



PERLA M. DE LEON,
Appellant,

-versus-

ECC CASE No. GM-19506-0414-16

**GOVERNMENT SERVICE
INSURANCE SYSYEM (GSIS),**
Appellee.

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DECISION

This appeal seeks to review the decision of the Government Service Insurance System (GSIS), dated April 4, 2016, denying appellant's claim for death benefits, under the Employees' Compensation Law (P.D. 626, as amended), for the death of her husband due to Multiple Organ Dysfunction; Uncal Herniation secondary to Subarachnoid Hemorrhage; Ruptured Aneurysm; Hospital Acquired Pneumonia; Diabetes Mellitus, type II.

The deceased, Eduardo A. De Leon (GSIS ID No. 48091700673), 63 years old at the time of his death and a former resident of Legazpi City, successively held the following positions at the Philippine Information Agency (PIA) Region No. V, Legazpi City:

Position	Period of Employment
Clerk	Mar. 31, 1964-Dec. 27, 1965
Clerk-Messenger	Oct. 7, 1966-July 31, 1967
Media Researcher	Dec. 1, 1973-April 30, 1977
Supervising Info Officer I	May 1, 1977-Jan. 31, 1978
Media Specialist	Feb. 1, 1978-Jan. 30, 1979
Chief Info Officer I	Feb. 1, 1979-Feb. 29, 1988
Senior Dev. Info Officer	Mar. 1, 1988-June 30, 1989
Info Officer III	July 1, 1989-July 1, 1991
Info Officer V/Regional Director	July 2, 1991-April 7, 2012 (date of death)

During the time of his employment as Information Officer V/ Regional Director, the duties and responsibilities of the deceased include:

1. Sets regional direction/thrust on research monitoring, production and dissemination and account management and institutional development;
2. Supervises and implements regional work program;
3. Allocates cluster resources;
4. Upgrades PICs capability;
5. Reviews and approves dissemination of information materials produced in the region;
6. Implements central office orders/instructions/directives/agency policies, rules, and SOPs;
7. Coordinates and integrates communication activities of NGAs, GOCCs, GFI and LGUs in the cluster;
8. Market PIA services to NGS, GOCCs, GFIs and LGUs in the region;
9. Attends to regional inter-agency activities;
10. Establishes, maintains, and strengthens established relationship with mainstream media and IO networks and facilitates placement of information materials in media;
11. Provides technical assistance to government agencies in the implementation of their communication programs;
12. Performs other duties as may be assigned from time to time.

Medical records reveal that at the age of 40, the deceased was diagnosed with Diabetes Mellitus, type 2.

On March 27, 2012, the deceased was rushed to Aquinas University Hospital Foundation, Inc., Legazpi City, when he fainted after he experienced dizziness at his residence while he was about to proceed to the press conference of Sen. Francis Escudero in the said city. He was declared to have suffered from Spontaneous Subarachnoid Hemorrhage secondary to Angiographically Occult Ruptured Aneurysm; Diabetes Mellitus, type 2 with Neuropathy; Hypertension, stage 2; R/O (Rule-Out) Coronary Artery Disease. On April 6, 2012, he was transferred at the Ospital ng Makati. On the next day or on April 7, 2012, at 10:07 PM, he died in the said hospital due to the following causes:

Immediate cause:	Multiple Organ Dysfunction
Antecedent cause:	Uncal Herniation secondary to Subarachnoid Hemorrhage
Underlying cause:	Ruptured Aneurysm

Other significant
conditions contributing
to death:

Hospital Acquired Pneumonia; Diabetes
Mellitus, type 2

On January 20, 2015, the appellant, through the Office of Acting Admin. Officer, PIA, filed a claim for EC death benefits before the GSIS Legazpi City Branch (Branch). On February 18, 2016, the Branch wrote a letter to the appellant informing her of the denial of the claim on the ground of no causal relationship. On March 17, 2016, the appellant wrote a letter to the GSIS requesting for reconsideration of the denial of the claim. In the said letter, the appellant alleges that stressful working conditions, such as frequent travel/trips and extended working hours, caused the death of her husband.

