

JESUS D. AGUJA, PETITIONER, VS. GOVERNMENT SERVICE INSURANCE SYSTEM, ET AL., RESPONDENTS.

G.R. No. 84846. August 05, 1991

Ponente: GUTIERREZ, JR., J.

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GUTIERREZ, JR., J.:

The petitioner, as a pauper litigant seeks the review of the Employees' Compensation Commission (ECC) decision dated November 10, 1987 denying his claim for additional benefits under P.D. 626, as amended on account of his eye injury.

Jesus D. Aguja worked as a janitor in the Office of the Municipal Treasurer in Libmanan, Camarines Sur. While he was cleaning the office toilet sometime in April 1979, the bottle of muriatic acid he was using suddenly fell to the floor, causing the contents to splash all over. Some of the acid hit the petitioner's right eye which caused gradual loss of vision, finally culminating in blindness. The petitioner's left eye was not blinded, but it contracted "pterygium nasal side with visions of 20/40", per certification of Dr. Delfin M. Rosales, an eye, ear, nose, and throat (EENT) specialist in Naga City causing a disturbance of vision. Notwithstanding his blindness on the right eye, the petitioner continued to work but retired finally from service on February 26, 1982.

On the basis of the accident in 1979, the petitioner claimed for compensation benefit with the GSIS. He was awarded temporary total disability benefits from September 5 to 29, 1979 and was thereafter granted permanent partial disability benefit for a period of twenty five (25) months.

After receipt of the corresponding monetary benefits from the System, the petitioner asked for additional benefits on the ground of permanent total disability under PD 626, claiming that he was also gradually losing vision of his left eye. This was denied by the GSIS on the ground that he had already previously received the maximum which could be awarded to him under the law. Furthermore, the condition of his left eye which allegedly had normal vision did not satisfy the criteria for a grant of permanent total disability benefits.

The petitioner then elevated his case to the ECC which later affirmed the decision of the GSIS on November 10, 1988. (The petitioner was however notified of such decision only on January 8, 1989).

Unaware of the denial of his claim, the petitioner sought the help of this Court praying for the additional benefits.

Consequently, in a resolution dated February 10, 1988, the Court denied the petition for being premature but at the same time directed the ECC to act speedily on the claim pending with it.

Later, the petitioner moved for a reconsideration of the Court's resolution attaching to it the decision of the ECC.

Thus, on June 15, 1988, the Court resolved to reconsider its February 10, 1988 resolution and revived the case. The respondents, ECC and GSIS were required to file their comments.

On September 15, 1990, the Court issued another resolution, the pertinent portion of which reads as follows:

"Considering the foregoing, the Court Resolved to require petitioner Aguja to submit satisfactory medical proof on the condition of his left eye and whether the same is still capable of treatment and to what extent. Since he is a pauper litigant who cannot even afford the services of a lawyer, he may go to the nearest government hospital which has a competent eye doctor, present a copy of this Court's resolution, and request for the necessary medical certificate." (Rollo, p. 95)

In a later resolution dated November 26, 1990, the Court directed the Public Attorney's Office (PAO) to assist the petitioner in this case specifically in obtaining the required medical certificate with respect to the condition of the petitioner's left eye necessary for the resolution of the claim.

The issue now before the Court is whether or not the petitioner is entitled to the additional compensation prayed for.

Petitioner Aguja is claiming for additional benefits because "his left eye with PTERYGIUM is slowly and gradually losing sight. As of now, he can not recognize people beyond one (1) meter. It is possible he may also totally lose his vision."

To be entitled to an income benefit for permanent total disability, the following conditions must be satisfied:

"Section 1. Condition of entitlement. (a) An employee shall be entitled to an income benefit for permanent total disability if all of the following conditions are satisfied:

- 1) He has been duly reported to the System;
- 2) He sustains the permanent total disability as a result of the injury or sickness; and
- 3) The System has been duly notified of the injury or sickness which caused his disability. (Sec. 1 (a) Rule XI, Amended Rules on Employees' Compensation)

The public respondents denied the petitioner's claim on the basis of the 1985 finding that only the right eye was blind at the time while the left eye was not. The respondents ruled that the petitioner is not qualified for permanent total disability benefits but only permanent partial disability which the petitioner has already received.

It must be stressed that the petitioner is claiming for additional benefits because of the gradual loss of vision of his left eye which the public respondents never considered anymore in evaluating his claim.

From the records of the case, there is sufficient basis for granting the petition.

The medical certificate submitted to this Court with respect to the condition of the petitioner's left eye reveals the following results:

- CATARACT IMMATURE O.S.
- OCCLUSIO-PUPILLAE O.D. WITH IRIDODIALYSIS O.D. SECONDARY CHEMICAL BURNS
- PTERYGIUM (Rollo, p. 115)

Medical authorities disclose that:

CATARACT IMMATURE - is an opacity of the crystalline eye lens or of its capsule.

