



Republic of the Philippines
DEPARTMENT OF LABOR AND EMPLOYMENT
EMPLOYEES' COMPENSATION COMMISSION

4th & 5th Floors, ECC Building, 355 Sen. Gil J. Puyat Avenue, City of Makati

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System
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ID 9105081530

Ika-19 ng Disyembre 2016

G. GABRIEL T. TUMITIT
Lower Tungngod, Lagawe
Ifugao, 3600
SM-19544-1110-16

Mahal naming **G. Tumitit**:

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-5 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 8

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December 19, 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:

GABRIEL T. TUMITIT vs. SSS
ECC CASE No. SM-19544-1110-16

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."**

This case was resolved through Board Resolution (BR) No. 16-12-44 dated December 5, 2016.

Very truly yours,


STELLA ZIPAGAN-BANAWIS
Executive Director 

cc:

BRENDA P. VIOLA, MD
OIC – Medical Services Division
Social Security System (SSS)
East Ave., Diliman, Quezon City

Mr. GABRIEL T. TUMITIT
Lower Tungngod, Lagawe
Ifugao, 3600
SM-19544-1110-16

jiv/msmp



GABRIEL T. TUMITIT,
Appellant,

-versus-

ECC CASE No. SM-19544-1110-16

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 September 22, 2016, denying appellant's claim for disability benefits, under the Employees' Compensation Law (P.D. No. 626, as amended), for his Cervical Radiculopathy, left C5C6; Lumbar Spondyloarthropathy with Degenerative Disc Disease; Compression Deformity L3L4 rule-out (R/O) Pott's Disease; Degenerative Osteoarthritis, left shoulder; Hip and Sacroilaic Osteoarthropathy; Hypertension; Gouty Arthritis; Dyslipidemia; Noise-Induced Hearing Loss.

From April 24, 1975 until his retirement on January 1, 2015, the appellant, Gabriel T. Tumitit (SSS No. 01-0259621-8), 60 years old at the time of the filing of the claim and a resident of Lagawe, Ifugao, has occupied the following positions at Philex Mining Corp., Tuba, Benguet:

Position-Workplace	Period of Employment
Mine Bullgang (Underground)	April 24, 1975-December 31, 1988
Miner (Underground)	January 1, 1989-January 1, 2011
Miner First Class (Underground)	January 2, 2011-March 31, 2014
Shift Bodeguero (Underground)	April 1, 2014-December 31, 2014 January 1, 2015 (Date of Retirement)

During the period of his employment as Mine Bullgang, the duties and responsibilities of the appellant include:

General Function:

Secures/prepares materials, tools and supplies needed in production operation; provides assistance to other miners in installing timber supports, hauling and installing stop board; performs cleaning, ditching, housekeeping, performs related duties as assigned by his immediate supervisor and follows instructions from 1st class and 2nd class Production Miner.

Duties and Responsibilities:

1. Cleans muckpiles and waste materials along drifts, ventilation dog-holes and other openings;
2. Guards all approaches towards blasting area;
3. Constructs canals to allow free flow of water;
4. Performs slushing operations;
5. Provides assistance to other miners in installing timber support, such as draw posts or timber sets and drift sets;
6. Provides assistance to other miners in handling heavy equipment, tools, and materials;
7. Provides assistance to other miners in installing wire ropes, pulleys and brackets;
8. Provides assistance to other miners in drawing and controlling ore from finger raises;
9. Complies and enforces good housekeeping, loss control practices, Mine safety Rules and Regulations, Company Policies, DENR Mining Laws and Collective Bargaining Agreement;
10. Attends safety meeting and seminars as required;
11. Performs other related duties from time to time as maybe assigned by his immediate supervisor.

The appellant was required to render his duties from 12 midnight until 8:00 AM of the same day.

On May 21, 2007, the appellant experienced nape, waist and back pain when the company shuttle bus that he and his co-workers were riding jumped over several humps. On May 23, 2007, he sought medical consultation at the Philex Hospital. In December of 2007, he underwent a series of X-ray examinations which revealed findings of old fracture and deformity.

