

RAMON CORPORAL, PETITIONER, VS. EMPLOYEES' COMPENSATION COMMISSION AND GOVERNMENT SERVICE INSURANCE SYSTEM, RESPONDENTS.

G.R. No. 86020, August 05, 1994

Ponente: QUIASON, J.

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QUIASON, J.:

This is a petition for certiorari questioning the decision of the Employees' Compensation Commission which denied petitioner's claim for death benefits under Presidential Decree No. 626, as amended.

I

Norma Peralta Corporal was employed as a public school teacher with assignment in Juban, Sorsogon. On November 28 to November 30, 1977, she was confined at the Esteves Memorial Hospital for acute coronary insufficiency and premature ventricular contractions.

On June 30, 1983, she was assigned to the Banadero Elementary School in Daraga, Albay. Norma had to walk three kilometers to and from said school as no transportation was available to ferry her and other teachers from the national highway to the school. During her fourth pregnancy, Norma suffered a complete abortion and was hospitalized for two days at the Albay Provincial Hospital. After her maternity leave, Norma reported back to work.

In March of 1984, she again conceived. However, in September of the same year, she was transferred to the Kilicao Elementary School, where she had to walk more than one kilometer of rough road. On December 2, 1984, she gave birth to a baby boy with the help of a "hilot." An hour later, she was rushed to the Immaculate Conception Hospital due to profuse vaginal bleeding. She underwent a hysterectomy but unfortunately, she died on the same day due to "shock, severe hemorrhage" resulting from a "prolapse(d) uterus post partum." Norma was 40 years old when she died.

Her husband, Ramon Corporal, petitioner herein, filed a claim for compensation benefit with the Government Service Insurance System (GSIS). The GSIS denied petitioner's claim thus:

"Please be advised that on the basis of the proofs and evidences (sic) submitted to the System, the cause of death of your wife, Shock secondary to Severe Hemorrhage, Uterine PROLAPSE is not considered an occupational disease as contemplated under the above-mentioned law (P.D. No. 626). Neither was there any showing that her position as Teacher, MECS, Albay had increased the risk of contracting her ailment" (Rollo, p. 23).

Petitioner filed several motions for the reconsideration of the denial of his claim to no avail, because a re-evaluation of the claim by the Medical Evaluation and Underwriting Group of the GSIS showed that there was "no basis to alter its previous action of denial for the same reason x x x that her cause of death is non--work-connected as contemplated under the law" and neither did her job as a teacher increase the risk of

contracting her ailment (Rollo, p. 25).

Petitioner appealed to the Employees' Compensation Commission (ECC). The ECC requested the GSIS to re-evaluate petitioner's claim and to finally determine compensability, with instruction that in case the claim is denied once more by the System, the entire record of the case be elevated to the ECC. The GSIS reiterated its denial of petitioner's claim.

On September 7, 1988, the ECC rendered a decision also denying petitioner's claim. It said:

"Medical studies show that Prolapsed Uterus may occur in infants and nulliparous women as well as multiparas. Defects in innervation and in the basic integrity of the supporting structures account(s) for prolapse(d) in the first two and childbirth trauma for the latter. The cervix usually elongates because the weight of the nagging vaginal tissues pulls it downward, whereas the attached but weak cardinal ligaments tend(s) to support it. In third degree or complete prolapse(d) both the cervix and the body of the uterus have passed through the introitus and the entire vaginal canal is inverted. (Obstetrics and Gynecology, Wilson, Beecham, Carrington, 3rd Edition, p. 585).

On the other hand Acute Coronary Insufficiency are terms often used to describe a syndrome characterized by prolonged substernal pain, usually not relieved by vasodilators of a short period of rest due to a more severe inadequacy of coronary circulation. The symptoms in this condition are more intense and prolonged than in angina pectoris, but abnormal ECG and other laboratory findings associated with myocardial infarction are absent. The syndrome is covered by a temporary inability of one's coronary arteries to supply sufficient oxygenated blood to the heart muscle. (Merck, Manual of Diagnosis & Therapy, pp. 100-101).

Based on the above medical discussion of the subject ailments, we believe that the development of the fatal illness has no relation whatsoever with the duties and working conditions of the late teacher. There is no showing that the nature of her duties caused the development of prolapse of the uterus. The ailment was a complication of childbirth causing profuse vaginal bleeding during the late stage. We also consider Acute Coronary Insufficiency as non-work-connected illness for the reason that it is caused by temporary inability of one coronary arteries (sic) to supply oxygenated blood to the heart muscle. There is no damage to heart muscle. In view thereof, we have no recourse but to sustain respondent's denial of the instant claim" (Rollo, pp. 29-31).

Hence, petitioner filed the instant petition, asserting compensability of the death of his wife.

