

## THIRD DIVISION

[ CA-G.R. SP NO. 127271, June 10, 2014 ]

### **SATURNINO T. BISENIO, SR., PETITIONER, VS. EMPLOYEES' COMPENSATION COMMISSION (ECC) AND SOCIAL SECURITY SYSTEM (SSS), RESPONDENTS.**

#### **DECISION**

**BUESER, J.:**

Before this Court is a Petition for Review seeking the nullification and reversal of the Decision dated 23 May 2012<sup>[1]</sup> rendered by respondent Employees Compensation Commission ("ECC") in the present claim for disability benefits filed by petitioner Saturnino T. Bisenio ("Petitioner") under Presidential Decree No. 626, as amended, otherwise known as the "Employees' Compensation Law." The dispositive portion of said Decision reads in this wise:

"WHEREFORE, the appealed decision is MODIFIED and the System is ordered to pay the corresponding EC disability benefits to the appellant for his Hearing Loss, in accordance with the results of the physical examination to be conducted by the System, plus reimbursement of medical expenses incurred for his medical consultations due to the said ailment subject to the expense limitations prescribed by the Commission. However, the appellant's claim for EC disability benefits for his Pneumonitis; Coronary Artery Disease; Degenerative Osteoarthritis; Sciatica and Dyslipidemia is hereby DENIED due to absence of substantial evidence showing causal relationship between the said ailments and the working conditions of the appellant.

*SO ORDERED."*

#### **The Facts**

The pertinent facts and antecedent proceedings, as borne by the records, are as follows:

Petitioner was a miner employed by Philex Mining Corporation ("Philex") from January 1972 to August 1979. He then worked for CDCP Mining Corporation ("CDCP") from September 1979 to September 1983. Afterwards, petitioner returned to work for Philex from April 1987 to 1 December 2010. An SSS member, petitioner was assigned with SSS No. 01-0160648-4.

As a miner, petitioner is tasked to perform proper maintenance of all production blocks, access drifts and dumping points and the installation of underground supports.

In particular, petitioner's duties and responsibilities were as follows: (1) to extract ore at drawpoints/trenches in accordance with draw control specification; (2) to

perform high packing activities and blasting of high packs, hang-ups and pack-up draw points/LTR; (3) to check the operating condition of equipment tools, materials and safety paraphernalias; (4) to initiate immediate secondary blasting at all work areas as the need arises; (5) to pull out ore from LTR; (6) to operate conventional rock drill machines; (7) to install/maintain steel sets and timbers underground supports along pressured crosscuts, drifts and draw points; (8) to inform supervisors and notify workers and guards all approaches in all blasting activities; (9) to adhere and enforce good housekeeping and loss control practices; (10) to comply with Mine Safety Rules, Regulations, Standard Operating Procedures, Company Policies and Collective Bargaining Agreement; (11) to attend and participate actively in safety meetings and seminars as required; (12) to perform rescue and recovery operations if qualified, as the need arises; (13) to suggest and recommend improvements in the work-area; and (14) to familiarize himself on the different escape routes underground.

Petitioner's records reveal that he received SSS sickness and permanent partial disability (PPD) benefits effective 17 December 1996 for his fracture due to a blasting incident in the mining area.

Petitioner also underwent an Audiogram examination on 20 August 2010, which revealed that he had mild to moderate hearing loss, bilateral. On 28 September 2010, petitioner went for a consultation at the Notre Dame de Chartres Hospital in Baguio City due to hearing loss, chest pain associated with easy fatigability and multiple joint pains in his nape, lumbo-sacral area and knees. He was diagnosed with hearing loss, interstitial pneumonitis, sciatica right leg, degenerative osteoarthritis, coronary artery disease and dyslipidemia. On 10 December 2012, petitioner retired from his work.

Consequently, petitioner filed a claim for disability benefits with the SSS Baguio City Branch (SSS Baguio) on 16 February 2011, which was allegedly returned to him by one of the medical officers of the branch. Petitioner then sent a letter to the ECC Secretariat on 1 April 2011 to inform the latter of his claim. Acting on petitioner's claim, the ECC Secretariat endorsed the letter to the SSS-Medical Operations Department (SSS-MOD) for appropriate action.

On 5 May 2011, SSS Baguio wrote a letter requiring petitioner to submit his medical and employment records and directing him to report to the branch for physical examination and interview. Petitioner then submitted his laboratory examination results, in which he was diagnosed with interstitial pneumonitis, bilateral and degenerative osteoarthritis.<sup>[2]</sup>

On 2 August 2011, the SSS-MOD denied petitioner's claim for failure to show proof that he had filed a claim for disability benefits for hearing loss as a result of the alleged air blast accidents in 1987 and 1996. The denial was also anchored on its findings that there is no causal connection between petitioner's job as a miner and his other illnesses, i.e., interstitial pneumonitis, sciatica right leg, osteoarthritis, coronary artery disease and dyslipidemia.

On 9 September 2011, the present claim was submitted to the Technical Review Committee for initial deliberation. Consequently, the Committee recommended the grant of EC disability benefits but only for petitioner's hearing loss. It was recommended that the claim for disability benefits due to his other diseases be denied.

During the deliberations, petitioner was directed by the Committee to submit chest x-ray films showing interstitial pneumonitis or pneumoconiosis, if any. Allegedly, petitioner submitted his chest x-ray results to the SSS Baguio. However, upon verification, it was revealed that there is no record that petitioner submitted said x-ray results to the branch.

On 4 February 2012, the ECC Secretariat received an email message from a Pulmonologist requesting the submission of petitioner's lung function test results. Since the laboratory examinations cannot be done in Baguio, petitioner refused the Secretariat's offer to facilitate the examination.

On 24 April 2012, the case was re-submitted to the Committee. After deliberations, the Committee maintained its previous recommendation to grant EC benefits to petitioner but only for his hearing loss. Petitioner's other claims were denied on the ground that there is no causal relationship between the alleged diseases and his working conditions.

In the now assailed Decision dated 23 May 2012, the ECC, in the manner as afore-quoted, granted petitioner's claim for disability benefits but only in so far as his hearing loss is concerned. Petitioner's claim pertaining to his other diseases was denied on the ground that the same were not the direct result of his employment as a miner. In fine, the ECC opined that the petitioner failed to present substantial evidence to establish causal connection between the claimed ailments and his previous working conditions.

Aggrieved, petitioner filed the present legal recourse.

### **The Issue**

*The main issue to be resolved in this petition is whether petitioner's interstitial pneumonitis, sciatica right leg, degenerative osteoarthritis, coronary artery disease and dyslipidemia are work-related and thus compensable.*

### **The Court's Ruling**

We find the present petition partly meritorious.

Questioning the factual and legal findings of the ECC, petitioner asserts that his other illnesses, i.e., pneumonitis, sciatica right leg, degenerative osteoarthritis, coronary artery disease and dyslipidemia, were caused by factors inherent in his nature of work and working conditions as an underground production miners for more than three (3) decades. On this note, petitioner highlights the proffered medical findings and recommendations on record made by his examining physicians. He contends that said medical records have established the compensability of his illnesses under the Increased Risk Theory considering that he had shown substantial evidence of work-connection.

Time and again, appellate courts have put great weight to the factual findings of administrative agencies and quasi-judicial bodies, namely the SSS and the ECC, as they have acquired expertise in all matters relating to employee compensation and disability benefits.<sup>[3]</sup>

The foregoing legal precept notwithstanding, the evidence on record leads this Court to dissent and modify the assailed ECC Decision. The ECC, in granting petitioner's prayer for disability benefits but only as it pertains to his hearing loss, has