

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 Tel. No. 899-4251; 899-4252 • Fax. No. 897-7597 • E-mail: info@ecc.gov.ph • Website: http://www.ecc.gov.ph



lka-21 ng Abril 2017

G. ROMEO A. ALABASTRO No. 2448, Atrium St. Sta. Ana, Manila, 1009 SM-19589-0306-17

Mahal naming G. ALABASTRO:

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-31 ng Marso 2017, nagkaroon po ng desisyon ang tanggapang 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 tatlumpung (30) araw matapos po ninyong tanggapin ang kopya ng desisyon.

Maraming salamat po.

Lubos na sumasainyo,

STELLA ZIPAĞAN-BANAWIS

Executive Director

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(II)

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April 21, 2017

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:

ROMEO A. ALABASTRO vs. SSS ECC CASE No. SM-19589-0306-17

The decision in the above-entitled case is a **REVERSAL** 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. 17-03-13 dated March 31, 2017.

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

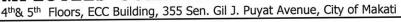
Mr. ROMEO A. ALABASTRO No. 2448, Atrium St. Sta. Ana, Manila, 1009 SM-19589-0306-17

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ROMEO A. ALABASTRO,

Appellant,

-versus-

ECC CASE No. SM-19589-0306-17

SOCIAL SECURITY SYSTEM (SSS), Appellee.

×.....×

DECISION

This appeal seeks to review the Resolution No. 2016-E 0004, dated December 8, 2016, of the Social Security System-Medical Claims Review Committee (SSS-MedCRC) denying appellant's claim for disability benefits, under the Employees' Compensation Law (P.D. No. 626, as amended), for his Nasopharyngeal Carcinoma.

From December 11, 1989, to date, the appellant, Romeo A. Alabastro (SSS No. 03-842016-77), 54 years old at the time of the filing of the claim and a resident of Sta. Ana, Manila, successively held the following positions at Shi Designing & Manufacturing, Inc., Pasig City:

Position	Period of Employment	
Engineer/Designer	December 1989-Mar. 1995	
Section Head, Process Equipment	April 1995-March 2000	
Section Head, Process Equipment & Structural Section	April 2000-March 2001	
Deputy Chief Engineer & Section Head of Process Equipment	April 2001-March 2002	
Project Coordinator (overseas) -monitored and provided technical assistance in fabrication/erection/ commissioning of Anti-Pollution Plant in BHP Steel, Australia	April 2002-July 2003	
Deputy Chief Engineer & Section Head of Process Equipment	August 2003-to date	

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On October 1, 2014, the appellant was designated as Supervisor of Engineering/Administration Department of the said company.

Based on his Job Description, which was signed by Yoichi Kato, President & CEO, the duties and responsibilities of the appellant as Supervisor was illustrated in this manner, to wit:

I. "POSITION/DESIGNATION:

Supervisor (SV)

II. "JOB DEFINITION:

SV is a senior management level position that is to assist the President in managing the Admin. Department and Engineering Department. The SV has to look to the overall situation and condition of operation and advise the Dept. General Manager to help follow and meet company's objectives.

III. "ORGANIZATIONAL RELATIONSHIPS:

- A. "Reports to:
 - 1. President
- B. "Supervises:
 - 1. Dept. Gen. Mgr. (GM)
 - 2. Group Managers (GpM)

IV. "DUTIES:

- 1. "To advise GM in the operation of their department.
- 2. "To search, study and facilitate work collaboration partnership with local companies involved in fabrication, construction, design, programming, site work services and other engineering or IT services which will help expand business.
- 3. "To aid in the feasibility of work collaboration with suppliers, contractors, fabricators to have a smooth execution and completion of projects.
- 4. "To aid in sales and marketing of company products and services as well as coordinates with business partners in Japan and overseas for marketing of their products in the country.
- 5. "To attend meetings with business partners in the prospect and/or development of a project.
- 6. "To advise in the conformance necessary for business processes from government authorities and private industry standards controlling companies.
- 7. "To advise in the recruitment process and selection of new staff.

ECC CASE No. SM-19589-0306-17, page 3 of 7

- 8. "To attend company's activities (Weekly Meeting, Gen. Assembly, SGA, QC, Committees) set by the management.
- 9. "To learn and apply Company's culture, values, business manners as well as Japanese Language, Culture and way of thinking.

