

EXPEDITA LIBREA, PETITIONER, VS. EMPLOYEES' COMPENSATION COMMISSION AND GOVERNMENT SERVICE INSURANCE SYSTEM (MINISTRY OF EDUCATION AND CULTURE), RESPONDENTS.

G.R. No. 58879. March 06, 1992

Ponente: GUTIERREZ, JR., J.

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GUTIERREZ, JR., J.:

The petitioner is the widow of Eufronio Librea, who rose from the rank of public school classroom teacher to his last position of Division Physical Education Supervisor at the time of his death on July 28, 1980.

In 1978, Mr. Librea began to complain of a gradual loss of appetite, enlargement of the abdomen and severe anemia. On July 2, 1980 he was confined in a hospital in Lipa City where his ailment was diagnosed as cirrhosis of the liver in its terminal stage. He died of said ailment on July 28, 1980.

The attending physician certified that the illness may have been caused by the nature of the duties of the deceased.

The widow, Expedita Librea, filed a claim for death compensation benefits with the Government Service Insurance System (GSIS). The claim was disapproved on the ground that it was not work-connected.

The petitioner filed a motion for reconsideration stating that the nature of her husband's work was physically and mentally strenuous as he had to inspect regularly all districts in his Division. He was, therefore, said to be exposed to adverse weather conditions and extraordinary mental and physical fatigue due to the distances between these places. She claimed he was likewise subjected to irregular meals and unhygienic eating habits due to lack of facilities. These allegedly weakened his health and rendered him susceptible to a fatal disease.

The GSIS still denied the motion and stressed that the cited conditions of work are not causally connected to the illness.

The petitioner sought a review of the denial before the Employees' Compensation Commission (ECC) which, however, affirmed the decision of the GSIS.

The petitioner, thus, brought the case to this Court in a petition for review on certiorari. The Supreme Court set aside the decision of the ECC. The GSIS was ordered to pay P12,000.00 as death benefits; P1,000.00 as funeral expenses and P1,200.00 as attorney's fees on the following grounds:

1. That the duties and functions of the deceased as teacher and later as supervisor for 32 years may have rendered him susceptible to contracting the fatal illness which opinion is shared by his attending physician. His duties were fraught with mental and physical strain and in the course of the performance of such duties he experienced hunger or insufficient food. He, thus, suffered nutritional deficiency which may be a primary factor in the development of the disease.
2. The physician's report is the best evidence of work-connection of workmen's ailment because the attending

physician is in the best position to judge possible causal relation between the illness and the work performed and normally, he would not make a false certification. Moreover, the findings of doctors of the GSIS and ECC are not binding on the Supreme Court.

3. The 32 years of devoted service of the deceased should be considered.

Both petitioner and respondent move for the reconsideration of the decision promulgated by this Court on November 14, 1991 setting aside the decision of respondent ECC and ordering respondent GSIS to pay the petitioner the sum of Twelve Thousand Pesos (P12,000.00) as funeral expenses and One Thousand Two Hundred Pesos (P1,200.00) as attorney's fees.

Petitioner Librea specifically questions the amount of the award and cites as basis PD 1368 which amended Art. 194 of the Labor Code (effective May 1, 1978) and which provides that monthly income benefits for permanent total disabilities and deaths such as in the present case is lifetime for as long as the primary beneficiaries are qualified. In the present case, these would start July 1980.

The petitioner further contends that the maximum award of Twelve Thousand Pesos was applicable only to contingencies which occurred before May 1, 1978 (Rule XIII, Sec. 4, Amended Rules on Employees' Compensation).

Respondent GSIS, on the other hand, based its Motion for Reconsideration on the following grounds:

1. That there was no abuse of discretion on the part of respondents when they dismissed the claims of petitioner since the ailment of petitioner's late husband was diagnosed as "cirrhosis of the liver" an ailment which cannot be considered as work-connected. The denial of the claim was based on Art. 167 (1) of the Labor Code, clarified by Rule III, Sec. 1 (b) and (c) of the Amended Rules and Regulations on Employees' Compensation.

