

## SECOND DIVISION

[ G.R. No. 204422, November 21, 2016 ]

**JESUS B. VILLAMOR, PETITIONER, V. EMPLOYEES'  
COMPENSATION COMMISSION [ECC] AND SOCIAL SECURITY  
SYSTEM, RESPONDENTS.**

### DECISION

**DEL CASTILLO, J.:**

"Probability and not ultimate degree of certainty is the test of proof in compensation proceedings."<sup>[1]</sup>

Before this Court are: (1) the Petition for Review on *Certiorari*<sup>[2]</sup> and (2) the Supplemental Petition<sup>[3]</sup> filed under Rule 45 of the Rules of Court assailing the October 31, 2012 Decision<sup>[4]</sup> of the Court of Appeals (CA), Manila, in CA G.R. SP No. 124496, which affirmed the denial of petitioner Jesus B. Villamor's claim for Employees' Compensation (EC) Temporary Total Disability (TTD) benefits under Presidential Decree (PD) No. 626,<sup>[5]</sup> as amended.

***Factual Antecedents***

In 1978, petitioner, with Social Security System (SSS) No. 03-4047063-3, was employed by Valle Verde Country Club, Inc. (VVCCI).<sup>[6]</sup>

On November 3, 2006, he was brought to Our Lady of Lourdes Hospital, Manila, due to dizziness associated with numbness and weakness on his left arm and leg.<sup>[7]</sup> His Cranial Computed Tomography (CT) scan revealed that he had an "acute non-hemorrhage infarct on the right pons/basal ganglia."<sup>[8]</sup>

After more than a week of confinement,<sup>[9]</sup> petitioner was discharged from the said hospital with diagnoses of Hypertension Stage 1; Cerebro-Vascular Disease (CVD) Acute, Non-Hemorrhagic Infarct Right Pons and Right Basal Ganglia; Dyslipidemia<sup>[10]</sup> (abnormal levels of lipids [cholesterol triglycerides, or both] carried by lipoproteins in the blood).<sup>[11]</sup>

***Ruling of the Social Security System***

On March 9, 2007, petitioner filed before respondent SSS, Pasig City Branch, claims for sickness benefits under the SSS law and the EC TTD benefits under the EC law for his CVD or stroke, Infarct Hypertension.<sup>[12]</sup> Respondent SSS Pasig Branch granted his claim for sickness benefits under the SSS law.<sup>[13]</sup> However, it denied his claim for EC TTD benefits on the ground that there is no causal relationship between his illness and his working conditions.<sup>[14]</sup>

On August 18, 2011, respondent SSS Pasig Branch endorsed petitioner's records for further evaluation to respondent SSS-Medical Operations Department (SSS-MOD) but the latter denied the claim in a letter<sup>[15]</sup> dated August 26, 2011 for lack of a causal relationship between petitioner's job as clerk and his illness.<sup>[16]</sup> Respondent SSS-MOD also noted that petitioner's smoking history, alcoholic beverage drinking habit, and poor compliance with anti-hypertensive medication increased his risk of developing his illness.<sup>[17]</sup>

### ***Ruling of the Employees' Compensation Commission***

Petitioner appealed the denial of his claim to respondent Employees' Compensation Commission (ECC).<sup>[18]</sup>

On November 28, 2011, respondent ECC rendered a Decision<sup>[19]</sup> affirming the denial of petitioner's claim due to his failure to adduce substantial evidence that his stroke was work-related. Respondent ECC ruled that petitioner's illness was a "result of complications expected from a progressive disease, atherosclerosis, enhanced by major risk factors such as history of cigarette smoking and findings of dyslipidemia."<sup>[20]</sup>

Petitioner moved for reconsideration but respondent ECC denied the same as the filing of a motion for reconsideration is not allowed under Rule 5,<sup>[21]</sup> Section 11 of the Rules of Procedure for Filing and Disposition of Employees' Compensation Claims.<sup>[22]</sup>

### ***Ruling of the Court of Appeals***

Unfazed, petitioner elevated the matter to the CA via a Petition for Review<sup>[23]</sup> under Rule 43 of the Rules of Court.

