

## SECOND DIVISION

[ G.R. No. 189574, July 18, 2014 ]

**ESTRELLA D. S. BAÑEZ, PETITIONER, VS. SOCIAL SECURITY SYSTEM AND DE LA SALLE UNIVERSITY, RESPONDENTS.**

### DECISION

**PEREZ, J.:**

In this Petition for Review on *Certiorari* under Rule 45 of the Rules of Court, Estrella Bañez (petitioner) assails the 4 November 2008 Resolution<sup>[1]</sup> of the Court of Appeals in CA-G.R. SP No. 103693, which dismissed her petition and affirmed the denial of her claim for death benefits by the Employees' Compensation Commission (ECC) in its 4 April 2008 Decision.<sup>[2]</sup> Likewise subject of the petition is the 10 September 2009 Court of Appeals' Resolution<sup>[3]</sup> which denied petitioner's motion for reconsideration.

The undisputed facts are as follow:

Baylon R. Bañez (Baylon), the husband of petitioner, was employed by De La Salle University (DLSU) on 19 July 1967. From 25 January 1991 to 26 August 2006, Baylon worked as a Laboratory Technician at the Chemistry Department of DLSU. Some of his duties and responsibilities, as described in his Certificate of Employment, were:

1. Primarily assigned to the operation of College of Science Chemistry Laboratories and stockrooms x x x;

x x x x

2. Preparing reagents and other laboratory materials before each assigned laboratory class(es) and dispensing them during classes even if on leave, prepares the reagents ahead of time;

x x x x

8. Maintaining cleanliness and general order in the stockrooms x x x;

9. Check[ing] and monitoring the continuous supply of fuel gas x x x;

x x x x

10. Facilitat[ing] the movement of gas order cylinders during installation and receiving the same in good condition;

x x x x

15. Handl[ing] the inventory of laboratory stocks (e.g. chemicals, glassware, apparatus, laboratory consumables, laboratory fixtures and furniture) x x x.<sup>[4]</sup>

From 9-15 April 2006, Baylon was confined at Manila Doctors Hospital due to fever, weakness, dysuria and flank pains. He was diagnosed to be suffering from urinary tract infection.<sup>[5]</sup> About a month later or on 18 May 2006, he was confined again for seven (7) days for functional dyspepsia.<sup>[6]</sup> On 9 June 2006, he was admitted at the Medical Center Manila on complaints of vomiting and weakness. He was diagnosed to be suffering from *Systemic Lupus Erythematosus* (SLE).

On 30 July 2006, Dr. Erle S. Castillo (Dr. Castillo) prepared a clinical abstract/toxicologic assessment on Baylon and she stated that "based on the occupational history of the patient, x x x the probability of a chemically induced disease [cannot be discounted]."<sup>[7]</sup>

On 9 August 2006, Baylon was again admitted at the Medical Center Manila before he succumbed to the complications of his disease on 27 August 2006. He died of SLE with *Auto-Immune Hemolytic Anemia*, *SLE Nephritis*, *SLE Vasculitis* and *Thrombocytopenia* Secondary to SLE.<sup>[8]</sup>

On 30 October 2006, Baylon's attending physician, Dr. Dennis Torres (Dr. Torres), issued a Medical Certificate stating that Baylon "who was confined and expired in Medical Center Manila for *Systemic Lupus Erythematosus* may have been precipitated by the chronic exposure to chemicals which is an occupational hazard in his performance of being a laboratory technician."<sup>[9]</sup>

Based on medical opinions of Dr. Castillo and Dr. Torres, petitioner filed a claim for death benefits under the Employees' Compensation Law before the Social Security System (SSS).

On 21 September 2007, SSS denied petitioner's claim on two grounds: 1) the cause of death, cardiac complication of SLE, is not considered work-related; and 2) SLE is not included in the list of occupational diseases.<sup>[10]</sup>

Petitioner appealed SSS's denial of her claim with the ECC. On 4 April 2008, the ECC affirmed the denial of death benefits by the SSS. In denying the claim, the ECC delved into the nature of SLE and found that, "SLE is caused by a genetic tendency to mount an abnormal immune response against one's own tissues or organs leading to their destruction or malfunction. The said disease is diagnosed by its characteristic clinical presentation and by DNA studies."<sup>[11]</sup>

Petitioner impugned the findings of the ECC in a Petition for Review before the Court of Appeals. Petitioner initially moved for a 30-day extension to file a petition for review due to absence of counsel and pending acceptance of her case by the UP Office of Legal Aid. The Court of Appeals granted a 15-day extension so petitioner had until 15 June 2008 to file her petition for review.<sup>[12]</sup> She filed the same on 4

July 2008.

In a Resolution dated 4 November 2008, the Court of Appeals dismissed the petition for review because it was filed out of time.