V. "RESPONSIBILITIES:

- 1. "Ensure that the Departments follow the set course to meet their objectives.
- 2. "Ensure that the company operates in legal, fair and just methods.
- 3. "Ensure the welfare & well-being of all staff.
- 4. "Ensure good relationship with Business Partners.
- 5. "Ensure growth of staff in technical & personal values.
- 6. "Instill discipline & professionalism at all times."

Records reveal that between April 2002 and July 2003, the appellant was assigned in a waste gas cleaning plant in Sydney, Australia. Between 2004 and 2005, he was deployed at Minemouth Power Plant, Vinacoal Na Duong Coal-fired Power Plant, Hanoi, Vietnam. Records further reveal that between December 19, 2012, and January 16, 2013, he was assigned at Coal & Biomass Power Plant in Jurong Island, Singapore.

On January 10, 2014, the appellant underwent a laboratory examination due to a nasopharyngeal mass which revealed findings that are consistent with carcinoma. From June 14, 2014, to date, he had a series of hospital admissions due to Fenrile Neutropenia; Septic Shock; Pneumonia in the Immunocompromised Acute Kidney Injury, stage 3; Nasopharyngeal Cancer, stage 3A.

On account of his ailments, the appellant was granted SSS sickness benefits for 120 days effective January 21, 2014.

The appellant filed a claim for additional EC disability benefits before the SSS Pasig Branch (Branch). He supported his claim with various news items on the harmful effects of coal. The Branch denied the claim on the ground of no causal relationship. The Branch further states that "coal dust exposure is not associated with NPCA [Nasopharyngeal Carcinoma])."

On December 8, 2016, the SSS-MOD sustained the denial on the same ground through its Resolution No. 2016-E 0004.

On February 1, 2017, the Secretariat received the records of the case from the SSS for review purposes.

ECC CASE No. SM-19589-0306-17, page 4 of 7

On February 3, 2017, the Secretariat wrote a letter to Ms. Iluminada D. Dimaranan requesting for clarification and/or submission of the following:

- 1. Whether between 2006 and 2014, the appellant has further deployment/s abroad at coal-fired power plant/s;
- 2. If in the affirmative, the place/s of deployment and the duration of the same;
- 3. Company records, if any or if available, showing medical consultations, laboratory examination results, personal and family history and the nature of sickness of the appellant in 2014.

In the said letter, the employer was informed that the review of the claim would commence upon receipt of the requested documents. The appellant was provided with a copy of the said letter.

On March 14, 2017, the Secretariat received several medical records of the appellant as well as documents on his deployment at Coal & Biomass power plant in the Island of Jurong, Singapore from December 19, 2012 until January 16, 2013.

On March 17, 2017, this case was submitted to the Technical Review Committee (Committee) for initial deliberation. The Committee decided to elevate this case to the Commission with a recommendation to grant the claim on the ground that there is a reasonable probability that the exposure of the appellant to toxic chemicals/minerals/deleterious agents at his places of assignment abroad (biomass [waste-gas] cleaning plant and coal-fired thermal power plant) could have caused the manifestation of his illness.

The appeal is 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."

Below is the *Table of Established Human Respiratory Carcinogens* according to the *IARC-Encyclopedia of Occupational Health and Safety (ILO-Geneva)*, 4th Edition, Volume 1, pp. 10.79 which reveals the following:

AGENTS	TARGET SITES
INDIVIDUAL AGENTS:	
Chromium (VI) compounds	Nose, Lung
Nickel Compounds	Nose, Lung
COMPLEX MIXTURES	
Tobacco Smoke	Nose, Lung, Larynx
EXPOSURE CIRCUMSTANCES	
Boot and shoe manufacture and repair	Nose
Furniture and cabinet-making	Nose

Medical findings have also established that:

- "Furnace men in gas, coke and chemical industries, furnace men in foundries and textile workers have also been shown to be at increased risk. Exposure to wood and other organic dusts was linked to cancer of the nasal cavity and sinuses among workers in the furniture industry. The exact substance in wood dust responsible for carcinogenesis has not been identified.
- "Both nasal and lung cancer have been linked to occupational nickel exposure. Most studies have been done on nickel refinery workers exposed to complex particulates (insoluble nickel sulfide dust; nickel oxides; soluble nickel sulfate, nitrate or chloride) and gaseous nickel carbonyl. Tumors of the nasal epithelium and mastoid air cells have been noted in women exposed to radium used for painting dials of watches and in radon chemists;
- "workers involved in the manufacture of hydrocarbon gas have been noted to have excess cases of cancers of the paranasal sinuses. Chromium is known to cause ulceration and perforation of the nasal septum and there is an excess risk of sinonasal cancer in workers involved in manufacturing chromate pigments."