On January 17, 2008, the appellant underwent Magnetic Resonance Imaging (MRI) examination which revealed “compression changes and altered marrow signal of L3 and L4 vertebral bodies with collapse of the intervening disc and resultant central, right and left lateral spinal stenosis. L1 and L2, L2 and L3, L4 and L5 revealed disc dessication and central protrusion resulting to local and bilateral lateral spinal stenosis aggravated by hypertrophy of the adjacent *ligamenta flava*.”

Records reveal that the appellant was granted with the following benefits under the SSS law and P.D. No. 626, as amended:

Type of Benefits-Nature of Illness	Approved Number of Days
SSS Sickness-Osteomyelitis, lower left leg	22 days effective December 10, 2007
SSS Sickness-Spondylosis, multiple sites on spine	7 days effective May 20, 2015
SSS/EC Permanent Partial Disability (PPD) benefits- Fracture, right hand	15 months effective July 5, 1992
SSS/EC PPD benefits- Injury, left ankle	4 months effective January 11, 2000
SSS/EC PPD benefits- Fracture, left thumb	3 months effective November 1, 2002
SSS Retirement benefits	Effective January 1, 2015

On June 10, 2015, the appellant sought medical consultation at the Notre Dame de Chartres Hospital, Baguio City, due to low-back pain. He was diagnosed to be suffering from Cervical Radiculopathy, left C5C6; Lumbar Spondyloarthropathy with Degenerative Disc Disease; Compression Deformity L3L4 rule-out (R/O) Pott’s Disease; Degenerative Osteoarthritis, left shoulder; Hip and Sacroilaic Osteoarthropathy; Hypertension; Gouty Arthritis; Dyslipidemia. Medical records further reveal that he was also diagnosed to be suffering from Noise-Induced Hearing Loss. However, there is no showing that he experienced the symptoms of Hypertension and Hearing Loss during the period of his employment at Philex Mining Corp.

On January 5, 2016, the appellant filed a claim for EC disability benefits before the SSS Baguio City Branch (Branch) due to the abovementioned ailments. On August 1, 2016, the Branch denied the claim on the ground of no causal relationship.

On July 19, 2016, the SSS-Medical Claims Review Committee (MedCRC) sustained the denial through Resolution No. 2016-0445 in this manner, to wit:

“.. physical examination findings do not warrant granting of EC disability benefits as there was no impairment of bodily functions and joint pains are degenerative in nature. Also, there is no causal relationship between the illnesses claimed and the nature of his work.”

On November 9, 2016, the Secretariat received the records of the case from the SSS for review purposes. On November 29, 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 Radiculopathy, left C5-C6; Degenerative Osteoarthritis, left shoulder	No causal relationship
Hypertension	No causal relationship
Gout; Dyslipidemia	No causal relationship
Noise-Induced Hearing Loss	No causal relationship

II. For Award

Type of Illness	Basis for Award
Lumbar Spondyloarthropathy with Degenerative Disc Disease; Hip and Sacroilaic Osteoathropathy	Work-place injury and/or the working conditions of the appellant beneath the surface caused or contributed to the manifestation of the said ailment

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 reason for denial of the claim for EC disability benefits of the appellant due to Hypertension, Cervical Radiculopathy, left C5-C6; Degenerative Osteoarthritis, left shoulder Gout, Dyslipidemia and Noise-Induced 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.	<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</p>

Claimed Illness	Etiology/Conditions for Compensability under Annex “A” of the Amended Rules on Employees’ Compensation	Reason for Denial of the Claim
	<ul style="list-style-type: none">• 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. Robbins <i>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>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> <ul style="list-style-type: none">(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.”	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.

