

**MERCEDES ABADIANO, FOR AND IN BEHALF OF THE MINORS,
JOSEPHINE, RODOLFO, JOSE, HONORIO, & CATALINO, ALL
SURNAMED BUENVENIDA, PETITIONER, VS. GOVERNMENT SERVICE
INSURANCE SYSTEM &...**

G.R. No. 52254. January 30, 1982

Ponente: FERNANDEZ, J.

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FERNANDEZ, J.:

This is a petition for certiorari to review the decision of the Employees' Compensation Commission in ECC Case No. 1334 entitled "Mercedes Abadiano etc., Appellant, vs. Government Service Insurance System, Respondent," dated December 6, 1979 which affirmed the decision of the Government Service Insurance System denying the claim for income benefits for the death of Catalina B. Buenvenida resulting from cancer of the liver contracted by the deceased during her employment.[1]

The petitioner, Mercedes Abadiano, is the judicial guardian of the minor legitimate children of the deceased Catalina B. Buenvenida, namely, Josephine, Rodolfo, Jose, Honorio and Catalino, all surnamed Buenvenida.

On account of the death of Catalina B. Buenvenida, the petitioner filed a claim for compensation benefits under P.D. 626, as amended, with the Government Service Insurance System which denied the claim on the ground that the ailment that caused the death of Catalina B. Buenvenida is neither an occupational disease nor work-related. From the adverse decision of the Government Service Insurance System, the petitioner appealed to the Employees' Compensation Commission which also denied the claim for death benefits and affirmed the ruling of the Government Service Insurance System in a decision rendered dated December 6, 1979.

The facts, as found by the Employees' Compensation Commission, are:

"The record shows that for about twenty four (24) years, the late Catalina Buenvenida was employed at the Department of Education (now Ministry of Education and Culture) as elementary grades teacher. Her last assignment as such teacher when her above-named ailment supervened was in Catbalogan III Elementary School in Catbalogan, Samar. Per certification of the deceased's attending physician Dr. Damaso J. Salinas Jr., of the Samar Provincial Hospital in Catbalogan, Samar, the deceased's liver cancer started in September of 1978 as gradual weight loss, nausea and vomiting. These symptoms were later on accompanied by emaciation and gradual enlargement of the upper abdomen. The decedent was confined at the abovesaid hospital starting December 5, 1978, but apparently the deceased's ailment at that time could have already reached its terminal stage for on December 13, 1978, the decedent died. She was then 51 years of age and her death was attributed to her affliction of cancer of the liver."[2]

The Employees' Compensation Commission denied the claim on the following ground:

"Carcinoma of the liver or liver cancer is definitely not accepted as an occupational disease in decedent's employment. The cause of cancer of the liver is not known, but medical authorities have observed that most cases are associated with liver cirrhosis, a form of liver pathology the basic lesion of which is diffuse liver cell

death and the major cause of which is chronic alcohol ingestion plus impaired nutrition." [3]

The petitioner contends that the claim is compensable because:

"In implementing the aforesaid definition, the Rule implementing PD 626, as amended provides that 'For 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' (Rule III. Section 1(b)). Clearly, from the above Rule, where the ailment is not an occupational disease, it could still be considered a compensable ailment if it could be shown that the risk of contracting the disease is increased by working conditions. Consequently, decedent ailment comes within the compensable coverage of the law for the simple reason that the risk of contracting decedent's fatal ailment, Cancer of the Liver, is increased by the working conditions. Admittedly, a teacher's work is very demanding, not only was decedent subjected to the rigors of physical and mental stress and strain but also exposed to the vagaries of nature. She was overworked and underpaid and because of this she was unusually undernourished, the latter being accepted by the Commission as one of the contributing factor in the irritation of the liver cell and eventually the development of cancer of the liver (p. 3, Decision). The fact that Cancer of the Liver is caused by some other etiological factors is of no moment in the face of what this Honorable Court stressed in the oft-quoted case of *Abana vs. Quisumbing*, 1968, which we quote:

"While there is that possibility that factors other than the employment of the claimant may also have contributed to the aggravation of his illness, this is not a drawback to its compensability. For, under the law, it is not required that the employment be the sole factor in the growth, development or acceleration of claimant's illness to entitle him to the benefits provided for. It is enough that his employment had contributed, even in a small degree, to the development of the disease." [4]

The duties of the public school teacher are not confined to the classroom. During the 24 years that Catalina B. Buenvenida worked as a teacher, she must have been exposed to the elements while attending to the outdoor projects which were part of the curriculum and extra curricular activities connected with her school work. The deceased, Catalina B. Buenvenida, was exposed to the elements, like inclement weather, heavy rains, typhoon as well as dust. These natural elements and unwholesome conditions are occupational hazards of a public school teacher. During the 24 years that the deceased served as public school teacher she must have gone hungry many times resulting in the weakened condition of her body.

