

FIRST DIVISION

[G.R. No. 128523, September 25, 1998]

**GOVERNMENT SERVICE, INSURANCE SYSTEM, PETITIONER, VS.
COURT OF APPEALS, AND ZENAIDA LIWANAG, RESPONDENTS.**

DECISION

DAVIDE, JR. J.:

Petitioner Government Service Insurance System (GSIS) seeks to reverse the 26 February 1997 decision^[1] of respondent Court of Appeals in CA G.R. SP No. 41976 which granted private respondent Zenaida Liwanag compensation benefits under P.D. No. 626, as amended, and in the process, set aside the 27 December 1995 decision^[2] of the Employees' Compensation Commission (ECC) in ECC Case No. 7633.

As found by respondent Court of Appeals, the facts of this case were as follows:

[Private respondent] Zenaida Liwanag is the surviving spouse of the late Jaime Liwanag who died on September 14, 1994. He was 48 years old and had served the police force continuously for 27 years. At the time of his death, he was [a] Senior Superintendent of the Philippine National Police.

On August 28, 1994, the late P/Sr. Supt. Jaime Liwanag was admitted at the Medical Center of Manila due to complaints of Ascites, Poor Appetite. [The] CT Scan showed Cirrhosis with probable Hepatocellular CA, HB 5A3 positive. Despite medical intervention, Jaime Liwanag succumbed to Upper GI Bleeding, Cirrhosis Secondary to Hepatitis B; Hepatocellular Carcinoma on September 14, 1994.

As a consequence, [private respondent] filed a claim with the Government Service Insurance System (GSIS) for compensation benefits. The claim was denied for not being an occupational disease under the law neither was the risk of contracting the ailment of the deceased increased by his employment as a member of the police force.

On appeal pursuant to Section 5, Rule XVIII of Presidential Decree No. 626, as amended, the xxx Employees Compensation Commission affirmed the GSIS ruling and ultimately dismissed the appeal for lack of merit. xxx^[3]

In denying private respondent's claim, the ECC ruled:

Section 1(B), Rule III of the Amended Rules on Employees' Compensation clearly defines when a disability or death resulting from

illnesses is considered compensable. It provides:

"Section 1. x x x ;

(b) 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."

The late P/Sr[.] Supt. Liwanag's ailments, Upper GI Bleeding; Cirrhosis secondary to Hepatitis B; Hepatocellular Carcinoma, cannot be made compensable inasmuch as the said ailments are not among those listed as occupational diseases, nor has appellant shown proofs [sic] that the risk of contracting said diseases were [sic] increased by her late husband's working conditions and employment as a member of our country's police force.

A study on the etiologies of P/Sr. Supt. Liwanag's ailments reveal that, to wit:

Cirrhosis is a disorganization of liver architecture by widespread fibrosis and nodule formation. It may be due to the following:

- a.) Congenital Causes: hemorrhagic telangiectasia galactosemia
- b.) Chemicals: alcohol methotrexate halothane
- c.) Infection: Viral Hepatitis B congenital Syphilis

(Merck's Manual, 14th ed. P. 831)

Hepatocellular Carcinoma - grievously somitinus called a hepatoma. It may be due, to wit:

- a.) underlying cirrhosis: alcoholic postneurotic, hemochromatotic.
- b.) environmental carcinogen: Blood contaminated with fungal aflatoxin

Chronic infection with Hepatitis B

(Merck's Manual 14th ed., p. 859)

Apparently, P/Sr. Supt. Liwanag's ailments are not inherent among policemen and everybody is susceptible to the said diseases regardless of one's job.

It is well settled under the Employees' Compensation Law that when the ailment is not the direct result of the covered employee's employment, like the instant case, and the appellant failed to show proof that the risk of contracting the disease was increased by the covered employee's employment and working conditions the claim for compensation benefits

cannot prosper.

Thus, finding no causal relation between P/Sr. Supt. Liwanag's ailments with his employment and working conditions, or the nature of appellant's work had increased the risk of contracting said diseases, xxx GSIS is correct in denying [private respondent's] application for compensation benefits under PD NO. 626, as amended.^[4]

In her petition^[5] filed before the Court of Appeals, private respondent relied heavily on two (2) documents as proof of the causal relation between P/Sr. Supt. Liwanag's ailments and his employment and working conditions: first, the "Investigation Report Re Death of the Late P/SSUPT JAIME M. LIWANAG" dated 14 September 1994 submitted by Cristeto Rey R. Gonzalodo, Police Chief Inspector, Investigator on Case; and second, the "REPORT OF PROCEEDINGS OF LOD BOARD TO DETERMINE THE LINE OF DUTY STATUS OF THE LATE P/SSUPT JAIME J. LIWANAG PNP." Moreover, private respondent argued that the requirement of proof of a causal relation between a claimant's ailments and his employment and working conditions "admits of exceptions and must yield to the higher interests of justice." In closing, private respondent advocated for a liberal interpretation of social legislation statutes, citing jurisprudence which, however, dealt with the relaxation of the procedural requirements as regards the late filing of pleadings and/or belated appeals.

