



Republic of the Philippines
DEPARTMENT OF LABOR AND EMPLOYMENT
EMPLOYEES' COMPENSATION COMMISSION
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Ika-21 ng Disyembre 2016

G. HENARIO D. GUINIAWAN

No. 84, Dalupirip
Itogon, Benguet, 2604
SM-19557-1201-16

Mahal naming **G. Guiniawan**:

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:

HENARIO D. GUINIAWAN VS. SSS
ECC CASE No. SM-19557-1201-16

The decision in the above-entitled case is a **MODIFICATION** 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. HENARIO D. GUINIAWAN
No. 84, Dalupirip
Itogon, Benguet, 2604
SM-19557-1201-16

jtv/msmp



HENARIO D. GUINIAWAN,
Appellant,

-versus-

ECC CASE No. SM 19557-1201-16

SOCIAL SECURITY SYSTEM (SSS),
Appellee.

x-----x

DECISION

This appeal seeks to review the decision of the Social Security System (SSS)-Medical Claims Review Committee (MedRC), dated November 3, 2016, denying appellant's claim for disability benefits, under the Employees' Compensation Law (P.D. No. 626, as amended), for his Cervical and Lumbar Spine Disorders (Herniated Discs L3L4, L4L5, L5S1; Spinal Stenosis with Lumbar Myelopathy; Lumbar Spondylosis; Hypertension; Hearing Loss.

From April 24, 1984, until his retirement on December 1, 2012, the appellant, Henario D. Guiniawan (SSS No. 01-0673697-7), 60 years old at the time of the filing of the claim and a resident of Itogon, Benguet, has occupied the following positions at Philex Mining Corp., Tuba, Benguet:

Position-Work-Place	Period of Employment
Mine Bullgang (Underground)	April 24, 1984-December 31, 1985
Miner Helper (Underground)	January 1, 1986- October 2, 2000
Miner Second Class (Underground)	October 3, 2000-December 10, 2006
General Electrician First Class (Underground)	December 11, 2006-November 30, 2012 Date of Retirement: December 1, 2012

Based on the Job Description, which was signed by Ms. Elsa G. Prangan, HR Manager, Philex Mining Corp., the duties and responsibilities of the appellant as General Electrician include:

General Function:

Performs installation works, test, troubleshooting and repair, maintenance on electrical wiring, lightings, electric motor generators, transformers and other related devices such as disconnecting/protective/indicating devices rated up to 50 KVA or its equivalent in HP /KW 750 v used in industrial plants, residential buildings and other related establishment as directed by his Supervisor.

Duties and Responsibilities:

1. Reads and interprets plans, drawings and specifications;
2. Installs specified electrical equipment and devices in position;
3. Installs electrical wiring using any wiring methods in accordance with Philippine Electrical Code;
4. Tests and evaluates newly installed and existing electrical equipment and devices and performs necessary corrections/revisions;
5. Inspects and troubleshoots electrical installations, equipment and devices;
6. Repairs and reconditions defective electrical equipment and devices as specified;
7. Maintains testing/measuring instruments, shop equipment and hand tools;
8. Prepares materials needed for maintenance repair and installation works;
9. Operates electrical equipment/machineries as directed by his immediate Supervisor;
10. Prepares and submits accomplishment reports;
11. Responsible for the safety of his companions;
12. Complies and enforces established SOPs Company Policies, Safety Rules and regulations and Collective Bargaining Agreement;
13. Performs special operations during emergency and urgent situations;
14. Attends safety meetings and seminars as required;
15. Performs other related jobs as maybe assigned by his immediate supervisor.

Medical records reveal that sometime in April 1996, the appellant experienced severe pain on his lower back after lifting an iron beam at his work-place. He did not seek medical consultations until December of 1996 when he underwent physical therapy sessions. In February of 1997, he was admitted at the Saint Louis University due to severe pain on his back. He was diagnosed to have suffered from L4L5 Radiculopathy secondary to Herniated Nucleus Pulposus L3-L4/L4-L5. On account of his Lumbar Disc Disease, the appellant was granted SSS and EC Permanent Partial Disability (PPD) benefits for a total of 16 months effective July 1997. The appellant was also granted with SSS retirement benefits effective December 1, 2012.

On August 11, 2015, the appellant sought medical consultation at the Notre Dame de Chartres Hospital, Baguio City, due to Hypertension, hearing loss associated with knee and low-back pain. He underwent Computed Tomography (CT) scan examination which revealed *“Lumbar Spondylosis with Posterior Disc Bulges and varying Neural and Central Canal Stenosis most severe at L4-L5 and L5-S1 levels.”* He was also subjected to Lumbosacral APL examination which showed findings of *“Lumbar Muscular Spasm; Degenerative Spondylosis.”* During the physical examination, it was also noted that the appellant was *“ambulatory but with difficulty especially in jumping and jogging due to weakness and pain; 100% sensory function in all four extremities but motor function suggest 5/5 on both upper extremities but 3/5 on the lower extremities.”*

On August 13, 2015, the appellant was discharged from the said hospital with diagnosis of Disc Dessication L4-L5 with Spinal Canal Stenosis and Lumbosacral Radiculopathy; Cervical Degenerative Spondylosis with Foraminal Stenosis; Hypertension, mild; Sensorineural Hearing Loss, mild moderate on the right; Hypertriglyceridermia; Hyperuricemia.

The appellant filed a claim for EC disability benefits before the SSS Baguio City Branch (Branch) due to the abovementioned ailments. The Branch denied the claim reasoning that:

“...physical examination findings do not warrant granting of additional disability benefits as there was no noted permanent impairment of body functions nor progression of his illness.”

On November 3, 2016, the SSS-MedCRC sustained the denial, through Resolution No. 2016-E0239, on the same ground.

On November 25, 2016, the Secretariat received the records of the case from the SSS for review purposes. On December 9, 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 the following recommendations:

I. For Denial

Type of Illness	Reason for Denial
Cervical Disc Disorder	No causal relationship
Hypertension	No causal relationship
Hearing Loss	The appellant has failed to submit any Audiometry examination results showing that his alleged hearing impairment has progressed to a state of permanent disability

II. For Award

Type of Illness	Basis for Award
Lumbar Disc Disorder	Recent physical examination results warrant the granting of additional EC disability benefits as provided under the EC Schedule of Compensation on Spine

The appeal is partly meritorious.

Article 173 (formerly Art. 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."

This Commission now proceeds to discuss the etiology, conditions for compensability and the reasons for denial of the claim for EC disability benefits of the appellant due to Hypertension, Cervical Disc Disorder and Hearing Loss of the appellant.

Claimed Illness	Etiology/Conditions for Compensability under Annex “A” of the Amended Rules on Employees’ Compensation	Reason for Denial of the Claim
Hypertension with left ventricular hypertrophy	<ul style="list-style-type: none">• Hereditary and environmental factors;• Essential or Primary Hypertension has no single identifiable cause. The persons most likely to develop essential hypertension are those with family history of hypertension.• Cigarette smoking, less physical activity, stress, excessively heavy weight, high salt intake, high caffeine intake, and use of oral contraceptive pill also contribute to the development of essential hypertension. The release of certain enzymes from the kidneys and diabetes mellitus may lead to high blood pressure.• Both genetic and hemodynamic factors contribute to left ventricular hypertrophy.• Individuals with left ventricular hypertrophy are at increased risk for Cardiovascular Heart Disease, Stroke, Chronic Heart Failure, and sudden death. <p><i>References:</i></p> <ol style="list-style-type: none">1. <i>Robbins Pathologic Basis of Disease</i>, 6th Edition, pp. 510-514;2. <i>Seventh Report of the Joint National Committee on Prevention, Detection, Evaluation and treatment of High Blood Pressure (JNC 7)</i>;3. <i>Harrison’s Principles of Internal Medicine</i>. 17th Edition, Chapter 241: <i>Hypertensive Vascular Disease</i>	<p>Although Hypertension has been included in the List of occupational Diseases, its compensability requires compliance with the conditions provided under Annex “A” of the Amended Rules on Employees’ Compensation.</p> <p>The appellant should have provided evidence of a reasonable connection between his working conditions and his Hypertension or that the progression of the same was brought about largely by the conditions in his previous occupation. The available medical records also failed to disclose any substantial evidence that will establish that his Hypertension causes impairment of functions of his body organs during the time of his employment. Failing in this aspect, this Commission is constrained to rule that the appellant’s Hypertension is not compensable.</p>

Claimed Illness	Etiology/Conditions for Compensability under Annex “A” of the Amended Rules on Employees’ Compensation	Reason for Denial of the Claim
	<p>Conditions for Compensability:</p> <p>“29. Essential Hypertension</p> <p>Hypertension classified as primary or essential is considered compensable if it causes impairment of function of body organs like kidneys, heart, eyes, and brain, resulting in any kind of disability subject to the submission of any of the following:</p> <p>(a) “Chest X-ray report; (b) “ECG report; (c) “Blood chemistry report; (d) “Fundoscopy report; (e) “Ophthalmological evaluation; (f) “CT scan; (g) “MRI; (h) “MRA; (i) “2D-echo; (j) “Kidney ultrasound; and (k) “BP monitoring report.”</p>	
Cervical Disc Disorder	<ul style="list-style-type: none">• Aging factor;• Major trauma and repetitive joint use;• Obesity <p><i>References:</i> 1. <i>Pathologic Basis of Disease by Cotran, 6th Edition, pp. 1246-48;</i> 2. <i>Harrison’s Principles of Internal Medicine, 16th Edition</i></p>	<p>The appellant did not experience the symptom of the said illness during the period of his employment.</p> <p>During his physical examination at the SSS, it was noted that there is no functional loss or motion attributable to cervical disc. Neither there is showing of any limitation of the normal range of the motion of the neck of the appellant.</p>
Hearing Loss	<ul style="list-style-type: none">• Middle-ear infections, viruses (mumps, chickenpox, measles, influenza, herpes	<p>There is no showing that the appellant has submitted any</p>

Claimed Illness	Etiology/Conditions for Compensability under Annex “A” of the Amended Rules on Employees’ Compensation	Reason for Denial of the Claim
	<p>zoster and adenoviruses), Meningitis, and Syphilis.</p> <ul style="list-style-type: none">• Acoustic or physical traumatic working conditions which include excessive noise such as explosive blast, lacerations, motor vehicle accidents, blunt head trauma, falls, burns from caustic chemicals, open flames or welder’s slag that enter the ear canal, frostbite, hematoma, and barotrauma due to diving and flying. <p><i>References:</i></p> <p>1. <i>Harrison’s Principles of Internal Medicine 14th Edition, Companion Handbook</i> page 1062;</p> <p>2. <i>Boie’s Fundamentals of Otolaryngology 6th Edition</i> pp. 46-47, 86-87, 90-91, 94-95, 123-124, 131-132</p> <p>Conditions for Compensability</p> <p>“4. Occupational Hearing Loss</p> <p>(a)”Noise Induced Hearing Loss (NIHL) is characterized as progressive sensorineural hearing loss that is usually bilateral, permanent/irreversible and affecting the 3000 to 6000 Hz level but commonly affects and is worst at the 4000 Hz level</p> <p>“Exposure in the workplace to harmful noise levels in the higher frequencies</p> <p>“Contingencies wherein direct damage to the eardrum or inner ear are caused by the working activity.</p> <p>(b) “Acoustic trauma results in a conductive or mixed type of hearing loss.</p>	<p>Audiometry examination results showing that his alleged hearing impairment has progressed to a state of permanent disability.</p>

Claimed Illness	Etiology/Conditions for Compensability under Annex “A” of the Amended Rules on Employees’ Compensation	Reason for Denial of the Claim
	<p>“Exposure in the workplace due to sudden burst of sound such as explosive blast.</p> <p>(c) “Physical trauma can present as mixed type of hearing loss</p> <p>”Physical trauma sustained at work such as but not limited to motor vehicle accidents, blunt head trauma, falls, explosions, burns from caustic chemicals, open flames or welder’s slag that enter the ear canal.”</p>	

Having failed to find substantial evidence that will establish causal connection between the abovementioned ailments of the appellant and his working conditions, this Commission sustains the decision of the SSS denying appellant’s claims insofar as his Hypertension, Cervical Disc Disorder, and Hearing Loss are concerned.

Second Issue: Entitlement of the Appellant to Additional EC Disability benefits due to Lumbar Disc Disease

There is no dispute that the appellant’s injury 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).”

Records reveal that on account of his injury, the appellant was previously granted with EC Permanent Partial Disability (PPD) benefits for a total of 8 months. Based on his medical consultation in 2015, it was noted that the appellant was *“ambulatory but with difficulty especially in jumping and jogging due to weakness and pain; 100% sensory function in all four extremities but motor function suggest 5/5 on both upper extremities but 3/5 on the lower extremities.”*

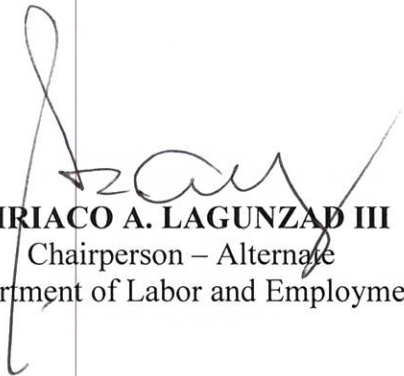
Under the EC Schedule of Compensation on Spine, moderate rigidity of the trunk (two-third loss of motion) and/or loss of lifting power have been categorized as forty percent (40%) Non-Scheduled Disability (NSD). Thus, the corresponding number of months of EC PPD benefits for the appellant, in relation to Rule XII, Section 2 (c) of the Amended Rules on Employees Compensation, may be computed as follows:

$$40\% \times 75 = 0.4 \times 75 = 22 \text{ months of PPD benefits}$$


WHEREFORE, in accordance with the EC Schedule of Compensation on Spine, 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 22 months of EC PPD benefits. However, the claim for EC disability benefits due to **Hypertension, Cervical Disc Disorder** and **Hearing Loss** of the appellant is hereby **DENIED** on the grounds of no causal relationship and/or no employer-employee relationship.

SO ORDERED.

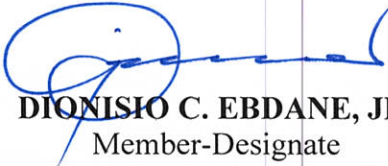
**CITY OF MAKATI,
December 20, 2016.**




CIRIACO A. LAGUNZA 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
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ABSENT

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



STELLA ZIPAGAN-BANAWIS
Member
Employees' Compensation Commission
Secretariat

