

FIRST DIVISION

[G.R. No. 148308, September 21, 2007]

ROBERTO D. DEBAUDIN, PETITIONER, VS. SOCIAL SECURITY SYSTEM (SSS) AND EMPLOYEES COMPENSATION COMMISSION (ECC), RESPONDENTS.

D E C I S I O N

AZCUNA, J.:

This petition for *certiorari* under Rule 45 of the Rules on Civil Procedure seeks to review the August 17, 1999 Decision^[1] and May 18, 2001 Resolution^[2] of the Court of Appeals (CA) in CA-G.R. SP No. 44670 which affirmed respondents Social Security System (SSS) and Employees Compensation Commission (ECC) in denying petitioner's claim for compensation benefits under Presidential Decree (P.D.) No. 626, as amended.

Petitioner is a seaman by profession. He joined the United Philippine Lines (UPL) on April 13, 1975 and was separated from his employment on May 21, 1993 at the age of 62.^[3]

During his eighteen (18) years of service with UPL, he boarded various foreign ocean-going vessels^[4] while performing his duties and responsibilities that included cleaning chemical-spill-oil on deck, slat dislodging, and spraying naphtha chemical and washing dirt and rusts inside the tank.

Petitioner's medical record shows that his illness started in May 1993 when he experienced episodes of bilateral blurring of vision. While in Singapore then, he consulted Dr. Richard F.T. Fan, an ophthalmic surgeon, and he was diagnosed to be suffering from advanced glaucoma.^[5] His condition recurred even after his separation from service, prompting him to seek further eye consultations and treatments in the Philippines.^[6] His eye disease was finally diagnosed as chronic open angle glaucoma.^[7]

On account of his ailment, petitioner filed before the SSS a claim for compensation benefits under P.D. No. 626, as amended. The application, however, was denied on the ground that there is no causal relationship between the illness and his job as a seaman.^[8] When his motion for reconsideration was also denied, petitioner elevated the case to the ECC which later on affirmed the assailed decision. The ECC ratiocinated, thus:

Following a careful review of the documents on record, the Commission is inclined to rule against the compensability of [petitioner's] ailment. The present employees compensation program, which is embodied in P.D. 626, as amended, requires[,] and we quote, that:

"For the sickness and the resulting disability or death to be compensable, the sickness must be the result of an occupational disease listed under Annex "A" of these Rules with the conditions set therein satisfied, **otherwise, proof must be shown that the risk of contracting the disease is increased by the working conditions**" (Rule III, Section 1[b] of the Implementing Rules of P.D. 626, as amended)

Definitely, [petitioner's] Chronic Open Angle Glaucoma is not an occupational disease under the law. Thus, he is required to show by substantial evidence that the nature of his job as a Seaman had increased the risk of contracting the disease. However, appellant failed to discharge the burden of proof required by the law.

Based on medical findings, Open Angle Glaucoma arises as a complication of chronic obstruction of aqueous humor reabsorption in the trabecular meshwork. It is usually asymptomatic and only rarely causes ocular pain or corneal edema. The treatment is primarily medical. Surgery to prevent permanent visual loss is necessary in only a minority of patients (Ref.: Harrison's Principles of Internal Medicine, 11th edition, p. 71).

As suggested by the foregoing medical findings, the cleaning of chemical-spill-oil on deck and the spraying of [naphtha] chemical inside the tank were not predisposing factors in the contraction of Open Angle Glaucoma. Thus, we believe that the respondent System correctly ruled against the compensability of [petitioner's] ailment.^[9]

An appeal from the adverse decision was filed before the CA.^[10] On August 17, 1999, however, the petition was denied due course and the CA accordingly dismissed the case on the ground that petitioner failed to adduce substantial evidence supporting the conclusion that the working conditions as a seaman increased the risk of contracting his chronic open angle glaucoma.^[11]

Petitioner's motion for reconsideration was subsequently denied;^[12] hence, this recourse.

The lone issue presented for consideration is whether the work of petitioner as a seaman contributed even in a small degree in or had increased the risk of contracting his chronic open angle glaucoma.^[13]

While petitioner admits that chronic open angle glaucoma is not one of those listed as occupational diseases under the law he nonetheless maintains that the cause of glaucoma is still unknown and predisposition thereto is due to both physical and emotional factors. In his case, petitioner asserts that he had been exposed to these elements for 18 years during his employment. He claims that as a utility staff he performed odd jobs without fail such as cleaning chemical-spill-oil on deck, slat dislodging, and spraying naphtha chemical and washing dirt and rusts inside the tank. According to him, these strenuous tasks required climbing, bending over and running for so many times - acts which a medical book considered as contributory factors that would increase intraocular pressure which causes glaucoma. Aside from

the physical demands of the job, petitioner contends that he was also subjected to emotional strains of going through the perils of the sea and homesickness for being away from his family during the entire duration of the contracts. He, thus, alleges that his employment as a seaman contributed, even in a small degree, to the development of his ailment.

In fine, petitioner stresses that, as a social legislation, P.D. No. 626, as amended, should be interpreted to give meaning and substance to the liberal and compassionate spirit of the 1987 Constitution and the Labor Code.

The petition lacks merit.

Under the Labor Code, as amended, an employee is entitled to compensation benefits if the sickness is a result of an occupational disease listed under Annex "A" of the Rules on Employees' Compensation; or in case of any other illness, if it is caused by employment, subject to proof that the risk of contracting the same is increased by the working conditions.^[14] This is as it should be because for an illness to be compensable, it must be (1) directly caused by such employment; (2) aggravated by the employment; or (3) the result of the nature of such employment.^[15] Jurisprudence provides that to establish compensability of a non-occupational disease, reasonable proof of work-connection and not direct causal relation is required.^[16] It is enough that the hypothesis on which the workmen's claim is based is probable.^[17] Probability, not the ultimate degree of certainty, is the test of proof in compensation proceedings^[18] since in carrying out and interpreting the provisions of the Labor Code and its implementing rules and regulations the primordial and paramount consideration is the employees' welfare.

In the present case, petitioner's chronic open angle glaucoma is not listed as an occupational disease; hence, he has the burden of proving by substantial evidence, or such relevant evidence which a reasonable mind might accept as adequate to justify a conclusion, that the nature of his employment or working conditions increased the risk of contracting the ailment or that its progression or aggravation was brought about thereby.

Perusal of the records, however, regrettably reveals petitioner's failure to adduce any proof of a reasonable connection between his work as a seaman and the chronic open angle glaucoma he had contracted. At the most, he merely claims that he performed odd jobs without fail - cleaning chemical-spill-oil on deck, slat dislodging, and spraying naphtha chemical and washing dirt and rusts inside the tank - strenuous tasks which according to him required climbing, bending over and running for so many times. Adding thereto were the perils of the sea and the homesickness he said he experienced which allegedly caused emotional strains on his part.

Other than positing the foregoing, petitioner presented no competent medical history, records or physician's report to objectively substantiate the claim that there is a reasonable nexus between his work and his ailment. Without saying more, his bare allegations do not *ipso facto* make his illness compensable. Awards of compensation cannot rest on speculations or presumptions. The claimant must present concrete evidence to prove a positive proposition.^[19]

The necessity of establishing the supposed work connection is all the more crucial in