

## THIRD DIVISION

[ G.R. No. 132558, May 09, 2000 ]

### **BEBERISA RIÑO, PETITIONER, VS. EMPLOYEES COMPENSATION COMMISSION AND SOCIAL SECURITY SYSTEM, RESPONDENTS.**

#### **D E C I S I O N**

##### **PANGANIBAN, J.:**

Death benefits under the Labor Code, as amended, are awarded only when the cause of death is listed as an occupational disease by the Employees' Compensation Commission, or when the claimant presents proof that the working conditions increased the risk of contracting the fatal disease.

##### **The Case**

Before us is a Petition for Review on Certiorari under Rule 45 of the Rules of Court seeking to set aside the June 30, 1997 Decision<sup>[1]</sup> of the Court of Appeals (CA)<sup>[2]</sup> in CA-GR SP No. 41257. The dispositive portion of the challenged CA Decision reads:

"WHEREFORE, the decision of the Employees' Compensation Commission is AFFIRMED, and the petition DISMISSED."<sup>[3]</sup>

The Decision of the Employees' Compensation Commission (ECC) affirmed by the CA disposed as follows:

"Based on the foregoing medical findings, it would appear that the etiology of deceased's ailment which caused his death is not attributable to his employment. Since the ailment is not deemed work-connected, the instant claim for death benefits cannot be given due course.

"WHEREFORE, the decision of the respondent Social Security System appealed from is hereby AFFIRMED, and the instant case is dismissed for want of merit."<sup>[4]</sup>

Petitioner also assails the January 29, 1998 Resolution<sup>[5]</sup> of the appellate court denying reconsideration.

##### **The Facts**

Virgilio T. Riño Sr., husband of herein petitioner, was employed by Allied Port Services Inc. as stevedore since July, 1982. His duties included: (1) handling of steel cargoes; (2) loading and unloading of silica sand; (3) handling, loading and unloading of lumber products; (4) supervising other stevedores; and (5) performing other related work.<sup>[6]</sup>

On July 19, 1992, Virgilio Riño collapsed while working at the South Harbor, Manila. He was rushed to the Philippine General Hospital (PGH) because of "melena, fever, chills and abdominal pains 8 days [prior to confinement] x x x." He died three days later. According to the Medical Certificate issued by Fe B. Bais, chief of the PGH Medical Records Division, the cause of death was "uremia [secondary] to chronic renal failure. Chronic glomerulonephritis. x x x"[7]

Petitioner Beberisa Riño, his spouse, filed a claim for death benefits before the Social Security System (SSS). However, the SSS denied the claim in this wise:[8]

"The cause of death of your husband cannot be considered work-connected because based on the clinical abstract you submitted, your husband had already on and off attack of edema and hypertension which are signs of kidney disease even before his employment with the company."[9]

On appeal, the ECC affirmed the findings of the SSS.[10] Ruling that petitioner failed to present relevant evidence to establish the causal connection between the deceased's ailment and his work as stevedore, the ECC held:

"Moreover, medical evaluation suggests that Uremia is the sine qua non of chronic renal failure. It results from the retention in the blood of urea and other end products of metabolism normally excreted into the urine. Chronic Renal Failure on the other hand, is a toxic clinical condition associated with renal insufficiency and retention in the blood of nitrogenous waste products. It may be due to the following:

- a) nephritis
- b) congestive heart failure
- c) couch syndrome
- d) poison

(Reference: Harrison's Principles of Internal Medicine, 11th Edition p. 1155).

"Based on the foregoing medical findings, it would appear that the etiology of deceased's ailment which caused his death is not attributable to his employment. Since the ailment is not deemed work-connected, the instant claim for death benefits cannot be given due course."[11]

After the ECC denied the Motion for Reconsideration,[12] petitioner appealed to the CA.

#### Ruling of the Court of Appeals

In affirming the ECC, the Court of Appeals ruled:

"Since petitioner failed to establish any causal connection of the disease which led to the death of her husband with the nature of his working conditions, and, in particular, that said working condition had increased the risk of contracting the disease, then the claim for death benefits must fail.