On March 21, 2016, the Branch endorsed the records of the claim to the GSIS Central Office, Pasay City for review purposes.

On April 4, 2016, the GSIS-Office of the Senior Vice-President (GSIS-OSVP) Luzon Operations Group sustained the denial in this manner, to wit:

“Subarachnoid hemorrhage (SAH) refers to bleeding within the subarachnoid space, which is the area between the brain and the tissues that cover the brain. The subarachnoid space is the space where the cerebrospinal fluid circulates, and it’s responsible for protecting the brain from serious injuries by serving as a cushion. A hemorrhage in this space can cause a coma, paralysis, and even death.

SAH is often related to brain aneurysms, which are abnormalities within the brain arteries. The most common cause of primary SAH is a congenital berry aneurysm. It’s called a berry aneurysm because it forms a cluster of sac-like pouches in a cerebral vessel that looks like a cluster of berries. These aneurysms swell up and weaken the walls of the arteries over time.

When an aneurysm erupts, it quickly bleeds and forms a clot. This condition is responsible for most SAH cases. Aneurysmal Hemorrhage may occur at any age but it’s most common from age 40 to 65. In some cases, trauma to the brain during an injury can cause aneurysms and result in a subarachnoid hemorrhage.

Other risk factors include:

1. Aneurysm in other blood vessels;
2. Fibromuscular Dysplasia (FMD) and other connective tissue disorders;
3. High blood pressure;
4. History of polycystic kidney disease;
5. Smoking.

“The System reiterates its decision to deny the claimant disability benefits because risk factors for having Subarachnoid hemorrhage are not considered work-related.”

On April 14, 2016, the Secretariat received the records of the case from the GSIS for review purposes. On April 20, 2016, this case was submitted to the Technical Review Committee (Committee) for initial deliberation. Due to deadlock in the voting, the Committee instructed the Secretariat to refer this case to a Neurologist to determine the possibility of causal relationship between the cause of death of the deceased and his working conditions. On April 21, 2016, the Secretariat prepared the letter of endorsement to Dr. Jose Leonard R. Pascual, FPNA, Consultant Neurologist, Department of Neurosciences, Philippine General Hospital.

On May 12, 2016, the Secretariat received the Medical Report of Dr. Pascual which states the following:

1. "EADL (Eduardo A. De Leon) suffered a subarachnoid hemorrhage (SAH) in March 2012, documented on cranial CT scan as he was about to leave the house for a meeting with a senator.
2. "EADL underwent a cranial CT angioram which did not reveal the aneurysm but the gold standard is 4 vessel digital subtraction catheter angioram.
3. "He is a known diabetic for about 20 years but with controlled sugars.
4. "Up to the confinement for SAH in March 2012, EADL was normotensive (normal blood pressure [hypertension is a risk factor for cerebral aneurysm]).
5. "EADL is not a cigarette smoker (a risk factor for cerebral aneurysms).
6. "His work as Regional Director for the Philippine Information Agency entailed frequent trips, dealings with ranking government officials, and long work hours. He was leaving on the day of ictus to meet with a Senator.
7. "The use of established reasons for cerebral aneurysmal rupture (uncontrolled hypertension, use of anti-platelets/anticoagulants, use of central nervous system stimulants such as amphetamines) are (sic) not present in this case.
8. "In the absence of risk factors for developing a cerebral aneurysm and taking into account the nature of EADL's work, the fatal aneurysmal subarachnoid hemorrhage is likely work-related."

On May 13, 2016, this case was re-submitted to the Committee for second deliberation. Due to a second deadlock on the voting, the Committee opted to break the tie through the deciding vote of the Chair in accordance with the Procedural Guidelines of the Committee. In accordance with the prevailing jurisprudence that P.D. No. 626, as amended, is a legislation aimed at furthering the Labor Code's benevolent policy of affording protection to labor and by Article 4 of the Labor Code which decrees that all doubts in the implementation and interpretation of the provisions of the Labor Code shall be resolved in favor of the employee, the Chair decided to cast his vote to recommend the grant of EC benefits in this case. Thus, by a vote of three to two, the Committee decided to adopt the opinion of Dr. Pascual that there is a reasonable probability that strenuous working conditions of the deceased as Information Officer/Regional Director of

Philippine Information Agency (PIA), Region V caused or contributed to the manifestation of his fatal illness.