Claimed Illness	Etiology/Conditions for Compensability under Annex “A” of the Amended Rules on Employees’ Compensation	Reason for Denial of the Claim
Cervical Radiculopathy left, C5C6 and Degenerative Osteoarthritis, left shoulder	<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>	There is no showing that the appellant sustained a trauma on his shoulder while he was performing his duties.
Dyslipidemia (disorders of lipid metabolism)	<ul style="list-style-type: none">• Idiopathic (unknown cause);• Autosomal (inherited cause);• Secondary causes (due to Diabetes Mellitus, alcohol consumption, oral contraceptives, renal/hepatic disease and hyperthyroidism) <p><i>References:</i> 1. <i>Harrison’s Principles of Internal Medicine, 14th Edition, Companion Handbook;</i> 2. <i>Merck’s Manual 15th Edition</i></p>	Risk factors are not related in any way to the nature of working conditions of the appellant.
Gout	<ul style="list-style-type: none">• Uric acid;• Hyperuricemia;• Episodic acute and chronic arthritis;• Deposition of MSU crystals in connective tissue and kidneys. <p><i>Reference:</i> <i>Harrison’s Principles of Internal Medicine, 16th Edition, Volume II, p. 2046: Gout and Other Crystal Artropathies</i></p>	Risk factors are not related in any way to the nature of working conditions 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
Noise-Induced Hearing Loss	<ul style="list-style-type: none">• Middle-ear infections, viruses (mumps, chickenpox, measles, influenza, herpes zoster and adenoviruses), Meningitis, and Syphilis.• 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>References:</p> <p>1. <i>Harrison’s Principles of Internal Medicine, 14th Edition, Companion Handbook, page 1062;</i></p> <p>2. <i>Boie’s Fundamentals of Otolaryngology, 6th Edition, pp. 46-47, 86-87, 90-91, 94-95, 123-124, 131-132</i></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>Although Hearing Loss 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>There is no showing that during the time of his employment, the appellant’s working conditions as Autoelectrician entailed exposure to harmful noise levels in the higher frequencies.</p> <p>It can be said that the existence of the employer-employee relationship is already wanting at the time he was diagnosed to be suffering from Hearing loss. Absence of this requirement negates recovery of compensation under P.D. No. 626, as amended.</p>

Claimed Illness	Etiology/Conditions for Compensability under Annex “A” of the Amended Rules on Employees’ Compensation	Reason for Denial of the Claim
	<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>“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 Radiculopathy left, C5C6 and Degenerative Osteoarthritis, left shoulder, Gout, Dyslipidemia, and Hearing Loss are concerned.

Incidental Findings: Lumbar Spondyloarthropathy with Degenerative Disc Disease; Hip and Sacroilaic Osteoathropathy- appellant sustained injuries in various parts of his body while riding a company vehicle; work entails frequent repetitive movements and awkward postures in carrying out various tasks related to mining

Records reveal that between May 2007 and December 2008, the appellant sought medical consultations and underwent a series of X-ray examinations due to trauma that he suffered on various parts of his body while he was riding a company vehicle. The said examinations revealed findings of old fracture and deformity.

On the basis of Board Resolution (BR) No. 10-05-65 (“Policy on Evaluation of Incidental Findings,” dated April 28, 2010), which provides that *“when the disease or injury being claimed has been declared to be not work-connected but findings are also made that the employee has suffered or is suffering from other work-connected diseases such incidental findings shall also be evaluated,”* this Commission now proceeds to rule on the compensability of the appellant’s Lumbar Spondyloarthropathy with Degenerative Disc Disease; Hip and Sacroilaic Osteoathropathy.

Medical findings describe the etiology of the said ailments in this manner, to wit:

Claimed Illness	Etiology
Musculoskeletal Disorders	<ul style="list-style-type: none">• Refers to traumatic and non-traumatic inflammatory, degenerative and acquired conditions affecting muscle, tendons, ligaments, joints, peripheral nerves and blood vessels arising in the performance of assigned task;• Exposure to high levels of whole body vibration, repetitive motions, lifting, performing work in flexed or hyperextended posture or performing other manual handling tasks such as pushing or pulling;• Age related or degenerative changes <p><i>Reference: Board Resolution No. 13-11-36 dated November 29, 2013</i></p>

Conditions for Compensability of Musculoskeletal Disorders

The classification of Musculoskeletal Disorder as occupational diseases puts at rest as to any doubt on the compensability of the said ailment subject to the satisfaction of conditions for its compensability.

