

FIRST DIVISION

[G.R. No. 176832, May 21, 2009]

**GOVERNMENT SERVICE INSURANCE SYSTEM, PETITIONER, VS.
MARIAN T. VICENCIO, RESPONDENT.**

DECISION

PUNO, C.J.:

This is a Petition for Review on Certiorari^[1] under Rule 45 of the Rules of Court seeking to reverse and set aside the Decision^[2] of the Court of Appeals (CA) in CA-GR SP No. 74790 which set aside the Decision^[3] of the Employees' Compensation Commission (ECC) in ECC Case No. GM-14245-702. The ECC denied respondent Marian T. Vicencio's (Mrs. Vicencio's) claim for the death benefits of her husband, the late Judge Honorato S. Vicencio (Judge Vicencio).

The facts are established.

Judge Vicencio entered government service in 1964 as a Legal Researcher of the Development Bank of the Philippines (DBP). In 1966, after passing the bar examinations, he became an Assistant Attorney. He rose from the ranks until he was promoted to Senior Bank Attorney, which position he held until his retirement from DBP in 1985.

In 1987, Judge Vicencio re-entered government service as Assistant Fiscal for the City of Manila. In 1992, he was appointed as Judge of Branch 27, Metropolitan Trial Court of Manila. In 1999, he was appointed as Regional Trial Court (RTC) Judge of Branch 17, Manila and served as such until his death in 2001.

Records^[4] show that on November 30, 2000, Judge Vicencio suffered loss of consciousness due to pericardial effusion. He was admitted at the Makati Medical Center where he was diagnosed with Adenocarcinoma of the Left Lung with Metastases to Pericardium. He underwent intravenous chemotherapy. He was confined from November 30, 2000 to May 7, 2001.

On May 31, 2001, Judge Vicencio died. Per his Death Certificate,^[5] the immediate cause of his death was Cardiopulmonary Arrest, and the antecedent cause was T/C Fatal Arrhythmia. No underlying cause of death was indicated in his Death Certificate. He was survived by his wife, respondent Mrs. Vicencio, and daughter, Mary Joy Celine Vicencio.

Respondent Mrs. Vicencio applied for the death benefits of her late husband with petitioner Government Service Insurance System (GSIS) but her application was denied by Mr. Marcelino S. Alejo, Manager of the GSIS Employees Compensation Department, on the ground that the illness which caused Judge Vicencio's death is

not considered an occupational disease and there is no showing that his work as RTC Judge has increased his risk of contracting said ailment.^[6] Respondent Mrs. Vicencio filed a motion for reconsideration, but the same was denied.^[7]

On June 17, 2002, respondent Mrs. Vicencio appealed to the ECC but the same was dismissed.^[8]

Respondent Mrs. Vicencio filed a petition for review under Rule 43 of the Rules of Court with the CA. The CA reversed and set aside the Decision of the ECC as follows:

WHEREFORE, premises considered, this Petition is **GRANTED**. The Decision of the Employees Compensation Commission, dated November 6, 2002, in ECC Case No. GM-14245-702 is hereby **REVERSED** and **SET ASIDE**. The GSIS is **ORDERED** to grant the claim for the death benefits of Judge Honorato S. Vicencio under the *Employees Compensation Act*. No costs.^[9]

Petitioner GSIS filed a motion for reconsideration, but the same was denied by the CA in its Resolution dated February 26, 2007.^[10]

Hence, this Petition.

The sole issue is whether or not respondent Mrs. Vicencio's claim for death benefits under Presidential Decree No. 626 (P.D. No. 626), as amended, is compensable.

Petitioner GSIS argues that based on the medical records in this case, Judge Vicencio's underlying cause of death was Adenocarcinoma of the Lungs with Metastases. According to petitioner GSIS, the cause of death stated in his Death Certificate, Cardiopulmonary Arrest T/C Fatal Arrhythmia, was a mere complication of his lung cancer. However, the attending physician did not fill up the portion on the Death Certificate to indicate that the underlying cause (which was left in blank) was Adenocarcinoma of the Lungs with Metastases. Adenocarcinoma of the Lungs is not an occupational disease listed under the law. Pursuant to Annex "A" of the Amended Rules on Employees' Compensation, lung cancer is occupational only with respect to vinyl chloride workers and plastic workers. According to petitioner GSIS, respondent Mrs. Vicencio failed to show by substantial evidence that the risk of contracting the same was increased by his working conditions.

On the one hand, respondent Mrs. Vicencio contends that per the Death Certificate of her husband, the cause of his death was Cardiopulmonary Arrest T/C Fatal Arrhythmia. According to respondent Mrs. Vicencio, the CA correctly found that the requisites for cardiovascular disease to be compensable under paragraph (r) of ECC Resolution No. 432^[11] were satisfied; hence, the death of her husband is compensable.

Respondent Mrs. Vicencio adds that assuming only lung cancer was the cause of death of her husband, the same is still compensable. She argues that the CA correctly held that the nature of work and the corresponding difficulties brought about by Judge Vicencio's duties and work contributed to the development of his illness.

We affirm the decision of the CA.

P.D. No. 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." Under Section 1 (b), Rule III, of the Amended Rules on Employees' Compensation, for the sickness and the resulting disability or death to be compensable, the same must be an "occupational disease" included in the list provided (Annex "A"), with the conditions set therein satisfied; otherwise, the claimant must show proof that the risk of contracting it is increased by the working conditions. Otherwise stated, for sickness and the resulting death of an employee to be compensable, the claimant must show either: (1) that it is a result of an occupational disease listed under Annex "A" of the Amended Rules on Employees' Compensation with the conditions set therein satisfied; or (2) if not so listed, that the risk of contracting the disease is increased by the working conditions.

First, we hold that the CA correctly considered Cardiopulmonary Arrest T/C Fatal Arrhythmia in this case a cardiovascular disease - a listed disease under Annex "A" of the Amended Rules on Employees' Compensation.

The Death Certificate of Judge Vicencio clearly indicates that the cause of his death is Cardiopulmonary Arrest T/C Fatal Arrhythmia. Whether, however, the same was a mere complication of his lung cancer as contended by petitioner GSIS or related to an underlying cardiovascular disease is not established by the records of this case and, thus, remains uncertain.

It must be remembered that P.D. No. 626, as amended, is a social legislation whose primordial purpose is to provide meaningful protection to the working class against the hazards of disability, illness and other contingencies resulting in the loss of income. Thus, the official agents charged by law to implement social justice guaranteed by the Constitution should adopt a liberal attitude in favor of the employee in deciding claims for compensability especially where there is some basis in the facts for inferring a work-connection with the illness or injury, as the case may be. It is only this kind of interpretation that can give meaning and substance to the compassionate spirit of the law as embodied in Article 4 of the New Labor Code which states that all doubts in the implementation and interpretation of the provisions of the Labor Code including their implementing rules and regulations should be resolved in favor of labor.^[12]

Guided by this policy, we therefore hold that Cardiopulmonary Arrest T/C Fatal Arrhythmia, the cause of death stated in Judge Vicencio's Death Certificate, should be considered as a cardiovascular disease - a listed disease under Annex "A" of the Amended Rules on Employees' Compensation.

Considering the stress and pressures of work inherent in the duties of a judge and it was established that Judge Vicencio was doing work in his office a few days immediately before the moment of his cardiac arrest,^[13] we sustain the findings of the CA that the requisites for cardiovascular disease to be compensable under paragraph (r) of ECC Resolution No. 432 are satisfied in the case at bar.