In *Cristobal vs. Employees' Compensation Commission*, [5] this Court declared rectal cancer as compensable for the following reasons:

"In the instant case, it is evident that rectal cancer is one of those borderline cases. Like, it is clear that the purpose of the resolution is to extend the applicability of the provisions of P.D. 626, thereby affording a greater number of employees the opportunity to avail of the benefits under the law. This is in consonance with the avowed policy of the State, as mandated by the Constitution and embodied in the New Labor Code, to give maximum aid and protection to labor. The Employees' Compensation Commission, like the defunct Court of Industrial Relations and the Workmen's Compensation Commission, is under obligation at all times to give meaning and substance to the constitutional guarantees in favor of the working man, more specially, the social justice guarantee; for otherwise, these guarantees would be merely 'a lot of meaningless patter.' (*Santos vs. WCC*, 75 SCRA 371 [1977])

"As pointed out by no less than the respondent ECC itself in its Comment dated January 5, 1978 -

"It may not be amiss to mention that the ECC has time and again expanded the list of occupational diseases. This comes about after continuing studies made by the ECC. Indeed, cancer has already been included as a qualified occupational disease in certain cases -

‘Occupational Diseases

Nature of Employment

‘1. Cancer of the pitelial lining of the bladder (Papilloma of the bladder)

Work involving exposure to alphanaphthylamine, betanaphthylamine orbenzidine or any part of the salts; and auramine or magenta

‘2. Cancer epithellomatoma or ulceration of the skin of the corneal surface of the eye due to tar, pitch, bitumen, mineral oil or paraffin or any compound product or residue of any of these substances

The use or handling of, exposure to tar, pitch, bitumen, mineral oil (include paraffin) soot or any compound product or residue of any of these substances

x x x

x x x

‘16. Cancer of the stomach and other lymphatic and blood forming vessels; nasal cavity and sinuses

Vinyl chloride workers, plastic workers

‘17. Cancer of the lungs, liver and brain

Vinyl chloride workers plastic workers

'Worth noting is the fact that the above types of cancer have no known etiology. Yet, they are regarded as occupational. The clear implication is that the law merely requires a reasonable work-connection' (pp. 59-60, rec., italics supplied).

"From the foregoing statements, it is palpable that the respondent ECC recognizes, as it is duty bound to, the policy of the State to afford maximum aid and protection to labor. Therefore, to require the petitioner to show the actual causes or factors which led to the decedent's rectal malignancy would not be consistent with this liberal interpretation. It is of universal acceptance that practically all kinds of cancer belong to the class of clinical diseases whose exact etiology, cause or origin, is unknown. It is in this regard that the evidence submitted by the petitioner deserves serious consideration."[6]

And in *Meñez vs. Employees' Compensation Commission*,[7] this Court expressed concern for public school teachers, thus:

"Finally, Republic Act 4670, otherwise known as the Magna Charta for Public School Teachers, recognized the enervating effects of these factors (duties and activities of a school teacher certainly involve physical, mental and emotional stresses) on the health of school teachers when it directed in one of its provisions that 'Teachers shall be protected against the consequences of employment injury in accordance with existing laws. The effects of the physical and nervous strain on the teacher's health shall be recognized as compensable occupational diseases in accordance with laws' (*Pantoja vs. Republic, et al.*, L-43317, December 29, 1978)." [8]

In view of the foregoing and of the established facts of record, the death of Catalina B. Buenvenida caused by cancer of the liver is compensable, said illness having been caused or aggravated by her duties as public school teacher for 24 years.

WHEREFORE, the decision of the Employees' Compensation Commission appealed from is set aside and the Government Service Insurance System is hereby directed:

(1) To pay the petitioner the sum of TWELVE THOUSAND (P12,000.00) as death benefits; and

(2) To reimburse the petitioner of medical and hospital expenses duly supported by proper receipts.

SO ORDERED.

Teehankee, (Chairman), Makasiar, Guerrero, and Plana, JJ., concur. Melencio-Herrera, J., liver cancer is not listed as an occupational disease nor is the risk of contracting it increased by the conditions under which the deceased, a teacher, worked. Votes to affirm the denial of the claim.

[1] Annex "A", Rollo, pp. 13-17.

[2] Ibid., Rollo, pp. 13-14.

[3] Annex "A", Rollo, p. 15.

[4] Petition, Rollo, pp. 8-9.

[5] 97 SCRA 473.

[6] Id., pp. 479-480.

[7] 97 SCRA 87.

[8] Id., pp. 97-98.

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