On October 31, 2012, the CA rendered a Decision<sup>[24]</sup> affirming the denial of petitioner's claim for EC TTD benefits under PD No. 626, as amended. The CA quoted the findings of respondent ECC and ruled that in view of its expertise, its findings are binding on the CA.<sup>[25]</sup> The CA also said that petitioner's arguments are mere rehashes of the arguments he raised before respondent ECC and that failed to show that respondents ECC and SSS overlooked factual matters that would warrant the reversal of their findings.<sup>[26]</sup>

### **Issue**

Hence, petitioner filed the instant Petition and Supplemental Petition under Rule 45 of the Rules of Court contending that the CA erred in denying his claim for EC TTD.

### ***Petitioner's Arguments***

Petitioner avers that his illnesses, stroke and essential hypertension, are both compensable diseases under ECC Resolution No. 432.<sup>[27]</sup> He claims that his illness, essential hypertension, is compensable without need of any proof of a causal relationship between his work and his illness because it is an occupational disease listed in Annex "A" of ECC Resolution No. 432.<sup>[28]</sup> His stroke is likewise compensable since he was able to prove by substantial evidence that it is work-related.<sup>[29]</sup> He insists that contrary to the findings of respondents SSS and ECC, he

is not a mere clerk assigned in the front desk.<sup>[30]</sup> The truth is that he is the Sports Area In-Charge tasked to deal with the needs and complaints of the club members and their guests who wish to use the club's facilities.<sup>[31]</sup> He asserts that his work involves mental pressure and physical activity since he has to cater to the needs and complaints of different personalities of club members and their guest.<sup>[32]</sup> In addition, he is the President of the VVCCI Employees Union and, on behalf of the union, has filed several cases against VVCCI.<sup>[33]</sup> Due to his position in the union, he was subjected to all forms of harassment in the workplace, prompting him to file cases against VVCCI before the National Labor Relations Commission.<sup>[34]</sup> His work and his position in the labor union caused him to experience tremendous stress that affected his health, develop hypertension, and suffer a stroke.<sup>[35]</sup>

Petitioner also belies the findings of respondents SSS and ECC that he is a chronic smoker and drinker.<sup>[36]</sup> He admits that he was a smoker but insists that stopped smoking in 1995.<sup>[37]</sup> He also admits drinking alcoholic beverages but only occasionally.<sup>[38]</sup> In any case, petitioner argues that the fact that he was a smoker and a drinker should not bar him from claiming compensation.<sup>[39]</sup>

### ***Respondents' Arguments***

Respondents SSS and ECC, in essence, contend that petitioner is not entitled to compensation as he failed to prove by substantial evidence that his illness is work-related.<sup>[40]</sup> They also contend that petitioner raised factual matters, which are not proper in a petition for review on certiorari,<sup>[41]</sup> and that petitioner's arguments are mere reiterations of his previous arguments.<sup>[42]</sup>

### **Our Ruling**

The Petition has merit.

As a rule, questions of facts may not be the subject of an appeal by certiorari under Rule 45 of the Rules of Court as the Supreme Court is not a trier of facts.<sup>[43]</sup> However, there are exceptions to this rule such as when the factual findings of the CA are not supported by the evidence on record and/or are based on misapprehension of facts.<sup>[44]</sup> Such is the situation in this case.

### ***Petitioner was not a mere clerk at the time he suffered a stroke.***

The denial of petitioner's claim is based on the factual finding of respondents SSS and ECC that he is a mere clerk of VVCCI, responsible for the issuance of vouchers and receipts to its member.<sup>[45]</sup> Based on this, respondents SSS and ECC ruled that in the absence of any substantial evidence showing the causal relationship between his stroke and the clerical nature of his work, petitioner is not entitled to his claim.<sup>[46]</sup> This factual finding, however, is not supported by the evidence on record.

In 1978, VVCCI employed petitioner as a waiter.<sup>[47]</sup> It then transferred him to the Sports Department as Sports Dispatcher, and later, promoted him as Sports Area In-Charge.<sup>[48]</sup> His Identification Card<sup>[49]</sup> and SSS Employees' Notification Form B-300<sup>[50]</sup> both prove his claim that his position at the club is not a mere clerk but is a

Sports Area-In-Charge. In fact, his Job Description<sup>[51]</sup> proves that his work is not limited to issuing vouchers and receipts to club members, but includes the following duties and responsibilities:

Basic Function:

Follow all house rules regarding order, use of sports facilities and strictly enforce proper sports attire. Monitor area assigned (i.e, cleanliness, availability of courts for member use, equipment, events). Coordinates with Shift Leader.

