



Republic of the Philippines
DEPARTMENT OF LABOR AND EMPLOYMENT
EMPLOYEES' COMPENSATION COMMISSION
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JUANITO B. SAMPANG,
Appellant,

-versus-

ECC CASE No. GM-19524-0810-16

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

x-----x

D E C I S I O N

This appeal seeks to review the decision, dated July 21, 2016, of the Government Service Insurance System (GSIS) denying the appellant's claim for disability benefits, under P.D. No. 626, as amended, due to Meniere's disease.

From October 11, 1974 until his disability retirement from the military service on January 18, 2005, the appellant, 2LT. Juanito B. Sampang (Ret.), 50 years old at the time of the filing of the claim and a resident of Tanay, Rizal, served as Rifleman at the Philippine Army, Fort Bonifacio, Makati City. In the course of his military career, the appellant was assigned at Jolo, Sulu, Basilan, Cotabato, Regions III and IV, and at NCR-Intelligence Operative, ISAFP.

On September 3, 2004, the appellant was admitted at the AFP Medical Center due to *tinnitus* (tinkling or ringing heard in one or both ears; it may be a sign of hearing injury [Signet/Mosby Medical Encyclopedia]), decreased hearing and dizziness. He was diagnosed to be suffering from Meniere's disease. Records reveal that he was also diagnosed to have suffered from Degenerative Osteoarthritis. Records further reveal that the GSIS granted the appellant with EC Permanent Partial Disability (PPD) benefits due to said illness. However, the GSIS-Office of the Senior Vice-President (GSIS-OSVP)-NCR Operations Group denied the claim for EC disability benefits due to Meniere's Disease reasoning that:

"2LT Sampang, who claims that his tour of combat duty as a rifle man from April 1975-October 1979 was the precipitating factor in the development of his Meniere's disease. However, studies conducted by Dr. Timothy C. Hain, et. al. revealed the ff:

“Etiology (cause) of Meniere’s Syndrome Timothy C. Hain, MD http://www.dizziness-and-balance.com/disorders/meniere’s/men_eti.html. Heavy exposure to impulse noise (such as gun fire) has been suggested by some as a cause of inner ear disease and symptoms resembling Meniere’s disease. There is some controversy here, however, and one very large study of 17, 245 Israeli veterans suggested that there was no effect (Segal and Eviatar, 2003). In our opinion, loud impulse noise does not cause Meniere’s disease.

“Meniere’s disease is a disease of the inner ear due to swelling of the endolymphatic sac and other tissues. Common causes of the swelling are common colds and cigarette smoking and genetic predisposition.

“None of the possible causes of Meniere’s disease could be connected to Mr. Sampang’s work.”

On August 5, 2016, the Secretariat received the records of the case from the GSIS for review purposes. On August 19, 2016, this case was submitted to the Technical Review Committee (Committee) for initial deliberation. Voting resulted in three to one in favor of the award of EC disability benefits. The majority of the members of the Committee decided to elevate this case with a recommendation to grant EC disability benefits on the ground of medical findings that stress due to rigors of military service could trigger the attack of the symptoms of Meniere’s disease.

The appeal is meritorious.

Recognition of medical findings that stress and fatigue could trigger the attack of the symptoms of Meniere’s disease

In denying the claim, the GSIS has cited the following medical findings:

“Etiology (cause) of Meniere’s Syndrome Timothy C. Hain, MD http://www.dizziness-and-balance.com/disorders/meniere’s/men_eti.html. Heavy exposure to impulse noise (such as gun fire) has been suggested by some as a cause of inner ear disease and symptoms resembling Meniere’s disease. There is some controversy here, however, and one very large study of 17, 245 Israeli veterans suggested that there was no effect (Segal and Eviatar, 2003). In our opinion, loud impulse noise does not cause Meniere’s disease.

“Meniere’s disease is a disease of the inner ear due to swelling of the endolymphatic sac and other tissues. Common causes of the swelling are common colds and cigarette smoking and genetic predisposition.”

It may be argued that medical findings have yet to establish the causal relationship between acoustic trauma, such as constant exposure to gun fire, and Meniere's disease. However, it appears that the said risk-factor is not the sole cause of Meniere's disease that may be related to military service or, at least, not under the circumstances in this case. Other pertinent medical findings have already recognized that stress and fatigue, among others, could trigger the attack of symptoms of Meniere's disease such as hearing loss, *tinnitus* (tinkling or ringing heard in one or both ears [Signet/Mosby Medical Encyclopedia]), and vertigo.

