

## **FLORENCIA B. SAN VALENTIN, PETITIONER, VS. EMPLOYEES' COMPENSATION COMMISSION AND GOVERNMENT SERVICE INSURANCE SYSTEM, RESPONDENTS.**

*G.R. No. 56909, November 02, 1982*

Ponente: DE CASTRO, J.

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### **DE CASTRO, J.:**

Petition for review on certiorari of the decision of the Employees Compensation Commission.

The late Delfin San Valentin, husband of petitioner, entered the government service in 1951 as a laborer in the Bureau of Plant Industry's Economic Garden in Los Baños, Laguna. After twenty years, he was promoted to the post of nursery farm aide. The deceased was assigned in the Plant Propagation Project where he was tasked with cultivation, propagation and caring of varieties of plants in the Bureau.

Sometime in 1979, the deceased noticed some symptoms of ill-health, such as discharging urine deep yellow in color, yellowing of skin progressive abdominal enlargement as well as feeling of fullness. He was confined at the Philippine General Hospital where he was diagnosed to be suffering from hepatic encephalopathy obstruction jaundice due to tuberculosis of the liver, pancreatic carcinoma and hepatoma. On July 28, 1979, he succumbed to said ailments.

Petitioner filed her claim with the GSIS for death benefits under PD No. 626 as amended. The claim was denied by the System on January 25, 1980 on the ground that the fatal ailments are not occupational diseases. Petitioner's motion for reconsideration was likewise denied on February 25, 1980.

The case was elevated to the Employees' Compensation Commission for review. The Commission, in affirming the System's denial of the claim on February 19, 1981 adopted the recommendation[1] of its Medical Division which states, thus:

"The instance (sic) case is bereft of proofs that would show causal relationship between the disease, hepatic encephalopathy secondary to cirrhosis, and the former employment and employment conditions of the deceased as nursery farm aide at the Bureau of Plant Industry; neither are there indications that the risk of contracting same disease had been increased by his former working conditions."

Corollary thereto, the Employees' Compensation Commission even cited the book "Harrison's Principles of Internal Medicine" by Wintrobe, et al., in discussing cirrhosis and hepatic encephalopathy viz:

"Cirrhosis is a generic term that includes all forms of chronic diffuse liver disease. The basic causative element of this complex lesion is diffuse liver cell death. Post necrotic cirrhosis is the most common type of cirrhosis on a world-wide basis. The cause is still unknown; but viral hepatitis is an antecedent factor in many instances. A small percentage of cases stem from documented intoxications with industrial chemicals (phosphorus) poisons, or drugs (chloroform, iproniazid). Finally, certain infections (brucellosis), parasitic infestation (clonorchiasis), metabolic disorders (hepatolenticular degeneration) and advanced alcoholic liver

disease may result in post-necrotic cirrhosis." (p. 10, Rollo).

XXXX XXXX XXXX

Petitioner now contends that as indicated in the book, the cause of cirrhosis is still unknown; that certain infections (brucellosis), parasitic infestations, and metabolic disorders could also lend to the causation of the disease; that based on the above discussion, cirrhosis can be caused by intoxications or exposure to chemicals, poison and the like, and therefore, decedent's cirrhosis falls within the compensable purview of the law, considering that as nursery farm aide, he was frequently exposed to plant chemicals, insecticides and the like.

We find merit in the petition.

In compensation cases, strict rules of evidence are not applicable. A reasonable work-connection is all that is required or that there was a showing that the risk of contracting the disease is increased by the working conditions.

Following the theory of increased risk, petitioner was able to present convincing proof that would entitle her to the relief prayed for.

The frequent exposure of the deceased to plant chemicals and insecticides affected his health. The exposure resulted to the lowering of his body resistance, for it is undisputed that the deceased was in good health when he entered the government service; for, otherwise, he would not have been accepted for insurance purposes by the Government Service Insurance System. It is not too far fetched that the ailment of the deceased developed due to the chemicals used in the nursery farm where he was assigned, for it cannot be denied that the nature of his work required him to deal with different kinds of plants which have to be sprayed with insecticides and the like.

We have held that the test of evidence in compensation cases or the relation of the disease with the employment is probability and not certainty.[2] In the case of *Sepulveda vs. Employees' Compensation Commission*,[3] this Court stated that:

"x x x the respondent Commission, under Resolution No. 223 dated March 16, 1977, adopted, as a policy, the institution of a more compassionate interpretation of the restrictive provisions of Presidential Decree No. 626, as amended, by its administering agencies, the Social Security System and the Government Service Insurance System, with respect to, among others, Myocardial Infarction and other borderline cases. x x x."

It is evident that cirrhosis is one of those borderline cases.

The manifest purpose of the above quoted resolution is to extend the applicability of the decree to a greater number of employees in consonance with the avowed policy of the State, as mandated by the Constitution, to give maximum aid and protection to labor.

From the foregoing, We conclude that the ailment of petitioner's husband is compensable by the nature of his work as nursery farm aide. As earlier indicated, petitioner substantially complied with the condition as to the degree of proof required under the theory of increased risk. For the petitioner to be required to prove the actual causes of the ailment of the deceased would be to go against the liberal interpretation of the labor law in favor of the workingmen, as is the rule when construing doubtful provisions of the labor law.

WHEREFORE, the decision dated February 19, 1981 of the Employees Compensation Commission is hereby set aside and the GSIS is hereby directed:

1. To pay petitioner the sum of P12,000.00 as death benefits;
2. To reimburse petitioner medical and hospital expenses duly supported by proper receipts; and

3. To pay the petitioner attorney's fees equivalent to ten (10%) percent of the death benefits.

**SO ORDERED.**

Makasiar, (Chairman), Concepcion, Jr., Guerrero, Abad Santos, and Escolin, JJ., concur.

Aquino, J., no part.

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[1] p. 20, Rollo.

[2] Acosta vs. ECC, 109 SCRA 216; NHC vs. WCC, 79 SCRA 281.

**[3] 84 SCRA 771.**

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