



FRANCIS P. ARIOLA,
Appellant,

-versus-

ECC CASE No. SM-19538-1107-16

SOCIAL SECURITY SYSTEM (SSS),
Appellee.

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D E C I S I O N

This appeal seeks to review the decision, dated September 8, 2016, of the Social Security System-Medical Claims Review Committee (SSS-MedCRC) denying appellant's claim for disability benefits, under the Employees' Compensation Law (P.D. No. 626, as amended), for Deep Vein Thrombosis; Hereditary Protein S Deficiency. The claim was denied on the ground of no causal relationship.

From June 3, 2014, until October 23, 2014, the appellant, Francis P. Ariola (SSS No. 07-0564903-8), 60 years old at the time of the filing of the claim and a resident of Makati City, has served as Second Engineer of Great Southern Maritime Services Corp. (GSM), Ermita, Manila. He was deployed on board M/V "Phoenix Nereid."

During the time of his employment, the appellant was responsible for the following:

1. Management of watch-keeping in the engine room and related areas under the Unattended Machinery Spaces (UMS) system or when manned including watch-keeping routines in port or when at anchor;
2. The organization of all technical maintenance relating to ship's installation and equipment;
3. Participation in the general planning of maintenance and operations;
4. Control of the detailed implementation of the general plans in appropriate areas;
5. Formulation of plan of the activities of his immediate subordinates;
6. Acting as member of the Management Team;
7. Implementation of safety policies and practices;
8. Acting as Trainer Officer of Engineer Cadets/Ratings;

9. Deputization of Chief Engineer when necessary;
 10. Appraisal of the performance of immediate subordinates and Cadets and reports the same to the Chief Engineer;
 11. Responsible to the Chief Engineer for the overhauling of, and repair work to, the main engine, boilers, auxiliaries, electrical equipment, deck machinery, cargo pumping plant, lifeboat motors, emergency fire pumps and emergency generator;
 12. Responsible for all laundry, galley and pantry machinery and steam and oil fuel connections;
 13. Maintenance of close liaison with the Chief Officer in day to day matters affecting the Deck Department;
 14. Assumption of duties of Chief Engineer in his absence;
 15. Responsible for the setting-up of main machinery and ensuring all safety and alarm systems are functional prior to engines being placed on standby or conventional or UMS operations;
 16. Maintenance of machinery and allied equipment and to control its quality;
 17. Rendering of assistance with any Planned Maintenance System and its documentation;
 18. Rendering of advice to the Chief Engineer on matters pertaining to seaworthiness of vessel at all times;
 19. Ensuring that the Ship is ready in all technical matters for any operational requirement;
 20. Assumption of responsibility for the maintenance of fixed safety equipment including the CO2 flooding system;
 21. Ensuring that all safety requirements are met during maintenance;
 22. Participation, when required, in watch-keeping and in the organization of engine room watches and in the implementation and in monitoring of operations under the unmanned system;
 23. Carrying out of instructional duties as required;
 24. Familiarization of all technical equipment in all areas other than the Navigating Bridge;
 25. Acting as understudy of the Chief Engineer;
 26. Development of himself for promotion to the position of Chief Engineer by acquiring flexibility of attitude and management skills;
 27. Rendering of assistance in the training of all members of the Ship's company;
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28. Responsible for the day to day control and supervision of Engine room ratings as necessary and ensuring that safe practices and procedures are followed;
29. Controlling and recording the utilization of spare gear;
30. Controlling the stores and spares that were utilized in the maintenance tasks relating to the technical installation and equipment;
31. Observance of all necessary requirements with regard to pollution prevention;
32. Performance of other duties that may be required by the Chief Engineer;
33. Keeping of full record of over-hauling and repair work carried out and of all gauging and boiler water tests;
34. Responsible for the cleanliness and orderliness of the Engine and Boiler Rooms and for the proper and economical use of all stores, tools, and spare gear;
35. Acting as In-charge of the Engine Room staff;
36. Ensuring that the instructions of the Chief Engineer are carried out by the efficient organization and directing the Engine Room staff accordingly;
37. Informing the Chief Engineer about the progress of maintenance and repair work, running of the machinery, conduct and ability of the staff and reporting of any unusual occurrence in the Engine Room;
38. Proper completion of the Engine Room Log Book;
39. Correct setting of valves and lines prior to loading lubricants.

