

## **FIRST DIVISION**

**[ G.R. No. 142392, September 26, 2000 ]**

**DOMINGA A. SALMONE, PETITIONER, VS. EMPLOYEES'  
COMPENSATION COMMISSION AND SOCIAL SECURITY SYSTEM,  
RESPONDENTS.**

### **D E C I S I O N**

**PARDO, J.:**

The case before the Court is an appeal via certiorari from the decision<sup>[1]</sup> of the Court of Appeals dismissing petitioner's appeal from the decision of the Employees' Compensation Commission<sup>[2]</sup> affirming the denial by the Social Security System of her claim for compensation benefits under P. D. No. 626, as amended.

The Employees' Compensation Commission denied petitioner's claim because there was no substantial evidence showing that her illness--atherosclerotic heart disease, atrial fibrillation and cardiac arrhythmia--was occupational or work-connected in her position for fourteen (14) years as overall custodian and officer in charge of the sewing department (of her employer Paul Geneve Entertainment Corporation), in constant exposure to physical stress and emotional and psychological pressure causing chest pains and bouts of cardiac arrhythmia.

The facts, as found by the Court of Appeals, are as follows:

"Sometime in 1982, the Petitioner was employed as sewer by the Paul Geneve Entertainment Corporation, a corporation engaged in the business of sewing costumes, gowns and casual and formal dresses. She was later promoted as the officer-in-charge and the over-all custodian in the Sewing Department, more particularly the procurement of all the materials needed by the Sewing Department as well as insuring the quality of the products from the sewing department.

"Sometime in the early part of 1996, Petitioner started to feel chest pains. In April, 1996, she filed a leave of absence from work as the chest pains became unbearable. Per results of Petitioner's Medical examination conducted by Dr. Claudio Saratan, Jr., Medical Specialist I, holding clinic at the Manila Sanitarium in Pasay City, and in St. Claire's Hospital at Dian Street corner Boyle, Manila, Petitioner was found suffering from Atherosclerotic heart disease, Atrial Fibrillation, Cardiac Arrhythmia (Annex "D", Petition). Upon recommendation of her doctor, Petitioner resigned from her work hoping that with a much-needed complete rest, she will be cured.

"Petitioner later filed a disability claim with the SSS from the Employees' Compensation Fund, under Presidential Decree No. 626, as amended.

The SSS denied Petitioner's claim. The Petitioner filed on August 27, 1998, a "Motion for Reconsideration" with the SSS but the latter denied Petitioner's motion. Dissatisfied, the Petitioner appealed from the said Decision to the Public Respondent. On January 15, 1999, the Public Respondent rendered a Decision denying her appeal, the decretal portion of which reads:

"WHEREFORE, the decision of the respondent System appealed from is hereby AFFIRMED, and this case DISMISSED for want of merit." (at p. 28, Rollo)

"Petitioner filed on March 9, 1999, a "*PETITION FOR REVIEW*" under Rule 43 of the 1997 Civil Procedure with a "*MOTION TO LITIGATE AS PAUPER LITIGANT*". On March 18, 1999, this Court granted the Petitioner's "Motion to Litigate as Pauper" and ordered the Public Respondent to file its Comment on the Petition. The Public Respondent did file its Comment on the Petition.

"The Petitioner insists in her Petition at bench that the nature of her employment and the working conditions in her place of employment exacerbated the risks of contracting Atherosclerotic Heart disease, Atrial Fibrillation, Cardiac arrhythmia. Hence, the Public Respondent committed a reversible error in finding and declaring that Petitioner did not contract the disease that bedeviled her due to her work and working conditions and that Petitioner's nature of employment did not predispose her to contract the disease and, hence, the Petitioner was not entitled to her claim."<sup>[3]</sup>

On October 25, 1998, the Court of Appeals promulgated its decision dismissing the petition, ruling that petitioner's illness was not compensable because petitioner failed to adduce substantial evidence proving any of the conditions of compensability.<sup>[4]</sup>

Hence, this appeal.<sup>[5]</sup>

The issues in this appeal are whether petitioner's illness is compensable, as work-related, and whether there was sufficient evidence of compensability.

We reverse the appealed decision. Petitioner's illness is compensable.

"Under the Labor Code, as amended, the law applicable to the case at bar, in order for the employee to be entitled to sickness or death benefits, the sickness or death resulting therefrom must be or must have resulted from either (a) any illness definitely accepted as an occupational disease listed by the Commission, or (b) any illness caused by employment, subject to proof that the risk of contracting the same is increased by working conditions."<sup>[6]</sup> In other words, "for a sickness and the resulting disability or death to be compensable, the said sickness must be an occupational disease listed under Annex "A" of said Rules,<sup>[7]</sup> otherwise, the claimant or employee concerned must prove that the risk of contracting the disease is increased by the working condition."<sup>[8]</sup>