

MANUEL BELARMINO, PETITIONER, VS. EMPLOYEES COMPENSATION COM-MISSION AND GOVERNMENT SERVICE INSURANCE SYSTEM, RESPONDENTS.

G.R. No. 90204. May 11, 1990

Ponente: GRINO-AQUINO, J.

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GRINO-AQUINO, J.:

This seven-year-old case involves a claim for benefits for the death of a lady school teacher which the public respondents disallowed on the ground that the cause of death was not work-connected.

Before her death on February 19, 1982, petitioner's wife, Oania Belarmino, was a classroom teacher of the Department of Education, Culture and Sports assigned at the Buracan Elementary School in Dimasalang, Masbate (p. 13, Rollo). She had been a classroom teacher since October 18, 1971, or for eleven (11) years. Her husband, the petitioner, is also a public school teacher.

On January 14, 1982, at nine o'clock in the morning, while performing her duties as a classroom teacher, Mrs. Belarmino who was in her 8th month of pregnancy, accidentally slipped and fell on the classroom floor. Moments later, she complained of abdominal pain and stomach cramps. For several days, she continued to suffer from recurrent abdominal pain and a feeling of heaviness in her stomach, but, heedless of the advice of her female co-teachers to take a leave of absence, she continued to report to the school because there was much work to do. On January 25, 1982, eleven (11) days after her accident, she went into labor and prematurely delivered a baby girl at home (p. 8, Rollo).

Her abdominal pains persisted even after the delivery, accompanied by high fever and headache. She was brought to the Alino Hospital in Dimasalang, Masbate on February 11, 1982. Dr. Alfonso Alino found that she was suffering from septicemia post partum due to infected lacerations of the vagina. She was discharged from the hospital after five (5) days on February 16, 1982, apparently recovered, but she died three (3) days later. The cause of death was septicemia post partum. She was 33 years old, survived by her husband and four (4) children, the oldest of whom was 11 years old and the youngest, her new-born infant (p. 9, Rollo).

On April 21, 1983, a claim for death benefits was filed by her husband. On February 14, 1984, it was denied by the Government Service Insurance System (GSIS) which held that "septicemia post partum, the cause of death, is not an occupational disease, and neither was there any showing that aforesaid ailment was contracted by reason of her employment. x x x. The alleged accident mentioned could not have precipitated the death of the wife but rather the result of the infection of her lacerated wounds as a result of her delivery at home" (p. 14, Rollo).

On appeal to the Employees Compensation Commission, the latter issued Resolution No. 3913 dated July 8, 1988 holding:

"We agree with the decision of the system, hence we dismiss this appeal. Post-partum septicemia is an acute infectious disease of the puerperium resulting from the entrance into the blood of bacteria usually streptococci and

their toxins which cause dissolution of the blood, degenerative changes in the organs and the symptoms of intoxication. The cause of this condition in the instant case was the infected vaginal lacerations resulting from the decedent's delivery of her child which took place at home. The alleged accident in school could not have been the cause of septicemia, which in this case is clearly caused by factors not inherent in employment or in the working conditions of the deceased." (pp. 14-15, Rollo.)

Hence, this petition for review.

After a careful consideration of the petition and the annexes thereof, as well as the comments of the public respondents, we are persuaded that the public respondents' peremptory denial of the petitioner's claim constitutes a grave abuse of discretion.

Rule III, Section 1 of the Amended Rules on Employees' Compensation enumerates the grounds for compensability of injury resulting in disability or death of an employee, as follows:

"SECTION 1. Grounds - (a) For the injury and the resulting disability or death to be compensable, the injury must be the result of an employment accident satisfying all of the following conditions:

"(1) The employee must have been injured at the place where his work requires him to be;

"(2) The employee must have been performing his official functions; and

"(3) If the injury is sustained elsewhere, the employee must have been executing an order for the employer.

"(b) For the sickness and the resulting disability or death to be compensable, the sickness must be the result of an occupational disease listed under Annex 'A' of these Rules with the conditions set therein satisfied; otherwise, proof must be shown that the risk of contracting the disease is increased by the working conditions.

"(c) Only injury or sickness that occurred on or after January 1, 1975 and the resulting disability or death shall be compensable under these Rules."

