

FIFTH DIVISION

[CA-G.R. SP No. 129430, March 13, 2014]

**NICERIO R. DELA CRUZ, PETITIONER, VS. EMPLOYEES
COMPENSATION COMMISSION (ECC) AND SOCIAL SECURITY
SYSTEM (SSS), RESPONDENTS.**

D E C I S I O N

CARANDANG, J.:

This petition for review under Rule 43 of the Rules of Court seeks to reverse and set aside the Decision^[1] dated December 20, 2012 of the Employees Compensation Commission (ECC) which affirmed the Decision^[2] dated September 11, 2012 of the Social Security System (SSS) denying petitioner's claim for disability benefits under the Employees' Compensation Law (P.D. No. 626, as amended).

The facts of the case:

Petitioner Nicerio R. Dela Ruz was employed as Second Engineer of various shipping agencies from November 24, 1994 until March 28, 2010. His last employment was with Manila Ship Management and Manning, Inc., Makati City, through its principal, Hellsport Steamship Corporation as Staff Chief Engineer from June 14, 2010 until September 21, 2011 on intermittent basis.

On October 24, 2011 or barely a month from the termination of his last contract, petitioner was rushed to the Lung Center of the Philippines after he lost consciousness. His bleeding pressure reading then was noted to be at 180/100 mmHg, with bipedal edema grade 2 and ABG revealing metabolic acidosis. On November 11, 2011, petitioner was diagnosed to be suffering from Anemia secondary to Chronic Kidney Disease, Hypertensive Nephrosclerosis, Hypertensive Cardiovascular Disease (HCVD) and Hyperuricemia.

On February 27, 2012, petitioner was admitted at the National Kidney and Transplant Institute (NKTi) due to difficulty of breathing. He was discharged on March 28, 2012 with the following diagnoses: Chronic Kidney Disease Stage V Secondary to Hypertensive Nephrosclerosis; Urinary Tract Infection; Bilateral Pleural Effusion Secondary to Hospital Acquired Pneumonia; Renal Anemia.

On account of his ailments, petitioner, with SSS Policy No. 03-3680284-6, filed a claim with the SSS for employees compensation benefits under the Employees Compensation Law (P.D. 626, as amended). He was granted SSS sickness benefits and Permanent Partial Disability (PPD) benefits but his claim for employees compensation benefits was denied.

Petitioner wrote a letter of reconsideration of the denial of his claim to the SSS-Diliman Branch asserting that his working conditions on board a vessel increased the risk of contracting his ailment.^[3]

On September 11, 2012, the SSS-Medical Operations Department (SSS-MOD) reiterated its denial of petitioner's claim ratiocinating that the risk of contracting petitioner's disease was increased by his 30 pack year smoking.

Petitioner appealed the case to the ECC which likewise denied his claim in the assailed Decision dated December 20, 2012.

Hence, this petition raising a lone issue for resolution, to wit:

WHETHER THE EMPLOYEES' COMPENSATION COMMISSION GRAVELY ERRED IN FINDING THAT THE PETITIONER'S ILLNESSES HAD NO CAUSAL RELATIONSHIP TO HIS WORK BEING A SEAMAN/SECOND ENGINEER.

We find merit in this petition.

Petitioner maintains that there is reasonable proof that the risk of his ailments was exacerbated by the working conditions in his workplace. Petitioner argues that while End Stage Renal Disease (ESRD) is not listed as an occupational disease under Annex "A" of the Amended Rules on Employees Compensation, only reasonable proof of work-connection and not direct causal relation is required in compensation proceedings. He asserts that his job as a seaman required him to be in the ship's engine room where he was exposed to various chemicals and toxic fumes emitted by the ship's engine which are inimical to his health. He performed numerous tasks which are physically taxing and stressful. Further, even assuming that End Stage Renal Disease is not a compensable disease, petitioner claims that hypertension, one of his illnesses, is a compensable illness.

Under Section 1(b), Rule III implementing P.D. No. 626, sickness or death is compensable if the cause is included in the list of occupational diseases annexed to the Rules. If not so listed, compensation may still be recovered if the illness is caused or precipitated by factors inherent in the employee's work and working conditions. Here, strict rules of evidence are not applicable since the quantum of evidence required under P.D. No. 626 is merely substantial evidence, which means "such relevant evidence as a reasonable mind might accept as adequate to support a conclusion." What the law requires is a reasonable work-connection and not a direct causal relation. It is sufficient that the hypothesis on which the workmen's claim is based is probable since probability, not certainty, is the touchstone."^[4]

It is clear from the records that petitioner had been a merchant marine seaman employed as Second Engineer and Staff Chief Engineer of various shipping agencies from 1994 to 2011 or a period of almost seventeen (17) years.^[5] It is likewise established that petitioner worked on board an oil tanker/chemical tanker containing oil cargo transported worldwide such as crude oil, diesel oil, gasoline oil, jet fuel or aviation fuel and naphtha, and chemicals for maintenance such as boiler coagulant, condensate control, carbon remover, descaling liquid, hardness control, metal brite, electrosolv-E, coldwash-HD and environclean.^[6] Petitioner's exposure to said chemicals and toxic fumes which are all health hazards and the working conditions on board the oil/chemical tanker undoubtedly increased the risk of contracting his illness. Constant exposure to these toxic chemicals, harsh sea weather conditions, chemical irritants, dusts, and the physical strain and pressure attendant his job as