

## 2017 Court of Appeals (CA) Decisions on EC Appealed Cases

Title of the Case	Decisions of the System of Origin and the Commission	Ruling of the CA
<p><b>1. EMERITA B. BUSA v. ECC</b>, CA-GR. SP No. 139064, July 12, 2017</p> <p>Date Copy of Entry of Judgment Received by the Secretariat: Jan. 4, 2018</p> <p>Nature of Claim: Disability benefits due to multiple Injuries secondary to vehicular accident</p> <p>Occupation of the Covered Member: Secondary School Teacher (Angono National High School)</p>	<p>Summary of the Case:</p> <p>-On Feb. 13, 2012, the appellant went home after she dismissed her class.</p> <p>-At around 7 PM, the appellant went out and rode her motorcycle. She was allegedly on her way to the residence of her son to get her flash drive when her motorcycle collided with another vehicle. She further alleged that she needed the flash drive in the preparation of her reviewer for the Division Achievement Test.</p> <p>-GSIS Decision: Aside from the allegation of the appellant, there is no substantial evidence showing that at the time of the accident, the appellant was doing something necessary or incidental to her employment</p> <p>-The incident occurred beyond her regular work-hours and outside her work-place.</p> <p>-The Certification issued by the Principal could not be given credence considering that she has no personal knowledge of the events which took place before and during the incident. Neither there was an order or instruction from the Principal to the appellant to do the task</p>	<p>-“there is no evidence on record showing that Busa was performing her official duties or any incidental acts at the time of the accident.</p> <p>-“Except for Busa’s bare allegations, nothing in the records indicate that she was indeed performing an official function when she sustained injuries...</p>

	<p>that the appellant was allegedly doing at the time of the incident.</p> <p>-Decision of the Commission: affirmation of the GSIS Decision denying the claim (GL-19312-0819-14, Oct. 8, 2014)</p>	
<p><b>2. FILIPINA TAYTAY v. SSS</b>, CA-GR SP No. 130862, May 18, 2017 (Roberto Taytay-deceased)</p> <p>Copy of Entry of Judgment Received by the ECC: January 8, 2018</p> <p>Nature of Claim: death benefits due to Liver Cirrhosis; DM; Chronic Hepatitis B Infection</p> <p>Occupation of the Covered Member: Senior Training Inspector (MERALCO)</p>	<p>-SSS Decision: no causal relationship; no substantial evidence showing that the working conditions of the deceased increased the risk of contracting the fatal ailments</p> <p>-Decision of the Commission: affirmation of the SSS decision denying the claim (SM-18874-1201-11, Jan. 20, 2012)</p>	<p>-“..allegations and assumptions could not constitute reasonable basis to warrant a finding of work-causation..</p> <p>-“The possibility that petitioner’s deceased husband might have been exposed to eating unhealthy food is not sufficient proof to warrant an award of death benefits xxx There is nothing unique or special in the line of employment of Roberto so as to contract hepatitis B or liver cirrhosis while in the performance of his work...”</p>
<p><b>3. ALEJA C. LOMON v. SSS</b>, CA-G.R. SP NO. 08726, January 31, 2018</p> <p>Tirso Lomon-deceased</p> <p>Nature of Claim: death benefits due to PTB</p> <p>Occupation of the Covered Member: Bus Conductor-</p>	<p>-SSS Decision: no causal relationship</p> <p>-Decision of the Commission: affirmation of the SSS decision denying the claim; as determined by the SSS through an ocular inspection, there was no showing that the</p>	<p>-“...petitioner failed to adduce substantial evidence to support the conclusion that Tirso’s working conditions as a bus conductor/helper increased his risk of contracting PTB, or that the development of his PTB was traceable to his work and working conditions.</p> <p>-“...Certifications, Radiologic</p>

Helper (St. Jude Bus Co.)	occupation of the deceased exposed him to sources of PTB infection. (SM-19174-0806-13, Sept. 16, 2013)	Report and Death Certificate do not constitute such evidence that a reasonable mind might accept as adequate to support the conclusion that there is indeed a causal connection between Tirso's illness and his job. Absent of any firm evidence, the mere opinion of Provincial Health Officer Uy that Tirso's job increased his risk of contracting PTB, is not sufficient. Compensation cannot rest on speculations and presumptions..."
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