

**MALLI A. HATTA HATAIE (DECEASED), SUBSTITUTED BY EDWIN O. HATTA, PETITIONER, VS. EMPLOYEES' COMPENSATION COMMISSION, GOVERNMENT SERVICE INSURANCE SYSTEM, RESPONDENTS.**

*G.R. No. 92803. March 22, 1991*

Ponente: MELENCIO-HERRERA, J.

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**MELENCIO-HERRERA, J.:**

This Petition for Review on Certiorari, under Rule 45 of the Rules of Court and Article 181 of the Labor Code (Pres. Decree No. 442, as amended), challenges the Decision of the Employees' Compensation Commission (ECC), which affirmed the finding of the Government Service Insurance System (GSIS) that petitioner's ailment, neovascular glaucoma, is not compensable.

Petitioner entered government service as legal aide in September, 1958. He became an administrative assistant of the PCAPE until it was abolished by Executive Order No. 90 on 12 August 1964. On 18 August 1964 he transferred to the Bureau of Customs as Senior Executive Assistant. He was promoted to various positions until he became a Collector of Customs on 1 January 1987, which position he held until his retirement on 1 June 1988.

Prior to his retirement, or sometime in 1985, Petitioner experienced blurring of vision accompanied by eye pain and photophobia diagnosed as neovascular glaucoma. Because of deteriorating vision, he underwent four (4) eye operations without success.

Thus, he filed with the GSIS a disability benefit claim under Pres. Decree No. 626. On 10 June 1988, the GSIS denied his claim, which decision was affirmed by the ECC on 14 February 1990, with the following conclusions:

"A meticulous review of the records, convinced us of the propriety of the decision of the respondent GSIS, in denying the instant claim for benefits. We agree with the System that based on our medical findings, glaucoma is a disease of the eye characterized by increased intraocular tension which can cause impairment of vision ranging from slight abnormalities to absolute blindness. It may either be primary or secondary. The initial causes of glaucoma are not known. Advanced age, arteriosclerosis, vasomotor instability, hyperopia and heredity are among the predisposing factors.

"As above-mentioned, the underlying cause of glaucoma is clearly a non-work-related factor as it is chiefly due to the structure of the eye itself. There is no proof, therefore, to establish the compensability of the illness in relation to the appellant's occupation as a Collector of Customs of the port of Manila. Neither was there an increased risk in the working conditions. Hence, the disease in the instant case cannot be considered compensable."

That denial has precipitated this Petition, to which we resolved to give due course and to decide.

In the interim, in view of the death of the original petitioner on 23 July 1990, this Court allowed the executor of his estate, Edwin O. Hatta, to be substituted in his stead (Rollo, p. 77).

To be entitled to disability benefits under the Employees' Compensation Law (Book Four, Title II, Labor Code, as amended by PD. No. 626), there must be "loss or impairment of a physical or mental function" which has resulted from an injury "arising out of or in the course of employment," or from "any illness definitely accepted as an occupational disease listed by the Commission, or any illness caused by employment subject to proof that the risk of contracting the same is increased by working conditions" (Art. 167 [n] , [k] and [l], as amended further by PD No. 1368). Inasmuch as neovascular glaucoma is not listed in the Table of Occupational Diseases embodied in Annex "A" of the Rules on Employees' Compensation, petitioner is required to prove a positive proposition, that is, that the risk of contracting the disease is increased by the working conditions (*Rodriguez v. ECC*, G.R. No. 46454, 28 September 1989, 178 SCRA 30).

Petitioner alleges that as Head of the Legal and Investigation Staff of the Bureau of Customs from 1977 to 25 January 1987 and before he was detailed to the Office of the Deputy Commissioner of Customs, his work entailed the reading of voluminous documents, a significant amount of which required the use of strong light or of a magnifying glass and as a result, he experienced constant severe eye strain which developed into neovascular glaucoma (*Rollo*, p. 5). He also submits that glaucoma has always been held to be compensable, citing the cases of *Poral v. ECC*, G.R. No. 62284, 31 August 1984, 131 SCRA 602; *Sabino v. ECC*, G.R. No. 63921, 20 February 1984, 127 SCRA 715; *De Guzman v. GSIS*, ECC, No. 3591, 9 November 1988; *Loyola v. GSIS*, G.R. No. 89097, 24 August 1990.

We find ourselves unable to sustain Petitioner's submissions.

Neovascular glaucoma is classified as secondary glaucoma (*De Castro, FD, et al., "Neovascular Glaucoma in Filipinos," Philippine Journal on Ophthalmology, Vol. 14, No. 4, Oct.-Dec., 1982, p. 92*). It is caused by another eye disease or injury (*Taber Cyclopedic, Medical Dictionary, 1988; Miller and Keane, Encyclopedia and Dictionary of Medicine, Nursing and Allied Health, 1983*). Petitioner, however, has not shown that his ailment was caused or even preceded by another eye disease or injury. Severe eye strain due to reading could not be classified as a disease, e.g., infection, or as an injury, e.g., trauma, that causes or contributes to the development of neovascular glaucoma. Neither has Petitioner established satisfactorily that said strain increased the risk of his having contracted said ailment or that it had caused, contributed, or increased the risk of his contracting any other eye disease or injury, which might have developed into neovascular glaucoma.

Petitioner's reliance on the cases he has mentioned is misplaced. The *Poral* and *Sabino* cases (1984), *supra*, which allowed compensation benefits to teachers afflicted with glaucoma, are no longer applicable now. Those cases ruled that glaucoma is compensable, not because it was shown that such ailment is work-related but because it was presumed compensable under the old Workmen's Compensation Act, if the ailment occurred or was aggravated in the course of employment. That law was repealed, however, on 1 January 1975 by Pres. Decree No. 626. Besides, those cases speak of primary glaucoma and not neovascular glaucoma, which is secondary.

In *De Guzman v. GSIS*, *supra*, an ECC case, which Petitioner also invokes, compensation was allowed for glaucoma by the Commission itself because it was proven therein that the applicant's eye had been hit by the corner of the door of his superior's car. The connection between the injury and the ailment of glaucoma was evident inasmuch as immediately after the incident, the claimant therein started complaining of diminution of vision of the affected eye. Clearly, this injury (trauma) contributed in the development of, or caused glaucoma.

Neither is the case of *Loyola v. GSIS*, *supra*, applicable for although the ailment therein was diagnosed as cataract with glaucoma, two different eye diseases, the illness that was actually held as compensable was cataract. It adopted the ruling in *Jarillo v. Employees' Compensation, et al.*, (No. 52058, February 25, 1982, 112 SCRA 265), where senile cataract alone was held to be work-related and compensable, since the nature of the construction

worker's duties therein, which exposed him to sun glare and heat, and excessive dirt and dust, increased the risk of his contracting cataract.[1]

Similarly, in *Loyola*, the work of the employee involved, that of District Supervisor of the Department of Education, acting as athletic manager in charge of sports and development, was considered as having contributed to, if not aggravated, his illness because of his exposure to the environment.

In contrast to the case at bar, there is no relation between Petitioner's work as Collector of Customs and the illness of neovascular glaucoma with which he was afflicted.

We are constrained, accordingly, to deny review of the questioned judgment in the absence of proof establishing causal relationship of neovascular glaucoma to Petitioner's occupation nor was the risk of contracting the same increased by his working conditions.

WHEREFORE, this Petition is DENIED, and the Decision of respondent Employees' Compensation Commission is hereby AFFIRMED.

**SO ORDERED.**

Paras, Padilla, Sarmiento, and Regalado, JJ., concur.

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[1] With the ponente herein dissenting.

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