FIRST DIVISION

ROBERTO D. DEBAUDIN, G.R. No. 148308
Petitioner,
Present:
PUNO, *C.J., Chairperson,*
- versus - SANDOVAL-GUTIERREZ,
CORONA,
AZCUNA, and
GARCIA, *JJ.*
SOCIAL SECURITY SYSTEM (SSS)
and EMPLOYEES COMPENSATION
COMMISSION (ECC), Promulgated:
Respondents.
September 21, 2007

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DECISION

AZCUNA, *J.*:

This petition for *certiorari* under Rule 45 of the Rules on Civil Procedure seeks to review the August 17, 1999 Decision[1] and May 18, 2001 Resolution[2] of the Court of Appeals (CA) in CA-G.R. SP No. 44670 which affirmed respondents Social Security System (SSS) and Employees Compensation Commission (ECC) in denying petitioners claim for compensation benefits under Presidential Decree (P.D.) No. 626, as amended.

Petitioner is a seaman by profession. He joined the United Philippine Lines (UPL) on April 13, 1975 and was separated from his employment on May 21, 1993 at the age of 62.[3]

During his eighteen (18) years of service with UPL, he boarded various foreign ocean-going vessels[4] while performing his duties and responsibilities that included cleaning chemical-spill-oil on deck, slat dislodging, and spraying naphtha chemical and washing dirt and rusts inside the tank.

Petitioners medical record shows that his illness started in May 1993 when he experienced episodes of bilateral blurring of vision. While in Singapore then, he consulted Dr. Richard F.T. Fan, an ophthalmic surgeon, and he was diagnosed to be suffering from advanced glaucoma.[5] His condition recurred even after his separation from service, prompting him to seek further eye consultations and treatments in the Philippines.[6] His eye disease was finally diagnosed as chronic open angle glaucoma.[7]

On account of his ailment, petitioner filed before the SSS a claim for compensation benefits under P.D. No. 626, as amended. The application, however, was denied on the ground that there is no causal relationship between the illness and his job as a seaman.[8] When his motion for reconsideration was also denied, petitioner elevated the case to the ECC which later on affirmed the assailed decision. The ECC ratiocinated, thus:

> Following a careful review of the documents on record, the Commission is inclined to rule against the compensability of [petitioners] ailment. The present employees compensation program, which is embodied in P.D. 626, as amended, requires[,] and we quote, that:
>
> > 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** (Rule III, Section 1[b] of the Implementing Rules of P.D. 626, as amended)
>
> Definitely, [petitioners] Chronic Open Angle Glaucoma is not an occupational disease under the law. Thus, he is required to show by substantial evidence that the nature of his job as a Seaman had increased the risk of

> contracting the disease. However, appellant failed to discharge the burden of proof required by the law.
>
> Based on medical findings, Open Angle Glaucoma arises as a complication of chronic obstruction of aqueous humor reabsorption in the trabecular meshwork. It is usually asymptomatic and only rarely causes ocular pain or corneal edema. The treatment is primarily medical. Surgery to prevent permanent visual loss is necessary in only a minority of patients (Ref.: Harrisons Principles of Internal Medicine, 11th edition, p. 71).
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> As suggested by the foregoing medical findings, the cleaning of chemical-spill-oil on deck and the spraying of [naphtha] chemical inside the tank were not predisposing factors in the contraction of Open Angle Glaucoma. Thus, we believe that the respondent System correctly ruled against the compensability of [petitioners] ailment.[9]

An appeal from the adverse decision was filed before the CA.[10] On August 17, 1999, however, the petition was denied due course and the CA accordingly dismissed the case on the ground that petitioner failed to adduce substantial evidence supporting the conclusion that the working conditions as a seaman increased the risk of contracting his chronic open angle glaucoma.[11]

Petitioners motion for reconsideration was subsequently denied;[12] hence, this recourse.

The lone issue presented for consideration is whether the work of petitioner as a seaman contributed even in a small degree in or had increased the risk of contracting his chronic open angle glaucoma.[13]

While petitioner admits that chronic open angle glaucoma is not one of those listed as occupational diseases under the law he nonetheless maintains that the cause of glaucoma is still unknown and predisposition thereto is due to both physical and emotional factors. In his case, petitioner asserts that he had been exposed to these elements for 18 years during his employment. He claims that as a utility staff he performed odd jobs without fail such as cleaning chemical-spill-oil on deck, slat dislodging, and spraying naphtha chemical and washing dirt and rusts inside the tank. According to him, these strenuous tasks required climbing, bending

over and running for so many times acts which a medical book considered as contributory factors that would increase intraocular pressure which causes glaucoma. Aside from the physical demands of the job, petitioner contends that he was also subjected to emotional strains of going through the perils of the sea and homesickness for being away from his family during the entire duration of the contracts. He, thus, alleges that his employment as a seaman contributed, even in a small degree, to the development of his ailment.

