

NEMIA SAGLIBA, PETITIONER, VS. EMPLOYEES' COMPENSATION COMMISSION, GOVERNMENT SERVICE INSURANCE SYSTEM (BUREAU OF AGRICULTURAL ECONOMICS), RESPONDENTS.

G.R. No. 63860. April 24, 1984

Ponente: MAKASIAR, J.

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MAKASIAR, J.:

This is a petition to review the decision of the Employees' Compensation Commission in ECC Case No. 1958, dated March 17, 1983, affirming the decision of the Government Service Insurance System denying the claim for compensation benefits under P.D. 626, as amended, filed by petitioner Nemia Sagliba for the death of her husband, Diosdado Sagliba, on the ground that the fatal ailment, hepatoma, is not work-connected (ECC Comment, p. 89, rec.).

The deceased, Diosdado Sagliba, started working with the government on July 17, 1969 as statistician at the Bureau of Agricultural Economics in Tacloban City. On July 1, 1973, he became a senior statistician and was holding the same position at the time of his death in 1981 (p. 108, rec.).

Sometime in the early part of 1981, Diosdado Sagliba complained of general weakness, anorexia and easy fatigability. Once, he experienced melena for which he was given "Irgamet 200 mg. tab." for 7 days by his physician. He was also treated for hematemesis at the Bethany Hospital as an out-patient. It was here where his bleeding peptic ulcer was detected. When his condition continued to deteriorate, Diosdado Sagliba was brought to the Capitol Medical Center in Quezon City on April 27, 1981. A few minutes prior to his admission, he vomitted fresh and clotted blood several times and complained of dizziness and slight abdominal pain. His attending physician, Dr. Agapito Tuazon, Jr. subjected him to exploratory laparotomy and liver biopsy. The diagnosis was "carcinoma, liver; bleeding varices; malnutrition; sepsis; hepatic coma." On May 7, 1981, 11 days after his confinement, Diosdado Sagliba died at the age of 37 years. The cause of death is hepatic failure due to sepsis and hepatoma (p. 109, rec.).

Sometime thereafter, the widow and herein petitioner, Nemia Sagliba, filed a claim for death compensation benefits under P.D. 626, as amended, with respondent GSIS. The System denied the claim on the ground that the cause of death is not work-connected. Petitioner then wrote a letter-appeal to the Office of the President which referred the same to respondent Employees' Compensation Commission. The Commission rendered a decision affirming that of the respondent GSIS and dismissed the claim (pp. 109-110, rec.).

Hence, this petition.

The only issue is whether or not hepatoma is work-connected and therefore compensable under P.D. 626, as amended.

Petitioner contends that the ailment of the deceased was directly caused and/or aggravated by the nature of his employment as senior statistician of the Bureau of Agricultural Economics, hence, compensable (p. 110, rec.).

Respondents, however, contend that the principle of aggravation and the presumption of compensability are no longer applicable to compensation cases under the New Labor Code. They submit further that neither was there proof that the risk of contracting the illness was increased by the working conditions; therefore, the fatal ailment does not fall within the compensable coverage of the law (pp. 111, 115, rec.).

WE find for the petitioner.

The basis for respondent System's denial of petitioner's claim for death benefits under the New Labor Code is the following evaluation of the disease:

"Liver carcinoma -- a malignant tumor which may either be primary or secondary in nature. In this case it is primary. The chief predisposing factors are irritation of the liver cells. Contributing factors are parasitic infestation, dietary deficiency, chemical irritants and chronic alcoholism.

"Bleeding varices, malnutrition, sepsis and hepatic coma are complications of hepatic insufficiency. Hematemesis from ruptured esophageal varices occurs in 25% of the case. It is a grave prognostic sign, since about 60% of these patients succumb within a year of the first episode. Sepsis account for about 25% of the fatalities. Hepatic coma is the terminal event of hepatic insufficiency" (pp. 39-40, ECC rec.; Italics supplied).

The findings of the Medical Division of the respondent Commission are as follows:

"Hepatoma is a form of primary malignancy of the liver which is of liver cell origin. In most series, hepatoma accounts for 80 to 90% of liver cell carcinomas. Liver cell carcinoma is two to four times more frequent in men than women. The cause is unknown, but medical authorities have observed that most cases are associated with liver cell 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. Also in some parts of the world as Asia and Africa, where a very high incidence of hepatomas have been found, certain known hepatic carcinogens, such as aflatoxins are ingested in foodstuffs.

