

ZENAIDA SANTARIN, PETITIONER, VS. EMPLOYEES' COMPENSATION COMMISSION AND GOVERNMENT SERVICE INSURANCE SYSTEM (COMMISSION ON AUDIT), RESPONDENTS.

G.R. No. 56576. September 02, 1983

Ponente: GUTIERREZ, JR., J.

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GUTIERREZ, JR., J.:

In this petition for review the petitioner seeks the reversal of the decision of the Employees' Compensation Commission which affirmed the dismissal by the Government Service Insurance System of her claim for compensation benefits.

The background facts are not disputed. As summarized by the Government Corporate Counsel they are:

"Petitioner's husband, the late Demetrio Santarin, was employed as helper-filer of the Commission on Audit for more than thirteen years. His duties as helper-filer included bundling newspapers, magazines and other publications for distribution, carrying files from departments to the records division, carrying vouchers and letters of the department to the records division and helping in the operation of the mimeograph and xerox machines.

"The ECC made a finding that the deceased had been suffering from asthma for the past 20 years, more or less. On November 10, 1975, while inside the office, he developed acute respiratory distress associated with chest and back pains, aggravated by inspiration and expectoration of yellowish phlegm. The following day, he was brought to the UP-PGH Medical Center, and on November 13, 1975, he died of cor pulmonale due to chronic obstructive lung disease, probably status asthmaticus. He was also found to be afflicted with pneumonitis.

"Petitioner filed a claim for employee's compensation which the GSIS denied on March 2, 1976, on the ground that the ailments of the deceased are not occupational diseases as contemplated under the new Labor Code. On appeal, the Employees' Compensation (ECC) (sic) rendered a decision on March 15, 1976 affirming the decision of the GSIS." (Rollo, pp. 90-91)

Respondents admit that under the facts of the case, the petitioner may be entitled to compensation benefits under the former Workmen's Compensation Act as amended but not under the provisions on the Employees' Compensation and State Insurance Fund found in Title Two of the Labor Code. Thus, the Employees' Compensation Commission stated in its decision:

"The claim for income benefits for death filed by the deceased's widow, appellant herein, was denied by the respondent System in its letter-decision dated March 2, 1976 on the ground that the 'cause of your husband's death, Status Asthmaticus and Pneumonitis, are not occupational diseases.' The System further stated that '(t)he nature of your husband's duties as Helper-Filer as well as the working conditions of his employment could not have directly caused his ailments which led to his death. At most, they could have just aggravated his condition which under the present Employees' Compensation Program, is no longer compensable.' The appellant's request for reconsideration which was addressed to the President and forwarded to the respondent System, was likewise denied on June 1, 1976.

"It appears on record that the deceased had been asthmatic for twenty (20) years, more or less, until his demise. It is thus apparent that, having worked only for thirteen (13) years with the government up to his death, he had already contacted his fatal ailment long before he joined the government service. In the face of this incontrovertible fact, it is therefore not safe to say that the cause or causes of his sickness emanated from the nature or conditions of his employment as, granted that there existed in his employment factors conducive to the development of the disease, they could not be correctly pinpointed as the factors that directly caused the disease since it had already its onset long prior to the decedent's exposure to them. This conclusion finds further support in the negative answer of the deceased's attending physician to the question of whether or not the illness was directly caused by the employee's duties (Part III, Attending Physician's Certification). If at all, what looms clear in this case is that the nature of the deceased's employment merely aggravated his pre-existing illness. x x x" (Rollo, p. 3; Underlining supplied)

The rulings in *Corales v. Employees Compensation Commission* (88 SCRA 547) and *Javier v. Employees Compensation Commission, et al.*, (G.R. No. L-61349, July 25, 1983) apply to the facts of this case. We stated in *Corales*:

"Furthermore, the provisions of the New Labor Code on Employees Compensation-Book IV, Title II - apply only to injury, sickness, disability or death accruing on or after January 1, 1975 (Art. 208). More precise is Section 1 (c) of Rule III of the Amended Rules on Employees Compensation, which declares that only injury or sickness that accrued on or after January 1, 1975 and the resulting disability or death shall be compensable under the Rules. There is therefore no doubt that what governs petitioner's claim is the Workmen's Compensation Act, as amended.

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"Article 292 of the New Labor Code, which requires that workmen's compensation claims accruing prior to the New Labor Code shall be filed with the appropriate regional offices of the Department of Labor not later than March 31, 1975, otherwise, they shall forever be barred, does not apply to petitioner, who filed his claim on August 4, 1975 with the GSIS; because WE have repeatedly held that the prescriptive period for claims which accrued under the Workmen's Compensation Act, as amended, is ten (10) years, it being a right founded on statute. Petitioner's right accrued as early as September 1965 and hence is a vested right.

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"Petitioner's claim having accrued prior to the New Labor Code, the presumption of compensability, the principle of aggravation, the award of attorney's fees and the payments of administrative fees must be observed and applied. And the Employees Compensation Commission is duty bound to observe and apply the foregoing principles in passing upon workmen's compensation. x x x"

The records of this case show that the late Demetrio Santarin had been suffering from asthma for around twenty (20) years prior to his death on November 3, 1975. When he started working for the then Office of the Auditor-General sometime in 1962, he was already afflicted with asthma. There is, therefore, no question that the cause of action accrued long before January 1, 1975. Under the *Corales* and *Javier* precedents above and *Villones v. Employees Compensation Commission* (116 SCRA 102), the former Workmen's Compensation Act applies to such cases. Under the rule on aggravation of the former law, the death from "status asthmaticus" is thus compensable. (*Belmonte v. Workmen's Compensation Commission*, 98 SCRA 138; *Enriquez Sr. v. Republic*, 93 SCRA 836; *Corales v. ECC*, 112 SCRA 50).

WHEREFORE, the decision appealed from is hereby REVERSED and SET ASIDE. The Government Service Insurance System is ordered to pay the petitioner:

- 1) The sum of SIX THOUSAND (P6,000.00) PESOS as death compensation;

- 2) The sum of TWO HUNDRED (P200.00) PESOS for burial expenses; and
- 3) To pay the sum of SIX HUNDRED (P600.00) PESOS as attorney's fees.

SO ORDERED.

Teehankee, (Chairman), Melencio-Herrera, Plana, Vasquez, and Relova, JJ., concur.

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