Medical records reveal that on October 10, 2014, the appellant was admitted in a hospital in Australia due to sudden weakness on the left-arm. He was diagnosed to be suffering from Deep Vein Thrombosis; Hereditary Protein S Deficiency. Based on the Discharge Referral Note, it was noted that his ailment is *"likely secondary to trauma from manual labor."* On October 23, 2014, the appellant was repatriated to the Philippines due to his medical condition. Upon arrival, he was brought to the UST Hospital. Based on the Medical Abstract from the said hospital, it was mentioned that the appellant experienced *"swelling over his left neck and pain on left upper limb after manual work."*

Medical records further reveal that based on the Certification, dated August 17, 2015, which was signed by Dr. Marie Simonette V. Ganzon, M.D., Internal Medicine-Cardiology-Vascular Medicine, the appellant *"suffered from blunt trauma to the left side of neck and upper thorax resulting in Deep Vein Thrombosis & possible injury to cervical spine. This happened while working as a seaman (October 2014 Dubai to Australia Cruise). The damage is permanent and requires medications."* In the said

Certification, Dr. Ganzon further states that *“the hereditary protein S deficiency usually does not manifest in life unless triggered by a factor like trauma. Hence, there are lots of persons with such deficiency functioning normally because there are no trigger factors yet. Hence, the primary reason for the development of deep vein thrombosis is the blunt trauma sustained by the patient while working. The force of the accident is strong enough to traumatize deep blood vessels like so and strong enough to cause “whiplash” like trauma of the cervical bone.”*

On account of his illness, the appellant was granted with SSS sickness benefits but denied the grant of additional EC disability benefits on the ground of no causal relationship. Records reveal that on July 20, 2015, the appellant filed a separate claim against his shipping agency for disability benefits and reimbursement of transportation expenses due to Deep Vein Thrombosis as a result of accident due to manual labor before the DOLE-NCMB, NCR. His claim was docketed as SENA 07-0705-2015.

It also appears that the SSS required the appellant to submit a Master's Report considering that on February 2, 2016, the shipping agency of the appellant wrote a letter to the SSS stating that “no incident or report of any accident during the term of his contract.”

On September 8, 2016, the SSS-MedCRC sustained the denial of the claim, through Resolution No. 2016-0101, reasoning that:

“...member was not able to submit relevant documents to prove causal relationship between his job as seaman and his illnesses, Deep Vein Thrombosis & Hereditary Protein S Deficiency. Also, he did not submit a master's report or any record from the company narrating in detail the alleged trauma suffered while on board ship.”

On October 20, 2016, the Secretariat received the records of the case from the SSS for review purposes. The Job Description of the appellant is not included in the records that were elevated by the SSS-MedCRC.

On October 21, 2016, the Secretariat wrote a letter to the shipping agency of the appellant, GSM, requesting for the submission of the Job Description to provide the necessary details in the evaluation of the claim. On November 4, 2016, the Secretariat received, through email, the requested Job Description of the appellant.

On November 11, 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 that based on the Certification from the appellant's attending physician, he suffered a trauma while onboard a vessel. The said incident may have caused or contributed to the manifestation of his DVT.

The appeal is meritorious.

Considering that medical findings have already established that trauma may cause or contribute to the manifestation of Deep Vein Thrombosis (DVT), the pivotal issue in this case is whether the appellant has suffered from a trauma while he was onboard a vessel.

In denying the claim of the appellant, the SSS states that the appellant failed to submit the Master’s Report or any company record showing that he sustained an injury while performing his duties while onboard a vessel. In the availability of secondary evidence, such failure should not be prejudicial to the right of the appellant to receive EC disability benefits.

In the case of *GSIS v. Aurelia Y. Calumpiano* (G.R. No. 196102, November 26, 2014) the Supreme Court ruled that:

“...the strict rules of evidence need not be observed in claims for compensation. Medical findings of the attending physician may be received in evidence and used as proof[s] of the fact in dispute. The doctor's certification as to the nature of claimant's disability may be given credence as he or she normally would not make untruthful certification...”
(emphasis supplied)

Thus, the following medical findings of the appellant’s attending physicians showing the cause of his illness should have been given credence by the SSS:


Nature of Medical Records	Findings
Discharge Referral Note-Australian Hospital	“secondary to trauma from manual labor”
Medical Certificate, dated Aug. 17, 2015, issued by Dr. Marie Simonette V. Ganzon, M.D., Internal Medicine-Cardiology-Vascular Medicine,	“the primary reason for the development of deep vein thrombosis is the blunt trauma sustained by the patient while working ”

In the absence of any independent intervening cause attributable to appellant’s own negligence or misconduct, this Commission could reasonably conclude that the trauma suffered by the appellant while onboard a vessel was the primary injury that arose in the course of the employment. Hence, all the medical consequences flowing from the said injury are compensable.

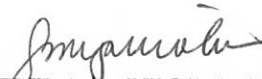
WHEREFORE, premises considered, the denial of the SSS on the claim of the appellant is hereby **REVERSED** and the SSS is ordered to grant EC disability benefits to the appellant plus reimbursement of medical expenses due to his work-connected ailments subject to the limitations prescribed by the Commission.

SO ORDERED.

**CITY OF MAKATI,
November 16, 2016.**



CIRIACO A. LAGUNZAD III
Chairperson – Alternate
Department of Labor and Employment



BRENDA P. VIOLA, M.D.
Member-Designate
Social Security System



DIONISIO C. EBDANE, JR.
Member-Designate
Government Service Insurance System

ABSENT
CARLITO P. ROBLE
Member
Employees' Sector

ABSENT
RAMON F. ARISTOZA, JR.,
Member-Designate
Philippine Health Insurance Corporation



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