Reference:

Fischmann, Michael L. Occupational Medicine. International Edition.

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Medical findings provide the etiology of Nasopharyngeal Carcinoma in this manner, to wit:

- "Epithelial cancers may arise from the mucosal surfaces of the head and neck including sinuses, oral cavity, nasopharynx, oropharynx, hypopharynx and larynx. These tumors are usually squamous cell cancers.
- "Nasopharyngeal primaries are common in the Far East and Mediterranean countries. Alcohol and tobacco (including smokeless) abuse are risk factors. Nasopharyngeal cancer in the Far East has a distinct histology, non-keratinizing undifferentiated carcinoma with infiltrating lymphocytes called lymphoepithelioma and a distinct etiology, Epstein Barr Virus.
- "Epstein Barr Virus is transmitted primarily in saliva and occasionally by blood transfusion and is not highly contagious. Primary inspection tends to occur at an early age in lower socio-economic groups and in developing countries. It has been associated with African Burkitt's lymphoma, anaplastic nasopharyngeal carcinoma and B cell lymphomas, especially in patient's immunosuppressed as a result of organ allografts, ataxia-telegiectasia and AIDS."

Reference: Harrison's Principles of Medicine. 14th Edition, pp. 301, 552-553

The International Labor Organization-Geneva, in its Encyclopedia of Occupational Health and Safety, 4th Edition, Volume 1, pp. 10.78-10.79, states that:

• "Nasopharyngeal cancer is rare in most populations, but is frequent in both sexes in areas such as South-East Asia, Southern China, and North Africa. Migrants from South China retain the high risk to a large extent, but second- and third-generation Chinese migrants to the United States have less than half the risk of first generation migrants. Consumption of Chinese-style salted fish is a risk factor of nasopharyngeal cancer; the role of nutritional factors and of viruses, in particular Epstein Barr virus, although suspected, has not been confirmed."

It is also worthy to take note that many different compounds and occupational exposures have been linked to *cancer of the nasal cavity and paranasal sinuses*. These include wood dust, nickel chromium, mustard gas and cutting oils. Employment in several industries has also been associated with these cancers including furniture, boots and cabinet manufacturing.

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In denying the claim, the SSS states that coal dust exposure is not associated with the development of Nasopharyngeal Cancer. Medical findings may have yet to establish the causal connection between coal exposure and Nasopharyngeal Cancer. However, medical findings have already established the connection between occupational exposure to different compounds and cancer of the nasal cavity and paranasal sinuses.

In this case, it could not be denied that the appellant was deployed in waste-gas cleaning plant and coal-fired thermal power plant. It may not be difficult to comprehend that these plants emit air pollution. It may not be difficult to imagine that various harmful chemicals which were released by the exhaust/steams of the said plants could have entered the nasal cavity of the appellant. The pollutants and/or deleterious agents that abound in his work environment may have contributed to the worsening of his nasopharynx (upper part of the throat). In the light of the exposure of the appellant to detrimental work environment, the possibility of the manifestation of his cancer from the inhalation of toxic chemicals and/or deleterious agents is not remote.

WHEREFORE, premises considered, the appealed Decision is hereby REVERSED and the SSS is hereby ORDERED to grant the appellant the corresponding EC disability benefits due him under the law plus reimbursement of medical expenses for his succeeding medical consultations due to Nasopharyngeal Cancer subject to the limitations prescribed by the Commission.

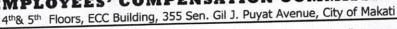
SO ORDERED.

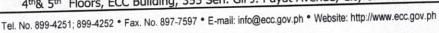
CITY OF MAKATI, March 31, 2017.



Republic of the Philippines DEPARTMENT OF LABOR AND EMPLOYMENT

EMPLOYEES' COMPENSATION COMMISSION







BOARD RESOLUTION NO. 17-03-13

Approving the Recommendations of the Technical Review Committee (TRC) on 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 March 17, 2017, the Technical Review Committee (TRC) has deliberated on the following EC appealed cases from the SSS:

I. SSS (Medical Cases)

Title of the Case/ Nature of Appeal	TRC Recommendation	End of 20 working days PCT
I.1. ALABASTRO, Romeo A. vs. SSS	For Award	April 3, 2017
(SM-19589-0306- 17)	Basis for Award:	
Nature of claim: disability benefits due to Febrile Neutropenia; Nasopharyngeal	There is a reasonable probability that the exposure of the appellant to toxic chemicals/minerals at his	
Cancer; Pneumonia in the	places of assignment abroad (gas and coal power plants)	CERTIFIED TRUE CO
Immunocompromised; Septic Shock; Acute	could have caused the manifestation of his illness.	A A

Title of the Case/ Nature of Appeal	TRC Recommendation	End of 20 working days PCT
Renal Failure		
Occupation of the covered member: Assurance Group Manager (Mechanical Engineer, Shi Designing and Manufacturing Corp.)		
I.2. MALAVEGA, Arnold	For Award	April 3, 2017
R. vs. SSS	Basis for award	
(SM-19590-0306-		
Nature of claim: disability benefits due to Medial Meniscal Tear Occupation of the covered member: Room Service Attendant (Phil. Transmarine Carrier)	There is a reasonable probability that despite the absence of any injury, the working conditions of the appellant in cruise ship, which entailed repeated squatting and/or changing of knee position, increased his risk of contracting the claimed ailment.	
	For Award	April 3, 2017
I.3. MORALLOS, Levy B. vs. SSS	Basis for award	
(SM-19591-0306-17) Nature of claim: disability benefits due to Pneumoconiosis; Pulmonary Tuberculosis (PTB)	There is a reasonable probability that the exposure and/or continued inhalation of mineral dusts of the appellant at his work-place could have caused the manifestation of his Pneumoconiosis despite the late diagnosis of the said	CERTIFIED TRUE COPY
Occupation of the covered member: Shift	illness taking into consideration the longer	

Title of the Case/ Nature of Appeal	TRC Recommendation	End of 20 working days PCT
Patrol (Philex Mining CorpPoro Point Installation)	latency period of Pneumoconiosis.	
I.4. DE GUZMAN, Gloria E. vs. SSS (Pablo N. De Guzmandeceased) (SM-19595-0306-17) Nature of claim: death benefits due to Adenocarcinoma of the Lung Occupation of the covered member: Tail Pond Maintainer (Philex Mining CorpPoro Point Installation)	Basis for award: The working conditions of the deceased increased the risks of contracting the fatal ailment; tail ponds (heavy metal residues) in mining contain heavy deposit of heavy metals as a result of accumulated mining wastes (tailings); heavy metals residues in tail ponds include gold, silver, lead, cobalt, copper, chromium, manganese, iron, etc.; medical findings provide that heavy metals, such as chromium, are known carcinogens in occupational settings.	April 3, 2017
I.5. NG, Philip S. vs. SSS (SM-19588-0306- 17) Nature of claim: disability benefits due to Seizure Disorder Occupation of the Covered Member: Payroll/Novell System Administrator (Laguna Carparts Manufacturing, Inc.)	Seizure:	CERTIFIED TRUE GOPY
	 Head Trauma; Genetic Disorders; 	Anna from Con

Title of the Case/ Nature of Appeal	TRC Recommendation	End of 20 working days PCT
	3. Infection;	
	4. Brain Tumor;	
	5. Illicit Drug Use;	
	6. Idiopathic 9unknown	
	cause);	
	7. Alcohol withdrawal;	
	8. Cerebrovascular	
	Disease;	
	9. Metabolic disorders	
	(uremia, hepatic failure,	
	electrolyte	
	abnormalities,	
	hypoglycemia); 10.Alzheimer's Disease and	
	other Degenerative	
	Central Nervous System	
	(CNS) disorders.	
	(CIVS) disorders.	
	(Reference: Harrison's	
	Principles of Internal Medicine,	
	14th ed., Companion Handbook,	
	p. 999)	
	r	
	-There is no substantial	
	evidence showing that the	
	appellant sustained a head	
	trauma while he was in the	
	performance of his duties.	
	Neither there is showing that	
	his working conditions	
	increased the risk of	
	contracting his illness.	
6. ESPINA, Carina M.		April 3, 2017
vs. SSS	For Denial	
(SM-19592-0306-		
17)	Reason for denial: No causal	
	relationship; non-satisfaction	CERTIFIED TRUE
ture of claim: disability		
nefits due to	of Lung Cancer; neither there is	1
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Adenocarcinoma of the showing that the working