It states that for an illness to be compensable, it must be among those cited in Annex "A" of the Amended Rules or, alternatively, the claimant is able to prove that the risk of contracting such illness was increased by conditions of employment of the deceased employee which the GSIS claims was not proven.

2. There was no substantial evidence to prove that the alleged strenuous physical and mental activities of the deceased as Division Head and his having been subjected to irregular meals and unhygienic eating habits increased the risk of contracting the disease (*Garol v. ECC*, 168 SCRA 108).

3. The presumption of compensability was discarded in the Labor Code. The employee now has the burden of proving the relation of causation between conditions of employment and the illness for which compensation is sought. (*Sulit v. ECC*, 98 SCRA 483[1980])

The Court finds for the respondent GSIS.

Respondent GSIS is correct in contending that the old ruling on presumption of compensability, controversion, adversarial procedure and levels of payment no longer apply.

It is still little known, much less understood, by the general public and especially by workers in both public and private employment that the law on workmen's compensation was drastically revised with the enactment of the Labor Code.

Workmen's Compensation used to be shouldered by the employer and not by a social insurance fund such as the one created under the present scheme. The employer, therefore, took care of fraudulent or unmeritorious claims. He opposed them or controverted them. Around this system of employee vs. employer in the filing of claims, a host of rules and presumptions was evolved. One of the most important was the presumption of compensability. If

a person suffered an illness while employed, the disease was presumed compensable unless proved to be non-compensable by the employer. Under the present scheme, there is no such presumption anymore. If the sickness is not one of the ailments listed in the Amended Rules as "compensable" with no need of proof, then the claimant must prove that his working conditions were responsible for his having contracted the disease or for the risks of contracting the same.

The case of *Raro v. Employees Compensation Commission, et al.*, 172 SCRA 845 (1989) clarifies the matter. Thus, the Court stated:

"The law, as it now stands requires the claimant to prove a positive thing - that the illness was caused by employment and the risk of contracting the disease is increased by the working conditions. To say that since the proof is not available, therefore, the trust fund has the obligation to pay is contrary to the legal requirement that proof must be adduced. The existence of otherwise non-existent proof cannot be presumed.

In *Navalta v. Government Service Insurance System* (G.R. No. 46684, April 27, 1988) this Court recognized the fact that cancer is a disease of still unknown origin which strikes people in all walks of life, employed or unemployed. Unless it be shown that a particular form of cancer is caused by specific working conditions (e.g. chemical fumes, nuclear radiation, asbestos dust, etc.) we cannot conclude that it was the employment which increased the risk of contracting the disease." (Rollo, p. 142)

The petitioner has not shown how the work of a public school teacher underpaid and difficult though it may be, creates hazards which naturally cause the liver sickness. The disease is one to which mankind in general is exposed or afflicted, irregardless of the nature of his work (*Erese v. Employees Compensation Commission*, 138 SCRA 192, 199 [1985]). It is not caused by hard work because a rich man who does not do any physical labor at all is equally susceptible to liver cirrhosis. The fact that a person eats the best meals regularly or has the most hygienic eating habits does not mean that he is less likely to contract cirrhosis of the liver. In other words, there must be proof of circumstances special to the job of a teacher which increase the risk of contracting the disease. We must emphasize that the new rules on workmen's compensation are the products of a law. These are not judge-made rules created out of thin air by this Court. If unions of workers or teacher's organizations or the affected individuals themselves feel that the rules or the whole social security scheme of workmen's compensation must be changed to once again allow ailments with unknown causes to be compensable, they should go to Congress which alone can amend the Labor Code.

But unless the law is changed, even a liberal interpretation in this specific case fails to show that the risk of contracting cirrhosis of the liver is increased by the work of a teacher. It is, therefore, with deep regrets that this Court is constrained to apply the law as written to these types of claims.

IN VIEW OF THE FOREGOING, petitioner Librea's Motion for Reconsideration is DENIED. The decision of this Court dated November 14, 1991 is reconsidered and SET ASIDE. The petition for certiorari is DENIED for lack of merit.

SO ORDERED.

Feliciano, Bidin, Davide, Jr., and Romero, JJ., concur.

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