penned by Associate Justice Juan Q. Enriquez, Jr. and concurred in by Associate Justices Bernardo P. Abesamis and Edgardo F. Sundiam; rollo, p. 23.

[2] Rollo, p. 29.

[3] Id. at 74.

[4] Rollo, p. 30.

[5] Id. at 57.

[6] Id.

[7] Id. at 55.

[8] Rollo, p. 77.

[9] Id. at 43.

[10] Petition, id. at 46-50.

[11] Id. at 9.

[12] *Salmone v. Employees' Compensation Commission*, 395 Phil. 341, 347 (2000), citing *Quizon v. Employees' Compensation Commission*, G.R. No. 87590, November 12, 1991, 203 SCRA 426.

[13] Rollo, p. 35.

[14] Id. at 77.

[15] CA decision, id. at 27.

[16] *Government Service Insurance System v. Villamayor*, G.R. No. 154386, August 22, 2006, 499 SCRA 492, 502.

[17] *Government Service Insurance System v. Villareal*, G.R. No. 170743, April 12, 2007.

[18] No. 18, List of Occupational and Compensable Diseases.

[19] CA rollo, p. 21.

[20] Id.

[21] Rollo, p. 58.

[22] Affidavit, rollo, p. 60.

[23] Id.

[24] Id. at 56.

[25] Id. at 77.

[26] *Castor-Garupa v. Employees' Compensation Commission*, G.R. No. 158268, April 12, 2006, 487 SCRA 171, 178.

[27] *Websters Third New International Dictionary*, 1981 Edition.

[28] *Rollo*, pp. 27-28.

[29] G.R. No. 141709, August 16, 2005, 467 SCRA 71, 75.

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