



Republic of the Philippines  
DEPARTMENT OF LABOR AND EMPLOYMENT  
**EMPLOYEES' COMPENSATION COMMISSION**  
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Ika-17 ng Marso 2017

**G. RODOLFO A. ECO, JR.**  
Block 2, Lot 13-C, Malanting St.  
Amparo Village, Kalookan City, 1425  
SM-19535-1024-16

Mahal naming **G. Eco, Jr.:**

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-7 ng Marso taong 2017, 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 tatlung (30) araw matapos po ninyong tanggapin ang kopya ng desisyon.

Maraming salamat po.

Lubos na sumasainyo,

  
**STELLA ZIPAGAN-BANAWIS**  
Executive Director





March 17, 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:

**RODOLFO A. ECO, JR. vs. SSS**  
**ECC CASE No. SM-19535-1024-16**

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. 17-03-09 dated March 7, 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. RODOLFO A. ECO, JR.**  
Block 2, Lot 13-C, Malanting St.  
Amparo Village, Kalookan City, 1425  
SM-19535-1024-16



**RODOLFO A. ECO, JR.,**  
*Appellant,*

**-versus-**

**ECC CASE No. SM-19535-1024-16**

**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 September 8, 2016, denying appellant's claim for disability benefits, under the Employees' Compensation Law (P.D. No. 626, as amended), for his Moderate Sensorineural Hearing Loss, left; Severe Sensorineural Hearing Loss, right.

From October 10, 2013, until May 30, 2014, the appellant, Rodolfo A. Eco, Jr. (SSS No. 33-5113170-6), 36 years old at the time of the filing of the claim and a resident of Kalookan City, was employed as Tinsmith of F.R. Sevilla Industrial and Development Corp., Novaliches, Quezon City. He was assigned in the construction of Entertainment City Project, Paranaque City, where he was required to render his duty from 7:00 AM until 4:00 PM. He was also authorized to render overtime until 10:00 PM of the same day.

During the time of his employment, the appellant was responsible in the actual cutting of different types of ducting and in the fabrication of assorted duct type requirements.

On October 9, 2013, the appellant underwent pre-employment physical examination. He was subjected to hearing examination which revealed "normal" results." He was declared fit to work.

Records reveal that the appellant resigned from his employment and transferred to another company, Beta Electric Corp., Taguig City. He was hired as Office Utility/Helper of Electrical Department of the said company. Based on the Assessment Record, dated January 20, 2015, the appellant was diagnosed to be suffering from Hearing Loss.

On May 11, 2015, the appellant underwent Audiogram Examination which revealed “AS-Moderate Sensorineural Hearing Loss; AD-Severe Sensorineural Hearing Loss.” The frequency levels for both ears have reached 4,000 Hz.

Based on the Sickness Report and on the Employment Data Form, which were signed by Ms. Cristina C. Dimacisil, Assistant Vice-President (AVP)-Finance, F.R. Sevilla Industrial and Development Corp., the appellant’s hearing loss was due to “excessive noise at the work-place.”

Records further reveal that the SSS-Makati-1 Branch (Branch) approved the grant of SSS Permanent Partial Disability (PPD) benefits due to Hearing Loss for 19 months effective June 1, 2015.

On September 15, 2015, the Branch provided a partly handwritten letter to the appellant informing him of the disapproval of the claim for additional EC disability benefits on the ground that there was no longer employer-employee relationship during the onset of illness. On the same day, the appellant wrote a letter to the Secretariat requesting for assistance on the denial of his claim.

On September 22, 2015, the Secretariat endorsed the said letter to the SSS Main Office to facilitate the second evaluation. On October 27, 2015, the SSS-Main Office issued a Routing Slip to the Branch instructing the said Branch to elevate the entire records of the claim and to conduct an ocular inspection at the offices of the last two employers of the appellant.

The Branch facilitated the conduct of ocular inspection at the office of F.R. Industrial and Development Corp. in Novaliches, Quezon City. It was reported by the HR officer of the said company that the appellant was the only one among the 50 Tinsmiths of the said company who has been diagnosed to be suffering from Hearing Loss. There is no showing that the Branch conducted an ocular inspection at the office of the present employer of the appellant, Beta Electric Corp., Taguig City.

On September 8, 2016, the SSS-MedCRC sustained the denial of the claim through its Resolution No. 2016-0069.

On October 20, 2016, the Secretariat received the records of the case from the SSS-MedCRC for review purposes.

On November 11, 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 a recommendation to grant EC disability benefits on the ground of satisfaction of one of the conditions for compensability of Hearing Loss which is exposure to harmful noise in the workplace.

During its Meeting on November 16, 2016, the Commission has deferred the resolution of this case and instructed the Secretariat to refer this case to a medical expert (EENT) for an expert opinion on the issue of causal relationship and to the OSHC to conduct further research and to facilitate whatever examinations are deemed necessary to settle the issue of causal relationship

In compliance with the instruction of the Commission, the Secretariat referred this case to the OSHC and to Jacob S. Matubis, MD, ENT-Head and Neck Specialist, UP-PGH, Department of Otorhinolaryngology.

