

FIRST DIVISION

[G.R. No. 136453, September 21, 2000]

**PETRITA Y. BONILLA, PETITIONER, VS. COURT OF APPEALS,
GOVERNMENT SERVICE INSURANCE SYSTEM (GSIS) AND
EMPLOYEES' COMPENSATION COMMISSION, RESPONDENTS.**

D E C I S I O N

PARDO, J.:

The case before the Court is an appeal *via* certiorari from the decision of the Court of Appeals that denied petitioner's appeal from the decision of the Employees' Compensation Commission affirming the denial by the Government Service Insurance System of her claim for compensation benefits under P. D. No. 626, as amended. The Government Service Insurance System denied petitioner's claim because her illness--"Rhegmatogenous Retinal Detachment, OD"--is neither listed as an occupational ailment nor work connected or the risk of contracting it was increased by the nature of her employment.^[1]

The facts, taken from the findings of the Court of Appeals, are as follows:

Petitioner was born on March 2, 1941, in Cantilan, Surigao del Sur. She joined the government service on June 05, 1959, as stenographer in the Court of First Instance, Surigao City. On August 11, 1970, she transferred to the Court of First Instance of Manila, where she served as court stenographer until 1987.

On August 03, 1987, she transferred to the Senate of the Philippines as Legislative Staff Officer IV, and on July 01, 1989, she was promoted to her present position of Legislative Staff Officer V.

During the first week of April 1995, she experienced sudden blurring of vision on her right eye. On April 28, 1995, she underwent "Scleral Buckling surgery, OD" and was discharged on April 30, 1995, with the following diagnosis: "Rhegmatogenous retinal detachment, OD."^[2]

On June 08, 1995, petitioner filed with the Government Service Insurance System a claim for compensation benefits under P. D. No. 626, as amended.

On June 15, 1995, the Government Service Insurance System denied the claim on the ground that her ailment was not an occupational disease, and neither was there any showing that her position as Legal (sic) Staff Officer V at the Senate, Manila had increased the risk of contracting said ailment.^[3]

On July 12, 1995, petitioner underwent "cryopexy of retinal break, OS" after which she was diagnosed suffering from "Latice Degeneration with silent retinal break,

OS".^[4]

On appeal to the Employees' Compensation Commission, on January 26, 1996, the latter affirmed the ruling holding that petitioner's ailment was not precipitated by her employment as the etiology of her ailment points to degenerative changes in each eye which means that said ailment is degenerative in nature and not inherent among legal officers.^[5]

Petitioner appealed to the Court of Appeals *via* petition for review.^[6]

On July 28, 1998, the Court of Appeals promulgated its decision denying the petition, ruling that petitioner has not come up with relevant evidence to substantiate her submission that her ailment is work connected or related to qualify her for employee compensation benefits under P. D. No. 626, as amended.^[7]

Hence, this appeal.^[8]

At issue in this appeal is whether petitioner's illness is work connected or the risk of contracting the ailment was increased by the working conditions so as to entitle her to compensation for total partial disability under P. D. No. 626, as amended.

We rule that petitioner's illness is work-connected and thus compensable. We reverse the appealed decision.

Presidential Decree No. 626, as amended, under which petitioner seeks compensation benefits 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."^[9]

"Rhegmatogenous Retinal Detachment" from which petitioner suffered is not listed as an occupational disease. However, this will not bar petitioner's claim for benefits under the law if claimant adduces substantial evidence that the risk of contracting the illness is increased by the working conditions to which an employee is exposed to. In short, petitioner must show proof of reasonable work-connection of the ailment and her employment.^[10]

In this case, petitioner has shown by uncontroverted evidence that since 1988, in the course of her employment with the Senate as Legislative Staff Officer V, not Legislative Legal Officer, as stated by the Government Service Insurance System in denying her claim, she suffered from hypertension caused by stress and tension during employment as court stenographer and legislative staff officer, which is an admitted cause of retinal detachment.^[11] Consequently, the very nature of petitioner's ailment substantiates its work connection and increased risk. Reasonable work connection suffices for compensability. Probability, not certainty is the touchstone.^[12]

Consequently, the Court of Appeals erred in ruling that there was no relevant evidence supporting the finding that petitioner's illness was a disease proven as work connected or the risk of contracting the disease was increased by her working