



MARY ANN L. PEDOC,
Appellant,

-versus-

ECC CASE No. SM-19537-1024-16

SOCIAL SECURITY SYSTEM (SSS),
Appellee.

x-----x

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 death benefits, under the Employees' Compensation Law (P.D. No. 626, as amended), for the death of her husband due to *Cardiogenic Shock; Acute Myocardial Infarction (AMI) secondary to Ischemic Heart Disease with concomitant Cardiomegaly*. The claim was denied on the ground of no causal relationship.

From February 17, 2012 until his death on July 29, 2013, the deceased, Arnaldo B. Pedoc (SSS No. 03-9358708-1), 42 years old at the time of death and a former resident of Calamba City, was employed as Fitter of Eastern Shipping Lines, Inc., Manila, with the following duties and responsibilities:

1. Conducts repair works at accommodation deck, weather deck, mast, hatch-cover, hydraulic pipes, cargo holds, deck equipment, accommodation ladders and at the engine dept.;
2. Assists during maneuvering on berthing and un-berthing as directed by Chief Mate.

On February 17, 2012, the deceased underwent pre-employment medical examination which revealed "fit for sea-duty."

In the morning of July 29, 2013, the deceased was found lying unconscious inside his cabin by his crewmates. He had no pulse and no heartbeat. The ship altered its course on its way to Yokohama, Japan, to proceed to Subic, Olongapo, Philippines to unload the remains of the deceased. The remains of the deceased were subjected to autopsy at Olongapo City which revealed "*Cardiogenic Shock; Acute Myocardial Infarction (AMI) secondary to Ischemic Heart Disease with concomitant Cardiomegaly*."

The Clearance for Human Remains, dated July 29, 2013, issued by the Department of Health-Bureau of Quarantine, Port Area, South Harbor, Manila, showed *“no signs of struggle or physical injuries; no bleeding inside the mouth and nostrils; no skull fractures and hematomas noted.”*

On September 8, 2016, the SSS-Medical Claims Review Committee (SSS-MedCRC) denied the claim for EC death benefits through Resolution No. 2016-0068 reasoning that:

“...there is no causal relationship between his nature of work as Fitter and the cause of death, Cardiogenic Shock secondary to Massive Myocardial Infarction.”

On October 20, 2016, the Secretariat received the records of the case from the SSS for review purposes.

On October 28, 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 death with funeral benefits on the ground of satisfaction of one of the conditions for compensability of Cardiovascular Disease. Specifically, the Committee recommended the grant of EC death benefits on the ground that exposure of the deceased to intense heat inside the engine room caused or contributed to the manifestation of his fatal heart illness.

The appeal is meritorious.

Article 173 (formerly 167) paragraph (l) 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.”

Medical findings provide the etiology of Myocardial Infarction in this manner, to wit:

Myocardial Infarction

- “Myocardial Infarction (MI) or “Heart Attack” is a medical emergency caused by a block on the coronary arteries (the blood vessels that supply blood to the heart tissue). A block on one of these arteries results in loss of blood supply to the heart tissues and later on leads to death of the cells. The death of the cells could lead to loss of pumping function of the heart which, in turn, could lead to reduced or very low blood supply.

- “Cigarette smoking, hypertension and the presence of too much fat in the body produce heart attack. Patients most likely to develop MI include those who are excessively heavy, physically inactive, diabetics and those with history of angina or chest pain due to inadequate heart tissue oxygenation. Less common medical conditions that could lead to MI include hypercoagulability (tendency of the blood to thicken rapidly), collagen vascular disease (a disorder involving inflammatory changes of the blood vessels and connective tissues) and cocaine abuse.”

Reference:

Harrison's Principles of Internal Medicine, 15th Edition, Volume 1, pp.1387-1399.

Cardiovascular Disease (Myocardial Infarction) is listed as an occupational disease under Annex “A” of the Amended Rules on Employees’ Compensation. Thus, the appellant is bound to comply with all the conditions required to warrant the grant of benefits. Under Annex “A” of the Amended Rules on Employee’s Compensation, Cardiovascular Diseases are considered compensable under any of the following conditions:

- a. “If the heart disease was known to have been present during employment, there must be proof that an acute exacerbation was clearly precipitated by the unusual strain by reasons of the nature of his work;
- b. The strain of work that brings about an acute attack must be of sufficient severity and must be followed within 24 hours by the clinical signs of a cardiac insult to constitute causal relationship;
- c. “If a person who was apparently asymptomatic before being subjected to strain at work showed signs and symptoms of cardiac impairment during the performance his work and such symptoms and signs persisted, it is reasonable to claim a causal relationship subject to the following conditions:
 1. “If a person is a known hypertensive, it must be proven that his hypertension was controlled and that he was compliant with treatment;
 2. “If a person is not known to be hypertensive during his employment, his previous health examination must show normal results in all of the following, but not limited to: blood pressure, chest x-ray, electrocardiogram (ECG)/treadmill exam, CBC and urinalysis.
- d. “A history of substance abuse must be ruled out.”
(ECC Resolution No. 432, dated July 20, 1977, as amended by ECC Resolution No. 11-05-13, dated May 26, 2011)

After a thorough medical evaluation of the case, this Commission believes that the condition of the deceased falls under the abovementioned second condition which provides:

- a. "The strain of work that brings about an acute attack must be of sufficient severity and must be followed within 24 hours by the clinical signs of a cardiac insult to constitute causal relationship;"

In a long line of EC appealed cases, this Commission has recognized the strenuous working conditions of Filipino seamen considering that they encounter various occupational hazards and exposures while onboard a vessel. In this case, the working conditions of the deceased entailed repair works of various equipment and machinery inside the engine room of the vessel since February 2012. On July 29, 2013, the deceased was found lying unconscious inside his cabin. This Commission cannot discount the physically exhausting working conditions underwent by the deceased in performing his various duties as Fitter which, eventually, put unusual strain on his body. The strain manifested itself when the deceased lost his consciousness on the following day after performing his duties.

Further, it is reasonable to state that the strenuous working conditions of the deceased for over a year as Fitter entailed exposure to intense heat that emits in the engine room which made him susceptible to fatigue and strain that weakened his resistance and caused the manifestation of his fatal heart ailment.

The following medical findings show that a worker may incur cardiovascular consequences as a result of long-standing exposure to occupational heat exposure:

- "Heat-related deaths often occur in occupations in which workers are performing tasks in hot environments..."
- "Exposure to heat and hot environments puts workers at risk for heat stress, which can result in heat illnesses and death...."
- "Heat-related deaths often occur in occupations in which workers are performing tasks in hot environments, causing them to build metabolic heat faster than their bodies can release heat and cool down."

Reference:

Heat Illness and Death Among Workers — United States, 2012–2013; Asbury, S. MPH et.al.; CDC-MMWR Aug. 8, 2014 <http://www.cdc.gov/mmwr/preview/mmwrhtml/mm6331a1.htm> (cited in the cases of Teresita P. Arao vs. SSS (SM-19442-0824-15, Sept. 22, 2015) and Rodora D.O. Castillo vs. SSS (SM-19456-1023-15, November 23, 2015)

Owing to the absence of any non-work related risk-factors such as lifestyle and atherosclerosis in this case, this Commission believes that the strenuous working conditions of the deceased in a hot environment caused or contributed to the manifestation of his fatal heart illness.

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 death with funeral benefits to the qualified beneficiaries of the deceased in accordance with Article 200 (formerly 194) paragraph (a) of P.D. No. 626, as amended, and its Implementing Rules and Regulations.

SO ORDERED.

**CITY OF MAKATI,
November 4, 2016.**



BOARD RESOLUTION NO. 16-11-41

Approving the Recommendations of the Technical Review Committee (TRC) on Two (2) EC Appealed Cases from the GSIS and Three (3) EC Appealed Cases from the SSS

WHEREAS, Article 186 (formerly 180) of P.D. No. 626, as amended, partly provides:

"ART. 186. Settlement of Claims.- The System shall have original and exclusive jurisdiction to settle any dispute arising from this Title with respect to coverage, entitlement to benefits, collection and payment of contributions and penalties thereon, or any other matter related thereto, subject to appeal to the Commission..." (emphasis supplied)

WHEREAS, on October 28, 2016, the Technical Review Committee (TRC) has deliberated on the following EC appealed cases from the GSIS and the SSS. The recommendations of the TRC are as follows:

I. GSIS

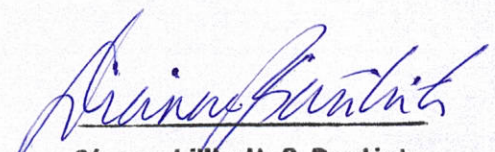
<i>Title of the Case/Nature of Appeal</i>	<i>TRC Recommendation</i>
I.1. DIMAYACYAC, Rotchel B. vs. GSIS (GM-19533-1017-16) Nature of Claim: <i>EC disability benefits due to Chronic Suppurative Otitis Media, AS; with Cholesteatoma Formation, AS S/P Mastoidectomy</i> Occupation of the Covered Member: <i>Public School Teacher</i>	<i>For Denial</i> Reason for Denial: <i>No causal relationship</i>
I.2. PALOMO, Amelita F. vs. GSIS (GM-19534-1024-16) Nature of Claim: <i>EC disability benefits due to Abnormal Uterine Bleeding Secondary to Complex Hyperplasia with Atypia S/P Total Hysterectomy and Bilateral Salpingoophorectomy S/P Diagnostic Dilatation and Curettage</i> Occupation of the Covered Member: <i>Teacher I</i>	<i>For Denial</i> Reason for Denial: <i>No causal relationship</i>

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**Dianne Lilibeth S. Bautista:
Board Secretary III**

II. SSS

<i>Title of the Case/Nature of Appeal</i>	<i>TRC Recommendation</i>
<p>II.1. SERQUINA, Joel S. v. SSS (SM-19525-0810-16)</p> <p>Nature of Claim: <i>EC disability benefits due to Chronic Venous Insufficiency</i></p> <p>Occupation of the Covered Member: Security Guard</p>	<p>For Award</p> <p>Basis for Award:</p> <p>The appellant's working condition as security guard, which entails prolonged sitting and standing, increased his risk of contracting the claimed illness.</p>
<p>II. 2. PEDOC, Mary Ann L. v. SSS (SM-19537-1024-16)</p> <p>(Arnaldo B. Pedoc - deceased)</p> <p>Nature of Claim: <i>EC death benefits due to Cardiogenic Shock secondary to Massive Myocardial Infarction</i></p> <p>Occupation of the Covered Member: Seaman-Fitter</p>	<p>For Award</p> <p>Basis for Award:</p> <p>Satisfaction of condition for compensability; unusual strain at work caused the manifestation of the fatal heart ailment of the deceased</p>
<p>II.3. MALINAO, Myrna S. v. SSS (SM-19536-1024-16)</p> <p>(Meliton P. Malinao-deceased)</p> <p>Nature of Claim: <i>death benefits due to Acute Heart Attack</i></p> <p>Occupation of the Covered Member: 2nd Mate</p>	<p>For Award</p> <p>Basis for Award:</p> <p>Satisfaction of condition for compensability; unusual strain at work caused the manifestation of the fatal heart ailment of the deceased</p>

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Board Secretary III

WHEREAS, considering that this Commission is mandated to resolved EC appealed cases within the period of 20 working days, the abovementioned EC appealed cases are deemed resolved on the date of start of routing, or on November 4, 2016, by the Secretariat of this Resolution to the other members of the Commission for purposes of compliance with the prescribed 20 working day PCT;

ON THE BASIS OF THE CONCURRENCE OF THE MEMBERS OF THE COMMISSION

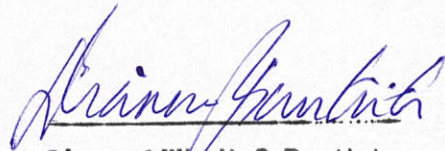
This Commission **RESOLVES AS IT HEREBY RESOLVED** that the recommendations of the TRC in the abovementioned cases be approved:

RESOLVED FURTHER, that the entire original records of the cases of **Joel S. Serquina vs. SSS (SM-19525-0810-16)**, **Mary Ann L. Pedoc vs. SSS (SM-19537-1024-16)** and **Myrna S. Malinao (SM-19536-1024-16)** be transmitted to the SSS for enforcement of Decisions of this Commission granting EC benefits to the concerned claimants within 15 days upon receipt of Notices of Decisions;

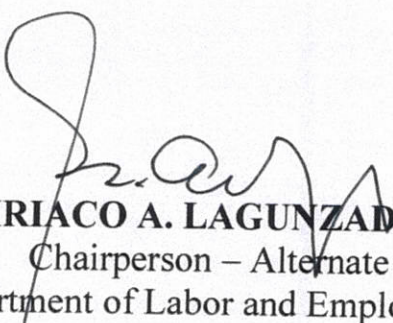
RESOLVED FINALLY, that copy of this Resolution and Decisions on the abovementioned cases be duly furnished to the GSIS and to the SSS for guidance and/or compliance.

APPROVED, in Makati City, 04 November 2016.

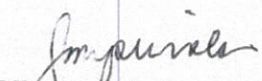
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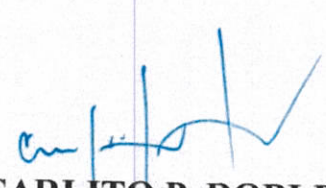
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