

THIRD DIVISION

[G.R. No. 121545, November 14, 1996]

**EMPLOYEES' COMPENSATION COMMISSION (ECC) AND
GOVERNMENT SERVICE INSURANCE SYSTEM (GSIS),
PETITIONERS, VS. COURT OF APPEALS AND LILIA S. ARREOLA,
RESPONDENTS.**

DECISION

DAVIDE, JR., J.:

Did the respondent Court of Appeals err in holding that the nature of the private respondent's work increased the risk of contracting ureterolithiasis, thereby entitling her to compensation under P.D. No. 626, as amended? This issue confronts us in this petition for the review of the decision of the Court of Appeals of 7 August 1995 in CA-G.R. SP No. 34223.^[1]

The antecedent facts are summarized in the challenged decision as follows:

Lilia Arreola [private respondent herein] was employed as a Chemical Laboratory Technician in the National Bureau of Investigation on March 23, 1972.

Thereafter, Arreola was promoted as Senior Chemical Technician, Chemical Engineer, and finally as Engineer II.

As Engineer II, Arreola performs the following duties:

1. Makes researches on and designs equipment needed to facilitate conclusive analysis by Forensic Chemist;
2. Computes cost of proposed equipment based on designs made;
3. Performs instrumental analysis of drugs, insecticides, volatile poisons, fuels and inorganic compounds, using gas (GS) and liquid (LC) chromatograph, UV, VIS and IR Spectrophotometers;
4. Incharge (sic) of the supervision, maintenance and repair of modern chemical laboratory equipment installed in the Bureau;
5. Computes cost of analysis performed;
6. Attends to field cases and takes paraffin casts at the morgue and in the office;
7. Renders holiday and night duties once a week and help the chemist in

the examinations on incoming cases during the tour of duty;

8. Assists the supervisor and chemist of the unit in conducting researches on some special cases;

9. May assist NBI Agents in field work re investigation of industrial companies engaged in nefarious activities;

10. Performs other duties assigned to me (her) by (sic) supervisor from time to time. (Annex "B" of the instant Petition).

Sometime in May, 1993, Arreola suffered pains at her left flank accompanied by nausea, vomiting, and low moderate fever. Her medical examination revealed the presence of stone deposits at her left urethra.

On May 18, 1993, Arreola underwent Ureterolithiasis (L) S/P Ureterolithomy (L) operation, followed by regular check-ups and medication for one month. She spent P16,019.00 for her hospital bills, doctor's fees, x-ray, laboratory analysis, and medicine.

On June 16, 1993, Arreola filed with the GSIS an application for compensation benefit under PD No. 626, as amended.

On July 17, 1993, the GSIS denied her claim on the grounds that her ailment "Ureterolithiasis left" is a non-occupational disease; and that she failed to show that her position as Engineer II of the NBI has increased the risk of contracting the sickness.

Upon the denial of Arreola's request for reconsideration with the GSIS, she interposed an appeal to the Employees' Compensation Commission, docketed as ECC Case No. 6494.

On December 2, 1993, the ECC rendered a decision, the pertinent portions of which read:

"After a study of the records of the case, he failed to find proof that appellant's ailment, Ureterolithiasis left, Ureterolithomy, left, was brought about by her duties as Engineer II at the National Bureau of Investigation. Where the ailment is not the direct or customary result of the employment and the herein appellant failed to show proof that the risk of contracting the disease was increased by her work and working conditions, the claim for compensation cannot be sustained. This is the clear implication of Section I(B) of Rule III of the Rules Implementing PD 626, as amended, which explicitly provides that "for the sickness and the resulting disability or death to be compensable, the sickness must be the result of an occupational disease listed under the rules with conditions set therein satisfied, otherwise, proof must be shown that the risk of contracting it is increased by the working conditions.

x x x

Based on the foregoing discussions, the case therefore, is not meritorious

for compensation benefits under the Employees Compensation Law (PD 6262 (sic), as amended).

FOR ALL THE FOREGOING, the decision appealed from is hereby AFFIRMED and the instant case is Dismissed for lack of merit.

SO ORDERED."^[2]

We also note that the Employees' Compensation Commission (ECC) made the following observations:

Moreover, medical findings show that Ureterolithiasis is the presence of renal stones in the ureter. The ureter conveys urine from the renal pelvis to the bladder. When stones in the renal papillae or within the urinary collecting system break loose, they enter the ureter or occlude the ureteropelvic causing obstruction and pain.