Specific duties and responsibilities:

1. Recognizes and implements all house rules regarding order and use of sports facilities. Sees to it that proper attire is strictly followed.
2. Takes note of any changes in the status of accounts of the Club members, which are circulated by the Administration and Accounting Offices and makes the necessary adjustments as the situation dictates.
3. Keeps record of court playing time by members, dependents, and sponsored guests. Makes sure that all charges are properly receipted and signed by the member concerned.
4. Sees to it that non-members are properly sponsored and charged.
5. Ensures that proper guest rate is applied, charged, paid for, and turned-over to the Cashier at the end of the shift.
6. Refers any complaint received from members concerning the facilities/staff to the Sports Supervisor.
7. Makes the necessary arrangements during tournaments.
8. Coordinates with F&B captain waiter concerning any F&B services as arranged by the client.
9. Cleans and maintains all facilities/equipment in the assigned area.
10. Reports any repair need in the sports facilities.
11. Turns on lights when members/sponsored guests are in the court area and switches off lights after use.
12. Ensures that clean drinking water and glasses are available at all times for use of members/guests.
13. Perform other works as assigned by the Sports Supervisor.

Based on the foregoing, it is clear that contrary to the findings of the respondents SSS and ECC, petitioner's job is not a mere clerk issuing vouchers or receipts. His duties and responsibilities as Sports Area In-Charge are obviously laborious and stressful since he is tasked to cater to the needs of all club members and their guests, and to coordinate with the other departments of the club regarding their needs. He also receives the complaints and requests of club members and their guests, and ensures that these complaints and requests are properly addressed. To

do all these, he has to move around the club and deal with the club members and their guests. Obviously, he has to endure both physical and mental stress in order to perform his duties.

Aside from his position as Sports Area In-Charge, petitioner is also the President of the VVCCI Employees Union since 1984, except for the period 2000- 2004.<sup>[52]</sup> As the president of the union, he was subjected to harassment and unfair labor tactics of the management of the club. In fact, when petitioner suffered a stroke, there were four pending cases filed by him, on behalf of the union and in his own personal capacity, to wit:

a. Jesus B. Villamor v. Valle Verde Country Club, Inc. - NLRC-NCR Case No. 00-0504064-05;

b. Jesus B. Villamor v. Valle Verde Country Club, Inc.- NLRC-NCR Case No. 00-05-04402-06;

c. VVCCIEU and Jesus Villamor v. Valle Verde Country Club, Inc. - NLRC-NCR Case No. 10-05594-2001; and

d. VVCCIEU v. Valle Verde Country Club, Inc. - CA-G.R. SP No. 53189.<sup>[53]</sup>

Taking into account the foregoing facts, the Court finds that the CA seriously erred in affirming the factual findings of the respondents SSS and ECC that petitioner is a mere clerk and that the nature of his work did not affect his health; these factual findings are not supported by the evidence on record and are based on misapprehension of facts.

Having discussed the true nature of petitioner's work, the Court shall now proceed to determine whether petitioner is entitled to his claim for EC TTD benefits under PD No. 626, as amended.

***Petitioner is entitled to his claim for EC TTD benefits under PD No. 626, as amended.***

The Amended Rules on Employees' Compensation provides that for an illness or disease to be compensable, "[it] must be a result of 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."<sup>[54]</sup> In the case of stroke and hypertension, both are compensable since they are listed as occupational diseases under Nos. 19<sup>[55]</sup> and 29,<sup>[56]</sup> respectively, of Annex "A" of the said rules.

In fact, in *Government Service Insurance System v. Baul*<sup>[57]</sup> whether the claimant who was diagnosed with essential hypertension later suffered a stroke, the Court affirmed the claimant's entitlement to compensation as both essential hypertension and stroke are considered occupational diseases. The Court ruled that:

**Cerebro-vascular accident and essential hypertension are considered as occupational diseases under Nos. 19 and 29, respectively, of Annex 'A' of the Implementing Rules of P.D. No.626, as amended. Thus, it is not necessary that there be proof of causal relation between the work and the illness which**