



**EDGAR E. LEE,**

*Appellant,*

**-versus-**

**ECC CASE No. GM-19495-0218-16**

**GOVERNMENT SERVICE  
INSURANCE SYSEM (GSIS),**

*Appellee.*

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## **D E C I S I O N**

This appeal seeks to review the decision of the Government Service Insurance System (GSIS), dated February 12, 2016, denying appellant's claim for disability benefits, under the Employees' Compensation Law (P.D. 626, as amended), due to Intracerebral Hemorrhage, right Putamen, Basal Ganglia; Hypertension, stage 2; Dyslipidemia; Status-Post (S/P) Craniotomy.

From August 3, 1992 to date, the appellant, Edgar E. Lee (GSIS Policy No. 58051402403), 57 years old at the time of the filing of the claim and a resident of Tuguegarao City, has been employed as Administrative Officer (Budget Officer) at the Provincial Budget Office, Tuguegarao City, Cagayan, with the following duties and responsibilities:

1. Assists preliminary review of the annual and supplemental budget submitted by the different municipalities of Cagayan;
2. Assists individual items processing against the budget amount and prepares reports on variation or deviation which may need additional review on special authorization;
3. Assists technical assistance in the preparation of annual and supplemental budget of the different municipalities;
4. Gathers budgetary data;
5. Performs related duties that may be required from time to time.

Based on the Certification, dated November 4, 2015, which was signed by Ms. Edna L. Ligan, Provincial Budget Officer, the appellant also performs the following duties:

1. Conducts the administrative/preliminary review and evaluation of all LGU budgets (City and Municipal Annual and Supplemental Budgets) of the Province of Cagayan;
2. Consults with City and Municipal Officials and provides technical assistance in the phases of government budgeting/budget circulars/guidelines to our component LGUs;
3. Performs other peripheral functions of a similar nature or related activities attached to his duties and functions.

On November 19, 2014, the appellant was admitted at the St. Paul Hospital, Tuguegarao City, due to weakness on the right-side of his body and slurring of speech. On November 20, 2014, he underwent *Craniotomy* (any surgical opening into the skull; it may be done to relieve pressure in the brain to control bleeding, or to remove a tumor [Signet/Mosby Medical Encyclopedia]). Medical records reveal that he has no history of diabetes, cigarette smoking and alcoholic beverage drinking. On December 5, 2014, he was discharged from the said hospital with diagnosis of Intracerebral Hemorrhage, right Putamen, Basal Ganglia; Hypertension, stage 2; Dyslipidemia; Status-Post (S/P) Craniotomy.

On July 14, 2015, the appellant filed a claim for EC disability benefits before the GSIS Tuguegarao City Branch Office (Branch). On January 12, 2016, the Branch wrote a letter to the appellant informing him of the denial of the claim on the ground of no causal relationship. On January 22, 2016, the appellant wrote a letter to the Branch requesting for reconsideration of the denial of the claim. In the said letter, he alleges that stressful working conditions caused the development of his illness. On February 2, 2016, the Branch endorsed the records of the claim to the GSIS Main Office for further evaluation.

On February 12, 2016, the GSIS-Office of the Senior Vice-President (GSIS-OSVP) Luzon Operations Group sustained the denial reasoning that:

“Claimant’s job include review and evaluation of all LGU budgets, consults city and municipal official and provides technical assistance in the phases of government budgeting and other peripheral functions of similar nature. According to his supervisor, a day before he suffered from Stroke, claimant kept on bumping office tables and chairs in the work-station and sustained a huge hematoma on his toes. According to claimant, he has been diagnosed to have gout on both feet since September 2014. On the day of the stroke (November 19, 2014), claimant was about to get up and his right toe hit the table and became cyanotic. Claimant consulted a herbalist and went to eat. Claimant was later noticed to have slurred speech, drooling and weakness on the left-side of his body. Claimant was later diagnosed to have a stroke.



“According to Dr. George Ramos, dated August 25, 2015, claimant was noted to have blood pressure elevation a year prior to confinement but no medical consultation nor was intake of anti-hypertensive medications done.

“Based on the above, the claimant did not have any unusual physical or mental strain at work that is inherent to his job prior to his stroke.

“The System reiterates its decision to deny the claimant’s disability benefits because there was no clear causal relationship between the nature of claimant’s job and the development of his Stroke.”

On February 18, 2016, the Secretariat received the records of the case from the GSIS for review purposes. On February 19, 2016, the Secretariat wrote a letter to the Cagayan Provincial Budget Office requesting for the submission of pre-employment medical examination results and annual medical examination records, if any or if still available.

On March 7, 2016, the Secretariat received, through e-mail, the Certification, dated March 2, 2016, from the Cagayan Provincial Budget Office, stating that the said records were burned due to a fire incident that occurred at the Cagayan Provincial Capitol in March 2014.

On March 11, 2016, this case was submitted to the Technical Review Committee (Committee) for initial deliberation. Majority of the members of the Committee decided to elevate this case to the Commission with a recommendation to grant EC benefits on the ground that the voluminous work-load of the appellant as Budget Officer may have caused or contributed to the manifestation of his Hypertension which, eventually, led to the manifestation of his Stroke.

***The appeal is meritorious.***

Article 167 (I) 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.”

In denying the claim, the GSIS states that *“the claimant did not have any unusual physical or mental strain at work that is inherent to his job prior to his stroke. Furthermore, although claimant had already episodes of blood pressure elevation, claimant did not consult nor take any hypertensive medications.”* However, the Supreme Court has already 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.”* (GSIS vs. Calumpiano, G.R. No. 196102, November 26, 2014)

In this case, the appellant has been employed as Administrative Officer at the Provincial Budget Office of the Provincial Government of Cagayan for 23 years. He was assigned to analyze the various budgets of the LGUs in the Province of Cagayan. The working conditions of the appellant demand great attention to details in voluminous paperwork and require tons of report writing and analysis. In the absence of any evidence showing that lifestyle risks factors greatly caused the manifestation of the appellant's illness, it may be reasonably stated that the daily rigors of his work may have taken its toll on the health of the appellant.

This Commission cannot ignore the physically tiring and straining working conditions of the appellant. The same, in turn, weakened his resistance and affected his physical condition. Stated differently, there is a reasonable probability that the numerous stressful tasks and duties that the appellant has to accomplish may have caused or contributed to the development of his Hypertension, which eventually led to the manifestation of his Stroke.

**WHEREFORE**, the appealed decision is hereby **REVERSED** and the GSIS is ordered to **GRANT EC disability benefits** to the appellant plus reimbursement of medical expenses incurred for consultations due to his **Stroke**.

**SO ORDERED.**

**CITY OF MAKATI,  
March 21, 2016.**





## BOARD RESOLUTION NO. 16-03-13

### ***Approving the Recommendations of the Technical Review Committee (TRC) on Six (6) EC Appealed Cases from the GSIS***

**WHEREAS**, Article 180 of P.D. No. 626, as amended, partly provides:

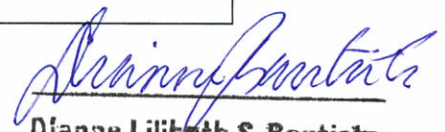
**“ART. 180. Settlement of Claims.- The System shall have original and exclusive jurisdiction to settle any dispute arising from this Title with respect to coverage, entitlement to benefits, collection and payment of contributions and penalties thereon, or any other matter related thereto, subject to appeal to the Commission...”** (emphasis supplied)

**WHEREAS**, on March 11, 2016, the Technical Review Committee (TRC) has deliberated on the following EC appealed cases from the the GSIS. The recommendations of the TRC are as follows:

<i>Title of the Case/ Nature of Appeal</i>	<i>TRC Recommendation</i>
<p><b>1. Flores, Jr. vs. GSIS</b> <b>(GM-19497-0229-16)</b></p> <p>Nature of Claim: <i>disability benefits due to Acute Tonsillopharyngitis, exudative; Hypertension; Vocal Cord Paralysis</i></p> <p>Occupation of the Covered Member: Public School Teacher I</p>	<p><b>For Modification</b></p> <p>1. For denial: Acute Tonsillopharyngitis; HPN</p> <p>2. For Award- Vocal Cord Paralysis</p>
<p><b>2. Lee, Edgar E. vs. GSIS</b> <b>(GM-19495-0218-16)</b></p> <p>Nature of Claim: <i>disability benefits due to Intracerebral Hemorrhage, right, Putamen, Basal Ganglia; HPN, stage 2, dyslipidemia S/P Craniotomy</i></p>	<p><b>For Award</b></p> <p><b>CERTIFIED TRUE COPY</b></p>

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

<p><b>3. Cabrera, Agnes C. vs. GSIS</b> <b>(GM-19498-0229-16)</b></p> <p>Nature of Claim: <i>disability benefits due to Anoxic Encephalopathy; Pneumonia, hospital acquired; Hyperthyroidism, Tracheal Stenosis; Multi-Nodular Goiter</i></p> <p>Occupation of the Covered Member: Public School Teacher III</p>	<p><b><i>For denial</i></b></p>
<p><b>4. Delos Santos, Mauro S. vs. GSIS</b> <b>(GM-19500-0309-16)</b></p> <p>Nature of Claim: <i>disability benefits due to CVA Infarct; Diabetes Mellitus Type 2 Insulin Requiring</i></p> <p>Occupation of the Covered Member: Teacher I</p>	<p><b><i>For denial</i></b></p>
<p><b>5. Ojo, Delia L. vs. GSIS</b> <b>(GM-19499-0309-16)</b></p> <p>Nature of Claim: <i>disability benefits due to Cerebellar Hemorrhage, right with Obstructive Hydrocephalus secondary to Diabetes Mellitus (DM) type II; Hypertension Stage 2; Old Infarct, left; Infarct, left s/p Suboccipital craniectomy; evacuation of hematoma; Ventriculostomy, right (2012)</i></p> <p>Occupation of the Covered Member: Principal II</p>	<p><b><i>For denial</i></b></p>
<p><b>6. Perez, Rosalina M. vs. GSIS</b> <b>(GM-19502-0309-16)</b></p> <p>Nature of Claim: <i>disability benefits due to Papillary cancer, Thyroid s/p Total Thyroidectomy; RAI Therapy</i></p> <p>Occupation of the Covered Member: Administrative Aide I (LGU, Hagonoy, Bulacan)</p>	<p><b><i>For denial</i></b></p> <p><b>CERTIFIED TRUE COPY</b></p>

  
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 Board Secretary III

**WHEREAS**, considering that this Commission has appellate jurisdiction on the settlement of EC claims, and so as not to further delay meritorious EC appealed claim, the resolution of the abovementioned EC appealed cases is deemed necessary;

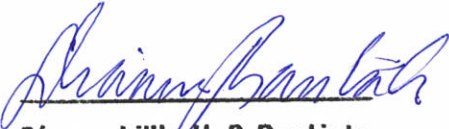
**ON THE BASIS OF THE CONCURRENCE OF THE MEMBERS OF THE COMMISSION**

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

**I. GSIS**

Title of the Case	TRC Recommendation
1. Flores, Jr. vs. GSIS (GM-19497-0229-16)	<b>For Modification</b>  1. For denial: Acute Tonsilopharyngitis; HPN  2. For Award- Vocal Cord Paralysis
2. Lee, Edgar E. vs. GSIS (GM-19495-0218-16)	<b>For award</b>
3. Cabrera, Agnes C. vs. GSIS (GM-19498-0229-16)	<b>For denial</b>
4. Delos Santos, Mauro S. vs. GSIS (GM-19500-0309-16)	<b>For denial</b>
5. Ojo, Delia L. vs. GSIS (GM-19499-0309-16)	<b>For denial</b>
6. Perez, Rosalina M. vs. GSIS (GM-19502-0309-16)	<b>For denial</b>

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**Board Secretary III**

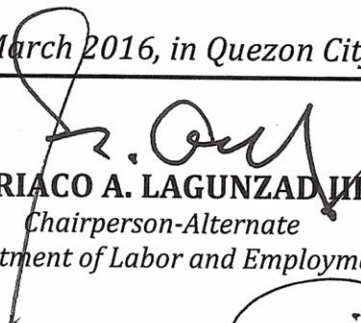



**RESOLVED FURTHER**, that the original records of the abovementioned cases with grant of EC benefits be transmitted to the GSIS in accordance with Article 182 of P.D. 626, as amended, which partly provides:


**"ART. 182. Enforcement of decisions.-** (a) xxx **All awards** granted by the Commission in cases appealed from decisions of the System **shall be effected within fifteen days from receipt of notice.**"  
(emphasis supplied)

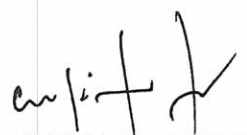
**RESOLVED FINALLY**, that copy of this Resolution be duly furnished to the GSIS for guidance and compliance.

**DONE**, this 21<sup>st</sup> day of March 2016, in Quezon City, Philippines.

  
**CIRIACO A. LAGUNZA III**  
Chairperson-Alternate  
Department of Labor and Employment

  
**BRENDA P. VIOLA**  
Member-Designate  
Social Security System

  
**DIONISIO C. EBDANE, JR.**  
Member-Designate  
Government Service Insurance System

  
**CARLITO P. ROBLE**  
Member  
Employees' Sector

**MIGUEL B. VARELA**  
Member  
Employers' Sector

  
**ALEXANDER A. PADILLA**  
Member-Designate  
Philippine Health Insurance Corporation

**ROBERT S. MARTINEZ**  
Member-Designate  
Civil Service Commission

  
**STELLA ZIPAGAN-BANAWIS**  
Member  
Employees' Compensation Commission - Secretariat

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**Gloriam Lilibeth S. Bautista**  
Board Secretary III