(DORLAND, Illustrated Medical Dictionary, 24th Edition, 1965)

- any cataract in the beginning stages, or one which affects only a part of the lens or its covering.

(MALOY, Medical Dictionary for Lawyers, 2nd edition, 1951).

OCCLUSIO-PUPILLAE - is the closure of the opening in the iris of the eye by formation of an opaque membrane.

IRIDODIALYSIS - is the separation or loosening of the iris from its attachment.

PTERYGIUM - a triangular fleshy mass of thickened conjunctiva occurring usually at the inner side of the eyeball, covering part of the cornea and causing a disturbance of vision. (Dorland, Illustrated Medical Dictionary, 24th edition, 1965)

Clearly, from the above findings, the petitioner's left eye is indeed gradually losing vision. The left eye was found to be burned which only goes to show that the present condition can be traced back to the accident which occurred in April, 1979 and no other. There is no showing that there was any supervening event which may have caused the blindness of the left eye. Undeniably, the injury was caused by the splashing of muriatic acid while the janitor was cleaning the government building's toilet. This accident not only blinded the right eye but also "compromised" the left eye. According to the medical certificate issued in 1985, a pterygium was already growing on the nasal side of the left eye. In such a case, the injury caused on the left eye is considered as work-connected; hence, compensable.

The fact that the aggravation occurred after the petitioner's retirement does not militate against his claim for additional benefits. There is no question that the proximate cause of the apparent but gradual loss of vision of the left eye was the accidental fall of the bottle of muriatic acid. The presence of secondary chemical burns on the left eye as stated in the medical certificate buttresses the assumption that the injury of the left eye was also caused by the accident in 1979. The causal connection between the resulting disability and the petitioner's work is beyond cavil. In *Belarmino v. ECC*, 185 SCRA 304 [1990], we stated that:

"xxx Where the primary injury is shown to have arisen in the course of employment, every natural consequence that flows from the injury likewise arises out of the employment, unless it is the result of an independent intervening cause attributable to claimant's own negligence or misconduct (I Larson Workmen's Compensation Law 3-279 [1972]). Simply stated, all the medical consequences and sequels that flow from the primary injury are compensable. (Ibid.)"

A person's disability might not emerge at one precise moment in time but rather over a period of time (See *Jimenez v. ECC*, G.R. No. 79193, November 28, 1989, En Banc Minute Resolution). It is possible that an injury which at first was considered to be temporary may later on become permanent or one who suffers a partial disability becomes totally and permanently disabled from the same cause as in the case at bar. Unfortunately, the petitioner's permanent disability has further deteriorated affecting also the vision of his left eye. The aggravation of petitioner's condition arose from the same injury or disability. The petitioner was compelled to retire from work on account of the blindness of his right eye. With the gradual loss of vision of his left eye, it would even be more difficult, if not impossible for the petitioner to be gainfully employed now. As stated in numerous cases, "total disability does not mean a state of absolute helplessness, but disablement of an employee to earn wages in the same kind of work or a work of similar nature, that he was trained for or accustomed to perform, or any kind of work which a person of his mentality and attachments could do. (*Abaya v. ECC*, 176 SCRA 507 [1989]; *Orlino v. ECC*, G.R. No. 85015, March 29, 1990 En Banc Minute Resolution, *Marcelino v. Seven Up Bottling Co.* 47 SCRA 343 [1972]; *Landicho v. WCC and Canlubang Sugar Estate*, 89 SCRA 147 [1979]) To deny the petitioner, the benefits prayed for would certainly be contrary to the liberal and compassionate spirit of the law as embodied in Article 4 of the New Labor Code (*Lazo v. ECC*, 186 SCRA 569 [1990]).

We hold, therefore, that the petitioner is entitled to a conversion of his disability benefits from permanent partial to permanent total. The compensation benefits shall be determined in accordance with Section 5, of Rule XI of the Amended Rules on Employment's Compensation providing as follows:

"For contingencies which occurred before May 1, 1979, the limitation of P12,000 or 5 years, whichever comes first, shall be enforced."

Since the petitioner has already received income benefits under permanent partial disability the public respondent shall pay only the difference between the two.

WHEREFORE, the petition is GRANTED. The Employees' Compensation Commission decision dated November 10, 1988 is SET ASIDE and REVERSED. The respondents are ordered to pay compensation benefits as stated above.

SO ORDERED.

Fernan, C.J., (Chairman), Feliciano, Bidin, and Davide, Jr., JJ., concur.

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