



ZALDY Q. NACU,
Appellant,

-versus-

ECC CASE No. SM-19520-0704-16

SOCIAL SECURITY SYSTEM (SSS),
Appellee.

×-----×

D E C I S I O N

This appeal seeks to review the decision of the Social Security System (SSS) denying appellant's claim for disability benefits, under the Employees' Compensation Law (P.D. No. 626, as amended), for his Inguinal Hernia, left; Status-Post (S/P) Mesh Herniorrhaphy, left. The claim was denied on the ground of no causal relationship.

From March 4, 2003 to date, the appellant, ZalDY Q. Nacu (SSS No. 33-7788682-5), 33 years old at the time of the filing of the claim and a resident of Pasig City, has been employed as Factory Worker at the Assembly Department of General Heat Corp. Plant at Pasig City.

The duties and responsibilities of the appellant include:

1. Fixes side panel and side trim (front portion);
2. Reports to the Supervisor any problem encountered on the line;
3. Segregates any defective parts found during assembly process;
4. Does other assembly activities that may be assigned;
5. Implements good housekeeping (5s);
6. Follows company rules and regulations at all times;
7. Alternates flame tester/repairman (in the absence of the regular tester/repairman)

Records reveal that during the 2014 annual medical examination, the appellant was diagnosed to be suffering from Inguinal Hernia, left. On February 11, 2015, he underwent Mesh Herniorrhaphy, left at the Philippine General Hospital. On account of his illness, the appellant was granted SSS sickness benefits for a total of 38 days effective February 11, 2015.

On April 28, 2015, the appellant filed a claim for EC disability benefits before the SSS Marikina Branch (Branch). The Branch denied the claim for EC disability benefits on the ground of no causal relationship. The Branch further states that the job of the appellant does not entail physical weight lifting.

On August 20, 2015, the Secretariat received a letter from the appellant requesting for assistance on the denial of the claim. On the same day, the Secretariat prepared the corresponding endorsement to the SSS-Medical Operations Department (SSS-MOD) for further evaluation.

On April 1, 2016, the SSS-Medical Claims Review Committee sustained the denial of the claim on the same ground.

On June 1, 2016, the Secretariat received the records of the case from the SSS for review purposes. On the same day, the Secretariat wrote a letter to the employer of the appellant requesting for the submission of the following documents/information:

1. Pre-employment physical examination with laboratory results of the appellant;
2. Available medical/physical examination with laboratory results, between 2004 and 2013, of the appellant;
3. Brief description of wheeler that Mr. Nacu was using inside the plant showing its estimated weight, size and the number of years that he was utilizing the said type of wheeler in performing his duties.

The appellant was provided with a copy of the letter and was informed that the evaluation of his claim would resume upon receipt of the requested information, if any.

On July 11, 2016, the Secretariat received, through e-mail, a letter with attached medical examination results of the appellant in 2009, 2012, 2014, 2015 and 2016 from Ms. Elena S. Bondoc, Asst. Gen. Manager, Gen. Heat Corp. In the said letter, Ms. Bondoc states that the appellant utilizes a wheeler, with 1440 x 415 mm wheeler size and 10 kgs. wheeler weight, in transferring cooking ranges.

On July 15, 2016, this case was submitted to the Technical Review Committee (Committee) for initial deliberation. The Committee decided to elevate this case to the Commission with a recommendation to grant EC disability benefits on the ground of satisfaction of the conditions for compensability of Hernia.

The appeal is meritorious.

Article 167 (1) of Presidential Decree (P.D.) No. 626, as amended, defines sickness as "any illness definitely accepted as an occupational disease listed by the Commission, or any illness caused by employment subject to proof that the risk of contracting the same is increased by working conditions." Section 1 (b), Rule III, of the Rules Implementing P.D. No. 626, as amended, provides that "for the sickness and the resulting disability or death to be compensable, the sickness must be the result of an occupational disease included under Annex "A" of these Rules (Amended Rules on Employees' Compensation) 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 appellant's medical records, as properly evaluated and confirmed by his attending physician, establish the fact that he has been ailing with **Inguinal Hernia, right**. Inevitably, this Commission must look into the nature of the said ailment. Thus, Principles of Surgery by Schwartz, 7th Edition, Volume 2, and Robbins' Pathologic Basis of Disease, 6th Edition, show:

“The following factors increase the risk of developing hernia:

- Straining to lift heavy objects;
- Straining during bowel movement or while urinating;
- Persistent sneezing, such as that caused by allergies;
- Chronic cough;
- Obesity;
- Pregnancy”

“Inguinal hernia is the result of an organ, usually bowel, protruding through a weak point or tear in the thin muscular abdominal wall. The most common cause is lifting heavy objects. Inguinal hernias can restrict blood supply to the bowel herniated through the defect, creating a medical emergency.”

“The types of Hernia are the following:

1. “Inguinal Hernia is the most common type of hernia. It usually occurs in the groin or the area between the thigh and the lower abdomen. It is seen in infants and children when a part of the peritoneum (the lining around all the organs in the abdomen) does not close properly before birth. A tiny opening is formed and a small portion of the intestine is pushed outside this opening;
2. “Epigastric Hernia is a result of a weakness in the muscles of the upper mid-abdomen at the navel area. It occurs among people between 20 and 50 years of age. Men are most likely to have an epigastric hernia than women;
3. “Umbilical Hernia occurs at the navel area and among women. It occurs in babies and closes spontaneously if the defect is small. Umbilical hernia in adults is acquired. Obesity and repeated pregnancies are common precursors;

4. ‘Femoral Hernia appears as a bulge at the upper thigh and occurs in the area between the abdomen and the thigh. This type of hernia is more common in women than in men;
5. ‘Incisional Hernia occurs at the site of an incision from a previous surgery or operation. The weakness is caused by the surgical scar. It can occur months or years after the initial operation.’”

Hernia is included in the List of Occupational Diseases under Annex “A” of the Amended Rules on Employees’ Compensation. However, the appellant is still bound to prove that the same is compensable as provided under Annex “A” of the Amended Rules on Employees’ Compensation which provides that all of the following conditions must be satisfied:

1. “The signs of symptoms of Hernia should be of recent origin and did not exist prior to the time for which the compensation is claimed;
2. “The disease was preceded by undue physical strain arising out of and in the course of employment.”

In this case, the appellant may have satisfied the abovementioned conditions considering that there is no showing that the symptoms of Hernia has already manifested prior to his employment with General Heat Corp.

Be that as it may, the degree of proof required under the Employees’ Compensation Law (P.D. No. 626, as amended) is merely substantial evidence, which means, ‘*such relevant evidence as a reasonable mind might accept as adequate to support a conclusion*’ (Salalima vs. ECC and SSS, G. R. No. 146360, May 20, 2004) *Probability and not ultimate degree of certainty is the test of proof in compensation proceedings [GSIS vs. Cunanang, G.R. No. 158846, June 3, 2004]*). In this case, this Commission believes that this reasonable probability exists considering that the working conditions of the appellant as Factory Worker in the assembly area of a gas range manufacturing plant include the incidental duty of lifting and carrying newly assembled gas ranges. Thus, the working conditions of the appellant would entail physical exertion on lifting a wheeler in transferring assembled gas ranges from one place to another inside the manufacturing plant.

Medical findings have already established that straining, heavy lifting and physical exertion imposes increased intra-abdominal pressure that weakens the internal ring. As stated in the following:

“The **most common symptom of a groin hernia**, either direct or indirect, is a mass or bump in the groin. This mass usually develops gradually but can occasionally occur with a single forceful muscular event – such as **lifting a heavy object.**”

Reference:
<http://chealth.canoe.ca>

In summary, this Commission takes cognizance of the fact that the nature of working conditions of a factory worker in a gas range assembly plant, such as the appellant, involves physical exertion such as lifting of heavy objects. This could produce severe or undue strain that could precipitate the development of Hernia.

WHEREFORE, the appealed decision is hereby **REVERSED** and the SSS is ordered to grant EC disability benefits to the appellant plus reimbursement of medical expenses for his consultations due to Inguinal Hernia, left subject to the limitations prescribed by the Commission.

SO ORDERED.

**CITY OF MAKATI,
July 18, 2016.**