

## SECOND DIVISION

[ G.R. No. 187474, February 06, 2013 ]

**GOVERNMENT SERVICE INSURANCE SYSTEM, PETITIONER, VS.  
MARILOU ALCARAZ, RESPONDENT.**

### DECISION

**BRION, J.:**

Before the Court is the petition for review on *certiorari*<sup>[1]</sup> to annul the decision<sup>[2]</sup> dated December 12, 2008 and the resolution<sup>[3]</sup> dated April 7, 2009 of the Court of Appeals (CA) in CA-G.R. SP No. 100381. These CA rulings reversed the decision<sup>[4]</sup> of the Employees' Compensation Commission (ECC) denying the claim for death benefits filed by petitioner Marilou Alcaraz following the death of her husband Bernardo Alcaraz.

#### The Antecedents

Bernardo was employed for almost twenty-nine (29) years<sup>[5]</sup> by the Metro Manila Development Authority (MMDA) in Makati City. He worked at the MMDA as laborer, Metro Aide and Metro Aide I.

Sometime in February 2004, Bernardo was diagnosed with Pulmonary Tuberculosis (PTB) and Community Acquired Pneumonia (CAP). On May 13, 2004, he was confined at the Ospital ng Makati. He was discharged on May 19, 2004 with the following diagnosis: Acute Diffuse Anterolateral Wall Myocardial Infarction, Killips IV-1, CAP High Risk, PTB III and Diabetes Mellitus Type 2.<sup>[6]</sup>

On January 15, 2005, Bernardo was found dead at the basement of the MMDA building. His body was brought to the Southern Police District Crime Laboratory in Makati City for an autopsy. Medico-Legal Officer Ma. Cristina B. Freyra performed the autopsy and concluded that Bernardo died of Myocardial Infarction, old and recent.<sup>[7]</sup> Bernardo's widow, Marilou, subsequently filed a claim for death benefits with the Government Service Insurance System (GSIS).

#### The GSIS Ruling and Related Incidents

The GSIS denied the claim for death benefits on the ground that myocardial infarction, the cause of Bernardo's death, was directly related to diabetes which is not considered a work-connected illness; hence, its complications, such as myocardial infarction, are not work-related.

Marilou appealed to the ECC which affirmed the GSIS ruling. Aggrieved, she sought relief from the CA through a petition for review under Rule 43 of the Rules of Court, contending that (1) the ECC misappreciated the facts. She argued that even if the

undelying cause of Bernardo's death was diabetes, the illness was acquired in the course of his employment and was further aggravated by the nature of his work; and (2) the ECC gravely abused its discretion for giving scant consideration to the medical findings on Bernardo's true condition prior to his death.

The GSIS, on the other hand, prayed that the petition be denied, contending that in the absence of satisfactory evidence that Bernardo's nature of employment predisposed him to contract the ailment, the widow's claim must fail.

### **The CA Decision**

In its challenged decision, the CA granted the petition and set aside the ECC ruling. It opined that while myocardial infarction is not among the occupational diseases listed under Annex "A" of the Amended Rules on Employees Compensation, the ECC, pursuant to Resolution No. 432, laid down conditions under which cardio-vascular diseases can be considered as work-related and therefore compensable, as follows:

#### **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 twenty-four hours by the clinical signs of a cardiac insult 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/her work and such symptoms and signs persisted, it is reasonable to claim a causal relationship.

It pointed out that, as this Court held in *Salmone v. Employees' Compensation Commission*,<sup>[8]</sup> "[t]he claimant must show, at least, by substantial evidence that the development of the disease is brought largely by the conditions present in the nature of the job."

The CA found sufficient proof of work-connection between Bernardo's ailment and his working conditions. It believed that his work as laborer and metro aide must have substantially contributed to his illness.

The CA ordered the GSIS to pay Bernardo's heirs the proper benefits for his death consistent with the State policy to extend the applicability of the employees compensation law, Presidential Decree No. 626, to a greater number of employees who can avail of the benefits under the law, in consonance with the avowed policy of the State to give maximum aid and protection to labor.<sup>[9]</sup>

The GSIS moved for, but failed to obtain, a reconsideration of the CA decision;

hence, the petition.

### **The Petition**

In asking for a reversal of the CA decision, the GSIS submits that the appellate court erred in: (1) finding that Bernardo's illness was work-connected and/or the risk of contracting the illness was increased by the nature of his work; and (2) reversing the factual findings of the GSIS and of the ECC which are accorded respect by the courts.

The GSIS insists that myocardial infarction which caused Bernardo's death cannot be said to have been aggravated by the nature of his duties. It stresses that on the contrary, there was no evidence showing that it was the performance of his duties that caused the development of myocardial infarction as it was a mere complication of diabetes mellitus, a non-occupational disease. His heart ailment, therefore, cannot be considered an occupational disease.

It faults the CA for disregarding its factual findings, as well as those of the ECC when the appellate court awarded death benefits to Bernardo's heirs.

### **The Case for Marilou**

In her Comment,<sup>[10]</sup> dated September 24, 2009, Marilou asks that the petition be denied for "utter lack of merit," arguing that the CA did not err in finding that Bernardo's illness was compensable as it was work-related. She takes exception to the GSIS' argument that there was no evidence showing that the nature of Bernardo's work had increased the risk of his contracting myocardial infarction. She maintains that the GSIS failed to consider that while diabetes mellitus does increase the risk of the development of the illness, the same thing is true with CAP, a compensable disease that Bernardo had been earlier diagnosed with. She adds that **stress** is another predisposing factor for heart diseases as this Court recognized in *Government Service Insurance System (GSIS) v. Cuanang*.<sup>[11]</sup> Marilou thus insists that the GSIS erred in singly attributing the occurrence of Bernardo's fatal heart attack to diabetes mellitus, when Bernardo had been suffering from CAP and experiencing physical stress at the same time. She argues further that the Court had previously held that the incidence of acute myocardial infarction, whether or not associated with a non-listed ailment, is enough basis for requiring compensation.<sup>[12]</sup>

Finally, she maintains that the GSIS hastily concluded that myocardial infarction was a mere complication of diabetes mellitus as there was no explicit finding that it was solely caused by his diabetic condition.

### **Our Ruling**

#### ***Diabetes mellitus not the sole predisposing factor to myocardial infarction***

Bernardo died after almost three decades of service with the MMDA (July 1, 1976 to January 15, 2005). His death occurred within his employer's premises, at the basement of the MMDA building while he was at work. The GSIS and the ECC denied