

EULALIO GALANIDA, PETITIONER, VS. EMPLOYEES' COMPENSATION COMMISSION AND GOVERNMENT SERVICE INSURANCE SYSTEM, RESPONDENTS.

G.R. No. 70660. September 24, 1987

Ponente: GUTIERREZ, JR., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-70660/>

GUTIERREZ, JR., J.:

Before us is a petition for review on certiorari of the Employees' Compensation Commission's (ECC) decision affirming the denial by the Government Service Insurance System (GSIS) of the petitioner's claim for disability compensation under P.D. 626.

Petitioner Eulalio Galanida started working for the government on November 8, 1948 as a messenger/janitor at the bureau of Agricultural Extension Office in Tagbilaran City. Subsequently, he was promoted to Clerk and, finally, to Administrative Officer II of the Ministry of Agriculture until he retired on December 10, 1983.

Galanida's medical records reveal that sometime in 1955, he complained of facial distortion and numbness accompanied by the blurring of vision and headache. According to the petitioner, he suffered irregular sleep and heart palpitation, as well as pain in both extremities for several years. From May 15 to 29, 1972, he was confined at the Bohol Provincial Hospital for hemorrhoidectomy which was performed by Dr. Miguel C. Froilan.

On January 18, 1983, the petitioner filed a claim for disability benefits under Presidential Decree No. 626 with the GSIS. On March 9, 1983, the GSIS disapproved the claim on the ground that the claimant's ailments are not occupational diseases and there was no showing that his work had increased the risk of contracting the same. The petitioner elevated his case to the ECC and on November 27, 1984, the ECC affirmed the decision of the GSIS.

After a careful scrutiny of the records of the case, we find no justifiable reason to reverse the decision of the ECC.

The petitioner's ailments were diagnosed to be the following:

xxx xxx xxx

"(1) Bells Palsy - is an acute lower Motor Neuron Palsy of the facial nerve, characterized by pain, weakness or paralysis of the affected side of the face (2) Anxiety Neurosis - is a progressive disintegration of personal instability arising in the course of the intercurrent illness. (3) Peripheral Neuritis - is a syndrome of sensory motor, reflect and basomotor reflex symptoms produced by lesion of nerve root on peripheral nerves. (p. 27, Rollo)

The above-mentioned diseases are not among those listed as occupational diseases under Annex "A" of P.D. 626 nor has the petitioner shown proofs that the risk of contracting the diseases was increased by his employment's working conditions as Administrative Officer II of the Ministry of Agriculture in Manila as provided by Section 1(b), Rule III, Amended Rules on Employees' Compensation. As we have repeatedly held, the doctrines of aggravation and presumption of compensability under the former Workmen's Compensation Act are no longer

provided by law under the present social insurance scheme (*Erese v. Employees' Compensation Commission*, 138 SCRA 192).

Considering that the illnesses are not occupational diseases, it was, therefore, necessary for the petitioner to present proof that he contracted them in the course of his employment at the Ministry of Agriculture. Unfortunately, he failed in this regard. In his petition for review submitted to the Employees' Compensation Commission dated May 16, 1983, the petitioner alleges that the "cleaning of rooms as janitor and subsequently the amount of paperwork thereby forcing him to render overtime, increased the risk of contracting said ailments." This is a mere allegation which needs to be proved. He who alleges a fact has the burden of proving it and a mere allegation is not evidence. (*People v. Lumayok*, 139 SCRA 1) Despite the request made by the respondent (letter dated July 9, 1983, rollo, p. 39) the petitioner failed to submit evidence or proofs such as a certification signed by the employer as to inclusive dates of leave of absences or sick leaves, medical certificates, hospital records and/or clinical records of confinement/consultation so as to substantiate his claim for compensation under P. D. 626. There is absolutely no showing how the work of a janitor increased the risk of contracting the petitioner's ailments. Moreover, the petitioner's attending physician, Dr. Segundo Racho categorically stated that the petitioner's ailments are not work-connected. Hence, the petitioner's claim for disability compensation under P.D. 626 has no factual basis.

Even if we applied the ruling in *Corales v. Employees' Compensation Commission* (88 SCRA 547), as contended by the petitioner, his claim for compensation will still not prosper.

The records show that the symptoms of the petitioner's ailments upon which he could base his claim for compensation under the *Corales* doctrine became manifest in 1955. His right to claim for compensation, therefore, accrued as early as that date. Hence, the law to be applied under his contention would be the Workmen's Compensation Act following the principle that in workmen's compensation commission cases, the governing law is to be determined by the date on which the claimant contracted his illness. (*Pilipinas Shell Petroleum Corporation of the Philippines v. Dela Rosa*, 146 SCRA 222). The right founded on statute prescribes in ten (10) years which are counted from the date of disability (*Leonardo v. Workmen's Compensation Commission*, 88 SCRA 58).

In the instant case, the petitioner alleged that in the years 1954-1955, he was treated by several doctors and confined twice in the hospital for the ailments earlier mentioned. He, therefore, had until 1964-1965 within which to file his claim under the Workmen's Compensation Act. And even if we counted the ten-year period from the date of his hospitalization for hemorrhoidectomy on May 15 to 29, 1972, the claim filed only in January 18, 1983 is obviously beyond the prescriptive period. Moreover, hemorrhoidectomy has never been mentioned as the basis of his claim. The petitioner, therefore, failed to seasonably raise his claim for compensation under the Workmen's Compensation Act, assuming its applicability.

Furthermore, the fact that the petitioner continued working until he compulsorily retired on December 10, 1983 militates against his right to disability compensation. In the case of *Corales v. Employees Compensation Commission* (*supra*), we held:

"It must be noted that We disallowed petitioner's claim for disability compensation because of the undisputed fact that petitioner, despite his disabling illness of PTB -- medically speaking -- was able to physically pursue his line of work the very day he reached the compulsory age of retirement -- 65; and therefore cannot be awarded disability benefits under Section 14 of the Workmen's Compensation Act, as amended, which observes the wage loss factor as basis of the granting of disability benefits for it commands that 'x x x No compensation shall be allowed for the first three calendar days of incapacity resulting from an injury except the benefits provided for in the preceding section; but if the incapacity extends beyond that period, compensation

shall be allowed from the first day of such incapacity. x x x' (Section 14, Act 3428, as amended). Consequently, We ruled that, despite OUR finding that petitioner's illness and disability was work-connected, he is not entitled to disability benefits because his illness and/or medical disability did not result in any wage loss or diminution of earnings as it is undisputed from the records that he not only continued to receive the same rate of salary (P3223.58 per annum) he was receiving in 1965 when he was initially found afflicted with PTB but also thereafter enjoyed increases of salaries and at the time of his compulsory retirement in 1975, his rate was P5095.20 per annum; although he did not receive any promotion in rank or position, from 1965 to the year of his retirement. x x x" (at p. 555).

WHEREFORE, the petition is hereby DISMISSED. The decision of the Employees' Compensation Commission is AFFIRMED.

SO ORDERED.

Fernan, (Chairman), Feliciano, Bidin, and Cortes, JJ., concur.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.