

SECOND DIVISION

[G.R. No. 157038, December 23, 2009]

**GOVERNMENT SERVICE INSURANCE SYSTEM, PETITIONER, VS.
JEAN E. RAOET, RESPONDENT.**

DECISION

BRION, J.:

In this Petition for Review on *Certiorari*,^[1] petitioner Government Service Insurance System (GSIS) seeks to set aside the Court of Appeals (CA) Decision^[2] dated February 3, 2003 in CA-G.R. SP. No. 72820, which overturned and set aside the July 24, 2002 decision^[3] of the Employees' Compensation Commission (ECC) in ECC Case No. GM-13079-302, and granted respondent Jean Raoet's (*respondent*) claim for income benefits arising from her husband's death.

BACKGROUND FACTS

The respondent's husband, Francisco M. Raoet (*Francisco*), entered government service on July 16, 1974 as an Engineer Trainee at the National Irrigation Administration (NIA). On July 5, 1978, he was appointed as Junior Civil Engineer, and on April 22, 1981, he rose to the rank of Irrigation Engineer B. On August 1, 1998, he was promoted to the position of Engineer A - the position he held until his death on May 5, 2001. As Engineer A, Francisco supervised the implementation of construction activities of Lateral E and E-1. He was also tasked to review and check the structural plan and the facilities.^[4]

In 2000, Francisco was diagnosed with *Hypertension, Severe, Stage III, Coronary Artery Disease*, and he was confined at the Region I Medical Center from July 16 to July 25, 2000.^[5] As the GSIS considered this a work-related condition, Francisco was awarded 30 days Temporary Total Disability benefits, plus reimbursement of medical expenses incurred during treatment.

On May 5, 2001, Francisco was rushed to the Dr. Marcelo M. Chan Memorial Hospital because he was vomiting blood.^[6] He was pronounced dead on arrival at the hospital. His death certificate listed the causes of his death as follows:

CAUSES OF DEATH

Immediate cause: Cardiac Arrest

Antecedent cause: Acute Massive Hemorrhage

Underlying cause: T/C Bleeding Peptic Ulcer Disease^[7]

The respondent, as widow, filed with the GSIS on May 24, 2001 a claim for income benefits accruing from the death of her husband, pursuant to Presidential Decree No. 626 (*P.D. 626*), as amended. On August 31, 2001, the GSIS denied the claim on the ground that the respondent did not submit any supporting documents to show that Francisco's death was due to peptic ulcer.

On appeal, the ECC affirmed the findings of the GSIS in its decision of July 24, 2002. According to the ECC, it could not determine if Francisco's death was compensable due to the absence of documents supporting the respondent's claim. Since Francisco had no prior history of consultation relating to peptic ulcer and no autopsy was performed to ascertain the cause of his death, the ECC could not conclude that *Bleeding Peptic Ulcer Disease* was the reason for his demise.

The respondent elevated the case to the CA through a Petition for Review. She cited the following supporting grounds:

1. Employees' Compensation Commission failed to consider that peptic ulcer is an on and off disease which does not need confinement in a hospital or clinic or submission to a Doctor of Medicine because it can be cured by self-medication.
2. The Employees' Compensation Commission failed to consider also that there were medical treatment of Francisco Raoet of occupational and compensable diseases other than peptic ulcer as shown by the medical findings of certificates, Xerox copies of which are attached to this petition.

The CA reversed^[8] the ECC decision. The appellate court held that while the Amended Rules on Employees' Compensation does not list peptic ulcer as an occupational disease, Francisco's death should be compensable since its immediate cause was cardiac arrest. Thus, the CA ordered the GSIS to pay the respondent's claim for death benefits under P.D. 626, as amended.

The GSIS, this time, appealed through the present petition, raising the following issues:

- I. Whether or not the CA was correct in reversing the decision of the ECC and the GSIS denying the respondent's claim for income benefit under P.D. 626, as amended, for the death of her husband, Francisco.
- II. Whether or not the ailment *Acute Massive Hemorrhage t/c Bleeding Peptic Ulcer Disease*, which caused the death of the late Francisco, is work-connected or whether there was any proof to show that the risk of contracting the same was increased by factors attendant to his employment.

The GSIS reasons out that since the cause of Francisco's death was peptic ulcer, a disease not included in the occupational diseases listed in Annex "A" of the Amended Rules on Employees' Compensation, proof must be shown that the risk of contracting the disease was increased by his working conditions. The respondent failed to present any such evidence to support her claim apart from her bare allegations. In fact, Francisco's medical records disclose that he did not consult his doctors regarding peptic ulcer. Since no autopsy was performed to ascertain the cause of death, no assurance exists that *Bleeding Peptic Ulcer* was indeed the cause of his death.

The GSIS further argues that Francisco's other ailments, *i.e.*, his hypertension and coronary artery disease, had already been awarded the maximum benefits commensurate to the degree of his disability when he was granted 30 days Temporary Total Disability benefits, plus reimbursement of medical expenses incurred in the treatment of these illnesses. Thus, no death benefit for the same diseases can be claimed.

The GSIS also points out that the employees' compensation trust fund is presently empty, and claims on this fund are being paid by the GSIS from advances coming from its other funds. Accordingly, the GSIS argues that the trust fund would suffer if benefits are paid to claimants who are not entitled under the law.

In contrast, the respondent claims that the issues the GSIS raised are essentially questions of fact which the Court is now barred from resolving in a petition for review on *certiorari*. Thus, she posits that the petition should be denied.

THE COURT'S RULING

We deny the petition for lack of merit.

