

**ANGELITA TANEDO, PETITIONER, VS. EMPLOYEES' COMPENSATION COMMISSION AND GOVERNMENT SERVICE INSURANCE SYSTEM (MINISTRY OF AGRARIAN REFORM), RESPONDENTS.**

*G.R. No. 62300. September 25, 1987*

Ponente: NARVASA, J.

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**NARVASA, J.:**

Subject of the instant petition is the decision of the Employees' Compensation Commission (ECC) dated September 11, 1980 which affirmed the denial by the Government Service Insurance System (GSIS) of petitioner's claim for benefits arising from the death of her husband, Francisco Tanedo, under P.D. No. 626, as amended.

Francisco Tanedo was a Janitor-Laborer in the District Office of the Ministry of Agrarian Reform at Tarlac, Tarlac. His duties included the cleaning of the comfort rooms of the office and the watering of plants. Prior thereto, he worked as laborer in the former Bureau of Public Highways commencing in February, 1955, then as "Capataz Timekeeper", and "Construction Capataz" before transferring to the Agrarian Reforms Ministry on June 29, 1972.

In December, 1976 he was found to be suffering from "puffiness of face, pedal edema and progressive abdominal enlargement." He was accordingly confined at the Central Luzon Doctors Hospital where his ailment was diagnosed as "renal insufficiency secondary to chronic renal disease." An apparent recurrence of his illness caused his hospitalization again, in January, 1978, this time at the Tarlac Provincial Hospital. He however failed to respond to the administered treatment; his condition gradually retrogressed. In September, 1978 he once more sought and obtained admission at the Tarlac Provincial Hospital where, twenty days later, he finally died.

His widow, petitioner herein, filed a claim for death benefits with respondent GSIS. The latter denied her claim on the ground that the disease which caused her husband's death, "chronic glomerulonephritis", was not one of the compensable illnesses under the law; this, on the basis of the report (findings and recommendations) of its Medical Director dated May 7, 1979.[1] It overruled her claim that the final diagnosis and effective cause of death was "glomerulonephritis; renal hypertension and Koch's pulmonary." [2] Her motion for reconsideration having been denied, petitioner elevated the matter to the ECC which, as aforesaid, affirmed the decision of the GSIS. She is now before us, praying for reversal of those decisions of the GSIS and the ECC and the award to her of the death benefits she has applied for.

A compensable sickness, according to the law,[3] is "any illness definitely accepted as an occupational disease listed by the Commission, or any illness caused by employment subject to proof by the employee that the risk of contracting the same is increased by working conditions. For this purpose, the Commission is empowered to determine and approve occupational diseases and work-related illnesses that may be considered compensable based on the peculiar hazards of employment." That list referred to, of illnesses definitely accepted as

occupational diseases, is set out in Annex "A" of the Amended Rules on Employees' Compensation.[4]

It is clear that in order that "sickness and the resulting disability or death \*\* be compensable," the claimant must show either:

- 1) that it is "the result of an occupational disease listed under Annex 'A' of \*\* (the ECC) Rules with the conditions set therein satisfied"; or
- 2) if not so listed, that "the risk of contracting the disease is increased by the working conditions." [5]

It being at once apparent that "chronic glomerulonephritis" is not among the listed compensable illnesses in Annex "A" of the Amended Rules, it behooved the petitioner to adduce persuasive proof that her deceased husband's death was caused not only by said disease but also and additionally by renal hypertension and that identified by her as "Koch's pulmonary," as was the theory upon which she had founded her application for death benefits, and that, additionally, "the risk of contracting" those diseases was "increased by the working conditions" attendant upon her husband's duties as janitor-laborer.

Regrettably, even under the less stringent evidentiary norm of substantial evidence obtaining in employees' compensation proceedings,<sup>1</sup> petitioner has failed to adduce such relevant evidence as a reasonable mind might accept as adequate to support the conclusion that she has urged the GSIS and the ECC to make.<sup>2</sup> What the evidence does establish, as the ECC observes, is that the disease and its complications from which petitioner's husband died bore no causal relation to the nature of his employment. His hypertension was only a manifestation of his chronic glomerulonephritis, was in other words "simply a complication," and was "not brought about by employment factors".<sup>3</sup> We perceive nothing in the record to warrant reversal of these findings.

Neither may an award in petitioner's favor be justified upon any presumption that illness causing death or disability arose out of the employment or was at least aggravated by such employment. That presumption was laid down by the old statute.<sup>4</sup> It is however now a thing of the past, abolished on effectivity of the new law on January 1, 1975.<sup>5</sup> Awards of compensation benefits for death or disability can now no longer be made to rest on presumption, but on a showing that the causative disease is among those listed by the ECC, or on substantial evidence that the risk of contracting said disease is increased by the employee's working conditions.<sup>6</sup>

WHEREFORE, the petition is dismissed, without pronouncement as to costs.

Teehakee, C.J., Paras\*, and Cruz, J., concur.  
Gancayco, J., on leave.

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[1] Rollo, p. 16

[2] Id., p. 8

[3] P.D. 628 as amended by P.D. 1368 eff. on May 1, 1978: ART. 167 (I), Title II, Book IV, Labor Code

[4] Eft. May 1, 1978

[5] Sec. 1 (b), Rule III, Amended Rules on Employees' Compensation

1 SEE *Neis v. ECC*, 127 SCRA 672

2 SEE *Canete v. Workmen's Compensation Commission*, 136 SCRA 302; *Ang Tibay v. C.I.R.*, 69 Phil. 635; also, *Topweld Manufacturing, Inc. v. ECED, SA*, 138 SCRA 118; *Lagasca v. de Vera*, 79 Phil. 376

3 ECC Decision, rollo, pp. 17-18

4 Sec. 43, Act 3428, Workmen's Compensation Act; *Falarca v. Bookman, Inc.*, 127 SCRA 275; *Zozobrado v. ECC, et al.*, 141 SCRA 140; *Guevarra v. WCC, et al.*, G.R. No. L-43195, Nov. 27, 1986

5 *Armena v. ECC*, 122 SCRA 851; *Erese v. ECC*, 138 SCRA 192; *De la Rea v. ECC*, 141 SCRA 128; *Zozobrado v. ECC*, 141 SCRA 140, *supra*; *de Jesus v. ECC, et al.*, 142 SCRA 92, 99-100; *Milano v. ECC*, 142 SCRA 52; *Bonifacio v. GSIS, etc., et al.*, G.R. No. 62207, Dec. 15, 1986

6 SEE footnote 5 (at p. 2) and related text, *supra*

\* Designated a Special Member of the First Division.

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