The appeal is meritorious.

Medical science has classified Subarachnoid Hemorrhage as Cerebrovascular Disease. Under Annex "A" of the Amended Rules on Employees' Compensation Program, Cerebrovascular Accident (CVA or Stroke) is considered compensable under any of the following conditions:

- (a) *"There must be proof that the acute stroke must have developed as a result of the stressful nature of work and pressures inherent in an occupation.*
- (b) *"The strain of work that brings about an acute stroke must be of sufficient in severity and must be followed within 24 hours by the clinical signs of an acute onset of neurological deficit to constitute causal relationship.*
- (c) *"If a person who was apparently asymptomatic before being subjected to strain at work showed signs and symptoms of an acute onset of neurologic deficit during the performance of his work, and such symptoms and signs persisted, it is reasonable to claim a causal relationship.*
- (d) *"There was a history, which should be proven, of unusual and extraordinary mental strain or event, or trauma to or hyperextension of the neck. There must be a direct connection between the insult in the course of the employment and the worker's collapse.*
- (e) *"If the neck trauma or exertion then and there caused either a brain infarction or brain hemorrhage as documented by neuro-imaging studies, the injury may be considered as arising from work.*
- (f) *"If a person is a known hypertensive, it must be proven that his hypertension is controlled and that he was compliant with treatment.*
- (g) *"A history of substance abuse must be totally ruled-out."*

(Board Resolution No. 11-05-13 dated 26 May 2011, ["Amending the Conditions for Compensability of Cardiovascular Diseases, Essential Hypertension, and Cerebrovascular Accidents under Annex 'A' of the Amended Rules on Employees' Compensation"])

In denying the claim of the appellant, it appears that the GSIS maintains that the following risk factors of the claimed fatal illness are not related in any way to the working conditions of the deceased:

1. Congenital berry aneurysm;
2. Aneurysm in other blood vessels;
3. Fibromuscular dysplasia (FMD) and other connective tissue disorders;
4. History of Polycystic kidney disease;
5. Smoking.

Thus, the GSIS concludes that the cause of death of the deceased, Subarachnoid Hemorrhage, could not be considered as work-related. However, the GSIS may have failed to consider the strenuous working conditions of the deceased. The classification of CVA or Stroke, as an occupational disease, puts at rest as to any doubt on the compensability of the said ailment subject to the satisfaction of conditions for its compensability.

In the case of Deymoure Gildreax S. Zipagan vs. GSIS (GM-19355-0105-15, January 24, 2015), this Commission held that:

“In this case, the appellant’s working conditions demand a lot of mental work which made her susceptible to stress and fatigue. The same, in turn, could have weakened her resistance and affected her physical condition. Stated differently, there is a reasonable probability that the numerous stressful tasks and duties that the appellant has to accomplish may have caused or contributed to the manifestation of her Stroke.”

In this case, the strain is even greater considering the enormous responsibilities of the deceased as Information Officer/Regional Director of Philippine Information Agency (PIA) Region V. This Commission takes cognizance of the tremendous amount of paper work of the deceased to provide timely, relevant and free-flowing information to the public. Further, the Medical Report of Dr. J. Leonard Pascual, UP-PGH Department of Neurosciences, that *“in the absence of risk factors for developing a cerebral aneurysm and taking into account the nature of the work of the deceased, the fatal aneurysmal subarachnoid hemorrhage is likely work-related”* deserves respect and should not be ignored. It may be emphasized that Dr. Pascual has ruled-out the presence of non-work related factors of Subarachnoid Hemorrhage in this case.