Title of the Case/ Nature of Appeal	TRC Recommendation	End of 20 working days PCT
Lung (Lung Cancer) Occupation of the	conditions of the appellant increased the risk of contracting her illness.	
Occupation of the Covered Member: HR Officer (Pepsi Cola Co.)		
I.7. LIRAZAN, Ma. Christina O. vs. SSS	For Denial Reason for denial: No causal	April 3, 2017
(Mirasol F. Osal- deceased)	relationship; non-satisfaction of any of the conditions for compensability of	
(SM-19593-0306- 17)	Cerebrovascular Disease; neither there is showing that the working conditions of the	
Nature of claim: death benefits due to Stroke in the Young, Cerebrovascular Disease bleed, left basal ganglia, in completed Uncal Herniation	deceased increased the risk of contracting her fatal illness.	
Occupation of the Covered Member: Bingo Card Allocator (South Entertainment Gallery)		
I.8. SALES, Antonio S. vs. SSS	For Denial	April 3, 2017
(SM-19594-0306- 17) Nature of claim: disability benefits due to	Reasons for denial: non- satisfaction of any of the conditions for compensability of Cardiovascular Diseases; the appellant's diabetic condition	
Hypertensive Cardiovascular Disease; Valvular Heart Disease; Hyperthyroidism	which was enhanced by his history of cigarette smoking caused the manifestation of his heart ailment.	CERTIFIED TRUE COP

Title of the Case/ Nature of Appeal	TRC Recommendation	End of 20 working days PCT
Occupation of the Covered Member: Interfolder Machine Operator (SCA Hygiene Products Corp.)	- The risk factors of Hyperthyroidism (excessive secretion of thyroid hormone), Graves' Disease, excess iodine, inflammation of the thyroid, tumors of the testes, benign tumors of the thyroid or pituitary gland, and large amount of tetraiodothyronine taken through dietary supplements or medications, are not related to the working conditions of the appellant.	
I.9. EVANGELISTA, Estrelita S. vs. SSS (Noel C. Evangelista-deceased) (SM-19597-0306-17) Nature of claim: death	For Denial Reason for denial: no causal relationship; the diabetic condition of the deceased, which was enhanced by his history of cigarette smoking for 30 years, caused the development of his fatal ailments.	April 3, 2017
benefits due to Acute Myocardial Infarction; Neuro-ischemic Foot Ulcer; Massive Gastrointestinal Bleeding; Chronic Kidney Disease secondary to Diabetic Nephropathy	-The causes of death, Acute Myocardial Infarction; Neuro-ischemic Foot Ulcer; Massive Gastrointestinal Bleeding; Chronic Kidney Disease secondary to Diabetic Nephropathy, emphasizes that complications.	
Occupation of the Covered Member: Admin Asst./Advocacy Staff (International Dialogue, Inc [IID])		CERTIFIED TRUE COPY

Title of the Case/ Nature of Appeal	TRC Recommendation	End of 20 working days PCT
I.10. PASION, Rodel E. vs. SSS	For Denial Reason for denial: no causal	April 11, 2017
(SM-19599-0314-	relationship; non-satisfaction	
17)	of any of the conditions for compensability of PTB; neither	
Nature of claim: disability benefits due to Pulmonary Tuberculosis (PTB)	there is showing that the working conditions of the appellant entailed exposure to tuberculosis infection.	
Occupation of the		
Covered Member: Forklift		
Operator (Pepsi-Cola		
Products Philippines, Inc.,		
City of San Fernando,		
Pampanga)		

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 March 31, 2017, 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 following cases:

- 1. ALABASTRO, Romeo A. vs. SSS (SM-19589-0306-17);
- 2. MALAVEGA, Arnold R. vs. SSS (SM-19590-0306-17);
- 3. MORALLOS, Levy B. vs. SSS (SM-19591-0306-17); CERTIFIED TRUE COPY
- **4. DE GUZMAN, Gloria vs. SSS (SM19595-0306-17)** (Pablo N. De Guzman-deceased)

... v is Cilibeth S. Bautista Brand Secretary III be remanded to the SSS for enforcement of Decisions of this Commission on the abovementioned cases ordering the SSS to grant EC benefits to the appellants and/or to the qualified beneficiaries of the covered member;

RESOLVED FINALLY, that SSS be duly furnished with copies of this Resolution and Decisions on the abovementioned cases for compliance and guidance purposes.

APPROVED, in Makati City, 31st day of March 2017.

CIRIACO A. LAGUNZAD VI

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 **VACANT**

(In Transition) Member-Designate Philippine Health Insurance Corporation

STELLA ZIPAGAN-BANAWIS

Member

Employees' Compensation Commission - Secretariat

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