GOVERNTMENT SERVICE INSURANCE SYSTEM, PETITIONER, VS. MANUEL P. BESITAN, RESPONDENT.

G.R. No. 178901. November 23, 2011

Ponente: DEL CASTILLO, J.

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DEL CASTILLO, J.:

In compensation proceedings, the test of proof is probability, not absolute certainty; hence, a claimant only needs to show reasonable work connection and not direct causal relation.[1]

This Petition for Review on Certiorari[2] under Rule 45 of the Rules of Court assails the May 10, 2007 Decision[3] of the Court of Appeals (CA) in CA-G.R. SP No. 97407 ordering petitioner Government Service Insurance System (GSIS) to pay respondent Manuel P. Besitan's (Besitan) claim for compensation benefits. Also assailed is the CA's July 7, 2007 Resolution[4] denying the motion for reconsideration.

Factual Antecedents

Petitioner GSIS is a social insurance institution created under Commonwealth Act (CA) No. 186,[5] charged with the management and administration of the trust fund of the Employees' Compensation Commission (ECC) for government officials and employees.[6]

Respondent Besitan was employed by the Central Bank of the Philippines (now Bangko Sentral ng Pilipinas) on January 21, 1976 as a Bank Examiner.[7] Subsequently, he was promoted as Bank Officer II and eventually as Bank Officer III.[8] His duties and responsibilities are as follows:

- Heads a team of examiners in the conduct of regular/special examination of rural banks;

- Submits report of examination/memoranda to MB and other reports related to examination;

- Confers with Head/Top Management of rural banks under examination;

- Monitors, verifies, and analyzes various periodic and special reports required of rural banks to ascertain, among others, compliance with pertinent laws and regulations, and prepares reports corresponding thereto;

- Evaluates, processes, and prepares memoranda/reports on various requests such as the establishment of branches/banking offices and investments in allied undertakings/subsidiaries/affiliates, both locally and abroad; as well as prepares appropriate recommendations on requests/complaints received from the public, etc.;

- Performs related duties as may be assigned.[9]

In October 2005, Besitan was diagnosed with End Stage Renal Disease secondary to Chronic Glomerulonephritis and thus, had to undergo a kidney transplant at the National Kidney and Transplant Institute (NKTI), for which he incurred medical expenses amounting to P817,455.40.[10]

Ruling of the Government Service Insurance System

Believing that his working condition increased his risk of contracting the disease, Besitan filed with the GSIS a claim for compensation benefits under Presidential Decree (PD) No. 626,[11] as amended. The GSIS, however, denied the claim in a letter dated May 2, 2006.[12] Besitan sought reconsideration in a letter dated June 6, 2006;[13] but the GSIS denied the same in a letter dated June 20, 2006.[14]

Ruling of the Employees' Compensation Commission

Besitan elevated the matter to the ECC and the case was docketed as ECC Case No. GM-17449-1002-06.[15]

On November 16, 2006, the ECC issued a Decision[16] affirming the denial by the GSIS of respondent's claim. It said:

> The appeal is not meritorious.
> The appellant alleged that the nature and working conditions of his employment caused or contributed to the development of his kidney ailment. However, Harisson's Principles of Internal Medicine, Vol. 2, 15th edition shows otherwise, to wit:
>
> 'The causes of Glomerulonephritis are the following:
>
> · Cause is not known (Idiopathic)
>
> · A response to a known antigenic stimulus such as the Streptococcal antigenic component seen in Poststreptococcal Glomerulonephritis. Other bacterial, viral and parasitic infections may also produce an antigenic component. Some of these infections are Typhoid fever, Syphilis, Leptospirosis, Toxoplasmosis, Varicella, Mumps, Measles, Schistosomiasis and Hepatitis B and C infection.
>
> · May form part of a multisystem immune-complex disorder such as Lupus nephritis, Henoch-Schonlein Purpura, Cryoglobulinemia, Bacterial Endocarditis, Systemic Vasculitis and Rheumatoid Arthritis.'