Under Annex “A” of the Amended Rules on Employees’ Compensation, the following are the conditions for compensability of Musculoskeletal Disorders:

“24. Musculoskeletal Disorders.

“Refers to traumatic and non-traumatic inflammatory, degenerative, and acquired conditions affecting muscle, tendons, ligaments, joints, peripheral nerves and blood vessels arising in the performance of assigned tasks.

- (a) “Dorsopathies or disorder of the spine (involving the cervical, thoracic, lumbosacral, pelvis hip) acquired and secondary to injuries/accidents causing Spine Pain in conditions such as Herniated Nucleus Pulposus; Osteoarthritis; Spondylosis; Spondylitis; Spondylolisthesis; Muscle Strain and Sprain; Fracture/Dislocations and Radiculopathy among but not limited to workers who are exposed to high levels of whole body vibration, repetitive motions, lifting, performing work in flexed or hyper-extended posture or performing other manual handling tasks (such as pushing, pulling);
- (b) “Disorder of the shoulder acquired or secondary to injuries/accidents causing Crushing, Avulsions; Amputations; Rotator Cuff Tendinitis; Rotator Cuff Tear; Strain and Sprain; Shoulder Impingement Syndrome; Adhesive Capsulitis or Frozen Shoulder; Bicipital Tendinitis; Ruptured Bicipital Tendon and Shoulder Joint Dislocation among but not limited to workers who perform repeated above shoulder activities and/or repeated flexion, external rotation and abduction.
- (c) “Disorders of the elbow acquired or secondary to injuries/accidents causing Crushing, Avulsions, Amputations, Lateral and Medial Epicondylitis, Bursitis, Nerve Impingements, Tenosynovitis and peritendonitis among but not limited to workers exposed to trauma, forceful and repetitive work/stress involving wrist dorsiflexion, forearm supination and/or pronation.
- (d) “Disorders of wrist and hand acquired or secondary to injuries/accidents causing Crushing, Avulsions, Amputations, Trigger/Mallet Finger, Strain and Sprain, Fracture, Dislocation, de Quervain Tenosynovitis, Dupuytren’s Contracture and Carpal Tunnel Syndrome among, but not limited to, workers using hand/vibratory tools for activities involving frequently flexed or extended wrist, combination of repetition, force and posture, overuse of the thumb as in repetitive grasping/pinching (lateral pinch between the thumb and index finger), repetitive and forceful gripping and sustained awkward postures of the wrist.
- (e) “Disorders of the knee acquired or secondary to injuries/accidents causing Crushing, Avulsions, Amputations, Knee Osteoarthritis, Bursitis, Meniscal Tear, Patellar Tendinitis, Strain and Sprain, Fracture of the patella, tibia, femur, and fibula, Synovitis, and Dislocation among but not limited to workers whose work entails exposure to prolonged external friction, pressure are repetitive motion about the knee.
- (f) “Disorders of the ankle and foot acquired or secondary to injuries/accidents causing Crushing, Avulsions, Amputations, Strain and Sprain, Fracture of the Ankle and foot, Achilles tendon tear and tendinitis, Bursitis, Synovitis, and Dislocation, among but not limited to workers exposed to repetitive stress and trauma of the ankle and foot.

Reference:

Board Resolution No. 13-11-36 (“Prescribing the Revised Conditions for the Compensability of Osteoarthritis Classified under Musculoskeletal Disorders, Amending for this Purpose Item No. 24 of Annex “A” of the Amended Rules on Employees’ Compensation, dated November 29, 2013

Compensability of the appellant's Musculoskeletal Disorder; age coupled with age-affected work activity may lead to compensability

In denying the EC claim of the appellant due to Musculoskeletal Disorders, the SSS states that the same are degenerative in nature. In effect, the SSS denied the claim on the ground that the Musculoskeletal Disorders of the appellant are age-related in nature which, in turn, has no connection to his occupation. It would be more prudent had the SSS considered the nature of the occupation of the appellant in relation to his advancing age.

