

RODOLFO YOSORES, PETITIONER, VS. EMPLOYEES' COMPENSATION COMMISSION, RESPONDENT.

G.R. No. 97346. March 23, 1992

Ponente: GRIÑO-AQUINO, J.

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GRIÑO-AQUINO, J.:

This petition seeks the review of the decision dated December 20, 1990 of the Employees' Compensation Commission in ECC Case No. 4827 entitled, "Rodolfo Yosores vs. Government Service Insurance System," affirming the decision of the System which denied petitioner's claim for compensation benefits.

Rodolfo Yosores was employed by the GSIS for a period of twenty-five (25) years, commencing on May 3, 1963. He was doing electrical work during the first ten (10) years until his assignment in 1973 as Field Collection Officer, doing the rounds of GSIS mortgagees in different areas of Metro Manila in the performance of his collection work.

On July 31, 1988, Yosores retired from the GSIS for total and permanent disability. The cause of his disability, as indicated in his claim papers and approved by Cesar Alina (Senior Vice-President & Chairman of the Social Insurance Group) and by Dr. Orlando C. Misa (Vice-President & Medical Director), was Parkinson's Disease.

On August 9, 1988, he filed a claim for compensation benefits, but was awarded disability benefits for only nine (9) months "due to pulmonary tuberculosis." He asked for a reconsideration of the action taken on his claim. A re-evaluation was made by the GSIS Medical Evaluation and Underwriting Group, which rendered a Report on April 6, 1990, denying his request for reconsideration on the ground that his ailment was not work-connected.

Not satisfied with the GSIS' decision, he appealed to the Employees' Compensation Commission (ECC Case No. 4827), praying for compensation based on his actual ailment as diagnosed by the company physicians, citing two decided Employees' Compensation cases (ECC Case No. 1580 in favor of one Francisco B. Samuray and ECC Case No. 3041 in favor of one Rufino Chungalao), where the Commission settled their respective claims by declaring their disabilities, caused by Parkinson's Disease, compensable, and thereby entitling each of them to benefits pursuant to Presidential Decree No. 626.

On December 20, 1990, the Employees' Compensation Commission rendered a decision upholding the adverse decision of the GSIS. The Commission ruled that:

"As the foregoing medical findings suggest, the ailment (Parkinson's Disease) has no causal relation with the nature and working conditions of appellant as Field Collection Officer. Therefore, considering that the records are bereft of any evidence that would indicate that the risk of contracting his ailment was increased by his working conditions, we are constrained to rule against the compensability of the claim." (pp. 35-36, Rollo.)

Hence, this recourse with the petitioner alleging that the respondent Commission erred:

1. in stating that the appellant "was already suffering from Parkinson's Disease as early as 1960 [before his employment] and x x x had already developed fine tremors of the extremities way back in 1960, respectively," (p.

18, Rollo) having no basis in fact or in law; and

2. in holding that the ailment of Parkinson's Disease has no causal relation with the nature and working conditions of the petitioner as field collection officer.

The petition is meritorious.

Parkinson's Disease or Parkinsonism, scientifically known as paralysis agitans, is a core syndrome of the late middle life, occurring in most cases between the ages of 50 and 60, observed in all countries, ethnic groups, socio-economic classes and in both sexes, resulting from an excessive loss of melanin pigment and a degeneration of neurones in the substantia nigra, characterized by involuntary tremulous motion, with lessened muscular power in parts of the body which are not in action and even when supported, an expressionless face, poverty and slowness of voluntary movement, stooped posture, rigidity and festinating gait, the senses and intellect being uninjured. Researches have proven that the rate of parkinsonian tremor is increased by emotional excitement and disappears during sleep. Trauma, emotional upset, overwork, exposure to cold, etc., have been suggested as predisposing or exciting factors. Further research on the diagnosis of the cause of parkinsonism mentions the existence of arteriosclerotic parkinsonism (Principles of Neurology by Raymond Adams & Maurice Victor, pp. 874--875; Brain's Clinical Neurology by Sir Roger Bannister, pp. 339-342; Current Medical Diagnosis & Treatment, 199 Ed. by Steven Schroeder, Marcus Krupp & Lawrence Tierney, Jr., pp. 594-597). Although there is no known treatment that will halt or reverse the neuronal degeneration that presumably underlies this disease, methods are available which can afford considerable relief from its symptoms. It is, for now, merely possible to replace for a time some of the transmitter deficiency, thus making the symptoms more tolerable for a number of years.

As field collection officer during the years 1973 to 1988, the petitioner performed collection work around Metro Manila, from eight o'clock in the morning to four o'clock in the afternoon (when he would return to the office to prepare his daily collection report) for five days a week and for fifteen long years. He commuted in all kinds of public transport, and was subjected to the elements of nature and to all kinds of risks. The petitioner's attending physician also attested to the fact that in 1967 (four years after entering the government service) he contracted essential hypertension with tremors, insomnia, and anxiety neurosis (p. 29, Rollo).

The Court is unable to accept the sweeping statement in the ECC decision that the disease has no causal relation with the nature and working conditions of Yosores' job, for it is not improbable that there were factors affecting his work as a field collection officer, coupled with the hypertension which he contracted in the course of his employment, which may have constituted "predisposing or exciting factors" in the development of the disease. This conclusion finds affirmation in the ECC's decisions in the cases of Francisco Samuray (ECC Resolution No. 1580 dated August 21, 1980) and Rufino Chungalao (ECC Resolution No. 3041 dated October 5, 1988). The following observation of the ECC in the case of Chungalao is relevant:

"x x x said official's development of Hypertensive Cardiovascular Disease, which triggered his ailment of Basal Ganglia (Parkinson's Disease) as the evidence on record had borne out substantially, was directly causally job-connected and that the same risk exacerbated by employment conditions." (p. 42, Rollo.)

We cannot see how Chungalao's case can be any different from the case at bar. Yosores, who spent the prime years of his life as a GSIS employee, is entitled to the same beneficial consideration from the Government. We, therefore, hold that petitioner's debilitating ailment which caused his total and permanent disability is compensable under the employees' compensation program in P.D. No. 626.

WHEREFORE, the appealed decision of the respondent Employees' Compensation Commission is hereby REVERSED and the claim of the petitioner, Rodolfo Yosores, for total and permanent disability benefits is

approved. Let the records of this case be remanded to the Government Service Insurance System for computation and payment of the benefits due the petitioner under P.D. 626, as amended.

SO ORDERED.

Narvasa, C.J., (Chairman), Cruz, and Medialdea, JJ., concur.
Bellosillo, J., on leave.

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