

FIRST DIVISION

[G.R. No. 178901, November 23, 2011]

**GOVERNMENT SERVICE INSURANCE SYSTEM, PETITIONER, VS.
MANUEL P. BESITAN, RESPONDENT.**

D E C I S I O N

DEL CASTILLO, J.:

In compensation proceedings, the test of proof is probability, not absolute certainty; hence, a claimant only needs to show reasonable work connection and not direct causal relation.^[1]

This Petition for Review on *Certiorari*^[2] under Rule 45 of the Rules of Court assails the May 10, 2007 Decision^[3] of the Court of Appeals (CA) in CA-G.R. SP No. 97407 ordering petitioner Government Service Insurance System (GSIS) to pay respondent Manuel P. Besitan's (Besitan) claim for compensation benefits. Also assailed is the CA's July 7, 2007 Resolution^[4] denying the motion for reconsideration.

Factual Antecedents

Petitioner GSIS is a social insurance institution created under Commonwealth Act (CA) No. 186,^[5] charged with the management and administration of the trust fund of the Employees' Compensation Commission (ECC) for government officials and employees.^[6]

Respondent Besitan was employed by the Central Bank of the Philippines (now Bangko Sentral ng Pilipinas) on January 21, 1976 as a Bank Examiner.^[7] Subsequently, he was promoted as Bank Officer II and eventually as Bank Officer III.^[8] His duties and responsibilities are as follows:

1. Heads a team of examiners in the conduct of regular/special examination of rural banks;
2. Submits report of examination/memoranda to MB and other reports related to examination;
3. Confers with Head/Top Management of rural banks under examination;
4. Monitors, verifies, and analyzes various periodic and special reports required of rural banks to ascertain, among others, compliance with pertinent laws and regulations, and prepares reports corresponding

thereto;

5. Evaluates, processes, and prepares memoranda/reports on various requests such as the establishment of branches/banking offices and investments in allied undertakings/subsidiaries/affiliates, both locally and abroad; as well as prepares appropriate recommendations on requests/complaints received from the public, etc.;
6. Performs related duties as may be assigned.^[9]

In October 2005, Besitan was diagnosed with End Stage Renal Disease secondary to Chronic Glomerulonephritis and thus, had to undergo a kidney transplant at the National Kidney and Transplant Institute (NKTII), for which he incurred medical expenses amounting to P817,455.40.^[10]

Ruling of the Government Service Insurance System

Believing that his working condition increased his risk of contracting the disease, Besitan filed with the GSIS a claim for compensation benefits under Presidential Decree (PD) No. 626,^[11] as amended. The GSIS, however, denied the claim in a letter dated May 2, 2006.^[12] Besitan sought reconsideration in a letter dated June 6, 2006;^[13] but the GSIS denied the same in a letter dated June 20, 2006.^[14]

Ruling of the Employees' Compensation Commission

Besitan elevated the matter to the ECC and the case was docketed as ECC Case No. GM-17449-1002-06.^[15]

On November 16, 2006, the ECC issued a Decision^[16] affirming the denial by the GSIS of respondent's claim. It said:

The appeal is not meritorious.

The appellant alleged that the nature and working conditions of his employment caused or contributed to the development of his kidney ailment. However, Harisson's Principles of Internal Medicine, Vol. 2, 15th edition shows otherwise, to wit:

'The causes of Glomerulonephritis are the following:

- Cause is not known (Idiopathic)
- A response to a known antigenic stimulus such as the Streptococcal antigenic component seen in Poststreptococcal Glomerulonephritis. Other bacterial, viral and parasitic infections may also produce an antigenic component. Some of these infections are Typhoid fever, Syphilis, Leptospirosis,

Toxoplasmosis, Varicella, Mumps, Measles, Schistosomiasis and Hepatitis B and C infection.

· May form part of a multisystem immune-complex disorder such as Lupus nephritis, Henoch-Schonlein Purpura, Cryoglobulinemia, Bacterial Endocarditis, Systemic Vasculitis and Rheumatoid Arthritis.'

The appellant alleged that he was exposed to tremendous pressures demanded by his job necessitating prolonged hours of work, most of the time sitting for hours and even delaying or foregoing urination in order not to disrupt the continuity of concentration on the job. He also alleged that during his field assignments, mostly in remote provinces, he also experienced foregoing urination and skipping of meals in order to rush the completion of his examination reports. Unfortunately, his bare assertions do not automatically make his ailment compensable. Awards for compensation cannot rest on speculations or presumptions. The employee must present evidence to prove a positive proposition (*Orate vs. CA*, G.R. No. 132761, March 26, 2003). The appellant's habit of delaying his urination should not be attributed to his work but to personal neglect of his health.

Generally, a physician's report is the best evidence of work-connection and be the basis for an award because the physician is in the best position to judge possible causal relation between the illness and the work performed. In this case, the certificate issued by the appellant's attending physician is silent under the item which reads: ***Was the injury or illness directly caused by the employee's duties?*** Having failed to find substantial evidence to establish work-connection in this case, this Commission finds no sufficient cause to deviate from the decision of the System denying appellant's claim.

WHEREFORE, the appealed decision is **AFFIRMED** and the claim is **DISMISSED** for lack of merit.

SO ORDERED.^[17]

Ruling of the Court of Appeals

On appeal, the CA reversed the ruling of the ECC. The CA ruled that Besitan is entitled to compensation benefits under PD No. 626, as amended, because his ailment was aggravated by the nature of his work, as evidenced by the Medical Certificate^[18] issued by Dr. Gregorio Suarez II, Bank Physician III of the Bangko Sentral ng Pilipinas.^[19] Thus, the dispositive portion of the Decision of the CA reads:

UPON THE VIEW WE TAKE OF THIS CASE, THUS, the petition for review is **GRANTED**. The November 16, 2006 Decision of the Employees' Compensation Commission in ECC Case No. GM-17449-1002-

06 is **REVERSED** and **SET ASIDE**. The respondent Government Service Insurance System is **ORDERED** to pay the petitioner Manuel P. Besitan's full claim for compensation benefits under PD No. 626, as amended. Without costs in this instance.

SO ORDERED.^[20]

GSIS filed a Motion for Reconsideration which was denied by the CA in a Resolution^[21] dated July 17, 2007.

Issue

Hence, the instant petition with the basic issue of whether Besitan is entitled to compensation benefits under PD No. 626, as amended.

Petitioner's Arguments

GSIS contends that Besitan's ailment, Glomerulonephritis, is not an occupational disease; hence, it is incumbent upon him to prove that the risk of contracting the said disease was increased by his employment and working condition.^[22] And since he failed to show that there is a causal relationship between his employment and his ailment, he cannot claim compensation benefits under PD No. 626, as amended.

^[23] GSIS also puts in issue the use of the word "probably" by

the CA in its Decision^[24] which proves that the CA was not definite of its findings.

^[25] GSIS claims that awards of compensation must be based on substantial evidence, not on presumptions or speculations.^[26]

Respondent's Arguments

Besitan admits that his ailment is not listed as an occupational disease under PD No. 626, as amended.^[27] He, however, insists that he was able to prove by substantial evidence that the risk of contracting the disease was increased by his working condition.^[28] He maintains that in claiming compensation benefits, certainty is not required, only probability.^[29] He points out that he was in good health when he was employed by the Bangko Sentral ng Pilipinas in 1976 and that it was only in 2004 that he contracted his kidney ailment.^[30] He avers that in performing his duties and responsibilities, he had to travel frequently to different barangays and provinces in Luzon, Visayas and Mindanao; that during his trips to these places, he had to ride provincial buses up to 8-10 hours; that while on the bus, he had to delay his urination; and that during his stay in these places, he was constrained to drink deep well water due to lack of sufficient potable water.^[31] He also asserts that his ailment could have been caused by viral and bacterial infections which he could have acquired when he was assigned to these remote places.^[32] Thus, he claims that his working condition increased his risk of contracting the disease.^[33]

Our Ruling