"The course of the disease is usually rapid. Most patients die within six months from gastro-intestinal hemorrhage, progressive cachexia or hepatic failure" (Harrison's Principles of Internal Medicine, Wintrobe et al., 7th ed., 1977; Italics supplied).

In the recent case of *Neri vs. ECC* (No. 60642, Feb. 20, 1984), We quote this Court, thus:

"The decision of the Employees' Compensation Commission shows that hepatoma is a primary tumor of the liver. WE have ruled in the case of *Dator vs. Employees' Compensation Commission* (111 SCRA 634, L-57416, January 30, 1982) that 'until now, the cause of cancer is not known.' Indeed, the respondent has provided an opening through which petitioner can pursue and did pursue the possibility that the deceased's ailments could have been caused by the working conditions while employed with the DBP.

"x x It is indubitable that the causes of the illnesses of the deceased, specifically, hepatoma and postnecrotic cirrhosis, are still unknown and may embrace such diverse origins which even the medical sciences cannot tell with reasonable certainty. Scientists attending the World Genetic Congress in New Delhi, India, have warned that about 25,000 chemicals used around the world could potentially cause cancer, and Lawrence Fishbein of the US National Center for Toxicological Research pointed out that humans were daily exposed to literally hundreds of chemical agents via air, food, medication, both in their industrial home and environments (Evening Post, December 16, 1983, p. 3, Cols. 2-3).

"x x The sweeping statement of the Employees' Compensation Commission to the effect that the 'predisposing factors for the development of the deceased's ailments are manifestly not inherent or peculiar to his employment or employment conditions as cashier in the DBP Ozamis Branch (p. 16, rec.) is untenable and not in accordance with the facts on record. From a position of uncertainty, one cannot draw a conclusion of certainty" (Italics supplied).

The foregoing belies the conclusion of respondents that the ailment which caused the death of Diosdado Sagliba is not work-connected. The medical findings of respondents' medical officers admit the fact that as in all cancer cases, the etiology of hepatoma or liver cancer is still unknown.

There was neither any finding that the deceased was an alcoholic. This is important because excessive amount of ethanol in alcoholic drinks is one of the causes of liver cancer (Harrison's Principle of Internal Medicine, 9th ed., 1980, p. 1473). The deceased's medical records reveal that he used to drink liquor occasionally. However, medical experts submit that the quantity and duration of drinking necessary to cause cirrhosis are unknown, but average social usage is not sufficient to cause permanent liver damage. The typical alcoholic with cirrhosis has consumed a pint or more of whiskey, several quarts of wine, or an equivalent amount of beer per day for at least 10 years. The amount of ethanol, rather than the type of alcoholic beverage, is the determinant factor (Harrison's Principle of Internal Medicine, 9th ed., 1980, p. 1473).

The deceased, as senior statistician, was assigned to Region 8 as Regional Coordinator of Samar-Leyte and the Biliran sub-province. He performed the following duties and responsibilities:

- "1. Assisted in the administration, supervision, and coordination of agricultural statistical activities on the national level;
- "2. Partly responsible for the planning and preparation for data collection through provability or subjective surveys, periodic forecasting of crop production and hectarage;
- "3. Responsible for the study and examination and analysis of secondary data when and where available, examination and evaluation of production stocks and consumption requirements, data in relation to supply situation of the staple foods;
- "4. Submitted work programs and fiscal plans for the activities of the Statistics Division, represented the Chief of the Division on the technical committee working groups of conference and seminars; and
- "5. Performed other technical jobs that were assigned from time to time" (p. 32, ECC rec.; underlining supplied).

As substantiated by the records of the case, the deceased had to travel to remote places and had to drive the government vehicle himself. Allegedly, he had to wake up early and work till late at night when coordinating meetings and other activities, meeting with different people or gathering data in different places. Undoubtedly, these varied functions and activities subjected him to excessive fatigue constantly. His day to day travels exposed him to the harsh elements of nature and to unhygienic conditions where he could have contracted parasites which might have caused the fatal disease. It must be added too that the medical records also reveal that the deceased often missed his meals and was malnourished when he entered the hospital in 1981.

