

SECOND DIVISION

[G.R. No. 185035, July 15, 2009]

**GOVERNMENT SERVICE INSURANCE SYSTEM, PETITIONER, VS.
SALVADOR A. DE CASTRO, RESPONDENT.**

DECISION

BRION, J.:

Before the Court is the petition for review on *certiorari*^[1] filed by the Government Service Insurance System (GSIS) to seek the reversal of the decision^[2] and the resolution^[3] of the Court of Appeals (CA) in CA-G.R. SP No. 100375 entitled "*Salvador A. De Castro v. Government Service Insurance System and Employees' Compensation Commission.*"

THE ANTECEDENTS

Respondent Salvador De Castro (*De Castro*) rendered service in the Philippine Air Force (PAF) from April 1, 1974 until his retirement on March 2, 2006.

On December 22, 2004, De Castro was admitted at the V. Luna General Hospital, AFP Medical Center due to chest pains. He underwent on January 21, 2005 a 2-D echocardiography which revealed that he had "*dilated left atrium eccentric left ventricular hypertrophy and left ventricular dysfunction.*" His full diagnosis consisted of hypertensive cardiovascular disease, dilated atrium, eccentric left ventricular hypertrophy and left ventricular dysfunction, and old anterior wall myocardial infarction. He also underwent coronary angiogram procedure which showed that he had significant simple vessel coronary artery disease (CAD).

On August 15, 2005, De Castro was confined in the same hospital and was diagnosed to be suffering from (1) 41X-D21 - Coronary artery disease and (2) 400-533 - Hypertensive cardiovascular disease.

De Castro retired from the service on March 2, 2006 with a "*Certificate of Disability Discharge.*"^[4] On this basis, he filed a claim for permanent total disability benefits with the GSIS.

In a decision dated June 20, 2006, the GSIS denied De Castro's claim based on the finding that De Castro's illnesses were non-occupational. De Castro appealed to the Employees' Compensation Commission (ECC).

THE ECC DECISION

At its meeting on June 11, 2007, the ECC Board affirmed the GSIS ruling and dismissed De Castro's claim for lack of merit.^[5] The ECC, however, also held that,

contrary to the ruling of the GSIS, CAD is a form of cardiovascular disease included in the list of occupational diseases. The ECC still denied the claim despite this observation because of "*the presence of factors which are not work-related, such as smoking and alcohol consumption.*"^[6] It likewise noted that manifestations of Cardiomyopathy in De Castro's 2-D echocardiography examination results could be related to his drinking habits.

De Castro sought relief from the CA through a petition for review under Rule 43 of the Rules of Court. Relying on *Dominga A. Salmons v. ECC*,^[7] De Castro argued that the causal relation between his illness and the resultant disability, on the one hand, and his work, on the other, is not that essential; it is enough that his illness is listed as an occupational disease. He disputed the findings of the ECC that hypertension or high blood pressure (which causes CAD) may have been caused by his cigarette smoking and drinking habits. He posited that other factors, such as stress brought about by the nature of his work, could have caused his illness. He claimed that the positions he held in the PAF, the last being First Sergeant, were comparable to a managerial position in the civilian business community because it served as an extension of the office of his commanding officer in the management, administration, and supervision of his fellow enlisted personnel within the unit.

In response to the petition, the GSIS maintained that hypertensive cardiovascular disease and CAD are not inherent occupational hazards, nor are they concomitant effects of De Castro's employment with the PAF. It argued that there was no significant causal or contributory relationship between De Castro's duties as a soldier and his ailments.

THE CA DECISION

The CA granted the petition.^[8] It noted that, as found by the ECC itself, De Castro's illnesses are listed as occupational diseases in Annex "A" of the Amended Rules of the Employees' Compensation Commission (*Amended ECC Rules*). It explained that under the same rules, the sickness must be the result of an occupational disease under Annex "A" in order for the illness and the resulting disability or death to be compensable.^[9]

The CA further explained that it is not necessary that there be proof of causal relation between the work and the illness which resulted in De Castro's disability. Citing *GSIS v. Baul*,^[10] it held that in general, a covered claimant suffering from an occupational disease is automatically paid benefits. While it noted that the exact etiology of hypertension which led to De Castro's cardiovascular ailments cannot be accurately traced, it stressed that medical experiments tracing the etiology of essential hypertension show a relationship between this illness and the nature and conditions of work. The CA found significant the statement in De Castro's Certificate of Disability Discharge that his CAD and hypertensive cardiovascular diseases were aggravated during active service; were not incurred while on AWOL; did not exist prior to entry into service; were incident to service; were not incurred by private avocation; were not due to misconduct; and, were incurred while in line of duty. The appellate court, therefore, brushed aside the findings *a quo* that De Castro's illnesses might have been caused by his smoking and drinking habits.