The appellant alleged that he was exposed to tremendous pressures demanded by his job necessitating prolonged hours of work, most of the time sitting for hours and even delaying or foregoing urination in order not to disrupt the continuity of concentration on the job. He also alleged that during his field assignments, mostly in remote provinces, he also experienced foregoing urination and skipping of meals in order to rush the completion of his examination reports. Unfortunately, his bare assertions do not automatically make his ailment compensable. Awards for compensation cannot rest on speculations or presumptions. The employee must present evidence to prove a positive proposition (Orate vs. CA, G.R. No. 132761, March 26, 2003). The appellant's habit of delaying his urination should not be attributed to his work but to personal neglect of his health.

Generally, a physician's report is the best evidence of work-connection and be the basis for an award because the physician is in the best position to judge possible causal relation between the illness and the work performed. In this case, the certificate issued by the appellant's attending physician is silent under the item which reads: Was the injury or illness directly caused by the employee's duties? Having failed to find substantial evidence to establish work-connection in this case, this Commission finds no sufficient cause to deviate from the decision of the System denying appellant's claim.

WHEREFORE, the appealed decision is AFFIRMED and the claim is DISMISSED for lack of merit.

SO ORDERED.[17]

Ruling of the Court of Appeals

On appeal, the CA reversed the ruling of the ECC. The CA ruled that Besitan is entitled to compensation benefits under PD No. 626, as amended, because his ailment was aggravated by the nature of his work, as evidenced by

the Medical Certificate[18] issued by Dr. Gregorio Suarez II, Bank Physician III of the Bangko Sentral ng Pilipinas.[19] Thus, the dispositive portion of the Decision of the CA reads:

> UPON THE VIEW WE TAKE OF THIS CASE, THUS, the petition for review is GRANTED. The November 16, 2006 Decision of the Employees' Compensation Commission in ECC Case No. GM-17449-1002-06 is REVERSED and SET ASIDE. The respondent Government Service Insurance System is ORDERED to pay the petitioner Manuel P. Besitan's full claim for compensation benefits under PD No. 626, as amended. Without costs in this instance.
>
> SO ORDERED.[20]

GSIS filed a Motion for Reconsideration which was denied by the CA in a Resolution[21] dated July 17, 2007.

Issue

Hence, the instant petition with the basic issue of whether Besitan is entitled to compensation benefits under PD No. 626, as amended.

Petitioner's Arguments

GSIS contends that Besitan's ailment, Glomerulonephritis, is not an occupational disease; hence, it is incumbent upon him to prove that the risk of contracting the said disease was increased by his employment and working condition.[22] And since he failed to show that there is a causal relationship between his employment and his ailment, he cannot claim compensation benefits under PD No. 626, as amended.[23] GSIS also puts in issue the use of the word "probably" by

the CA in its Decision[24] which proves that the CA was not definite of its findings.[25] GSIS claims that awards of compensation must be based on substantial evidence, not on presumptions or speculations.[26]

Respondent's Arguments

Besitan admits that his ailment is not listed as an occupational disease under PD No. 626, as amended.[27] He, however, insists that he was able to prove by substantial evidence that the risk of contracting the disease was increased by his working condition.[28] He maintains that in claiming compensation benefits, certainty is not required, only probability.[29] He points out that he was in good health when he was employed by the Bangko Sentral ng Pilipinas in 1976 and that it was only in 2004 that he contracted his kidney ailment.[30] He avers that in performing his duties and responsibilities, he had to travel frequently to different barangays and provinces in Luzon, Visayas and Mindanao; that during his trips to these places, he had to ride provincial buses up to 8-10 hours; that while on the bus, he had to delay his urination; and that during his stay in these places, he was constrained to drink deep well water due to lack of sufficient potable water.[31] He also asserts that his ailment could have been caused by viral and bacterial infections which he could have acquired when he was assigned to these remote places.[32] Thus, he claims that his working condition increased his risk of contracting the disease.[33]

Our Ruling

The petition lacks merit.