The Procedural issue

A petition for review under Rule 45 of the Rules of Court opens a case for review only on questions of law, not questions of fact. A question of law exists when the doubt centers on what the law is on a certain set of facts. A question of fact exists when the doubt is on the truth or falsity of the alleged facts.^[9]

In raising questions regarding Francisco's cause of death and its compensability, the GSIS, at first blush, appears to be raising a basic question of fact - the actual cause of Francisco's death. Its question, however, is not on the truth or falsity of the claimed cause of death, but on whether evidence exists supporting the claimed cause of death. Posed in this manner, the question is not purely a factual one as it involves the appreciation of how evidence is to be viewed, and whether such evidence supports or rejects the claimed cause of death. Thus, it is a question we can rule upon in this petition.

From the perspective of the CA decision, the issue is not so much the actual cause of death, but a reading of the cause of death from the point of view of compensability. This is essentially a legal issue, touching as it does on the issue of compensability. Hence, it is likewise within the power of this Court to review in this

Factors determining compensability of death

P.D. 626, as amended, defines compensable sickness as "any illness definitely accepted as an occupational disease listed by the Commission, or any illness caused by employment subject to proof by the employee that the risk of contracting the same is increased by the working conditions."

Section 1 (b), Rule III of the Amended Rules on Employees' Compensation implements P.D. 626 and requires that for sickness and the resulting disability or death to be compensable, it must be an "occupational disease" included in the list provided (*Annex "A"*), with the conditions attached to the listed sickness duly satisfied; otherwise, the claimant must show proof that the risk of contracting the illness is increased by his working conditions. In plainer terms, to be entitled to compensation, **a claimant must show that the sickness is either: (1) a result of an occupational disease listed under Annex "A" of the Amended Rules on Employees' Compensation under the conditions Annex "A" sets forth; or (2) if not so listed, that the risk of contracting the disease is increased by the working conditions.**^[10]

Based on Francisco's death certificate, the immediate cause of his death was cardiac arrest; the antecedent cause was acute massive hemorrhage, and the underlying cause was bleeding peptic ulcer disease.

The GSIS maintains that the respondent's claim for income benefits should be denied because she failed to present any proof, documentary or otherwise, that peptic ulcer was the underlying cause for Francisco's death.

We disagree with this position, as we find that the respondent submitted sufficient proof of the cause of her husband's death when she presented his death certificate. In *Philippine American Life Insurance Company v. CA*,^[11] we held that **death certificates** and the notes by a municipal health officer prepared in the regular performance of his duties **are prima facie evidence of facts therein stated. A duly-registered death certificate is considered a public document and the entries found therein are presumed correct**, unless the party who contests its accuracy can produce positive evidence establishing a contrary conclusion. We also ruled in *People v. Datun*^[12] that **a death certificate establishes the fact of death and its immediate, antecedent, and underlying causes.**

Since neither the GSIS nor the ECC presented any evidence to refute that cardiac arrest was the immediate cause, and peptic ulcer was the underlying cause of Francisco's death, we accept as established, in accordance with the death certificate, that the underlying cause of Francisco's demise was peptic ulcer.

The CA decision and Peptic Ulcer as Compensable Illness

In the assailed decision, the CA focused on Francisco's immediate cause of death - cardiac arrest - and ignored the underlying cause of death - peptic ulcer. According

to the CA, Francisco's death is compensable even if peptic ulcer is not a listed occupational disease, since Francisco died due to a listed cause - cardiac arrest.

The CA is apparently wrong in its conclusion as it viewed in isolation the immediate cause of death (cardiac arrest), disregarding that what brought about the cardiac arrest was the ultimate underlying cause - peptic ulcer. This error, however, does not signify that Francisco's death is not compensable because peptic ulcer itself, under specific conditions, is a compensable illness.

Contrary to the CA's conclusion, peptic ulcer is a compensable cause of death, pursuant to ECC Resolution No. 1676 dated January 29, 1981, which unmistakably provides that **peptic ulcer is a compensable disease listed under Annex "A,"** provided the claimant is in **an occupation that involves prolonged emotional or physical stress**, as among **professional people**, transport workers and the like.

[13]

Peptic Ulcer is defined as:

[A]n ulceration of the mucous membrane of the esophagus, stomach or duodenum, caused by the action of the acid gastric juice.

Peptic ulcer is **most common among persons** who are **chronically anxious or irritated, or who otherwise suffer from mental tension**. It occurs about three times as often in men as in women. Symptoms include a pain or gnawing sensation in the epigastric region. The pain occurs from 1 to 3 hours after eating, and is usually relieved by eating or taking an antacid drug. Vomiting, sometimes preceded by nausea, usually follows a severe bout of pain.

COMPLICATIONS. If ulcers are untreated, bleeding can occur, leading to anemia and therefore weakness and impaired health. **Blood may be vomited, and appears brownish and like coffee grounds** because of the digestive effect of gastric secretions on the hemoglobin. There may be blood in the stools, giving them a tarry black color. **In acute cases sudden hemorrhage can occur and may be fatal if not treated properly.**

x x x x

Worry and anxiety can contribute to the development of an ulcer and prevent it from healing. If emotional tensions persist, an ulcer that has been healed by medical treatment can return. Therefore, every effort is made to help the patient relax. Sometimes counseling or psychotherapy is helpful in relieving emotional strain.^[14] [Emphasis supplied.]

Based on the Annex "A" list and the accompanying requisite condition for compensability, the question that really confronts us is: **did Francisco's occupation involve prolonged emotional or physical stress to make his death due to peptic ulcer compensable?**