

GOVERNMENT SERVICE INSURANCE SYSTEM (GSIS), PETITIONER, VS. TERESITA S. DE GUZMAN, RESPONDENT.

G.R. No. 173049. May 21, 2009

Ponente: PUNO, C.J.

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PUNO, C.J.:

For resolution is a petition for review on certiorari under Rule 45 seeking to reverse and set aside the Decision[1] of the Court of Appeals in CA-G.R. SP No. 91046, which overturned the Decision[2] of the Employees' Compensation Commission (ECC) in ECC Case No. GM-16855-0214-05 affirming the denial by the GSIS of respondent's claim under Presidential Decree (P.D.) No. 626, as amended, for reimbursement of her medical expenses incurred in the operation of her left eye due to cataract.

Respondent Teresita S. De Guzman, 53 years old, joined the Public Attorney's Office (PAO) as Citizens' Attorney I in April 1988.[3] After three months, she was promoted to Citizens' Attorney II, and in November 1997, she was promoted to Public Attorney III.[4] A year thereafter, respondent was promoted to the position of Section Chief/supervisor of section "C" at the Special and Appealed Cases Division.[5] In May 2004, she transferred to the Field Services and Statistics Division of the PAO.[6]

Respondent's medical history reveals that she was diagnosed with hyperthyroidism in 1992, and in 1997, with hypertension. In 1999, respondent was diagnosed with diabetes mellitus, type 2.

During a routine visit to her nephrologist/endocrinologist, Dr. Romulo Ramos, at the University of the East-Ramon Magsaysay Medical Center, respondent was referred to ophthalmologist Dr. Rizalino Jose Felarca for an eye check-up. Upon examination on June 15, 2002, it was discovered that respondent had "near mature cataract OD and an immature cataract OS." [7]

After further examination, respondent decided to undergo a cataract extraction procedure to be performed by Dr. Harvey S. Uy of the Asian Eye Institute in Makati City. In preparation for said procedure, Dr. Uy asked respondent's endocrinologist, Dr. Romulo Ramos, and cardiologist, Dr. Norbert Uy, for endocrine and cardio-pulmonary clearance, respectively.[8] His referral letter to Dr. Ramos read:

Dear Dr. Ramos:

Ms. De Guzman has mature cataract, left eye from diabetes. She wants to undergo cataract extraction left eye under local with sedation.

I am referring her back to you for endocrine clearance. Thank you.

(signed)

Harvey S. Uy, M.D.[9]

On the other hand, Dr. Uy's referral letter to respondent's cardiologist read:

Dear Dr. Uy:

We are referring Ms. Teresita Guzman for cardiopulmonary clearance. She wishes to undergo cataract extraction, left eye under local with sedation. Thank you.

(signed)

Harvey S. Uy, M.D.[10]

After the necessary medical clearances were given, respondent's cataract was successfully extracted on August 22, 2004 at the Asian Eye Institute.

On October 27, 2004, respondent filed with petitioner a claim for medical reimbursement in the amount of P40,000.000 under the Employees' Compensation Law (P.D. No. 626, as amended). In her letter to petitioner, respondent insisted that "[my] ailment was work-related although some doctors say it was caused by [my] diabetes." [11] She pointed out that inasmuch as her eye developed a cataract due to decades of use and abuse from reading voluminous law books, commentaries, transcripts of stenographic notes and pleadings, she should be entitled to her claim for reimbursement. [12]

On December 14, 2004, petitioner denied respondent's claim, reasoning that cataract is associated with aging, diabetes mellitus, genetic abnormalities and trauma in the eyes, but not with decades of reading. Moreover, petitioner found no concrete and substantial proof that the illness was directly caused by respondent's performance of her daily duties.

On appeal, the ECC affirmed the findings of petitioner denying respondent's claim. Per the decision, respondent's ailment was not included in the exclusive list of compensable occupational diseases under the Amended Rules on Employees' Compensation. [13] Likewise, the ECC found that respondent's ailment could not be categorically attributed to her working conditions because of the presence of another major causative factor- respondent's diabetes. [14] Dissatisfied with the decision of the ECC, respondent filed a petition for review before the Court of Appeals.

In its decision promulgated on June 7, 2006, the Court of Appeals reversed the ECC, reasoning that petitioner had clearly demonstrated and explained through substantial evidence how her cataract was effectively affected because of the readings she had to do in relation to her work. [15] Further, it noted that notwithstanding the abandonment of the presumption of compensability established by the old law, the present law has not ceased to be a social legislation, and that therefore, all doubts must be resolved in favor of the claimant.

Dissatisfied, petitioner comes before us arguing that the Court of Appeals erred in granting respondent's claim in the face of evidence that the latter's cataract was caused, not by her work but, by her diabetes.

We deny the petition.

Respondent is claiming reimbursement under Articles 185, 189 and 190 [16] of P.D. No. 626, as amended, for expenses incurred in her cataract extraction procedure. [17] According to the Amended Rules on Employees' Compensation implementing P.D. No. 626, as amended, "[f]or 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." [18] Stated otherwise, in order for a sickness to be compensable, it must have resulted from any illness which is (a) definitely accepted as an occupational disease or (b) caused by employment, subject to proof that the risk of contracting the same is increased by working conditions. [19]

The List of Occupational and Compensable Diseases provided under P.D. No. 626 [20] only allows for the

compensation of a specific kind of cataract, viz.:

Occupational Diseases

Nature of Employment

xxx xxx xxx

xxx xxx xxx

Cataract produced by exposure to the glare of, or rays from molten glass or molten or red hot metal.

