

## THIRD DIVISION

[ G.R. NO. 149571, February 21, 2007 ]

**GOVERNMENT SERVICE INSURANCE SYSTEM, PETITIONER, VS.  
BENJAMIN NONOY O. FONTANARES, RESPONDENT.**

### D E C I S I O N

**AUSTRIA-MARTINEZ, J.:**

Before the Court is a Petition for Review on *Certiorari* under Rule 45 of the Rules of Court assailing the Decision<sup>[1]</sup> dated February 6, 2001 of the Court of Appeals (CA) in CA-G.R. SP No. 54995, which reversed and set aside the Decision dated August 19, 1999 of the Employees' Compensation Commission (ECC) in ECC Case No. MG-10489-499 affirming the judgment of the Government Service Insurance System (petitioner); and the CA Resolution<sup>[2]</sup> dated August 21, 2001 which denied respondent's Motion for Reconsideration.

This case originated from a claim for compensation, income, and hospitalization benefits filed by the respondent before the petitioner on September 15, 1998 due to Rheumatic Heart Disease and Pulmonary Tuberculosis Minimal.

The facts of the case, as aptly summarized by the ECC, are as follows:

x x x [Respondent] first joined government service as Storekeeper I at the Archives Division of Records Management and Archives Office, Department of Education, Culture and Sports in Manila on March 16, 1987. In March 1989, he was promoted to the position of Archivist I. On December 1, 1994, he transferred to the Maritime Industry Authority as Maritime Industry Development Specialist II.

As Archivist I, his duties were as follows:

1. Processes notarial documents by preparing index guides, accession numbers and labels by bundles according to the names of notary public.
2. Retrieves notarial documents requested for on a first come first serve basis.
3. Prepares replies, written communication from the public.
4. Assists in sorting out incoming archival records and performs such other function/duties as may be assigned from time to time by his supervisors.

As Maritime Industry Development Specialist II, his duties are as follows:

1. Prepares technical report, program and budget.
2. Inspects ships in the overseas and domestic trade.

The records of the case further reveal that [respondent] was confined at the Chinese General Hospital from January 8 to 10, 1998 due to Rheumatic Valvular Disease with AS, MR, Cardiomyopathy and PTB Minimal. His chest x-rays taken on July 11, 1998 and October 2, 1998 showed findings consistent with PTB, minimal and Cardiomegaly.

On account of his ailment, [respondent] filed with the [petitioner] a claim for compensation benefits under PD 626, as amended. Finding his ailment compensable, he was awarded Temporary Total Disability (TTD) benefits from January 8 to 10, 1998. However, [respondent's] claim for compensation benefits on account of his Rheumatic Heart Disease was denied on the ground that the said ailment is not work-connected. Dissatisfied with the decision, [respondent] requested for the elevation of his case to [the ECC] for review pursuant to Section 5, Rule XVIII of the Rules of PD No. 626, as amended.<sup>[3]</sup>

On August 19, 1999, the ECC rendered herein assailed Decision affirming *in toto* the ruling of the petitioner. The ECC held that Rheumatic Heart Disease is not a compensable ailment under Presidential Decree (P.D.) No. 626, as amended; that the respondent failed to prove by substantial evidence that the risk of contracting the said ailment had been increased by his working conditions; and, that respondent failed to show any causal relation between his ailment and his working conditions.

Respondent appealed to the CA under Rule 43 of the Rules of Court. On February 6, 2001, the CA rendered its Decision, the dispositive portion of which reads:

WHEREFORE, judgment is hereby rendered giving due course to the petition. The assailed decision of the Employees' Compensation Commission dated August 19, 1999 is hereby SET ASIDE and another one entered declaring the illness Rheumatic Heart Disease compensable and directing the payment of the claim therefore [sic].

SO ORDERED.<sup>[4]</sup>

The CA held that the working conditions exposed the respondent, then Storekeeper I and Archivist II, to chemical hazard, as certified by the Secretary of Health, which lowered his body resistance; that when he transferred to the Maritime Industry Authority and assumed the position of Maritime Safety Inspector/Surveyor, he was likewise exposed to toxic fumes and gas coming from the residue of cargoes and was oftentimes made to work in 24 hour shifts; that, in view of these, the illness of respondent supervened during his employment and, therefore, the presumption arises that he acquired such ailments from his employment; that the Maritime Industry Authority failed to contest or controvert respondent's claim within the proper period and, hence, it in effect admitted the compensability of the illness.

Hence, the instant Petition raising the following issues:

#### I.

WHERE THE COURT OF APPEALS ERRED IN DECLARING RESPONDENT ENTITLED TO COMPENSATION BENEFITS EVEN THOUGH THERE WAS NO SHOWING THAT HIS WORKING CONDITIONS HAD INCREASED THE RISK OF HIS CONTRACTING RHEUMATIC HEART DISEASE.

## II.

WHETHER THE ILLNESS RHEUMATIC HEART DISEASE IS COMPENSABLE WHEN SUCH DISEASE IS CLEARLY NOT INCLUDED IN THE LIST OF COMPENSABLE DISEASES UNDER PD 626, AS AMENDED.<sup>[5]</sup>

The petition has merit.

The principal question is whether the respondent is entitled to compensation benefits under existing law due to the condition of Rheumatic Heart Disease.

Respondent avers that the toxic fumes, overcrowded passengers, and animal cargoes in the vessels he inspected, exposed him to *streptococci* infection which, in turn, afflicted him with Rheumatic Heart Disease; and, that the employee's compensation law is social legislation and, hence, it should be interpreted liberally in favor of the worker; and to substantiate these allegations, he submitted the Certifications issued by the Department of Health, to the effect that the Records Management and Archives Office, including all (Medical Services) Divisions, is found to be exposed to chemical hazard, in performing its actual duties and responsibilities;<sup>[6]</sup> that all the employees of the Records Management and Archives Office at T.M. Kalaw St., Manila are at risk of developing respiratory illnesses due to their direct/indirect exposure to dust, biological hazards (such as fungi, yeast, etc.) producing noxious odor emanating from ancient files/vends which are preserved; that they are exposed to chemicals usually used as preservatives;<sup>[7]</sup> and, that the employees of the Records Management and Archives Office, Region XI, Davao City are at risk/danger to their health and safety due to the following findings/observations:

1. Risk from exposure to dangerous, noxious odors/toxic chemicals/gas in the conduct of processing, pressuring and fumigation of old files and records; and,
2. Risk from exposure to biological hazards and other substances like dust, molds, ticks, silver fish and other insect and vectors located in the ill-ventilated and cramped workplace.<sup>[8]</sup>

A review of the findings of facts of the CA and the agencies *a quo* fails to show that the respondent discharged his burden of proof, under the measure of substantial evidence, that his working conditions increased the risk of contracting Rheumatic Heart Disease. In particular, the records show no medical information establishing the etiology of Rheumatic Heart Disease that would enable this Court to evaluate whether there is causal relation between the respondent's employment and his illness.

In *Government Service Insurance System v. Court of Appeals*,<sup>[9]</sup> this Court