

SECOND DIVISION

[G.R. No. 187950, January 11, 2017]

CRISTINA BARSOLO, PETITIONER, VS. SOCIAL SECURITY SYSTEM, RESPONDENT.

DECISION

LEONEN, J.:

This resolves a Petition for Review on Certiorari^[1] filed by Cristina Barsolo, assailing the Decision^[2] dated November 19, 2008 and the Resolution^[3] dated May 19, 2009 of the Court of Appeals in CA-G.R. SP No. 102469.

Cristina Barsolo's (Cristina) deceased husband, Manuel M. Barsolo (Manuel), "was employed as a seaman by various companies from 1988 to 2002."^[4] From July 2, 2002 to December 6, 2002, Manuel served as a Riding Gang/Able Seaman onboard MT Polaris Star with Vela International Marine Ltd., (Vela).^[5] Vela was his last employer before he died in 2006.^[6]

After his separation from employment with Vela, Manuel was diagnosed with hypertensive cardiovascular disease, coronary artery disease, and osteoarthritis.^[7] He was examined and treated at the Philippine Heart Center as an outpatient from April 2, 2003 to October 22, 2004.^[8] When he died on September 24, 2006, the autopsy report listed myocardial infarction as his cause of death.^[9]

Believing that the cause of Manuel's death was work-related, Cristina filed a claim for death benefits under Presidential Decree No. 626, as amended, with the Social Security System.^[10] The Social Security System, on June 27, 2007, denied her claim on the ground that there was no longer an employer-employee relationship at the time of Manuel's death and that "[h]is being a smoker increased his risk of contracting the illness."^[11]

Cristina appealed her case to the Employees' Compensation Commission (Commission), which, in a Decision^[12] dated December 17, 2007, denied the appeal for lack of merit.^[13] According to the Commission:

Since Myocardial Infarction (Cardiovascular Disease) is listed as an occupational disease under P.D. 626 as amended, [Cristina] is bound to comply with all the conditions required [under Annex A of the Amended Rules on Employee's Compensation] to warrant the grant of benefits

- 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/her work

- 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;
- If a person who was apparently asymptomatic before being subjected 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.^[14]

The Commission held that Cristina was unable to establish that her husband's case fell under any of the above circumstances.^[15]

Moreover, since Manuel was a smoker, the Commission believed that Manuel's "smoking habits precipitated the manifestation of his Myocardial Infarction."^[16] The Commission added that "the System correctly ruled that the development of the Myocardial Infarction could not be categorically attributed to the occupation of [Manuel] as Seaman because of the presence of major causative factor which is not work-related."^[17]

Aggrieved, Cristina filed a Petition for Review^[18] before the Court of Appeals, which was denied for lack of merit on November 19, 2008.^[19]

The Court of Appeals ruled that while there was no doubt that myocardial infarction was a compensable disease,^[20] Cristina failed to prove a causal relationship between Manuel's work and the illness that brought about his death.^[21] The Court of Appeals agreed with the Commission that Manuel's habit of smoking, which dates as far back as 1973, may have contributed to the development of his heart ailment.^[22]

Cristina moved for reconsideration^[23] of the said Decision but her Motion was denied by the Court of Appeals in a Resolution^[24] dated May 19, 2009.^[25]

Hence, this Petition was filed.

Petitioner Cristina argues that the Court of Appeals erred in finding that "the illness which caused the death of [her] husband[,] had no relation with his occupation."^[26] She insists that Manuel's case falls under the third condition^[27] under Annex "A" of the Amended Rules on Employee Compensation.

Petitioner contends that although Manuel did not exhibit symptoms while he was employed with Vela, it was not unreasonable to assume that he was already suffering from the illness, which prompted him to visit the Philippine Heart Center, four (4) months after his employment contract ended.^[28]

Petitioner also presented a Medical Certificate^[29] dated October 22, 2004, wherein it was stated that when Manuel was initially seen during his pre-employment

examination, he claimed to have Hypertension even prior to the examination, and was already on the maintenance drug Capoten.^[30]

Petitioner further avers that even if her husband had a history of smoking, it cannot be denied that the cause of his death is a compensable disease and that his work as a seaman aggravated his ailment.^[31]

The issue in this case boils down to the entitlement of Cristina to compensation for the death of her husband Manuel.

The Petition has no merit.

The Amended Rules on Employee Compensation provide the guidelines before a beneficiary can claim from the state insurance fund. Rule III, Section 1(b) states:

For the sickness and the resulting disability or death to be compensable, the sickness must be the result of an occupational disease listed under Annex "A" of these Rules with the conditions set therein satisfied, otherwise, proof must be shown that the risk of contracting the disease is increased by the working conditions.

The pertinent portions of Annex A of the Amended Rules on Employee Compensation read:

For an occupational disease and the resulting disability or death to be compensable, all of the following conditions must be satisfied:

- (1) The employee's work must involve the risks described herein;
- (2) The disease was contracted as a result of the employee's exposure to the described risks;
- (3) The disease was contracted within a period of exposure and under such other factors necessary to contract it;
- (4) There was no notorious negligence on the part of the employee.

....

The following diseases are considered as occupational when contracted under working conditions involving the risks described herein:

....

18. CARDIO-VASCULAR DISEASES. ** Any of the following conditions -

- a. 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/her work.

b. 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 assault to constitute causal relationship.

c. If a person who was apparently asymptomatic before being subjected 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. (Emphasis supplied)

It is worthy to note that this Court has already ruled on the compensability of Myocardial Infarction as an occupational disease. *Rañises v. Employees Compensation Commission*,^[32] is instructive:

Section 1(h), Rule III of the ECC Amended Rules on Employees Compensation, now considers cardio-vascular disease as compensable occupational disease. **Included in Annex "A" is cardio-vascular disease, which cover myocardial infarction. However, it may be considered as compensable occupational disease only when substantial evidence is adduced to prove any of the following conditions:**

a) If the heart disease was known to have been present during employment there must be proof that an acute exacerbation clearly precipitated by the unusual strain by reason of the nature of his work;

b) The strain of work that brings about an acute attack must be of sufficient severity and must be followed within twenty-four (24) hours by the clinical signs of a cardiac assault to constitute causal relationship.

c) If a person who was apparently asymptomatic before subjecting himself to strain of 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.^[33] (Emphasis supplied.)

In *Rañises*, we held that for myocardial infarction to be considered a compensable occupational disease, any of the three conditions must be proven by substantial evidence.^[34] Petitioner failed in this regard.

On petitioner's insistence that Manuel's case falls under the third condition, this Court disagrees. For a claim under this condition to prosper, there must be proof that: first, the person was asymptomatic before beginning employment and second, he had displayed symptoms during the performance of his duties. Such symptoms should have persisted long enough to establish that his work caused his heart problem. However, petitioner offered no proof that her husband suffered any of the symptoms during his employment. All she managed to prove was that her husband went to the Philippine Heart Center and was treated for Hypertensive Cardiovascular Disease from April 2, 2003 to January 9, 2004,^[35] four months after his contract