In the case of *GSIS v. Aurelia Calumpiano* (G.R. No. 196102, November 26, 2014 citing the case of *GSIS v. Salvador A. De Castro*, G.R. No. 185035, July 15, 2009), the Supreme Court elucidates the age factor in relation to the particular occupation of the worker in this manner, to wit:

- “While age and gender are characteristics inherent in the person (and thereby may be considered non-work related factors), they also do affect a worker’s job performance xxx To cite an example, some workplace activities are appropriate only for the young (such as the **lifting of heavy objects** although these may simply be office files), and **when repeatedly undertaken by older workers, may lead to ailments and disability**. Thus, **age coupled with an age-affected work activity may lead to compensability...**
- “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...**” (emphasis supplied)

In this case, the appellant has occupied the positions of Mine Bulgang, Miner, and, eventually, as Shift *Bodeguero* from 1975 until 2014. The working conditions of the appellant beneath the surface involved tiresome manual labor which could cause trauma or strain on his musculoskeletal system. It may not be too difficult to conceive that repetitive handling of various mechanical tools, instruments and equipment in underground mining may lead to vibration, strains, and sprain. Considering further that sometime in 2007, the appellant sustained injuries on various parts of his body while he was riding in a company vehicle. There is a reasonable probability that the said incident may have also led to the manifestation of his work-related musculoskeletal injuries and/or disorders.

In granting EC disability benefits in this case, this Commission holds that the working conditions of the appellant have satisfied the following conditions for compensability of Musculoskeletal Disorders:

“Exposure to high levels of whole body vibration, repetitive motions, lifting, performing work in flexed or hyperextended posture or performing other manual handling tasks such as pushing or pulling.”

WHEREFORE, the appealed decision is hereby **MODIFIED** and the SSS is ordered to **grant EC disability benefits** to herein appellant plus reimbursement of medical expenses for his succeeding consultations due to **Lumbar Spondyloarthropathy with Degenerative Disc Disease; Hip and Sacroilaic Osteoathropathy** subject to the limitations prescribed by the Commission. However, the claim for EC disability benefits due to **Hypertension, Cervical Radiculopathy, left C5-C6; Degenerative Osteoarthritis, left shoulder Gout, Dyslipidemia and Noise-Induced 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 5, 2016.**



BOARD RESOLUTION NO. 16-12-44

Approving the Recommendations of the Technical Review Committee (TRC) on Three (3) EC Appealed Cases from the GSIS and Ten (10) EC Appealed Cases from the SSS

WHEREAS, Article 186 (formerly 180) of P.D. No. 626, as amended, partly provides:

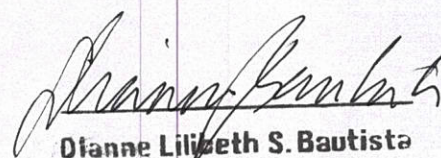
"ART. 186. Settlement of Claims.- The System shall have original and exclusive jurisdiction to settle any dispute arising from this Title with respect to coverage, entitlement to benefits, collection and payment of contributions and penalties thereon, or any other matter related thereto, subject to appeal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

WHEREAS, on November 29, 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

<i>Title of the Case/Nature of Appeal</i>	<i>TRC Recommendation</i>
I.1. TALAVERA, Mary Ann vs. GSIS (GM-19543-1110-16) Nature of Claim: <i>EC disability benefits due to HPN; UTI; Bronchial Asthma</i> Occupation of the Covered Member: <i>Public School Teacher</i>	For denial- no causal relationship
I.2. ROSANO, Maricel G. vs. GSIS (GM-19550-1114-16) Nature of Claim: <i>EC disability benefits due to Dermoid Cyst; Myoma Uteri</i> Occupation of the Covered Member: <i>Public School Teacher</i>	For denial- no causal relationship

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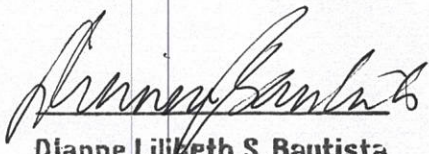