Frequent and prolonged exposure to the glare of or rays from molten glass or red hot metal.

xxx xxx xxx

xxx xxx xxx

As the ECC explained, the cataract compensable under the law is limited to what is known as "glass blower's cataract" common among furnace men, glass blowers, bakers, blacksmiths, foundry workers, and other workers exposed to infrared rays.[21] However, inasmuch as respondent's illness does not squarely fall within the abovementioned category, respondent is still not precluded from claiming reimbursement as she has proven the merit of her claim by showing that her risk of contracting cataracts was increased by her working conditions.

The degree of proof required under P.D. No. 626 is merely substantial evidence, or "such relevant evidence as a reasonable mind might accept as adequate to support a conclusion." [22] We have repeatedly held that to prove compensability, the claimant must adequately show that the development of the disease is brought largely by the conditions present in the nature of the job.[23] What the law requires is a reasonable work-connection and not a direct causal relation.[24] It is enough that the hypothesis on which the workmen's claim is based is probable.[25] Medical opinion to the contrary can be disregarded especially where there is some basis in the facts for inferring a work-connection.[26] Probability, not certainty, is the touchstone. [27]

Respondent's theory hinges on her contention that her cataract was a result of "decades of use and abuse" to which her eyes were subjected in connection with her job as a public attorney. In support thereof, respondent cites "Healthy Women, Healthy Lives, A Guide to Preventing Diseases from the Landmark Nurse's Health Study," thus:

A cataract is the gradual clouding of the eye's lens. The rigid disc of protein sits near the front of the eye, right behind the pupil. Its job is to focus light onto the retina, the light sensitive tissue that lines the back of the eye. In a child, the lens is crystal clear. Unfortunately, decades of use and abuse can change that. Sunlight, cigarette smoke, and other noxious agents can damage the proteins in the lens, often by generating free radicals. These are highly reactive particles that damage many of our tissues.[28]

Respondent's hypothesis that her years of reading thick appellate pleadings and documents can serve as basis for inferring a probable nexus between respondent's illness and the nature of respondent's work as a causative factor. Hence, we find the said work-connection herein reasonable despite findings that respondent's cataract was caused by her diabetes.

Moreover, we are well to be reminded that P.D. No. 626 still stands as a social legislation. As we expressed in

Salalima v. ECC:

P.D. 626, as amended, is said to have abandoned the presumption of compensability and the theory of aggravation prevalent under the Workmen's Compensation Act. Despite such abandonment, however, 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.[29]

Therefore, considering the reasonable work-connection herein proven and respondent's plight as a government lawyer who has dedicated the best years of her life to public service, we deem it proper to give full effect to the humanitarian spirit of the law.

IN VIEW WHEREOF, the instant petition is DENIED. The decision of the Court of Appeals dated June 7, 2006 is hereby AFFIRMED. No costs.

SO ORDERED.

Puno, C.J., (Chairperson), Corona, Leonardo-De Castro, and Bersamin, JJ., concur.

[1] Promulgated on June 7, 2006.

[2] Promulgated on June 20, 2005.

[3] Rollo, p. 84.

[4] Ibid.

[5] Ibid.

[6] Id. at p. 88.

[7] Id. at p. 89.

[8] Ibid.

[9] Id. at p. 248.

[10] Id. at p. 247.

[11] Id. at p. 91.

[12] Id. at p. 229.

[13] Id. at p. 320.

[14] Ibid.

[15] Id. at p. 54.

[16] ART. 185. Medical services. - Immediately after an employee contracts sickness or sustains an injury, he shall be provided by the System during the subsequent period of his disability with such medical services and appliances as the nature of his sickness or injury and progress of his recovery may require, subject to the expense limitation prescribed by the Commission.

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ART. 189. Fees and other charges. - All fees and other charges for hospital services, medical care and appliances excluding professional fees shall not be higher than those prevailing in wards of hospitals for similar services to injured or sick persons in general and shall be subject to the regulations of the Commission. Professional fees shall only be appreciably higher than those prescribed under Republic Act numbered sixty-one hundred eleven, as amended, otherwise known as the Philippine Medical Care Act of 1969.

ART. 190. Rehabilitation services.

(a) The System shall, as soon as practicable, establish a continuing program for the rehabilitation of injured and handicapped employees, who shall be entitled to rehabilitation services, which shall consist of medical, surgical or hospital treatment, including appliances if they have been handicapped by the injury, to help them become physically independent.

(b) As soon as practicable, the System shall establish centers equipped and staffed to provide a balanced program of remedial treatment, vocational assessment and preparation designed to meet the individual needs of each handicapped employee to restore him to suitable employment, including assistance as may be within its resources to help each rehabilitee to develop his mental, vocational or social potential.

[17] Rollo, p. 95.

[18] Rule III, Section 1(b).

[19] *De Guia v. Employees' Compensation Commission*, G.R. No. 95595, July 8, 1991, 198 SCRA 834, 836.

[20] Annex "A" of the Amended Rules on Employees' Compensation.

[21] Rollo, p. 64.

[22] *GSIS v. Cuntapay*, G.R. No. 168862, April 30, 2008; *Salalima v. Employees' Compensation Commission*, G.R. No. 146360, May 20, 2004, 428 SCRA 715, 722-723.

[23] *Salalima v. Employees' Compensation Commission*, *supra*; *Salmone v. Employees' Compensation Commission*, G.R. No. 142392, September 26, 2000, 341 SCRA 150, 155; *Sarmiento v. Employees' Compensation Commission*, G.R. No. L-68648, September 24, 1986, 144 SCRA 421, 426.

[24] *Id.*

[25] *Id.*

[26] *Id.*

[27] *Id.*

[28] Rollo, p. 93.

[29] *Supra*, see note 23, at p. 723.

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