

JOSEFINA MILLORA, PETITIONER, VS. EMPLOYEES COMPENSATION COMMISSION AND GOVERNMENT SERVICE INSURANCE SYSTEM

G.R. No. 69572. July 28, 1986

Ponente: FERNAN, J.

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FERNAN, J.:

This is a petition for review on certiorari of the decision rendered by the Employees Compensation Commission in ECC Case No. 2380, entitled, "Josefina Millora, Appellant, versus Government Service Insurance System [Ministry of Education, Culture and Sports], Respondents", dismissing the claim of petitioner for death benefits.

Petitioner Josefina Millora is the widow of Prisco Millora, who had been a classroom teacher at the Division of Public Schools in Pangasinan since 1963 until his death at age 40 on February 1, 1982. Having been a diabetic during the last eleven [11] years of his life, Prisco Millora had, on several occasions, been admitted to and confined at the Pangasinan Provincial Hospital for treatment of diabetes mellitus and diabetic ulcers. On September 8, 1981, he was again admitted to the Pangasinan Provincial Hospital, where he underwent surgical operation for "cataract, mature [diabetic] right". Upon his discharge from said hospital, he forthwith filed with respondent System a claim for benefits under P.D. 626, as amended, for diabetes mellitus and its complications, cataract and ulcer of the extremities. Said claim was, however, denied.

On January 20, 1982, Prisco Millora was examined at the same hospital and was found to be suffering from infection of the eye which had been operated on. On February 1, 1982, he died. According to the death certificate issued by the Pangasinan Provincial Hospital, the cause of death was "cataract extraction [infection] of the right eye." [1]

Subsequently, petitioner requested the respondent System to reconsider its denial of the deceased's claim. When respondent System denied the claim anew in a letter dated September 21, 1982, petitioner filed a motion for reconsideration, asserting that the deceased's fatal ailments were brought about by the nature of his work. In other words, the deceased allegedly contracted ulcer of the extremities because of his active involvement in various development projects, and developed cataract through the long night hours spent on preparing lesson plans and visual aid materials, and through exposure to the glare of the sun while engaged in the school's outdoor projects. Despite such arguments, respondent System stood pat on its decision, compelling petitioner to elevate the case to the Employees Compensation Commission for review.

On December 6, 1984, the aforesaid Commission affirmed the decision of respondent System and dismissed the case. Hence, this petition.

The denial of petitioner's claim for death benefits by respondent System on the ground that the cause of the deceased's ailments was not work-connected, was based on the evaluation made by the GSIS Medical Services Center of the deceased's main ailment, to wit:

"Diabetes mellitus is a hereditary or developmental disorder of carbohydrate metabolism due to an absolute or

relative insufficiency of insulin appearing at any age or hyperglycomia, [sic] glycooccus, polyuric [sic], polydipsia, polynegia, praritis [sic], weakness and weight loss. Inadequate production of insulin by the beta colla of the islets of Langerhaus [sic] due to causes still unknown, is responsible for most cases of diabetes mellitus. In addition there may be an increased requirement for insulin due to numerous physiologic and pathologic mechanisms. Heredity is [sic] important factor since there is a familial history of diabetes in as many as 50 percent of cases."[2]

In sustaining the System's conclusion that the etiology of the main ailment of the deceased negates compensability, respondent Commission further observed:

"Diabetes Mellitus is a disease of worldwide distribution consisting of a metabolic and vascular component. The following have predisposition for the disease:

- relative of known diabetics
- obese persons
- persons in the older age group
- mothers from whom large babies are born since the birth of a large infant may be an indication of maternal pre-diabetes.

"It is well-established that it is inherited although the mode of inheritance is still under discussion.

"As to types, the following etiological classification may be applied:

- genetic
- pancreatic
- endocrine
- introgenic - precipitated by administration of certain drugs. [Harrison's Principles of Internal Medicine by Wintrobe, et. al., 7th ed., p. 850]

"The foregoing discussion clearly shows that diabetes mellitus could not have been caused by employment conditions. Even its complications in the case at bar [ulcer and cataract] could not have been work-connected. x x x"[3]

Petitioner, however, argues that while diabetes may be hereditary, the work of a patient suffering from a predisposition to the disease can aggravate the same and hasten the patient's death; and that, at any rate, actual proof of causation is not necessary to justify compensability.

These arguments of petitioner actually refer to the principles of aggravation and presumption of compensability. These principles, available under the Workmen's Compensation Act, were abolished by the New Labor Code [P.D. No. 626, as amended]. As explained by this Court in *Sulit v. ECC*, 98 SCRA 483:

"Those radical innovations, the presumption of compensability and the rule on aggravation of illness, which favor the employee, paved the way for the latitudinarian or expansive application of the Workmen's Compensation Law in favor of the employee or worker.