Dianne Lilibeth S. Bautista
Board Secretary III

<i>Title of the Case/Nature of Appeal</i>	<i>TRC Recommendation</i>
I.3. PASAWA, Teolulo T. v. GSIS (GM-19551-1114-16) Nature of Claim: disability benefits due to Non-ST elevation Myocardial Infarction; HCVD; Coronary Artery Disease; Spinal Cord Compression Status-Post (S/P) Laminectomy C6-C7 Occupation of the Covered Member: DTI-Provincial Director, Davao City	For denial- no causal relationship

II-A. SSS (For Modification)

<i>Title of the Case/Nature of Appeal</i>	<i>TRC Recommendation</i>
II.A-1. MURDONG, Walter A, Jr. v. SSS (SM-19546-1110-16) Nature of Claim: disability benefits due to Chronic Coronary Artery Disease; Chronic Stable Angina; Optic Nerve Atrophy; Right Shoulder Rotator Cuff Tendinitis and Right Lateral Epicondylitis; HPN; Skin Graft Contracture, mid-chest and upper abdomen secondary to burns; Sensori-Neural Hearing Loss Occupation of the Covered Member: Production Miner	For Modification <i>For denial:</i> A. Chronic Coronary Artery Disease; Chronic Stable Angina; Optic Nerve Atrophy; Right Shoulder Rotator Cuff Tendinitis and Right Lateral Epicondylitis; HPN- no causal relationship B. Skin Graft Contracture, mid-chest and upper abdomen secondary to burns- maximum EC benefits commensurate to the present degree of disability have been granted <i>For award:</i> Sensori-Neural Hearing Loss <i>Basis for award:</i> Satisfaction of condition for compensability of Hearing Loss- exposure to sudden burst of sound such as explosive blast

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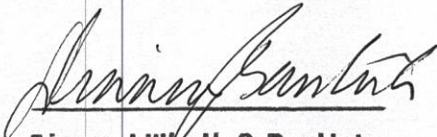

Dianne Lilipeth S. Bautista
Board Secretary III

II.B-2. TUMITIT, Gabriel T. v. SSS (SM-19544-1110-16) Nature of Claim: disability benefits due to Cervical Radiculopathy, left C5-C6; Lumbar Spondyloarthropathy with Degenerative Disc Disease; Compression Deformity L3-L4 rule-out (R/O) Pott's Disease; Degenerative Osteoarthritis, left shoulder; Hip and Sacroilaic Osteoathropathy; Hypertension; Gouty Arthritis; Dyslipidemia; Noise-Induced Hearing Loss Positions held by the Covered Member: Mine Bulgang; Miner; Miner First Class; Shift Bodeguero	For Modification <i>For denial:</i> Cervical Radiculopathy, left C5-C6; Degenerative Osteoarthritis, left shoulder; HPN; Gout; Dyslipidemia; Noise-Induced Hearing Loss- <i>no causal relationship</i> <i>For award:</i> Lumbar Spondyloarthropathy with Degenerative Disc Disease; Hip and Sacroilaic Osteoathropathy <i>Basis for award:</i> work-place injury and/or the working conditions of the appellant beneath the surface caused or contributed to the manifestation of the said ailment.
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II.B-SSS (For Denial)

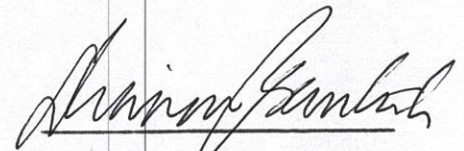
Title of the Case/Nature of Appeal	TRC Recommendation
II.B-1. SOTTO, Espie A. v. SSS (SM-19542-1110-16) (Ramon N. Sotto-deceased) Nature of Claim: death benefits due to Cardiac Arrest secondary to Myocardial Infarction due to Hypertensive Cardiovascular Disease Occupation of the Covered Member: Security Guard	For denial- No causal relationship
II.B-2. GASTALDO, Jenilyn P. v. SSS (SM-19540-1110-16) (Jose F. Gastaldo-deceased) Nature of Claim: death benefits due to Myocardial Infarction Occupation of the Covered Member: Seaman-Fitter	For denial- No causal relationship