In the instant petition, petitioner explains that the petition for review before the Court of appeals was filed beyond the 15-day extension period because she was in the process of obtaining free legal assistance in the preparation of her appeal and she only received the Resolution of the Court of Appeals giving her only 15 days or until 15 June 2008 to file her petition on 26 June 2008. Petitioner urges the Court to relax the rules and dispose the case on the merits.

Petitioner argues in the main that the work of her husband as a Chemistry Laboratory Technician which involved chronic exposure to chemicals might have precipitated the latter's illness and eventual death. Petitioner presented the Toxicologic Assessment made by Dr. Castillo, as well as the Medical Certificate prepared by Dr. Torres to support her claim. She insisted that the medical opinions of the two physicians, based on medical records and findings, constitute substantial evidence to back up her claim. She pointed out that the ECC should not have disregarded medical records and opinions solely on the ground that the nature of the illness was auto-immune. Citing jurisprudence, petitioner contends that medical opinion to the contrary can be disregarded especially when there is some basis in facts for inferring a work-connection.

DLSU filed its Comment praying for the dismissal of the petition on grounds of lack of jurisdiction and lack of cause of action. DLSU argues that it never participated in the proceedings and was never served summons in any form or manner or even apprised of any claim, motion or decision whether in the SSS, ECC or the Court of Appeals. Moreover, DLSU claims that petitioner's claim for death benefits was directed towards the SSS with no allegation of any responsibility that DLSU may have for the same.

In its Comment, SSS defends the appellate court's decision to dismiss the appeal, in that the perfection of appeal in the manner and within the period prescribed by the rules is not only mandatory but jurisdictional. SSS maintains that there is no probability, much less certainty, of establishing a causal relation between the disease in question which cause the subject member's death and his actual duties during his employment. SSS asserts that petitioner failed to show relevant evidence to establish a causal relationship.

There is no merit in the petition.

Petitioner received a copy of the Decision on 16 May 2008. Thus, she had until 31 May 2008 to file her petition. Instead, petitioner filed a motion for extension of 30 days from 31 May 2008 within which to file her petition. The Court of Appeals granted petitioner a mere 15-day extension pursuant to Section 4, Rule 43<sup>[13]</sup> of the Rules of Court, thus:

However, in the interest of justice, the Court resolved to grant the petitioner-appellant a non-extendible period of fifteen days from May 31,

2008 or until June 15, 2008 within which to file her intended petition for review, otherwise, the instant case shall be dismissed.<sup>[14]</sup>

Petitioner had until 15 June 2008 to file her petition. Petitioner filed the petition only 4 July 2008. Even if the reckoning point is the extended period, the petition was filed out of time. The Court of Appeals simply applied the rule.

It is doctrinally entrenched that appeal is not a constitutional right, but a mere statutory privilege. Hence, parties who seek to avail themselves of it must comply with the statutes or rules allowing it.<sup>[15]</sup> The rule is that failure to file or perfect an appeal within the reglementary period will make the judgment final and executory by operation of law. Perfection of an appeal within the statutory or reglementary period is not only mandatory but also jurisdictional; failure to do so renders the questioned decision/resolution final and executory, and deprives the appellate court of jurisdiction to alter the decision/resolution, much less to entertain the appeal.<sup>[16]</sup> Filing of an appeal beyond the reglementary period may, under meritorious cases, be excused if the barring of the appeal would be inequitable and unjust in light of certain circumstances therein.<sup>[17]</sup>

While there are instances when the Court has relaxed the governing periods of appeal in order to serve substantial justice, this was done only in exceptional cases.<sup>[18]</sup> We find no compelling reason to justify the filing of the petition for review before the Court of Appeals beyond the reglementary period.

Just as significant, even if we grant petitioner's prayer for a ruling on the merits of the case, denial of the petition cannot be avoided.

The findings of fact of the SSS are supported by substantial evidence and affirmed by the ECC and the Court of Appeals. This Court is not a trier of facts. The Court accords great weight to the factual findings of lower courts or agencies whose function is to resolve factual matters. It is not for the Court to weigh evidence all over again. Moreover, findings of fact of administrative agencies and quasi-judicial bodies, which have acquired expertise because their jurisdiction is confined to specific matters, are generally accorded not only respect but finality when affirmed by the Court of Appeals.<sup>[19]</sup>

In order for the beneficiary of an employee to be entitled to death benefits under the SSS, the cause of death of the employee must be a sickness listed as an occupational disease by ECC; or any other illness caused by employment, subject to proof that the risk of contracting the same is increased by the working conditions.<sup>[20]</sup>

It is undisputed that SLE is not listed as an occupational disease under Annex "A" of the Rules on Employees' Compensation. Thus, petitioner has to prove by substantial evidence the causal relationship between her husband's illness and his working conditions.

For petitioner's claim to prosper, she must submit such proof as would constitute a reasonable basis for concluding either that the conditions of employment caused her husband's ailment or that such working conditions had aggravated the risk of