Section 1, Rule III of the Amended Rules on Employees' Compensation[34] provides:

> RULE III
> Compensability
>
> SECTION 1. Grounds –

> (a) For the injury and the resulting disability or death to be compensable, the injury must be the result of accident arising out of and in the course of the employment. (ECC Resolution No. 2799, July 25, 1984).
>
> (b) 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.
>
> x x x x

Corollarily, for the sickness or resulting disability or death to be compensable, the claimant must prove either (1) that the employee's sickness was the result of an occupational disease listed under Annex "A" of the Amended Rules on Employees' Compensation, or (2) that the risk of contracting the disease was increased by his working conditions.

Certainty is not required only probability

Under the increased risk theory, there must be a reasonable proof that the employee's working condition increased his risk of contracting the disease, or that there is a connection between his work and the cause of the disease.[35] Only a reasonable proof of work-connection, not direct causal relation, however, is required to establish compensability of a non-occupational disease.[36] Probability, and not certainty, is the yardstick in compensation proceedings; thus, any doubt should be interpreted in favor of the employees for whom social legislations, like PD No. 626, were enacted. [37]

Compensability proved by substantial evidence

Moreover, direct and clear evidence, is not necessary to prove a claim.[38] Strict rules of evidence do not apply as PD No. 626 only requires substantial evidence or "such relevant evidence as a reasonable mind might accept as adequate to support a conclusion."[39]

In this case, since Besitan's ailment, End Stage Renal Disease secondary to Chronic Glomerulonephritis is not among those listed under Annex "A," of the Amended Rules on Employees' Compensation, he needs to show by substantial evidence that his risk of contracting the disease was increased by his working condition.

After a careful study of the instant case, we find that Besitan has sufficiently proved that his working condition increased his risk of contracting Glomerulonephritis, which according to GSIS may be caused by bacterial, viral, and parasitic infection (i.e. Typhoid fever, Syphilis, Leptospirosis, Toxoplasmosis, Varicella, Mumps, Measles, Schistosomiasis, Hepatitis B and C infection, etc.).[40]

When Besitan entered the government service in 1976, he was given a clean bill of health. In 2005, he was diagnosed with End Stage Renal Disease secondary to Chronic Glomerulonephritis. It would appear therefore that the nature of his work could have increased his risk of contracting the disease. His frequent travels to remote areas in the country could have exposed him to certain bacterial, viral, and parasitic infection, which in turn could have caused his disease. Delaying his urination during his long trips to the provinces could have also increased his risk of contracting his disease. As a matter of fact, even the Bank Physician of Bangko Sentral ng Pilipinas, Dr. Gregorio Suarez II, agreed that Besitan's working condition could have contributed to the weakening of his kidneys, which could have caused his disease, to wit:

> This is to certify that Mr. Manuel P. Besitan [is] a Bank Examiner of BSP, whose duties [require] him to work over prolonged hours and travel to remote places in the Philippines.
>
> He claims that during the delivery of his duties he often [foregoes] urination and taking replenishment of water. At times, he claims that he has to eat and drink what is available in the area [of his bank examination].

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> This could probably contribute to the increase of uric acid in his system.
>
> All these conditions could contribute to the weakening of his kidney thereby [progressing] to the present condition of his ESRD.[41]

Clearly, the above-quoted Medical Certificate[42] is sufficient to prove that the working condition of Besitan increased his risk of contracting Glomerulonephritis. In claims for compensation benefits, a doctor's certification as to the nature of a claimant's disability deserves full credence because no medical practitioner would issue certifications indiscriminately.[43] As we see it then, Besitan was able to prove by substantial evidence his entitlement to compensation benefits under PD No. 626.