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<p>II.B-3.TOKPIL, Elia A. v. SSS (SM-19548-1110-16)</p> <p>(Mario D. Tokpil-deceased)</p> <p><i>Nature of Claim: death benefits due to Laryngeal Cancer with thyroid and skin extension; Moderately differentiated Squamous Cell Carcinoma S/P (Status-Post) Total Laryngectomy and Partial Pharyngectomy; Chronic Obstructive Pulmonary Disease</i></p> <p><i>Occupation of the Covered Member: Heavy Equipment Operator-Driver</i></p>	<p>For denial- No causal relationship</p>
<p>II.B-4. DE GUZMAN, Leonardo, Jr. v. SSS (SM-19545-1110-16)</p> <p><i>Nature of Claim: disability benefits due to Hypertensive Urgency; Degenerative Cervical and Lumbar Spondylosis with Disc Disease and Neural Foraminal Narrowing; Dyslipidemia; Hyperuricemia; Bilateral High Frequency Hearing Loss</i></p> <p><i>Occupation of the Covered Member: Metallurgical Sampler First Class</i></p>	<p>For denial- No causal relationship</p>
<p>II.B-5. MANANGAN, Wilfredo G. v. SSS (SM-19543-1110-16)</p> <p><i>Nature of Claim: disability benefits due to Noise Induced Hearing Loss, severe to profound, bilateral; Cervical Spondylosis with Disc Disease 3; Thoracic and Lumbar Spondylosis</i></p> <p><i>Occupation of the Covered Member: Auto-electrician First Class</i></p>	<p>For denial- No causal relationship</p>
<p>II.B-6. BACIT, Felicisima B. v. SSS (SM-19552-1121-16)</p> <p>(Venancio A. Bacit-deceased)</p> <p><i>Nature of claim: death benefits due to Metastatic Carcinoma</i></p> <p><i>Occupation of the Covered Member: Worker (Subic Naval Base)</i></p>	<p>For denial- No causal relationship</p>

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Board Secretary III

<p>II.B-7. OCAMPO, Reuben Teofilo A. v. SSS (SM-19553-1121-16)</p> <p>Nature of claim: disability benefits due to Cerebral Artery Aneurysm</p> <p>Occupation of the Covered Member: Seaman-Assst. Pumpman (TSM Shipping Phils.)</p>	<p>For denial- No causal relationship</p>
<p>II.B-8. SALDEVAR, Brenda L. v. SSS (SM-19541-1110-16)</p> <p>Nature of claim: disability benefits due to HPN, stage II, uncontrolled with left-ventricular Hypertrophy; Coronary Artery Disease; Degenerative Cervical Spondyloarthropathy with Bilateral Neural Foraminal stenosis; Long Thoracolumbar dextroscoliosis with Degenerative Thoracolumbar Spondylosis; Degenerative Thoracolumbar Osteoarthritis of Sacroiliac and Hip Joints</p> <p>Positions held by the Covered Member: Mill utility; Clerk-typist; Administration Clerk; Program Coordinator</p>	<p>For denial- No causal relationship</p>

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 December 5, 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;

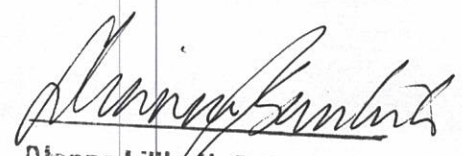
ON THE BASIS OF THE CONCURRENCE OF THE MEMBERS OF THE COMMISSION

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 **MURDONG, Walter A, Jr. v. SSS** (SM-19546-1110-16) and **TUMITIT, Gabriel T. v. SSS** (SM-19544-1110-16) 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.

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Dianne Lilibeth S. Bautista
Board Secretary III

APPROVED, in Makati City, 05 December 2016.



CIRIACO A. LAGUNZA II

*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. ARIZTOSA, JR.

*Member-Designate
Philippine Health Insurance Corporation*



STELLA ZIPAGAN-BANAWIS

*Member
Employees' Compensation Commission - Secretariat*

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Dianne Lilibeth S. Bautista
Board Secretary III