In fine, petitioner stresses that, as a social legislation, P.D. No. 626, as amended, should be interpreted to give meaning and substance to the liberal and compassionate spirit of the 1987 Constitution and the Labor Code.

The petition lacks merit.

Under the Labor Code, as amended, an employee is entitled to compensation benefits if the sickness is a result of an occupational disease listed under Annex "A" of the Rules on Employees' Compensation; or in case of any other illness, if it is caused by employment, subject to proof that the risk of contracting the same is increased by the working conditions.[14] This is as it should be because for an illness to be compensable, it must be (1) directly caused by such employment; (2) aggravated by the employment; or (3) the result of the nature of such employment.[15] Jurisprudence provides that to establish compensability of a non-occupational disease, reasonable proof of work-connection and not direct causal relation is required.[16] It is enough that the hypothesis on which the workmen's claim is based is probable.[17] Probability, not the ultimate degree of certainty, is the test of proof in compensation proceedings[18] since in carrying out and interpreting the provisions of the Labor Code and its implementing rules and regulations the primordial and paramount consideration is the employees' welfare.

In the present case, petitioners chronic open angle glaucoma is not listed as an occupational disease; hence, he has the burden of proving by substantial evidence, or such relevant evidence which a reasonable mind might accept as

adequate to justify a conclusion, that the nature of his employment or working conditions increased the risk of contracting the ailment or that its progression or aggravation was brought about thereby.

Perusal of the records, however, regrettably reveals petitioners failure to adduce any proof of a reasonable connection between his work as a seaman and the chronic open angle glaucoma he had contracted. At the most, he merely claims that he performed odd jobs without fail cleaning chemical-spill-oil on deck, slat dislodging, and spraying naphtha chemical and washing dirt and rusts inside the tank strenuous tasks which according to him required climbing, bending over and running for so many times. Adding thereto were the perils of the sea and the homesickness he said he experienced which allegedly caused emotional strains on his part.

Other than positing the foregoing, petitioner presented no competent medical history, records or physicians report to objectively substantiate the claim that there is a reasonable nexus between his work and his ailment. Without saying more, his bare allegations do not *ipso facto* make his illness compensable. Awards of compensation cannot rest on speculations or presumptions. The claimant must present concrete evidence to prove a positive proposition.[19]

The necessity of establishing the supposed work connection is all the more crucial in the face of the fact that the readily-available medical literature would appear to consistently indicate that open angle glaucoma is brought about by several factors other than the purported physical and emotional strains, such as aging, race, family history, nearsightedness or farsightedness, prolonged corticosteroid use, nutritional deficiencies, brain chemical abnormalities, injuries, infection or abnormalities in the eye, and medical conditions such as diabetes, high blood pressure or heart disease.[20] Therefore, to easily attribute to the physical and emotional strains allegedly attendant in petitioners job as a seaman the chronic open angle glaucoma he is currently suffering is evidently to oversimplify an

otherwise complex fact-finding process that should have taken place to determine the true cause of the ailment.

In *Sante v. Employees Compensation Commission*,[21] this Court ruled that " a claimant must submit such proof as would constitute a *reasonable basis* for concluding either that the conditions of employment of the claimant caused the ailment or that such working conditions had aggravated the risk of contracting that ailment. What kind and quantum of evidence would constitute an adequate basis for a reasonable man (not necessarily a medical scientist) to reach one or the other conclusion, can obviously be determined only on a case-to-case basis. That evidence must, however, be real and substantial, and not merely apparent; for the duty to prove work-causation or work-aggravation imposed by existing law is real not merely apparent."