The illness, septicemia post partum, which resulted in the death of Oania Belarmino, is admittedly not listed as an occupational disease in her particular line of work as a classroom teacher. However, as pointed out in the petition, her death from that ailment is compensable because an employment accident and the conditions of her employment contributed to its development. The condition of the classroom floor caused Mrs. Belarmino to slip and fall and suffer injury as a result. The fall precipitated the onset of recurrent abdominal pains which culminated in the premature termination of her pregnancy with tragic consequences to her. Her fall on the classroom floor brought about her premature delivery which caused the development of post partum septicemia which resulted in death. Her fall therefore was the proximate or responsible cause that set in motion an unbroken chain of events, leading to her demise.

"x x x what is termed in American cases the proximate cause, not implying however, as might be inferred from the word itself, the nearest in point of time or relation, but rather, [is] the efficient cause, which may be the most remote of an operative chain. It must be that which sets the others in motion and is to be distinguished from a mere preexisting condition upon which the effective cause operates, and must have been adequate to produce the resultant damage without the intervention of an independent cause." (Atlantic Gulf vs. Insular Government, 10 Phil. 166, 171.)

"The proximate legal cause is that acting first and producing the injury, either immediately or by setting other events in motion, all constituting a natural and continuous chain of events, each having a close causal connection with its immediate predecessor, the final event in the chain immediately effecting the injury as a natural and probable result of the cause which first acted, under such circumstances that the person responsible for the first

event should, as an ordinarily prudent and intelligent person, have reasonable ground to expect at the moment of his act or default that an injury to some person might probably result therefrom.” (Bataclan v. Medina, 102 Phil. 181.)

Thus in *Enriquez v. WCC*, 93 SCRA 366, 372, this Court ruled:

“x x x. Verily, the right to compensation extends to disability due to disease supervening upon and proximately and naturally resulting from a compensable injury (82 Am. Jur. 132). 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.)”

Mrs. Belarmino’s fall was the primary injury that arose in the course of her employment as a classroom teacher, hence, all the medical consequences flowing from it: her recurrent abdominal pains, the premature delivery of her baby, her septicemia post partum, and death, are compensable.

There is no merit in the public respondents’ argument that the cause of the decedent’s post partum septicemia “was the infected vaginal lacerations resulting from the decedent’s delivery of her child at home” for the incident in school could not have caused septicemia post partum, x x x if the necessary precautions to avoid infection during or after labor were (not) taken” (p. 29, Rollo).

The argument is unconvincing. It overlooks the fact that septicemia post partum is a disease of childbirth, and premature childbirth would not have occurred if she did not accidentally fall in the classroom.

It is true that if she had delivered her baby under sterile conditions in a hospital operating room instead of in the unsterile environment of her humble home, and if she had been attended by specially trained doctors and nurses, she probably would not have suffered lacerations of the vagina and she probably would not have contracted the fatal infection. Furthermore, if she had remained longer than five (5) days in the hospital to complete the treatment of the infection, she probably would not have died. But who is to blame for her inability to afford a hospital delivery and the service of trained doctors and nurses? The court may take judicial notice of the meager salaries that the Government pays its public school teachers. Forced to live on the margin of poverty, they are unable to afford expensive hospital care, nor the services of trained doctors and nurses when they or members of their families are ill. Penury compelled the deceased to scrimp by delivering her baby at home instead of in a hospital.

The Government is not entirely blameless for her death for it is not entirely blameless for her poverty. Government has yet to perform its declared policy “to free the people from poverty, provide adequate social services, extend to them a decent standard of living, and improve the quality of life for all (Sec. 7, Art. II, 1973 Constitution and Sec. 9, Art. II, 1987 Constitution). Social justice for the lowly and underpaid public school teachers will only be an empty shibboleth until Government adopts measures to ameliorate their economic condition and provides them with adequate medical care or the means to afford it. “Compassion for the poor is an imperative of every humane society” (PLDT v. Bucay and NLRC, 164 SCRA 671, 673). By their denial of the petitioner’s claim for benefits arising from the death of his wife, the public respondents ignored this imperative of Government, and thereby committed a grave abuse of discretion.

WHEREFORE, the petition for certiorari is granted. The respondents Employees Compensation Commission and the Government Service Insurance System are ordered to pay death benefits to the petitioner and/or the dependents of the late Oania Belarmino, with legal rate of interest from the filing of the claim until it is fully paid,

plus attorney's fees equivalent to ten (10%) percent of the award, and costs of suit.

SO ORDERED.

Narvasa, (Chairman), Cruz, and Medialdea, JJ., concur.

Gancayco, J., on leave.

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