THE PETITION

GSIS' present petition presents the following issues: (1) whether the CA erred in reversing the decisions of the ECC and the GSIS that denied De Castro's claim for disability benefits; and (2) whether De Castro proved that his heart ailments are work-related and/or have been precipitated by his duties with the Armed Forces of the Philippines (AFP).

The GSIS asks for a reversal of the CA's July 16, 2008 decision,^[11] arguing that it is not enough that a disease or illness is listed as compensable under Annex "A" of the Amended ECC Rules.^[12] Other than the listing, the conditions/requisites specified in No. 18, Annex "A" of the rules must be complied with for De Castro's heart ailment to be compensable. These conditions/requisites are:

1. If the heart disease was known to have been present during employment, there must be proof that an acute exacerbation was clearly precipitated by the unusual strain by reasons of the nature of his work.
2. The strain of work that brings about an acute attack must be of sufficient severity and must be followed within 24 hours by the clinical signs of a cardiac insult to constitute causal relationship.
3. If a person who was apparently asymptomatic before being subject to strain at work showed signs and symptoms of cardiac injury during the performance of his work and such symptoms and signs persisted, it is reasonable to claim a causal relationship.

Given the above conditions, the GSIS posits that it is incumbent on De Castro to prove that there was an unusual and extraordinary strain in his work when his chest pain developed, or that there was causal connection between his working condition and heart ailments. The GSIS then submits that De Castro failed to discharge the burden of presenting evidence that his heart ailments were caused by his work. It brushes aside De Castro's reliance on his certificate of disability discharge,^[13] contending that it was issued relative to his separation from the AFP; the tests and findings on which the certificate was based are not conclusive or binding in the determination by the GSIS and the ECC of the compensability of De Castro's illness under the law - Presidential Decree No. 626, as amended, and the ECC Rules of Procedure for the Filing and Disposition of Employees' Compensation claims. It maintains that under Rule 2, Section 1 of these rules, the GSIS (in the public sector), and the Social Security System (in the private sector) have original and exclusive jurisdiction, and the ECC, the appellate jurisdiction, to settle any dispute with respect to coverage, entitlement to benefits, collection, and payment of contributions and penalties.

The GSIS further argues, relying on *GSIS v. CA*,^[14] that the proceedings in the AFP and the administrative machinery tasked by law to handle the government's employees compensation program are separate and distinct from one another; thus, the AFP's conclusions may not be used as basis in the determination of the compensability of De Castro's ailments. It thus objects to the CA's rejection of the ECC's findings of fact on the nature of the heart ailments of De Castro, stressing that the decision of the ECC clearly elaborated on what CAD is and why De Castro is

not entitled to the employees' compensation. The ECC decision, it explains, was based on well-respected and often quoted medical references;^[15] its medical evaluations revealed that De Castro's heart illnesses were related to his drinking and smoking habits. Finding further support in the declarations of the American Heart Association,^[16] it maintains that the ECC is correct in taking into consideration De Castro's lifestyle, particularly his smoking and drinking habits, in denying his claim for compensation. The GSIS concludes that based on the findings of the ECC, De Castro's ailments were not acquired by reason of his employment with the PAF and were, therefore, not work-connected.

THE CASE FOR DE CASTRO

In his March 9, 2009 Comment,^[17] De Castro asks the Court to deny the petition for lack of merit. He presents the following arguments:

1. No further proof of work connection is necessary since his illnesses are listed as occupational diseases.
2. There is substantial evidence to prove the work connection of his illnesses.
3. The factual findings of the CA are not subject to review.