II

Petitioner contends that although prolapsed uterus is not one of occupational diseases listed by the ECC, his claim should prosper under the increased risk theory. He anchors such claim on the fact that as early as January 1984 or before Norma's fifth pregnancy, he had noticed a spherical tissue which appeared like a tomato protruding out of Norma's vagina and rectum. He avers that such condition was attributable to Norma's long walks to and from her place of teaching – Banadero Elementary School, which is situated on the side of the Mayon Volcano. Moreover, the roads leading to the school are full of ruts and rocks, and, during the rainy season, are flooded and slippery. Petitioner asserts that in spite of these, Norma continued to discharge her duties as a public servant, notwithstanding her pregnancy and her prolapsed uterus.

Petitioner also contends that the findings of the respondents contravene the constitutional provision on social justice. He alleges that since the workmen's compensation law is a social legislation, its provisions should be interpreted liberally in favor of the employees whose rights it intends to protect.

Under P.D. No. 626, as amended, for sickness and the resulting death of an employee to be compensable, the claimant must show either: (a) that it is a result of an occupational disease listed under Annex A of the Amended Rules on Employees' Compensation with the conditions set therein satisfied; or (b) that the risk of contracting the

disease is increased by the working conditions (*Santos v. Employees' Compensation Commission*, 221 SCRA 182 [1993]; *Quizon v. Employees' Compensation Commission*, 203 SCRA 426 [1991]). Clearly, then, the principle of aggravation and presumption of compensability under the old Workmen's Compensation Act no longer applies (*Latagan v. Employees' Compensation Commission*, 213 SCRA 715 [1992]).

Since petitioner admits that his wife died of an ailment which is not listed as compensable by the ECC and he merely anchors his claim on the second rule, he must positively show that the risk of contracting Norma's illness was increased by her working conditions. Petitioner failed to satisfactorily discharge the onus imposed by law.

The fact that Norma had to walk six kilometers everyday and thereafter, a shorter distance of more than one kilometer just to reach her place of work, was not sufficient to establish that such condition caused her to develop prolapse of the uterus. Petitioner did not even present medical findings on the veracity of his claim that Norma had a tomato-like spherical tissue protruding from her vagina and rectum.

Norma developed prolapse of the uterus because she was multiparas, or one who had more than one child, and quite beyond the safe child-bearing age when she gave birth to her fifth child - she was already forty years old. Novak's Textbook on Gynecology describes prolapse of the uterus (*descensus uteri*) as follows:

"An extremely common condition, being far more frequent in elderly than in young patients. This is explained by the increasing laxity and atony of the muscular and fascial structures in later life. The effects of childbirth injuries may thus make themselves evident, in the form of uterine prolapse, many years after the last pregnancy. Pregnancies in a prolapsed uterus may lead to numerous complications, as noted by Piver and Spezia.

The important factor in the mechanism of the prolapse is undoubtedly injury or overstretching of the pelvic floor, and especially of the cardinal ligaments (Mackenrodt) in the bases of the broad ligaments. Combined with this there is usually extensive injury to the perineal structures, producing marked vaginal relaxation and also frequent injury to the fascia or the anterior or posterior vaginal walls, with the production of cystocele or rectocele. Usually, various combinations of these conditions are seen, although at times little or no cystocele or rectocele is associated with the prolapse. Occasional cases are seen for that matter, in women who have never borne children, and in these the prolapse apparently represents a hernia of the uterus through a defect in the pelvic fascial floor" (Underscoring supplied).

The 1986 Current Medical Diagnosis & Treatment also describes the condition as follows:

"Uterine prolapse most commonly occurs as a delayed result of childbirth injury to the pelvic floor (particularly the transverse cervical and uterosacral ligaments). Unrepaired obstetric lacerations of the levator musculature and perineal body augment the weakness. Attenuation of the pelvic structures with aging and congenital weakness can accelerate the development of prolapse."

The determination of whether the prolapse of Norma's uterus developed before or after her fifth pregnancy is therefore immaterial since this illness is the result of the physiological structure and changes in the body on pregnancy and childbirth.

With the evidence presented in support of the claim, petitioner's prayer cannot be granted. While as a rule labor and social welfare legislation should be liberally construed in favor of the applicant, (*Tria v. Employees' Compensation Commission*, 208 SCRA 834 [1992]), there is also the rule that such liberal construction and interpretation of labor laws may not be applied where the pertinent provisions of the Labor Code and P.D. No. 626, as amended, are clear and leave no room for interpretation.

The Court commiserates with the petitioner and his children for the loss of a loved one. We also recognize the importance of the services rendered by public elementary school teachers inspite of their meager salaries which

are not proportionate to their immense responsibility in molding the values and character of the youth in this country (*De Vera v. Employees' Compensation Commission*, 133 SCRA 685 [1984]).

But under the legal milieu of the case, we can only suggest, not mandate, that respondents grant ex gratia some form of relief to their members similarly situated as petitioner's wife.

WHEREFORE, the petition is DENIED.

SO ORDERED.

Cruz, (Chairman), Davide, Jr., and Kapunan, JJ., concur.

Bellosillo, J., on leave.

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