

EDUARDO SIERRA, PETITIONER, VS. GOVERNMENT SERVICE INSURANCE SYSTEM, EMPLOYEES' COMPENSATION COMMISSION, PHILIPPINE COAST GUARD, RESPONDENTS.

G.R. No. 50954. February 08, 1989

Ponente: PARAS, J.

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PARAS, J.:

Petitioner Eduardo P. Sierra was employed in the Philippine Coast Guard for about 25 years working in different capacities during said period. He worked as boatman, laborer, light equipment operator, mechanic and driver, his last position at the time he retired on May 1, 1976 due to amoebic colitis, adenocarcinoma rectum and anemia.

On September 30, 1976, petitioner filed a claim for income benefits with the Government Service Insurance System (GSIS) in accordance with the provisions of Presidential Decree No. 626, as amended. The GSIS denied the claim on the ground that petitioner's complained ailments are not occupational diseases in relation to the nature of his particular work. According to the GSIS, amoebic colitis is an infectious disease caused by *Endamoeba Hystolytica*, frequently producing a painful passage of bloody mucoid stool. Infection is acquired by ingestion of food or drink contaminated by feces containing amoebic cyst. The tumor commences in the mucous membrane and gradually invades the deeper structures. Genetic influence is a predisposing factor. Anemia is a condition in which the normal amount of red blood cells is reduced. It may be due to blood loss secondary to the passing out of blood in the stool. Further, the GSIS found that the evidence presented by petitioner did not show that the complained ailments resulted directly from his occupation or employment as a driver in the Philippine Coast Guard.

Petitioner asked for a reconsideration of the GSIS decision but the same was denied. Hence, petitioner appealed to the respondent Employees' Compensation Commission (ECC) which however, sustained the denial of the petitioner's claim by the GSIS. According to the ECC, "after a careful appraisal of the facts of this case under the theory of increased risk - inasmuch as the ailments at issue are not occupational diseases - we fail to see any compelling reason to reverse the decision of the respondent System." (p. 138, Rollo)

The case is now before this Court on a petition for review on certiorari filed by petitioner which raises the following

ISSUES

- a) "Whether or not the sickness/illness of amoebic colitis, adenocarcinoma, rectum and anemia, moderate of herein petitioner, Eduardo Sierra, are legally compensable under P.D. 626, as amended.
- b) "Whether or not the respondents ECC and GSIS did resolve doubts in the implementation and the interpretation of the provisions of P.D. 626, as amended, including its implementing rules and regulations, in favor of labor." (p. 7, Rollo)

Under P.D. No. 626, as amended, a compensable illness may be: a) any illness definitely accepted as an

occupational disease listed by the Commission, or b) any illness caused by employment, subject to proof that the risk of contracting the same is increased by working conditions (par. (1), Art. 167; par. (b), Sec. 1, Rule III, Amended Rules on Employees' Compensation).

Petitioner's ailments are not listed as occupational for his type of employment. The claim is not therefore compensable under the first ground.

Petitioner claims compensability under the second ground on the theory that by the nature of his work as driver "which required him to be on the field all the time, he acquired amoebic colitis. He claims that in the course of his trips, he might have eaten food or drank beverages/water contaminated by amoebic cyst especially in having his lunch or merienda at a low class restaurant where the possibility of infection is great." (p. 139, Rollo)

We will not discuss anymore the merits of this case. The records show that on January 14, 1987, the respondent Employees' Compensation Commission wrote the Office of the Solicitor General "reiterating our previous request that the cases mentioned in the aforesaid resolution be withdrawn from the Supreme Court so that payment of compensation benefits be effected accordingly." (p. 153, Rollo)

The resolution referred to is ECC Resolution 2880. The cases mentioned therein includes the instant claim of petitioner Eduardo Sierra. (p. 150, Rollo)

In line with the ECC declared policy on liberal and compassionate interpretation of the provisions of PD 626, the Office of the Solicitor General in a Manifestation filed with this Court, "offered no objection to the aforesaid request of the respondent ECC for the withdrawal of this case so that payment of benefits to petitioner Sierra be effected accordingly." (p. 153, Rollo)

ACCORDINGLY, this case is considered WITHDRAWN as per resolution of the ECC with the Office of the Solicitor General offering no objection to the same.

SO ORDERED.

Melencio-Herrera, (Chairman), Padilla, Sarmiento and Regalado, JJ., concur.

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