De Castro submits that under Annex "A" of the Amended ECC Rules, CAD and essential hypertension are listed as occupational diseases;^[18] once an ailment is so listed, the causal relation between the ailment and the resultant disability and his work is not essential to declare his disability compensable, citing in this regard the Court's ruling in *Dominga A. Salmore v. ECC*.^[19]

Further, De Castro contends that the GSIS' theory that his drinking and smoking habits must have caused his hypertension is unwarranted; this theory conveniently and arbitrarily disregarded other factors or causes that might have contributed to his illnesses, such as the stress brought about by the nature of his work. De Castro posits that as the Court held in *GSIS v. Baul*,^[20] the presence of other factors that are work-related makes his ailments compensable; what is required is reasonable work connection and not direct causal relation.

De Castro stresses that the conditions laid down under Item No. 18 of Annex "A" of the Amended ECC Rules, are alternative, not concurrent, pointing out that the caption of the rule states: "*Any of the following conditions*," meaning, any one of the conditions mentioned in the rule. He argues that the diagnosed ailments that resulted in his separation from the service never existed prior to his entry into the service (as indicated in his certificate of disability discharge),^[21] and were, therefore, incurred while he was in the military service; the same document also states that his illnesses were incident to and aggravated by the service. He claims that the circumstances under which he incurred his illnesses satisfy the requirements under No. 18a of the cited rule.

De Castro posits that substantial evidence exists to prove that his ailments were caused by his employment with the PAF. He reiterates that the duties he performed at the PAF as non-commissioned officer-in-charge for operational security, Asst. First

Sergeant, and ultimately, as First Sergeant, contributed to the progress of his ailments and, eventually, led to his separation from the service. He contends that the CA upheld his position when it ruled that he contracted CAD and hypertensive cardiovascular diseases in the course of his employment with the PAF, and these were brought about by the stress and the nature of his work.

While De Castro does not dispute that the GSIS has original and exclusive jurisdiction and the ECC has appellate jurisdiction over disputes on compensation benefits,^[22] he stresses that neither the GSIS nor the ECC subjected him to any separate medical examination. He argues that the GSIS and the ECC only made a paper evaluation of his condition, based on the medical findings and diagnoses of the V. Luna General Hospital, AFPMC. These hospital findings underwent review by the AFP Disability and Separation Board (*DSB*) before his discharge for disability was approved. The GSIS and ECC did not take into account his service with the AFP and the nature of his assignments which greatly contributed to the development of his ailments.

Finally, De Castro argues that, procedurally, the CA's findings that his ailments are service-connected are no longer reviewable. Rule 45 of the Rules of Court - the petitioner's chosen mode of review, only allows a review of legal issues.^[23]

THE COURT'S RULING

We first resolve the procedural question De Castro raised on whether the present petition is appropriate; De Castro alleges that a Rule 45 petition should involve only questions of law, while the present petition places in issue the CA's factual findings. In effect, De Castro claims that the present petition should be dismissed outright under the terms of Rule 45 of the Rules of Court.

De Castro's procedural objection has no merit. A question of law is involved when a doubt or controversy exists on what the law is or how it applies to a given set of facts; a question of fact exists when the doubt or difference arises on the truth or falsehood of given facts, or on the existence or non-existence of claimed facts.^[24]

In this case, the set of facts on which the CA decision is anchored is largely undisputed. De Castro experienced chest pains while on duty; he was medically examined and diagnosed to be afflicted with CAD and hypertensive cardiovascular disease. For this reason, he was separated from the service and given a certificate of disability. The findings and evaluation of the military physicians, while indicating that De Castro smoked and drank, showed a work connection with De Castro's ailments. These findings were affirmed by the AFP's DSB.^[25] The GSIS and the ECC refused to be bound by the findings of the military physicians, invoking in this regard their exclusive jurisdiction over employees' compensation cases. They ruled out compensation for De Castro on the ground that his ailments were not work-related because of De Castro's drinking and smoking; the CA held otherwise.

The issue before us is whether, under our present laws and jurisprudence, the conclusions of the CA on compensability are correct, based on the facts before it. In other words, the facts of the case are given and laid out; our task is to determine the validity of the conclusions drawn from the given facts from the point of view of