"It now appears that after the government had experimented for more than twenty years with such employee-oriented application of the law, the lawmaker found the result to be unsatisfactory because it destroyed the parity or balance between the competing interests of employer and employee with respect to workmen's compensation. The balance was tilted unduly in favor of the workmen.

"Hence, to restore a sensible equilibrium, between the employer's obligation to pay workmen's compensation and the employee's right to receive reparation for work-connected death or disability, the old law was jettisoned and in its place we have the employees' compensation and state insurance fund in the Labor Code, as amended.

"As correctly observed x x x the Labor Code abolished the presumption of compensability and the rule on aggravation of illness caused by the nature of the employment. This Court is powerless to apply those rules under the Labor Code [Resolution of March 8, 1978 in L-47008, Ibañez v. Workmen's Compensation Commission]."

Under the Labor Code, as amended, the law applicable to the case at bar, in order for the employee to be entitled to sickness or death benefits, the sickness or death resulting therefrom must be or must have resulted from either [a] any illness definitely accepted as an occupational disease listed by the Commission, or [b] any illness caused by employment, subject to proof that the risk of contracting the same is increased by work-ing conditions.

The respondent Commission has been empowered under Section 1, P.D. 1386 to determine and approve occupational diseases and work-related illnesses that may be considered compensable based on peculiar hazards of employment. The list drawn up by the respondent Commission pursuant to ECC Resolution No. 247-A [April 13, 1977], No. 432 [July 20, 1977] and No. 1676 [January 29, 1981] does not include diabetes mellitus as an occupational disease. This being the case, petitioner is charged with the burden of proving that the nature of her late husband's work increased the risk of contracting the said ailment.

Petitioner attempted to do this by quoting from the medical opinion of Dr. Augusto Litonjua, president of the Philippine Diabetic Association, published in the November 1, 1985 issue of Bulletin Today.

"Dr. Augusto Litonjua, president of the Philippine Diabetic Association, also said that other causes of diabetes are overweight, accidents, operations, pregnancy and certain drugs.

"Speaking before the weekly 'Agham Ugnayan', Litonjua said diseases caused either by a virus or bacteria were found to have damaged the pancreas and caused diabetes in persons 'with a predisposition'.

"Litonjua explained that a person under stressful physical or emotional situations secrete hormones that are 'contra-insulin' or hormones which outweigh the effects of insulin. Insulin, a hormone that is produced by the pancreas lowered blood sugar.

"He noted that there are more diabetes cases in urban than in a rural setting. This discrepancy is believed to be attributed to the more 'Westernized' environment in urban areas which have more problems and tensions and are flooded with products with high fat content." [4]

Observing that the medical opinion above-quoted was published in a non-medical periodical, the Court verified the accuracy of said report with Dr. Augusto Litonjua himself. He described paragraph 3 of the cited opinion as "essentially accurate though a bit unclear." He said that the proper phraseology should be as follows:

"a person under physical or emotional stressful situations produces hormones which are 'contra-insulin' in their effects, i.e., increase the blood sugar to outweigh the blood sugar lowering effects of insulin." [5]

Petitioner asserts that since, according to the medical evaluation of respondent System, the cause of diabetes mellitus is unknown, and considering that her late husband could not have inherited the disease as his parents were not diabetic, nor was the deceased otherwise predisposed to said ailment by reason of obesity or old age, it would be more fair to conclude that his contracting diabetes mellitus was increased by the nature of his work.

We find merit in this contention. Prisco Millora began work as a public school teacher when he was twenty-one [21] years old. Although not pre-disposed to diabetes mellitus by reason of old age, obesity or heredity, he

became diabetic after eight [8] years in said employment. As a classroom teacher, his work was not confined to the regular eight-to-five schedule, but stretched into the long hours of the night preparing lesson plans and instructional materials. Aside from this, he was actively in-volved in the school's developmental projects. To our mind, such work situation could reasonably be described as physically and emotionally stressful, a situation cited by Dr. Litonjua as producing hormones which are 'contra-insulin' in their effects and which satisfies the evaluation made by respondent Commission of the endocrinal etiology of diabetes mellitus. We may even go further and state that the above-cited work activities likewise increased the deceased's risk of contracting the fatal complications, ulcer of the extremities and cataract.

WHEREFORE, the decision of the Employees Compensation Commission is hereby set aside and the Government Service Insurance System is hereby ordered to pay petitioner the sums of Twelve Thousand Pesos [P12,000.00] as death benefits, One Thousand Pesos [P1,000.00] as funeral expenses and One Thousand and Two Hundred Pesos [P1,200.00] as attorney's fees.

SO ORDERED.

Feria, (Chairman), Alampay, Gutierrez, Jr., and Paras, JJ., concur.

[1] Petition, p. 5, Rollo.

[2] Annex A, Petition, p. 13, Rollo.

[3] Ibid, pp. 13-14, Rollo.

[4] Reply, p. 50, Rollo.

[5] p. 74, Rollo.

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