In closing, it may not be amiss to add that the primordial purpose of PD No. 626 is to provide meaningful protection to the workers against the hazards of disability or illness; hence, a liberal attitude in favor of the employee and his beneficiaries in deciding claims for compensation should be adopted.[44]

WHEREFORE, the petition is hereby DENIED. The assailed May 10, 2007 Decision and the July 17, 2007 Resolution of the Court of Appeals in CA-G.R. SP No. 97407 are hereby AFFIRMED. Petitioner Government Service Insurance System is hereby ORDERED to pay respondent Manuel P. Besitan the compensation benefits due him under Presidential Decree No. 626, as amended.

SO ORDERED.

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

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[1] Government Service Insurance System v. De Castro, G.R. No. 185035, July 15, 2009, 593 SCRA 155, 170.

[2] Rollo, pp. 19-58 with Annexes "A" to "D" inclusive.

[3] Id. at 42-47; penned by Associate Justice Renato C. Dacudao and concurred in by Associate Justices Noel G. Tijam and Sesinando E. Villon.

[4] Id. at 48; penned by Associate Justice Sesinando E. Villon and concurred in by Associate Justices Noel G. Tijam and Myrna Dimaranan-Vidal.

[5] AN ACT TO CREATE AND ESTABLISH A "GOVERNMENT SERVICE INSURANCE SYSTEM," TO PROVIDE FOR ITS ADMINISTRATION, AND TO APPROPRIATE THE NECESSARY FUNDS THEREFOR (Amended by Presidential Decree (PD) No. 1146 and Republic Act No. 8291, otherwise known as The Government Service Insurance System Act of 1997).

[6] Rollo, pp. 19-20.

[7] Id. at 42.

[8] Id. at 136.

[9] Id. at 73.

[10] Id. at 43.

[11] FURTHER AMENDING CERTAIN ARTICLES OF PRESIDENTIAL DECREE NO. 442 ENTITLED "LABOR CODE OF THE PHILIPPINES."

[12] Rollo, p. 43.

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[13] Id. at 138.

[14] Id.

[15] Id.

[16] Id. 49-53.

[17] Id. at 51-53.

[18] Id. at 79.

[19] Id. at 46.

[20] Id. at 47.

[21] Id. at 48.

[22] Id. at 118-119.

[23] Id. at 121-124.

[24] Id. at 46. The pertinent portion of the CA Decision reads:

In the case at bench, we believe that this probability exists. The petitioner's job as Bank Officer II required him to work for long hours, obliging him, most of the time, to sit for hours on end, to forgo urination and to skip meals. And during his field assignments in remote and depressed areas especially in Mindanao and the Visayas, he was forced to take inadequate food and poor quality of water. To our mind, all these conditions probably led to the deterioration of the petitioner's health and the development of his kidney ailment. In fact, Dr. Gregorio Suarez II, Bank Physician III of Bangko Sentral ng Pilipinas, issued a certification to the effect that conditions present in the nature of the petitioner's job "could contribute to the weakening of his kidney thereby [progressing] to the present condition of his ESRD." In the premises, we hold that the ailment of the petitioner was aggravated by the nature of his work, and thus compensable under PD No. 626, as amended

[25] Id. at 120.

[26] Id. at 125.

[27] Id. at 140.

[28] Id. at 141.

[29] Id. at 145.

[30] Id. at 141.

[31] Id. at 141-144.

[32] Id. at 144.

[33] Id.

[34] Implementing Presidential Decree No. 626.

[35] Castor-Garupa v. Employees' Compensation Commission, G.R. No. 158268, April 12, 2006, 487 SCRA 171, 180.

[36] Government Service Insurance System v. Cordero, G.R. Nos. 171378 & 171388, March 17, 2009, 581 SCRA

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633, 640.

[37] Government Service Insurance System v. Corrales, G.R. No. 166261, June 27, 2008, 556 SCRA 230, 243-244.

[38] Id. at 243.

[39] Id.

[40] Rollo, p. 52.

[41] Id. at 79.

[42] Id.

[43] Republic of the Philippines v. Mariano, 448 Phil. 99, 108 (2003).

[44] Government Service Insurance System v. Villareal, G.R. No. 170743, April 12, 2007, 520 SCRA 741, 746.

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