As these documents from the Philippine National Police (PNP) are of importance to the resolution of this dispute, they are hereunder quoted in full. The Investigation Report^[6] reads as follows:

Republic of the Philippines
Department of the Interior and Local Government
National Police Commission
NATIONAL HEADQUARTERS, PHILIPPINE NATIONAL POLICE
DIRECTORATE FOR PLANS
Camp Crame, Quezon City

14 September 1994

ODPL-A

SUBJECT: Investigation Report Re Death of the late
P/SSUPT JAIME M LIWANAG
TO: Officer-In-Charge, DPL
P o s t

I. AUTHORITY:

Verbal Order of the Officer-In-Charge, DPL.

II. MATTERS INVESTIGATED:

To determine the causes surrounding the death of the late P/SSUPT JAIME M. LIWANAG, Deputy Director for Plans and the Line of Duty Status thereof.

III. FACTS OF THE CASE:

x x x

IV. DISCUSSION:

1. The late late P/SSUPT JAIME M LIWANAG had been vigorously/mentally examined before he was called to Active Duty as Second Lieutenant in the defunct Philippine Constabulary on 16 January 1969 which was repeated when he was appointed as Regular Officer (Direct Commission) on 1 Aug. 1971. From that initial rank he gradually rose to Police Senior Superintendent with Physical/Medical examination as a matter of requirement for promotion. All the while, P/SSUPT JAIME M LIWANAG was physically/mentally fit for the service.

2. It [is] highly believed that the late P/SSUPT JAIME M LIWANAG acquired his illness in the course of his employment with the Philippine National Police considering that there are some personnel in his office who are positive to [sic] Hepatitis B (Reactive) virus.

IV. CONCLUSION:

The death of the late P/SSUPT JAIME M LIWANAG was in Line of Duty and not attributable to his own misconduct or negligence.

V. RECOMMENDATION:

Recommend that the death benefits due to the legal heirs/beneficiary (ies) of the late P/SSUPT JAIME M LIWANAG be granted to them.

(signed)
CRISTETO REY R GONZALODO
Police Chief Inspector
Investigator on Case

The Report of Proceedings^[7] reads as follows:

REPORT OF PROCEEDINGS OF LOD BOARD TO DETERMINE THE LINE OF DUTY STATUS OF THE LATE P/SSUPT JAIME M LIWANAG PNP

UNIT/ORGANIZATION: Directorate for Plans, NHQ PNP
Camp Crame, Quezon City

DATE/TIME: 040900 October 1994

AUTHORITY: Letter Order Nr 454 dtd 04 October 1994

PRESENT:

P/SSUPT FRANCISCO F CABACCANG, MDS - Chairman
P/SUPT REYNALDO R. ALBERTO, LS - Member
P/CINSP CRISTETO REY R GONZALODO - Mbr/Recorded
P/INSP SERVILLANO B. RITUALO, PHPGH - Member

P/INSP LYDIA M DAVID, BFAD - Member

ABSENT: P/SINSP EMMA S LACANDULA - DPRM - Member

040900 Oct 94

CHAIRMAN - - - There being a quorum, I hereby declare that the Board will come to order. Mr. Member/Recorder, what is the order for today?

Member/Recorder: Mr. Chairman, we have been convened pursuant to Letter Order Nr 454 NHQ PNP dtd 04 Oct 94 to determine the Line of Duty (LOD) Status of the late P/SSUPT JAIME M LIWANAG, then Deputy Director for Plans who died at Medical Center Manila Manila located along Taft Ave corner UN Ave. Manila on or about 132210 Sep 94. xxx

Chairman: So, [t]herefore (referring to all the members) having been detailed as members and member/recorder, do you swear and affirm to thoroughly examine today's proceeding, the evidence now available in your possession without partiality, favor, affection, prejudice or hope of any reward?

Member/Recorder: Yes, Mr. Chairman, we do.

Member: On the otherhand [sic], P/SSUPT FRANCISCO F CABACCANG, having been detailed as Chairman of this Board, do you swear and affirm to thoroughly examine today's proceeding, the evidence now available in your possession without partiality, favor, affection, prejudice or hope of any reward?

Chairman: Yes, I do.

Chairman: Mr. Member/Recorder, what are the evidence now in the possession of [the] LOD Board?

Member/Recorder: Chairman, the available evidences [sic] are as follows:

Appointment Order
Death Certificate
Medical Certificate
Abstract Clinical Record of
P/SSUPT LIWANAG JM
Spot Report
Investigation Report
Result of Hepatitis B Lab Test of
all ODPL Personnel
Statement of Service

Chairman: Based on the record, the immediate cause of death of the late P/SSUPT JAIME M LIWANAG, then Deputy Director for Plans was due to Cardio-Respiratory Arrest Secondary to Gastro-Intestinal bleeding as a result of fulminating Hepatitis. How was he infected by this Virus?