As stated in the following:

"... Some people with **Meniere's disease** find that certain events and situations, sometimes called **triggers**, can set off attacks. These triggers include **stress, over-work, fatigue, emotional distress ...**" (emphasis supplied)

Reference:

Vestibular Disorder Association: Educational Resources Meniere's Disease. vestibular.org, Educational Resources, Types of Vestibular Disorders

"Being exposed to **emotional stress increases the risk of getting an attack of Meniere's disease ...**"

Reference:

Stress as a Trigger of Attacks in Meniere's disease. A Case-Crossover Study. Soderman ACI, Moller J, Bagger-Sjoberg D, Bergenius J, Hallqvist J. Laryngoscope 2004 Oct; 114 (10): 1843-8

Undisputed characteristic of stressful working conditions in the military service

This Commission takes cognizance of the rigors, with its attendant stresses and pressures, of military service. In this case, the appellant, in his tour of duty, was assigned in the battlefields of Jolo, Sulu, Basilan, Cotabato, Regions III and IV, and at NCR-Intelligence Operative, ISAFP. As such, he had experienced long period of separation from his family due to military assignment, fatigue, sleep deprivation, confrontation with the *moro* rebels, insurgents and other lawless elements, constant pressure to get the objectives of military operations, and constant exposure to hostile actions or life-threatening situations. These stressful working conditions, according to medical findings, could generate or trigger the symptoms of attack of Meniere's disease.

The nature and characteristics of the job are as important as raw medical findings and a claimant's personal and social history; basic legal reality in workers' compensation law

In the case of GSIS v. Salvador A. De Castro (G.R. No. 185035, July 15, 2009 citing *Narazo v. Employees Compensation Commission*, G.R. No. 80157, February 6, 1990, 181 SCRA 874; cited in the case of GSIS of Calumpiano, G.R. No. 196102, November 26, 2014), the Supreme Court held that:

"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..."

Probability, not the ultimate degree of certainty, is the test of proof in compensation proceedings

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

"The degree of proof required to validate the concurrence of the above-mentioned conditions under P.D. No. 626 is merely substantial evidence, that is, such relevant evidence as a reasonable mind might accept as adequate to support a conclusion. What the law requires is a reasonable work-connection and not direct causal relation. It is enough that the hypothesis on which the workmen's claim is based is probable.

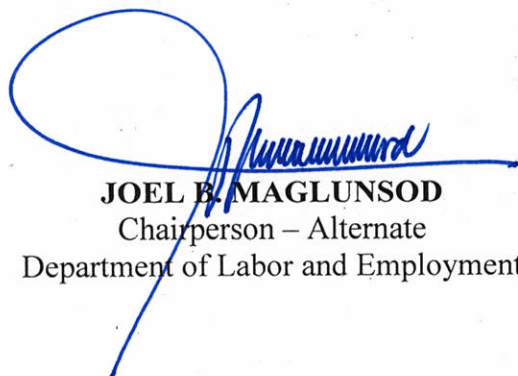
"...probability, not the ultimate degree of certainty, is the test of proof in compensation proceedings. For, in interpreting and carrying out the provisions of the Labor Code and its implementing Rules and Regulations, the primordial and paramount consideration is the employee's welfare. To safeguard the worker's rights, any doubt as to the proper interpretation and application must be resolved in his favor."
(emphasis supplied)

Given the abovementioned pronouncements of the Highest Court and based on the totality of the circumstances in this case, this Commission believes that there is a reasonable probability that the long years of the appellant in the military service, from 1975 until his disability retirement in 2005 with its attendant stresses and pressures, caused or contributed to the manifestation of his ailment that led to his disability retirement.

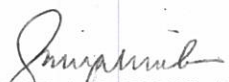
WHEREFORE, the appealed decision is **REVERSED** and the GSIS is ordered to grant EC disability benefits to the appellant plus reimbursement of out of pocket medical expenses that he incurred due to Meniere's disease subject to the limitations prescribed by the Commission.

SO ORDERED.

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



JOEL B. MAGLUNSOD
Chairperson – Alternate
Department of Labor and Employment



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