

FIRST DIVISION

[G.R. NO. 156023, October 18, 2007]

GOVERNMENT SERVICE INSURANCE SYSTEM, PETITIONER, VS. VICTORIOUSA B. VALLAR, RESPONDENT.

DECISION

SANDOVAL-GUTIERREZ, J.:

For our resolution is the instant Petition for Review on *Certiorari* seeking to reverse the Decision^[1] of the Court of Appeals (Second Division) promulgated on November 15, 2002 in CA-G.R. SP No. 69620.

The undisputed facts are:

From 1991 to 1996, former Judge Teotimo Vallar presided over the Municipal Circuit Trial Court (MCTC) of Catarman-Sagay, Camiguin Province.

During his tenure, Judge Vallar suffered chronic obstructive pulmonary disease (COPD). From December 12, 1995 to January 6, 1996, he was confined at the Cebu Doctors Hospital, Cebu City due to "*neuromyelitis optica: pneumothorax*" secondary to "*bullous emphysema*."

From January 8 to January 24, 1996, Judge Vallar was hospitalized anew, this time at the Cebu Velez General Hospital, Cebu City as he was afflicted with "*ascending traverse myelitis*" and COPD.

On July 4, 1996, Judge Vallar passed away at the age of sixty-six (66). The cause of death was "*bronchopneumonia secondary to paraplegia: neuromyelitis*."

His surviving spouse, Victoriousa Vallar, convinced that her husband's ailment was work-related, filed a claim for death benefits with the Government Service Insurance System (GSIS) pursuant to Presidential Decree (P.D.) No. 626, as amended.^[2] However, the GSIS, in its Decision dated December 18, 2001, denied her claim for lack of substantial evidence to prove that the cause of his death was work-connected.

On appeal by Victoriousa, the Employees Compensation Commission (ECC) rendered a Decision affirming the GSIS judgment.

Victoriousa elevated the matter to the Court of Appeals by way of a petition for review under Rule 43 of the 1997 Rules of Civil Procedure, as amended.

On November 15, 2002, the Court of Appeals rendered its Decision reversing that of the ECC, thus:

Premises considered, the petition is GRANTED. The decision of the ECC is reversed and set aside. The petitioner and the legitimate children of the decedent Teotimo Vallar are hereby awarded full benefits pursuant to the provisions of Presidential Decree No. 626, as amended.

SO ORDERED.

In granting respondent's claim, the Court of Appeals held:

Petition is well-taken.

Contrary to the assertion of the respondent, we acquiesce with petitioner's contention that the risk exposed to her spouse in contracting neuromyelitis optica, the underlying decedent's illness, was triggered by environmental work conditions.

Pursuant to the provision of the law on employee's compensation, also known as P.D. 626, reasonable work connection suffices for compensability. Probability, not certainty is the touchstone (*Bonilla v. CA*, 340 SCRA 764, 21 September 2000)

Neuromyelitis optica or also known as Devic's disease is a disorder, the spinal cord (usually, but not invariably, in the thoracic region) and the optic nerves or chiasm are affected by demyelinating lesions in close temporal association (William Weiner, *Emergent and Urgent Neurology*, Philadelphia: J.B. Lippincott Co., 1992, p. 346).

The clinical picture is one of unilateral or bilateral visual impairment together with paraparesis or paraplegia (paralysis of lower limbs due to injuries of spinal cord (J.P. Chaplin, *Dictionary of Psychology*, (2nd Edition), 1985) and a sensory level. Visual impairment may progress rapidly over a course of several hours. Spinal cord involvement manifests as transverse myelitis (William Weiner, *Emergent and Urgent Neurology*, Philadelphia: J.B. Lippincott Co., 1992, *supra*). Transverse Myelitis is the inflammation of the whole cross-sectional area of the cord (Raymund Adams, Maurice Victor and Allan H. Ropper, *Principles of Neurology*, (6th edition), New York: McGraw-Hill, 1997, p. 1237). The pathogenesis of this disease is disordered immune response to an infection rather than the direct effect of an infectious agent (Raymund Adams, Maurice Victor and Allan H. Ropper, *Principles of Neurology*, [6th edition], New York).

It is of judicial notice that the judiciary is beset with the gargantuan task in unclogging dockets, not to mention the shortage of judges occupying positions in far flung areas such as in the herein case. Apart from presiding in the trial of cases, justices and judges are required to resolve the same within a prescribed period mandated by law.

In the case at bar, the decedent was compelled to render constant overtime work in order to study and formulate decisions. The petitioner described her husband's routine as MCTC Judge of Camiguin in the following manner: