



**JOEL S. SERQUINA,**  
*Appellant,*

**-versus-**

**ECC CASE No. SM-19525-0810-16**

**SOCIAL SECURITY SYSTEM (SSS),**  
*Appellee.*

x-----x

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

This appeal seeks to review the decision of the Social Security System-Medical Claims Review Committee (SSS-MedCRC), dated June 8, 2016, denying appellant's claim for disability benefits, under the Employees' Compensation Law (P.D. No. 626, as amended), for his Chronic Venous Insufficiency.

From April 16, 2002, to date, the appellant, Joel S. Serquina (SSS No.33-3191007-3), 42 years old at the time of the filing of the claim and a resident of Rodriguez, Rizal, has been employed as Security Guard of Superstar Security Agency, Makati City. He was assigned at the employees' entrance/exit of Marks & Spencer, Eastwood Branch, where he was required to render his duty from 11:00 AM until 9:00 PM.

As Security Guard, the appellant was assigned with the following duties and responsibilities:

1. To be on alert and extra vigilant always during his tour of duty;
2. To strictly implement the No ID/No Entry policy to all store employees;
3. To prohibit employees and guards from loitering within his area of responsibilities, especially those suspended, terminated and on leave, unless otherwise authorized by the Management to transact business such as to follow up their clearances;
4. To report all untoward incidents that occur at his area of responsibilities and submits report as soon as possible;
5. To screen properly all visitors before allowing them to enter by informing first the person/s to be visited, before visitor's pass is issued in exchange of their IDs;

6. To prohibit any equipment and/or materials from getting in the building without necessary document and/or gate pass; personal items of employees must be issued a personal gate pass before getting inside their lockers to facilitate withdrawal;
7. To rigidly and firmly conduct body frisking and/or searching of employees' belonging when they leave the store premises; items brought out by employees with necessary gate pass/documents must be confiscated and concerned employee be investigated;
8. To maintain proper safe keeping of employees' cellphones that are deposited at the guard for safekeeping; these should be turned over to concerned employees when they leave the store/establishment;
9. To strictly prohibit any contractor workers from performing work inside the establishment without proper clearance and work authority from the management;
10. To see to it that the main door of employees' entrance/exit is properly closed and lock if necessary for prohibiting surprise entry of unauthorized persons; the door will be opened only when individual employee or any store personnel checked out from the store premises;
11. To perform all other duties/instruction as directed by his Superior Officer.

On September 19, 2002, the appellant underwent pre-employment physical examination. It was noted that his weight then was 84kgs which has been classified as Obese Class I.

On August 5, 2014, the appellant sought medical consultation due to non-healing wound, ulcerated on the left-leg. He was diagnosed to be suffering from Chronic Venous Insufficiency.

On September 23, 2014, the appellant filed claims for SSS sickness benefits and EC disability benefits before the SSS-Makati Gil Puyat Branch due to his ailment. Records reveal that the SSS approved the grant of SSS sickness benefits but denied the claim for EC disability benefits on the ground of no causal relationship.

On December 9, 2015, the Secretariat received a letter from the appellant requesting for assistance on the denial of his claim. On December 11, 2015, the Secretariat endorsed the said letter to the SSS for appropriate action.

On June 8, 2016, the SSS-MedCRC sustained the denial of the claim on the ground of no causal relationship.

On August 5, 2016, the Secretariat received the records of the case from the SSS for review purposes. On August 19, 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 deny the claim on the ground that the obese condition of the appellant is a major factor in the manifestation of his ailment. The member from the Occupational Safety and Health Center (OSHC) voted for the grant of EC disability benefits on the ground that the risk-factor of prolonged standing and sitting among security guards could contribute to the development of Chronic Venous Insufficiency.

On August 31, 2016, this case was submitted to the Commission for confirmation of the recommendation of the Committee. However, the Commission remanded the case to the Committee to re-study the possibility of causal relationship between the risk factor of prolonged standing and the working condition of the appellant as Security Guard.

On September 7, 2016, this case was re-submitted to the Committee with a recommendation to refer the case to a medical expert. The Committee concurred with the said recommendation. On September 15, 2016, the Secretariat endorsed the case to Orlando W. Deduyo, MD, FPCP, FPCC, Internist-Cardiologist, Peripheral Vascular Medicine, for his expert opinion.

On October 18, 2016, the Secretariat received the medical evaluation of Dr. Deduyo which states the following:

“The diagnosis for this case is non-healing wound left leg secondary to Deep Venous Insufficiency. Deep venous insufficiency is brought about by increase pressure in the lower extremities venous system leading to venous valve incompetence. This is a chronic condition. Risk factors in the development of venous insufficiency are:

1. “Genetic or hereditary;
2. “Acquired;
3. “Combination or both

“Acquired condition is brought about by conditions due to prolonged sitting or standing, wearing high heels, wearing compressive clothes like girdles, tight gear, etc., constant exposure to heat, etc. Venous pressure is neutral or zero while lying. It increases to 50% while sitting down and increases to 100% while standing up. The longer one is standing up the higher and longer the venous pressure is elevated. The end product is venous insufficiency. The manifestation of recurrent non-healing wound in the left leg means that the patient is already on Deep Venous Insufficiency CEAP VI. This is severe deep venous insufficiency.

**“The patient is a security guard whose job entails prolonged standing and sitting ... the patient’s condition is secondary to his current work. There is a causal relationship between his illness and his work.”**

On October 28, 2016, the said evaluation was presented to the Committee for consideration. The Committee adopted the expert's opinion and decided to elevate the same to the Commission for confirmation.

***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 reveal the etiology of Chronic Venous Insufficiency in this manner, to wit:

**Chronic Venous Insufficiency**

- "Chronic Venous Insufficiency is a long term condition that is most commonly due to malfunctioning valves in the vein. This causes the vein to be weakened and the valves damaged. The affected veins stay filled with blood, especially when standing. Symptoms of pain, swelling, and discoloration develop. Later, varicose veins and ulcer appear.
- "**Risk factors include** age, family history, female gender (related to levels of the hormone progesterone), history of deep vein thrombosis in the legs, obesity, pregnancy, sitting or **standing for a long period**, and tall height. (emphasis supplied) *Medical Encyclopedia, Medline Plus, US National Library of Medicine, Medlineplus.gov. Medical Encyclopedia*)

The degree of proof required under the Employees' Compensation Law (P.D. No. 626, as amended) is merely substantial evidence which means "*such relevant evidence as a reasonable mind might accept as adequate to support a conclusion*" (*Salalima vs. ECC and SSS, G. R. No. 146360, May 20, 2004*). *Probability and not ultimate degree of certainty is the test of proof in compensation proceedings (GSIS vs. Cuanang, G.R. No. 158846, June 3, 2004).*

Medical findings have already established that the risk-factor of prolonged standing in any working conditions could cause or contribute to the manifestation of Chronic Venous Insufficiency. The causal relationship between the risk of prolonged standing and the manifestation of Venous Insufficiency was illustrated by the medical expert, Dr. Orlando W. Deduyo, in this manner, to wit:

**“Deep venous insufficiency is brought about by increase pressure in the lower extremities venous system leading to venous valve incompetence.** This is a chronic condition. Risk factors in the development of venous insufficiency are:

1. “Genetic or hereditary;
2. **“Acquired;**
3. “Combination or both

**“Acquired condition is brought about by conditions due to prolonged sitting or standing xxx Venous pressure is neutral or zero while lying. It increases to 50% while sitting down and increases to 100% while standing up.** The longer one is standing up the higher and longer the venous pressure is elevated. The end product is venous insufficiency...” (emphasis supplied)

In the following cases, this Commission has ordered the grant of EC disability benefits due to Chronic Venous Insufficiency as a result of the risk-factor of prolonged standing:

1. **Jonathan Alexander B. Say vs. SSS** (SM-18780-0722-11 [2011])

In this case, this Commission ruled that:

- “Vocations that involve standing for long periods predispose individuals to increased venous pressure in dependent lower extremities ...  
(*Schwartz’s Principles of Surgery, eighth edition, pp. 823-824; <http://www.medscapecrm.net/article/461449-overview>*)
- “The appellant was stationed onboard a vessel as Busboy for almost nine months. His work required him to sort dirty dishes, to replenish supply of clean linen, flatware, glassware, and china-ware, to fill water and coffee pitchers, to replenish supply of beer and soft-drinks, to bring the food and drinks from the kitchen to the service station, to get the groceries and beverages from the storeroom, to assist the waiters in removing the dirty dishes from the tables and in re-arranging the same. **His job demanded prolonged standing for long period of time thereby making him susceptible to leg fatigue, discomfort, and heaviness that could cause Chronic Venous Insufficiency...**” (emphasis supplied)

2. **Francisco S. Gonzales vs. SSS** (SM-19450-0930-15 [2015])

In ordering the grant of EC disability benefits in this case, this Commission held that:

- “...the **occupational risk factors**, such as **standing for long periods of time** which were present for the entire duration of the employment of the appellant, **caused debilitating effects on his health.**” (emphasis supplied)

This Commission recognizes the plight of security guards, such as the appellant, in performing their duties. Unlike any other occupation, security guards are not allowed to leave their posts while on duty or until their relievers have arrived. In this case, the appellant has been employed as Security Guard since 2002. Thus, the idea of having to stand and/or to sit for a long period of time in performing his duty is not implausible. The said factor could have caused or contributed in the increase of pressure in his lower extremities which, eventually, led to the manifestation of his Chronic Venous Insufficiency.

P.D. No. 626, as amended, is said to have abandoned the presumption of compensability and the theory of aggravation prevalent under the Workmen’s Compensation Act. Despite such abandonment, however, the present law has not ceased to be an employees’ compensation law or a social legislation; hence, the liberality of the law in favor of the working man and woman still prevails, and the official agency charged by law to implement the constitutional guarantee of social justice should adopt a liberal attitude in favor of the employee in deciding claims for compensability, especially in light of the compassionate policy towards labor which the 1987 Constitution vivifies and enhances (Salalima vs. ECC, G.R. No. 146360, May 2004 citing Employees’ Compensation Commission and Government Service Insurance System v. Court of Appeals, G.R. No. 121545, 14 November 1996, 264 SCRA 248).

**WHEREFORE**, the appealed decision is hereby **REVERSED** and the SSS is hereby ordered to grant EC disability benefits to the appellant plus reimbursement of medical expenses that he incurred due to Chronic Venous Insufficiency subject to the limitations set by the Commission.

**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:

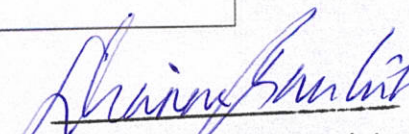
**"ART. 186. Settlement of Claims.-** The System shall have original and exclusive jurisdiction to settle any dispute arising from this Title with respect to coverage, entitlement to benefits, collection and payment of contributions and penalties thereon, or any other matter related thereto, subject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

<b><i>Title of the Case/Nature of Appeal</i></b>	<b><i>TRC Recommendation</i></b>
<b>I.1. DIMAYACYAC, Rotchel B. vs. GSIS (GM-19533-1017-16)</b>  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>	<b><i>For Denial</i></b>  <b>Reason for Denial:</b>  <i>No causal relationship</i>
<b>I.2. PALOMO, Amelita F. vs. GSIS (GM-19534-1024-16)</b>  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>	<b><i>For Denial</i></b>  <b>Reason for Denial:</b>  <i>No causal relationship</i>

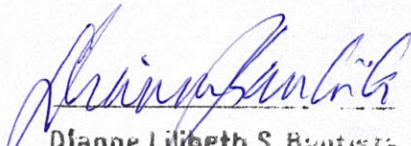
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**Dianne Lilibeth S. Bautista**  
**Board Secretary III**

II. SSS

<i>Title of the Case/Nature of Appeal</i>	<i>TRC Recommendation</i>
<p><b>II.1. SERQUINA, Joel S. v. SSS</b> <b>(SM-19525-0810-16)</b></p> <p>Nature of Claim: <i>EC disability benefits due to Chronic Venous Insufficiency</i></p> <p>Occupation of the Covered Member: <i>Security Guard</i></p>	<p><b>For Award</b></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><b>II. 2. PEDOC, Mary Ann L. v. SSS</b> <b>(SM-19537-1024-16)</b></p> <p><i>(Arnaldo B. Pedoc - deceased)</i></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: <i>Seaman-Fitter</i></p>	<p><b>For Award</b></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><b>II.3. MALINAO, Myrna S. v. SSS</b> <b>(SM-19536-1024-16)</b></p> <p><i>(Meliton P. Malinao-deceased)</i></p> <p>Nature of Claim: <i>death benefits due to Acute Heart Attack</i></p> <p>Occupation of the Covered Member: <i>2nd Mate</i></p>	<p><b>For Award</b></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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Dianne Lilibeth S. Bautista  
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:

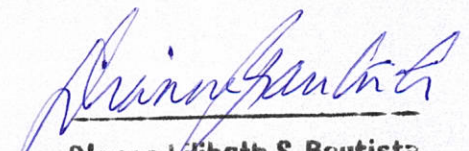
**RESOLVED FURTHER**, that the entire original records of the cases of **Joel S. Serquina vs. SSS (SM-19525-0810-16)**, **Mary Ann L. Pedoc vs. SSS (SM-19537-1024-16)** and **Myrna S. Malinao (SM-19536-1024-16)** be transmitted to the SSS for enforcement of Decisions of this Commission granting EC benefits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

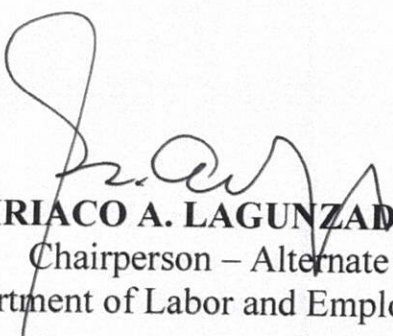
**RESOLVED FINALLY**, that copy of this Resolution and Decisions on the abovementioned cases be duly furnished to the GSIS and to the SSS for guidance and/or compliance.

**APPROVED**, in Makati City, 04 November 2016.

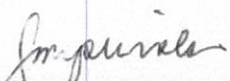
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Board Secretary III



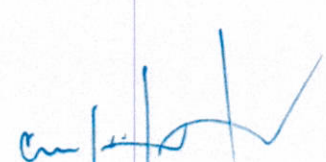
**CIRIACO A. LAGUNZAD, III**  
Chairperson – Alternate  
Department of Labor and Employment




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



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



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

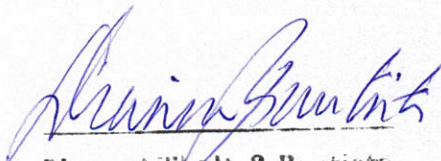


**RAMON F. ARISTOZA, JR.**  
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**STELLA ZIPAGAN-BANAWIS**  
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