

ANGELO L. LOYOLA, PETITIONER, VS. GOVERNMENT SERVICE INSURANCE SYSTEM AND EMPLOYEES' COMPENSATION COMMISSION, RESPONDENTS.

G.R. No. 89097. August 24, 1990

Ponente: GANCAYCO, J.

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GANCAYCO, J.:

The center of controversy in this case is whether or not the illness of the petitioner, i.e., cataract with glaucoma, is compensable.

Petitioner is the Carmona, Cavite District Supervisor of the Department of Education, Culture and Sports. He entered the government service in 1962 as a classroom teacher. He rose through the ranks until he became the District Supervisor in 1974, the position he is holding up to the present.

In 1987, he contracted an eye ailment. It started as progressive blurring of vision with slight discomfort of the left eye. This prompted him to consult an eye doctor. His physician observed that he had a cataract with glaucoma in the left eye. He underwent cataract extraction on July 2, 1987 and he was discharged after four (4) days of confinement in the hospital.

He then filed a claim for compensation benefits in the Government Service Insurance System (GSIS) on account of his ailment. He was one month permanent partial disability benefit for cholecystectomy under Presidential Decree No. 1146. However, his claim for compensation benefits under Presidential Decree No. 626, as amended, was disapproved as his ailment is non-work-connected, it being a degenerative condition leading to opacity of the lens.

A motion for reconsideration of the decision was denied by the GSIS. Hence, petitioner filed a petition for review with the Employees' Compensation Commission (ECC), wherein in due course a decision was rendered on May 24, 1989 affirming the appealed decision and dismissing the appeal.

Thus, the herein petition wherein it is alleged that the ECC committed a grave abuse of discretion in rendering the said decision.

A compensable sickness means "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. For this purpose, the ECC is empowered to determine and approve occupational diseases and work-related illnesses that may be based on peculiar hazards of employment."^[1]

In order that a sickness of an employee may be occupational, it must be the result of an accepted occupational disease listed by the ECC^[2] or any other sickness caused by employment subject to proof by the claimant that the risk of contracting the same is increased by the working conditions.^[3]

The ECC in denying the claim for compensation of petitioner held as follows:

"A study by our Medical Division, showed that Glaucoma, is a disease of the eye characterized by increased intra-ocular tension and commonly causing impairment of vision ranging from slight abnormalities to absolute blindness. The initial causes are not known. Advanced age, arteriosclerotic vasomotor instability, hyperopia and heredity are among the predisposing factors. (Merck Manual of Diagnosis and Therapy, p. 433.)

While senile cataract is an opacity of the lens resulting from degenerative changes occurring concomitant with aging, (N.W. Ophthalmology, Principles and Concepts, 2nd Edition, 1969, p. 300).

Based on the foregoing medical discussion, we agree with the decision of the respondent System that there is no proof to show that there is causal relationship between the above ailments and the appellant's occupation as a teacher of the DECS. Neither was there an increased risk in the working conditions. For cataract to be compensable, it should be a cataract produced by frequent exposure to glare as rays from molten glass or red hot glass blowers. The cataract and glaucoma in the instant case is associated with the aging process."^[4]

There is no question that cataract with glaucoma is not listed by the ECC as an occupational disease. Thus, the burden of proof is on petitioner to show that there is a causal relationship between his ailment and his occupation as a teacher and thereafter District Supervisor. There should be proof of increased risk in petitioner's working conditions. This is as it should be because for an illness to be compensable, it must be (1) directly caused by such employment; (2) aggravated by the employment; or (3) the result of the nature of such employment.^[5]

In the case of Zozobrado vs. ECC,^[6] this Court held as follows:

"The doctrine of presumptive compensability in the old Workmen's Compensation Law that when an illness supervenes during the course of employment it is deemed to have either arisen out of or been aggravated by petitioner's employment has been abandoned. Under Presidential Decree No. 626, as amended, the present law on compensation, the listed occupational diseases are compensable when the conditions contained therein are met, and certain diseases are allowed to be compensable whenever the claimant can prove that the risk of contracting the disease is increased by the conditions of the employment of the deceased. As to the degree of proof required, the claimant must show at least by substantial evidence that the development of the disease is brought largely by the conditions present in the nature of the job.

Petitioner's eye ailment is 'cataract, senile OS' of the left eye. A cataract is any opacity in the crystalline lens. Senile cataract is by far the most common type, usually associated with factors related to aging. Senile cataract as defined, is the most common form of cataract occurring after the age of fifty (50) due to aging or degenerative changes (Adler's Text Book of Ophthalmology by Schele and Albert, 8th Edition, 1968, pp. 281-282). It is a risk or hazard to which all persons are exposed regardless of whether they are employed or not, the same (Senile Cataract) being attributed to degenerative changes or to aging process."

In Jarillo vs. ECC,^[7] this Court held that "senile cataract though not listed as an occupational disease is compensable where it is established that petitioner's duties as construction worker expose him to the heat of the sun."

In Cerezo vs. ECC,^[8] this Court held that the social and humane character of the law leans toward compassion and compensability. Advancing age, as in this case, may have caused or contributed to the development of the ailment but is not a drawback for what is material and decisive is that the employment contributed even in a small degree in aggravating the ailment."

In support of his claim, petitioner submitted his attending physician's certificate attesting to the fact that the mature cataract with glaucoma of the left eye of petitioner was due to his extreme exposure to environmental climatic condition such as direct heat of the sun, dust, rain, and unfavorable weather condition connected with his work.^[9]

Petitioner also presented the statement of his duties as public school district supervisor and certificate both signed by the Provincial Schools Superintendent[10] attesting to the fact that because of the duties of the petitioner as District Supervisor, which include attendance at athletic meets, as athletic meet official from unit, division and regional levels and of many occasions of the Palarong Pambansa as he was then Division Athletic Manager and officer-in-charge of Physical Education and Sports Development, and that in addition to his usual assignment of officiating at different events in sports, he also supervised and managed the training of division athletes to the Dual Athletic Meet with the Division of Cavite City; and that by the nature of his work he suffered too much exposure to environmental climatic conditions particularly direct heat of the sun, strong winds, dirty dust, rains and unfavorable weather conditions.

From the foregoing, it is clear that while the ailment of petitioner of cataract with glaucoma may be attributed to his aging, his exposure to the environment because of his work under the direct heat of the sun, strong winds, dirty dust, rains and unfavorable conditions must have contributed to if not aggravated his illness. Hence, petitioner is entitled to compensation.

WHEREFORE, the petition is GRANTED and the appealed decision of the Employees' Compensation Commission dated May 24, 1989 is reversed and set aside and another judgment is hereby rendered granting the compensation benefits to the petitioner as claimed in the amount of P18,193.55 plus P3,000.00 attorney's fees. No costs.

SO ORDERED.

Narvasa, (Chairman), Cruz, Griño-Aquino, and Medialdea, JJ., concur.

[1] Bonifacio vs. GSIS, 146 SCRA 276 (1986).

[2] Annex A of the Amended Rules on Employment Compensation.

[3] Section 1, Rule II, Amended Rules on Employment Compensation.

[4] Page 17, Rollo.

[5] Bonifacio vs. GSIS, supra.

[6] 141 SCRA 136 (1986).

[7] 112 SCRA 268 (1982).

[8] 93 SCRA 680 (1979); see also Natividad vs. Workmen's Compensation Commission, 85 SCRA 115 (1978).

[9] Annex G to the Petition; page 22, Rollo.

[10] Annexes E and F to the Petition; pages 19-21, Rollo.

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