Urinary stones usually arise because of the breakdown of a delicate balance. The kidneys must conserve water, but they must also excrete materials that have low solubility. These two opposing requirements must be balanced against one another during adaptation to a particular combination of diet and activity. (Reference: Harrison's Principles of Internal Medicine, 11th Edition, pp. 1211-1212).^[3]

Undaunted by the two adverse judgments, Arreola then filed a petition for review with the Court of Appeals. She insisted that she was entitled to compensation under P.D. No. 626, as amended, since she was able to prove that the exigency and nature of her work as Engineer II of the National Bureau of Investigation (NBI) greatly increased the risk of contracting the ailment.

In their Comments to the above petition, herein petitioners (respondents below) Government Service Insurance System (GSIS) and ECC reiterated their stand that Arreola's disease was not included in the list of occupational diseases and the risk of contracting it had not been proved to have been increased by the nature of the petitioner's work.^[4]

In its decision of 7 August 1995,^[5] the Court of Appeals sustained the position of Arreola, reversed the appealed decision of the ECC, and ordered the GSIS to pay Arreola "the amount due her under P.D. 626, as amended."^[6] In support of its disposition, the appellate court stated:

The nature of the work of petitioner Arreola as Engineer II in the National Bureau of Investigation deals with research; instrumental analysis of drugs, insecticides, volatile poisons, fuels, and inorganic compound; attendance to field cases; taking of paraffin casts at morgue and in the office; and assisting NBI agents in field work in the matters of investigation of industrial corporations engaged in nefarious activities.

It is, therefore, safe to conclude that the exigency (sic) of petitioner's assigned tasks was such that she had to forego urination in order not to interrupt the flow of concentration. In addition, tension, stress, and pressure must have aggravated her physical condition.

The Supreme Court in *Narazo vs. Employees' Compensation Commission*^[7] held that "x x x [i]t may be added that teachers have a tendency to sit for hours on end, and to put off or postpone emptying their bladders when it interferes with their teaching hours or preparation of lesson plans. From human experience, prolonged sitting down and putting off urination result in stagnation of the urine. This encourages the growth of bacteria in the urine, and affects the delicate balance between bacterial multiplication rates and the host defense mechanisms. Delayed excretion may permit the retention and survival of microorganisms posing factors to pyelonephritis and uremia. Thus, while We may concede that these illnesses are not directly caused by the nature of the duties of a teacher, the risk of contracting the same is certainly aggravated by their working habits necessitated by demands of job efficiency."

Similarly, considering the nature of the work of herein petitioner, the same could have increased the risk of contracting the disease. We thus find her entitled to receive compensation benefits under PD No. 626, as amended.^[8]

In addition, the Court of Appeals commented that the ECC failed to appreciate the petitioner's more than twenty years of devoted public service, which earned her successive promotions to greater responsibilities and the fact that she had been performing the strenuous and demanding task of Chemical Engineer. It also quoted *Santos vs. Employees' Compensation Commission*,^[9] which reiterates that claims falling under the Employee's Compensation Act should be liberally resolved to fulfill its essence as a social legislation designed to afford relief to the working man and woman in our society.^[10]

The petitioners forthwith appealed to us from the decision of the Court of Appeals by way of this petition for review under Rule 45 of the Rules of Court. They contend that the appellate court's determination that Arreola's work increased the risk of her contracting ureterolithiasis is "pure speculation." The petitioners pointedly state that there is no need to apply Article 4 of the Labor Code on the liberal interpretation of social legislation when the provisions of such are clear.

In her Comment, Arreola posits that while it is true that ureterolithiasis is not a listed occupational disease, yet under the "increased risk" theory, she has sufficiently proved that her claim for compensation is meritorious. Moreover, she satisfactorily established that the nature of her work for the past twenty years, as former Chemical Lab Technician and Chemical Engineer, and currently as Engineer II, made her miss important health habits such as regularly drinking water and urinating. She then chides the petitioners for making her claim for compensation a circuitous and painful path.

After a further evaluation of the case and assessment of the arguments of the parties, we rule for the private respondent and affirm the challenged decision of the Court of Appeals.

P.D. No. 626 (27 December 1974) further amended Title II of Book IV on the ECC