

JOSE DE GUIA, PETITIONER, VS. EMPLOYEES' COMPENSATION COMMISSION AND GOVERNMENT SERVICE INSURANCE SYSTEM, RESPONDENTS.

G.R. No. 95595. July 08, 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), filed by petitioner on his own behalf, challenges the Decision of the Employees' Compensation Commission (ECC), which affirmed the finding of the Government Service Insurance System (GSIS) that petitioner's ailment "Proliferative Diabetic Retinopathy with Vitreous Hemorrhage" is not compensable.

Petitioner was first employed as storekeeper by the Bureau of Internal Revenue on 23 March 1956. He later earned several promotions as Assistant Agent, Assistant Examiner, Revenue Examiner II, and Senior Revenue Examiner on 7 December 1977, until he became, on 1 August 1985, a Supervising Revenue Enforcement Officer, which position he held when disability forced him to retire at age 61 on 1 January 1988.

Petitioner claims that sometime in 1982, he experienced loss of vision for which he consulted an eye specialist who diagnosed his visual impairment as "the result of continuous visual insult in the pursuit of his duties, wherein cataract and vitreous hemorrhage sets in as complication of both eyes" (Annex A, Petition). Laser photocoagulation was prescribed and rendered in 1983 by another eye specialist of the Eye Referral Center who found petitioner to be suffering from "Proliferative Diabetic Retinopathy with Vitreous Hemorrhage" (Petition, pp. 3-4). On 8 August 1986, he underwent panretinal photocoagulation at the Southeastern Eye Center of North Carolina, U.S.A. (ibid.).

On 19 June 1987, he filed a claim for compensation benefits under Pres. Decree No. 626. On 3 July 1987, the GSIS denied his claim on the ground that petitioner's underlying ailment, "diabetes mellitus," is not listed as an occupational disease and that it has not been shown that the nature of his work had increased the risk of his contracting his eye ailment. This Decision was affirmed by the ECC on 17 January 1990, which ruled:

"Our medical research shows that diabetes mellitus is a disorder of carbohydrate metabolism which may be classified into primary and secondary metabolism which may be classified into primary and secondary type. Genetic susceptibility plays a role in the pathogenesis of the primary type. The secondary type may be due to pancreatic disease, hormonal abnormalities, drugs and chemicals, insulin receptor, abnormalities, genetic syndromes and other factors. Complications of the disease involve the eye, kidney, nerves, blood vessels and other organs. (Harrison's Principles of Internal Medicine, Braunwald, et al. 11th Edition).

"We have conducted a thorough study of the facts of the case and after a careful analysis of the evidence submitted, we believe appellant's claim does not fall within the purview of the Employees Compensation Law (P.D. 626, as amended).

"The records of the instant case is (sic) bereft of evidence which would show a causal relation between the ailment (diabetes mellitus) and appellant's former employment and working conditions. The case cannot, therefore; be considered as compensable." (Rollo, pp. 18-19)

Unsuccessful below, petitioner is now before us.

Petitioner alleges that, as Revenue Examiner, he spent endless hours in examining voluminous income tax returns which subjected him to constant physical and mental stress (Petition, p. 7). Citing the case of *Millora v. Employees' Compensation Commission, et al.* (G.R. No. 69572, 28 July 1986, 143 SCRA 151), he claims that these stresses in employment are medically recognized as predisposing factors in the development of diabetes (Rollo, pp. 11-12).

We are constrained to reject petitioner's submissions.

Under the Labor Code, in order that an employee may be entitled to sickness benefits, they must have resulted from any illness (a) definitely accepted as an occupational disease, or (b) caused by employment, subject to proof that the risk of contracting the same is increased by working conditions.

Inasmuch as petitioner's "diabetic retinopathy" and its underlying ailment, "diabetes mellitus," are 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, which is, that the risk of contracting the disease is increased by working conditions (*Rodriguez v. ECC*, G.R. No. 46454, 28 September 1989, 178 SCRA 30). That burden of proof, petitioner has failed to discharge.

Petitioner's "diabetic retinopathy" is a complication linked with his diabetic condition, from which he was suffering for twenty-five (25) years. The very medical terminology emphasizes that complication. In other words, petitioner's eye condition was not contracted by reason of his employment but came about as a complication of an underlying disease. Neither can it be said therefore, that the risk of contracting the eye ailment was increased by his working conditions for irrespective of those conditions, the complication could have set in.

The underlying ailment, "diabetes mellitus" is neither work-connected. It is a metabolic and a familial disease to which, one is pre-disposed by reason of heredity, obesity or old age. While petitioner states that no one in his family is suffering from the illness, genetic susceptibility is a factor that stretches from generation to generation. And even assuming that petitioner has satisfactorily proven that he is not predisposed to the disease due to heredity, he has not shown that he is not predisposed thereto due to old age or obesity. Stated otherwise, irrespective of the type of work that petitioner had been engaged in, he could have contracted diabetes.

We thus find no causal relation between petitioner's basic illness, "diabetes mellitus" and its complication "diabetic retinopathy" with his employment and working conditions nor can we say that the nature of his work had increased the risk of his contracting either ailment.

The medical certificate (Annex A, Petition), issued in 1982, which certified that "visual impairment was the result of continuous visual insult in the pursuit of his duties," and that "cataract and vitreous hemorrhage sets in as complications of both eyes," carefully avoided any mention of the cause of the complications, i.e., the patient's diabetic condition. It was the diagnosis of "diabetic retinopathy" made by the Eye Referral Center that pinpointed the exact ailment.

While, indeed, in the case of *Millora* (supra), it was recognized that physical and emotional stresses could be predisposing factors to the development of diabetes, that was because it was shown therein that the claimant was not predisposed to "diabetes mellitus" by reason of old age, obesity or heredity. Similar proof is wanting herein. What has been established is that petitioner had been suffering from diabetes for no less than twenty-five (25)

years, which means even before he became a Revenue Examiner, when he alleges that he was subjected to physical and emotional stresses.

WHEREFORE, the Petition is DENIED, and the judgment under review is hereby AFFIRMED. No costs.

SO ORDERED.

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

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