

AMALIA NARAZO, PETITIONER, VS. EMPLOYEES' COMPENSATION COMMISSION AND GOVERNMENT SERVICE INSURANCE SYSTEM (PROVINCIAL GOVERNOR'S OFFICE, NEGROS OCCIDENTAL), RESPONDENTS.

G.R. No. 80157. February 06, 1990

Ponente: PADILLA, J.

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PADILLA, J.:

This is a petition for review of the decision of the Employees' Compensation Commission (ECC) dated 19 May 1987,[1] denying petitioner's claim for compensation benefits under PD 626, as amended, for the death of her husband, Geronimo Narazo.

Geronimo Narazo was employed for thirty eight (38) years as Budget Examiner in the Office of the Governor, Province of Negros Occidental. His duties included preparation of the budget of the Province, financial reports and review or examination of the budget of some provincial and municipal offices.

On 14 May 1984, Narazo died at the age of fifty seven (57). His medical records show that he was confined three (3) times at the Dona Corazon L. Montelibano Hospital in Bacolod City, for urinary retention, abdominal pain and anemia. He was thereafter diagnosed to be suffering from "obstructive nephropathy due to benign prostatic hypertrophy", commonly known as "Uremia".

Petitioner, as the widow of the deceased, filed a claim with the Government Service Insurance System (GSIS) for death benefits for the death of her husband, under the Employees' Compensation Law (PD 626, as amended). However, said claim was denied on the ground that the cause of death of Narazo is not listed as an occupational disease, and that there is no showing that the position and duties of the deceased as Budget Examiner had increased the risk of contracting "Uremia".[2] Petitioner moved for reconsideration of said decision, claiming that although the cause of her husband's death is not considered as an occupational disease, nevertheless, his job as Budget Examiner which required long hours of sedentary work, coupled with stress and pressure, caused him many times to delay urination, which eventually led to the development of his ailments. The GSIS denied said motion for reconsideration.

On appeal, the Employees' Compensation Commission affirmed the decision of the GSIS on the ground that the ailments of the deceased could not be attributed to employment factors and as impressed by medical experts, benign prostatic hyper-trophy is quite common among men over fifty (50) years of age, regardless of occupation, while uremia is a complication of obstructive nephropathy due to benign prostatic hypertrophy;[3] hence, this petition.

Petitioner avers that the nature, length of time, and circumstances of the occupation of the deceased were not considered in determining whether the work of the said deceased had increased the risks of contracting the ailments which caused his death. The work of the deceased, which required long sedentary work under pressure,

aggravated the risk of contracting the disease leading to his hospital confinement and death.[4]

In controversion, the ECC argues that petitioner failed to show proof that the disease which caused the death of her husband is work-connected; and that no credence could be given to petitioner's claim that her husband's delayed urination gave rise to the development of his ailments, for lack of medical bases. All that petitioner has shown, according to the ECC, are mere aggravation, and not work-connection causes.[5]

Rule III, section 1, paragraph 3(b) of Presidential Decree No. 626, as amended, defines a "compensable sickness" as any illness definitely accepted as an occupational disease listed by the ECC or any illness caused by employment subject to proof by the employee that the risk of contracting the same is increased by working conditions.[6] The ECC is empowered to determine and approve occupational diseases and work-related illnesses that may be considered compensable based on peculiar hazards of employment.[7]

Thus, a sickness or death caused by said sickness compensable if the same is listed as an occupational disease. If it is not so listed, compensation may still be recovered if the illness was aggravated by employment. However, it is incumbent upon the claimant to show proof that the risk of contracting the illness was increased by his working conditions.

The death of petitioner's husband was caused by "Uremia due to obstructive nephropathy and benign prostatic hypertrophy," which is admittedly not among those listed as occupational diseases.[8] As per finding of the ECC, "Uremia is a toxic clinical condition characterized by restlessness, muscular twitchings, mental disturbance, nausea, and vomiting associated with renal insufficiency brought about by the retention in blood of nitrogenous urinary waste products." One of its causes is the obstruction in the flow of urinary waste products.[9]

Under the circumstances, the burden of proof was upon petitioner to show that the conditions under which her deceased husband was then working had increased the risk of contracting the illness which caused his death.

To establish compensability under the increased risk theory, the claimant must show proof of reasonable work-connection, not necessarily direct causal relation. The degree of proof required is merely substantial evidence which means such relevant evidence as will support a decision, or clear and convincing evidence. Strict rules of evidence are not applicable. To require proof of actual causes or factors which lead to an ailment would not be consistent with the liberal interpretation of the Labor Code and the social justice guarantee in favor of the workers.[10] Although strict rules of evidence are not applicable, yet the basic rule that mere allegation is not evidence cannot be disregarded.[11]

The nature of the work of the deceased as Budget Examiner in the Office of the Governor dealt with the detailed preparation of the budget, financial reports and review and/or examination of the budget of other provincial and municipal offices. Full concentration and thorough study of the entries of accounts in the budget and/or financial reports were necessary, such that the deceased had to sit for hours and more often that not, delay and even forego urination in order not to interrupt the flow of concentration. In addition, tension and pressure must have aggravated the situation. In the case of *Ceniza v. ECC*, [12] the Court held that:

"x x x. It may be added that teachers have a tendency to sit for hours on end, and to put off or postpone emptying their bladders when it interferes with their teaching hours or preparation of lesson plans. From human experience, prolonged sitting down and putting off urination result in stagnation of the urine. This encourages the growth of bacteria in the urine, and affects the delicate balance between bacterial multiplication rates and the host defense mechanisms. Delayed excretion may permit the retention and survival of micro-organisms which multiply rapidly, and infect the urinary tract. These are predisposing factors to pyelonephritis and uremia. Thus, while We may concede that these illnesses are not directly caused by the nature of the duties of a teacher, the risk of contracting the same is certainly aggravated by their working habits

necessitated by demands of job efficiency."

Under the foregoing circumstances, we are persuaded to hold that the cause of death of petitioner's husband is work-connected, i.e. the risk of contracting the illness was aggravated by the nature of the work, so much so that petitioner is entitled to receive compensation benefits for the death of her husband.

WHEREFORE, the petition is GRANTED. The decision of the Employees' Compensation Commission denying petitioner's claim for benefits under PD 626, as amended, arising from the death of her husband, is hereby REVERSED and SET ASIDE.

SO ORDERED.

Melencio-Herrera, (Chairman), Paras, Sarmiento, and Regalado, JJ., concur.

[1] Rollo, pp. 8-11.

[2] Ibid., p. 9.

[3] Ibid., p. 10.

[4] Petition, Rollo, pp. 2-6.

[5] Comment by ECC, Rollo, pp. 81-83.

[6] *Sierra v. GSIS*, G.R. No. 50954, 8 February 1989; *Carbajal v. GSIS*, G.R. No. L-46654, August 9, 1988, 164 SCRA 204.

[7] *Bonifacio v. GSIS*, G.R. No. 62207, December 15, 1986, 146 SCRA 276.

[8] Annex "A" to the Employees' Compensation La.

[9] Rollo, p. 10, citing Christopher's Textbook of Surgery, Davis, 7th Ed., 911-915, 862-865.

[10] *Limjoco v. Republic*, G.R. No. L-46575, 31 August 1988, 165 SCRA 202.

[11] *Garol v. ECC*, G.R. No. 55233, 29 November 1988.

[12] G.R. No. 55645, 2 November 1982, 118 SCRA 138.

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