



Republic of the Philippines
DEPARTMENT OF LABOR AND EMPLOYMENT
EMPLOYEES' COMPENSATION COMMISSION
4th & 5th Floors, ECC Building, 355 Sen. Gil J. Puyat Avenue, City of Makati

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Ika-21 ng Disyembre 2016

G. RONALDO C. GAMBOA

No. 239, Bedaña St.

San Miguel, Pasig City, 1600

SM-19562-1212-16

Mahal naming **G. Gamboa**:

Ito po ay may kinalalaman sa inyong kahilingang benepisyo sa ilalim ng Employees' Compensation Law (P.D. 626, as amended).

Nais po naming ipabatid sa inyo na noong ika-20 ng Disyembre taong 2016, nagkaroon po ng desisyon ang tanggapanang ito na pagbigyan ang inyong kahilingan. Ang SSS na lamang po ang magbibigay ng inyong karampatang benepisyo.

Mangyari lang po na ipag-bigay-alam ninyo sa aming tanggapan kung natanggap na po ninyo ang inyong kaukulang benepisyo sa loob ng tatlong (30) araw matapos po ninyong tanggapin ang kopya ng desisyon.

Maraming salamat po.

Lubos na sumasainyo,


STELLA ZIPAGAN-BANAWIS
Executive Director



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December 21, 2016

ELISA T. BAROQUE, M.D.
Department Manager III
Medical Operation Department
SOCIAL SECURITY SYSTEM
East Ave., Diliman, Quezon City

Dear **Dr. Baroque**:

We are transmitting herewith the entire record of the case of:

RONALDO C. GAMBOA VS. SSS
ECC CASE No. SM-19562-1212-16

The decision in the above-entitled case is a **REVERSAL** of the decision of the System and the same is accordingly transmitted to that office for enforcement. Pursuant to Article 182 (a) of P.D. 626 as amended, all awards granted by the Commission in cases appealed from the decisions of the System shall be effected "**within fifteen (15) days from receipt of notice thereof.**"

Very truly yours,


STELLA Z. BANAWIS
Executive Director

cc:

BRENDA P. VIOLA, MD
OIC – Medical Services Division
Social Security System (SSS)
East Ave., Diliman, Quezon City

Mr. RONALDO C. GAMBOA
No. 239, Bedaña St.
San Miguel, Pasig City, 1600
SM-19562-1212-16

jtv/msmp



RONALDO C. GAMBOA,
Appellant,

-versus-

ECC CASE No. SM-19562-1212-16

SOCIAL SECURITY SYSTEM (SSS),
Appellee.

x-----x

D E C I S I O N

This appeal seeks to review the decision, dated October 19, 2016, of the Social Security System-Medical Claims Review Committee (SSS-MedCRC) denying the appellant's claim for additional disability benefits, under the Employees' Compensation Law (P.D. No. 626, as amended), for his Lumbar and other Intervertebral Disc Disorder with Radiculopathy.

From June 18 until his repatriation on July 5, 2014, the appellant, Ronaldo C. Gamboa (SSS No. 33-0546669-2), 46 years old at the time of the filing of the claim and a resident of Pasig City, was employed as Seaman-Fitter of Gateway Crewing Services, Inc., Ermita, Manila, with the following duties and responsibilities:

1. Responsible for minor repair of ship structure both in deck and engine department; the repair and maintenance of deck is under the authority of chief mate and in the engine department under the authority of the Second Engineer;
2. Provides the use of personal protection equipment when in jobsite and follows the safety management of the ship;
3. Reports to Second Engineer;
4. Follows the safety guidelines in ship, in port and in the environment and marine;
5. Observes safety precautions at the deck and engine department.

Records reveal that sometime in June 2014, the appellant experienced low-back pain after lifting heavy objects while onboard a vessel. On July 5, 2014, the appellant was repatriated to the Philippines due to his medical condition. He was unable to continue his occupation. He underwent a series of medical examinations and he was diagnosed to have suffered from Lumbar Spondylosis; Disc Bulge, L4L5; Disc Dessication, L4L5; L5S1.

On account of his injury, the appellant was granted EC Permanent Partial Disability (PPD) benefits for eight months effective February 2015.

On October 8, 2015, the appellant filed a claim for additional EC disability benefits before the SSS Manila Branch (Branch). He was subjected to physical examination and it was noted that he has minimal loss of bending power. On October 13, 2015, the Branch denied the claim on the ground of no progression of illness.

On October 19, 2016, the SSS-MedCRC through Resolution No. 2016-0137 sustained the denial in this manner, to wit:

“...Physical examination at the Branch revealed only minimal loss of bending power...Physical examination findings did not show progression of illness.”

On December 7, 2016, the Secretariat received the records of the case from the SSS for review purposes.

On December 16, 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 additional EC disability benefits in accordance with the EC Schedule of Compensation on Spine.

The appeal is meritorious.

There is no dispute that the appellant's injury on his back has already been considered as work-connected by the SSS. Thus, the only issue to be resolved is whether or not he is entitled to additional EC disability benefits.

In relation the said issue, the following are the pertinent provisions of the Amended Rules on Employees' Compensation:

“Rule XII-Permanent Partial Disability

“Section 2. Period of entitlement.

xxx xxx

(c) “The degree of permanent disability shall be equivalent to the ratio that the designated number of compensability bears to 75.

“Section 4. Unlisted injuries and illnesses.

(a) In cases of injuries or illnesses not listed in the schedule under Section 2 hereof, the benefit shall be an income benefit equivalent to the percentage of the permanent loss of the capacity for work. (Non-Scheduled Disabilities).

Based on his latest physical examination results, the appellant has been suffering from minimal loss of bending power.

Under the EC Schedule of Compensation on Spine, slight rigidity of the trunk (one-third loss of motion) and/or loss of lifting power have been categorized as twenty percent (20%) Non-Scheduled Disability (NSD). Thus, the corresponding number of months of EC PPD benefits for the appellant, in relation to Rule XII, Section 2 (c) of the Amended Rules on Employees Compensation, may be computed as follows:

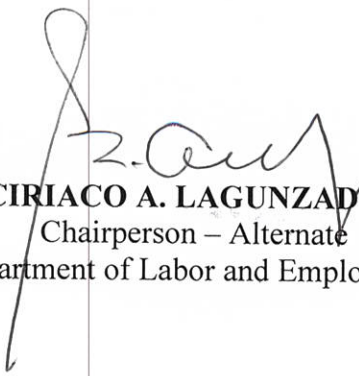
$$20\% \times 75 = 0.2 \times 75 = 15 \text{ months of PPD benefits}$$

In this case, the appellant was already provided with eight months of EC PPD benefits. Thus, he is still entitled to additional seven months of EC PPD benefits to complete the maximum period of 15 months of EC PPD benefits as provided under the EC Schedule of Compensation on Spine.

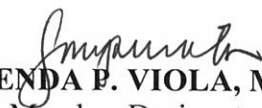
WHEREFORE, on the basis of the results of his last physical examination, the appellant's claim for additional EC disability benefits due to a work-related injury is **GRANTED**. The SSS is hereby ordered to provide the appellant with additional seven months of EC PPD benefits.

SO ORDERED.


**CITY OF MAKATI,
December 20, 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



CARLITO P. ROBLE
Member
Employees' Sector

ABSENT

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



STELLA ZIPAGAN-BANAWIS
Member
Employees' Compensation Commission
Secretariat