In the case of Heirs of the Late R/O Reynaldo Aniban vs. NLRC (G.R. No. 116354, December 4, 1997, citing Abana vs. Quisumbing, No. L-23489, March 27, 1968), the Supreme Court held that:

“...It must be stressed that the strict rules of evidence are not applicable in claims for compensation considering that probability and not the ultimate degree of certainty is the test of compensation proceedings.” (citing NFD International Manning Agents, Inc. vs. NLRC, G.R. No. 107131, prom. March 31, 1997; Better Buildings, Inc. vs. Pucan 135 SCRA 62 [1985]; San Valentin vs. ECC, G.R. No. 56909, November 2, 1982, 118 SCRA 160)

In the case of GSIS vs. Cuntapay (G.R. No. 168862, April 30, 2008), the Supreme Court states that probability must be reasonable. In resolving this case, this Commission gives emphasis on the following declaration of the Supreme Court in the case of GSIS vs. Calumpiano (G.R. No. 196102, November 26, 2014):

“...In any determination of compensability, the nature and characteristics of the job are as important as raw medical findings and a claimant's personal and social history. This is a basic legal reality in workers' compensation law...

“Despite the abandonment of the presumption of compensability established by the old law, the present law has not ceased to be an employees' compensation law or a social legislation; hence, the liberality of the law in favor of the working man and woman still prevails, and the official agency charged by law to implement the constitutional guarantee of social justice should adopt a liberal attitude in favor of the employee in deciding claims for compensability xxx xxx that all doubts to the right to compensation must be resolved in favor of the employee or laborer...”(emphasis supplied)

Applying the prescribed liberal interpretation in the resolution of EC cases, this Commission believes that the appellant has satisfied the first condition for compensability of CVA which provides:

(a) “There must be proof that the acute stroke must have developed as a result of the stressful nature of work and pressures inherent in an occupation.”

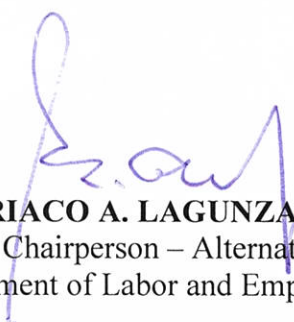
In this case, the working conditions of the deceased, as Regional Director of PIA, Region V, demand a lot of mental work which made him susceptible to stress and fatigue. The same, in turn, could have weakened his resistance and affected his physical condition. Stated differently, there is a reasonable probability that the numerous stressful tasks and duties that the deceased had to accomplish may have caused or contributed to the manifestation of his Stroke.

Medical records reveal that the deceased had not been diagnosed with Hypertension prior to his admission in March 2012 due to Stroke. Further, the deceased had no history of cigarette smoking and alcoholic beverage drinking and his diabetic condition had been controlled. In the absence of any independent intervening cause attributable to non-work-related risk factors for Stroke, this Commission could reasonably conclude that the sudden onset of headache and dizziness suffered by the deceased while he was on his way to a press conference were the primary symptoms that arose in the course of the employment. Hence, all the medical consequences, such as Stroke, flowing from the said symptoms are compensable.


WHEREFORE, the appealed decision is hereby **REVERSED** and the GSIS is ordered to grant EC death benefits to the qualified beneficiaries of the deceased in accordance with Art. 194 (a) of P.D. No. 626, as amended.

SO ORDERED.


**CITY OF MAKATI,
May 31, 2016.**



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



BRENDA P. VIOLA
Member-Designate
Social Security System

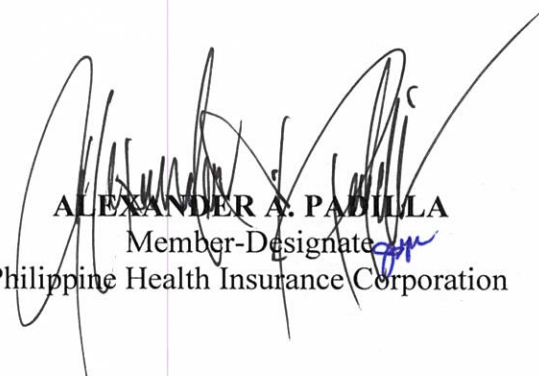


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