When the deceased entered the government service in 1969, he was in perfect health. However, through the years of his employment and the nature of his job, the constant pressures to which he had been subjected because of it, he contracted several diseases, among others, peptic ulcer, hematemesis, and the fatal ailment, liver cancer.

In resolving issues in compensation cases under the Employees' Compensation Act, the liberal construction of the law is still the determining factor. It has been consistently held by this Court that in compensation cases the strict rules of evidence are not applicable. Proof of actual causes of ailment is not necessary (*Panotes vs. ECC*, No. 64802, [March 29, 1984]; *Mercado vs. ECC*, No. 60346 [Feb. 20, 1984]; *San Valentin vs. ECC*, 118 SCRA 160).

Quoting from the case of *Cristobal vs. ECC* (103 SCRA 329, 335), this Court stated the following:

"The deceased died of rectal cancer on May 27, 1977. Concededly, the exact cause or etiology of this disease is

still unknown. Even respondent's own medical officer, Dr. Mercia C. Abrenica, certified that the cause of rectal carcinoma as of any other malignancies is still unknown (p. 9, ECC. rec.). Its cause and development are insidious, imperceptible to the naked eye, and defies expert analysis. Therefore, whether or not the disease rectal cancer was caused or the risk of contracting the same was increased by the decedent's working conditions remains uncertain. This uncertainty, of course, cannot eliminate the probability that the ailment was work-connected as it had been established that the deceased was exposed to unhygienic conditions, various chemicals and intense heat which are generally considered as predisposing factors of cancer. At this point, there is need to reiterate that when the deceased started working in 1964, he was free from any kind of disease" (Italics supplied).

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 (*Abadiano vs. ECC*, 111 SCRA 509, quoting from *Abana vs. Quisumbing*, 1968).

The theory of increased risk is applicable in the case at bar, which, under Section 1(b), Rule III of P.D. 626, as amended, states the following:

"For the sickness and the resulting disability or death to be compensable, 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."

The degree of proof required is merely substantial evidence, which means "such relevant evidence to support a decision" (*Ang Tibay vs. CIR and National Labor Union, Inc.*, 69 Phil. 635) or clear and convincing evidence. As above-stated, it must be stressed that the strict rules of evidence are not applicable in claims for compensation. What the law merely requires is a reasonable work-connection and not a direct causal relation". This interpretation gives meaning and substance to the liberal and compassionate spirit of the law as embodied in Article 4 of the New Labor Code which states that "all doubts in the implementation of the provisions of this Code, including its implementing rules and regulations shall be resolved in favor of labor" (*Panotes vs. ECC*, supra; *Godizano vs. ECC*, No. 62354 [March 22, 1984]; *Neri vs. ECC*, et al., supra; *Najera vs. ECC*, 122 SCRA 697; *Delegente vs. ECC*, 118 SCRA 67; *San Valentin vs. ECC*, supra; *Calvero vs. ECC*, 117 SCRA 452; *Abadiano vs. ECC*, supra; *Dator vs. ECC*, supra; *Cristobal vs. ECC*, supra).

WHEREFORE, THE DECISION APPEALED FROM IS HEREBY SET ASIDE AND THE GOVERNMENT SERVICE INSURANCE SYSTEM IS HEREBY ORDERED

1. TO PAY THE PETITIONER THE SUM OF TWELVE THOUSAND (P12,000.00) PESOS AS DEATH BENEFITS;
2. TO REIMBURSE THE PETITIONER'S MEDICAL AND HOSPITAL EXPENSES DULY SUPPORTED BY PROPER RECEIPTS;
3. TO PAY THE PETITIONER THE SUM OF ONE THOUSAND TWO HUNDRED (P1,200.00) PESOS FOR FUNERAL EXPENSES; AND
4. TO PAY THE PETITIONER THE SUM OF ONE THOUSAND TWO HUNDRED (P1,200.00) PESOS AS ATTORNEY'S FEES.

SO ORDERED.

Concepcion, Jr., Guerrero, Abad Santos, De Castro, and Escolin, JJ., concur.

Aquino, J., dissents. Hepatoma is not work-connected. He votes to affirm the decision of the ECC. He concurs with the reasons set forth by the Solicitor General. He reiterates his opinion in the Suilt case.

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