Moreover, petitioner cannot conveniently rely on the invocation that the Employees Compensation Act, as a social legislation, must be liberally construed in favor of the ordinary working person. While the sympathy of the law on social security is toward the employees or their beneficiaries, it is imperative to remember that such compassion must be balanced by the equally vital interest of denying undeserving claims for compensation benefits. Thus, *GSIS v. CA*[22] held:

> x x x [T]here is a competing, yet equally vital interest to heed in passing upon undeserving claims for compensation. It is well to remember that if diseases not intended by the law to be compensated are inadvertently or recklessly included, the integrity of the State Insurance Fund is endangered. Compassion for the victims of diseases not covered by the law ignores the need to show a greater concern for the trust fund to which the tens of millions of workers and their families look to for compensation whenever covered accidents, diseases and deaths occur. This stems from the development in the law that no longer is the poor employee still arrayed against the might and power of his rich corporate employer, hence the necessity of affording all kinds of favorable presumptions to the employee. This reasoning is no longer good policy. It is now the trust fund and not the employer which suffers if benefits are paid to claimants who are not entitled under the law. The employer joins the employee in trying to have their claims approved. The employer is spared the problem of proving a negative proposition that the disease was not caused by employment. Moreover, the new system instituted by the new law has discarded, among others, the concept of "presumption of compensability and aggravation" and substituted one based on

> social security principles. The new system is administered by social insurance agencies the GSIS and the SSS under the ECC. The purpose of this innovation was to restore a sensible equilibrium between the employer's obligation to pay workmen's compensation and the employee's right to receive reparation for work-connected death or disability.[23]

WHEREFORE, the petition is **DENIED.** The August 17, 1999 Decision and May 18, 2001 Resolution of the Court of Appeals are hereby **AFFIRMED**.

No costs.

SO ORDERED.

ADOLFO S. AZCUNA
Associate Justice

WE CONCUR:

REYNATO S. PUNO
Chief Justice
Chairperson

ANGELINA SANDOVAL-GUTIERREZ RENATO C. CORONA
Associate Justice Associate Justice

CANCIO C. GARCIA
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, it is hereby certified that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Courts Division.

REYNATO S. PUNO
Chief Justice

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[1] Penned by Associate Justice Fermin A. Martin, Jr., with Associate Justices Presbitero J. Velasco, Jr. (now Supreme Court Associate Justice) and B.A. Adefuin De la Cruz concurring.
[2] Rollo, p. 57.
[3] CA rollo, pp. 22-23.
[4] *Id.*
[5] *Id.* at 24.
[6] ECC records (not paginated).
[7] *Id.*
[8] *Id.*
[9] CA rollo, pp. 19-20.
[10] *Id.* at 7-15.
[11] Rollo, pp. 43-49.

[12] *Id.* at 57.
[13] *Id*. at 14.
[14] *GSIS v. Cuanang*, G.R. No. 158846, June 3, 2004, 430 SCRA 639, 648.
[15] *Loyola v. GSIS*, G.R. No. 89097, August 24, 1990, 189 SCRA 82, 85.
[16] *GSIS v. Court of Appeals*, 417 Phil. 102, 109 (2001).
[17] *Castor-Garupa v. ECC*, G.R. No. 158268, April 12, 2006 and *GSIS v. Valenciano*, G.R. No. 168821, April 10, 2006.
[18] *GSIS v. Cuanang,* Supra note 14 at 646, citing *Philippine Transmarine Carriers, Inc. v. NLRC*, G.R. No. 123891, February 28, 2001, 353 SCRA 47, 53.
[19] *Raro v. ECC*, G.R. No. 58445, April 27, 1989, 172 SCRA 845, 849, as cited in *Orate v. Court of Appeals*, 447 Phil 654, 666 (2003); *Rio v. Employees Compensation Commission*, 387 Phil. 612, 620 (2000); *Librea v. ECC*, G.R. No. 58879, March 6, 1992, 207 SCRA 45, 48; and *Sante v. Employees Compensation Commission,* G.R. No. 84415, June 29, 1989, 174 SCRA 557, 562.
[20] http://www.medicinenet.com/glaucoma/page2.htm (visited on September 7, 2007); http://www.webmd.com/eye-health/glaucoma-eyes?page=2&print=true (visited on September 7, 2007); http://www.docshop.com/education/vision/eye-diseases/glaucoma/causes (visited on September 7, 2007); http://www.mayoclinic.com/print/glaucoma/DS00283/DSECTION=all& METHOD=print (visited on September 5, 2007);http://www.nlm.nih.gov/medlineplus/print/ency/ article/001620.htm. (visited on September 5, 2007); http://www.umm.edu/ency/article/001620.htm (visited on September 5, 2007) ;http:// www.emedicine.com/oph/byname/glaucoma-primary-open-angle.htm (visited on September 5, 2007); and http://www.visionrx.com/library/enc/enc_ oaglaucoma.asp?print=1& (visited on September 5, 2007).
[21] *Supra* note 19 at 565.
[22] 357 Phil. 511 (1998).
[23] *Id.* at 529-530.