The following are the findings of the OSHC and the medical expert:

Excerpts from the OSHC Findings	Excerpts from the Opinion of the Medical Expert
<ul style="list-style-type: none"> <li>• “The worker [appellant] has been diagnosed with hearing loss, sensorineural type.</li> <li>• “The worker was exposed to noise levels over several years thereby increasing his risk for noise induced hearing loss</li> <li>• “The evidence of exposure to noise while performing work was an important consideration to determine if the appellant’s hearing loss was the result of such exposure. The OSHC conducted a Work Environment Measurement (WEM) service at FR Sevilla Industrial and Development Corporation on May 11, 2015 where noise is one of the parameters for measurement.</li> <li>• “The WEM results showed that in the cutting area, where the appellant was formerly stationed, noise measurements were above the Permissible Noise Exposure Level (PNEL) as prescribed by Rule 1074.02 of the Philippine Occupational Safety and Health Standards, as amended (PNEL= 90 DbA/8 hours, actual measurement= 93 DbA/8 hours.)</li> <li>• “Though the noise measurement was done almost a year after the appellant’s resignation from work, it can surmised that the noise levels are similar to the levels to which the appellant had been exposed to since the work processes and activities have not been modified.</li> <li>• “Other causes of sensorineural hearing loss are ruled out.”</li> </ul>	<ul style="list-style-type: none"> <li>• “His [appellant] audiometry is consistent with Noise-induced hearing loss (NIHL, bilateral, almost symmetrical, high-frequency sensori-neural in character) but done a year after his separation from his FRSIDC.</li> <li>• “Seven months exposure is not sufficient to cause NIHL as it usually takes several years to occur, meaning the hearing loss could have started prior to his job as FRSIDC as a tinsmith.</li> <li>• “His handwritten employees notification signed by Dr. Danilo Reyno of East Avenue Medical Center, the patient’s hearing loss started one year prior to February 24, 2015 when he first consulted the ENT doctor, meaning he had hearing problem as early as February 2014 while still with FRSIDC.</li> <li>• “Another SSS notification dated the start of his illness on March 30, 2014. Although there was no actual determination of ambient noise level in the work-place during the field visit on December 2, 2015, it must have aggravated his hearing problem so as to stop working overtime from 4 to 10 PM (based on his handwritten letter).</li> <li>• “...there was no pre-employment audiometry nor exit audiometry done at FRSIDC to actually document the deterioration of his hearing while working...</li> </ul>

Excerpts from the OSHC Findings	Excerpts from the Opinion of the Medical Expert
<ul style="list-style-type: none"> <li>• "...it is plausible to consider that the appellant's work is contributory to his hearing loss. Though the time of onset of illness was not determined based on case information, it cannot negate the fact that the appellant was exposed to excessive noise while performing his work." (OSHC Evaluation Report "Case of Rodolfo A. Eco, Jr.", Darryl Lucian S. Bautista, MD, Senior Occupational Health Officer; Ma. Beatriz G. Villanueva, MD, Division Chief III, Health Control Division)</li> </ul>	<ul style="list-style-type: none"> <li>• "On technical grounds therefore, he cannot prove his claim of NIHL while employed at FRSIDC as there is no valid support." (letter to ECC, dated Feb. 10, 2017, by Jacob S. Matubis, MD, ENT-Head and Neck Specialist, UP-PGH, Department of Otorhinolaryngology)</li> </ul>

***The appeal is meritorious.***

Article 173 (formerly 167) par. (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."

The classification of Hearing Loss as occupational disease 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 Occupational Hearing Loss:

"4. Occupational Hearing Loss

- (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

"Exposure in the workplace to harmful noise levels in the higher frequencies

"Contingencies wherein direct damage to the eardrum or inner ear are caused by the working activity.

- (b) "Acoustic trauma results in a conductive or mixed type of hearing loss.

"Exposure in the workplace due to sudden burst of sound such as explosive blast.

(c) “Physical trauma can present as mixed type of hearing loss

”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.”

In this case, the appellant may have satisfied the abovementioned first condition for compensability considering that the Audiogram examination revealed that the frequency levels for both ears have reached 4000 Hz. Further, based on the Sickness Report and on the Employment Data Form, which were signed by Ms. Cristina C. Dimacisil, Assistant Vice-President (AVP)-Finance, F.R. Sevilla Industrial and Development Corp., the appellant’s hearing loss was due to “excessive noise at the work-place.”

In denying the claim of the appellant, however, the SSS states that there was no longer an employer-employee relationship during the onset of illness. In a long line of cases, the Supreme Court has already ruled that a person’s disability may not manifest fully at one precise moment in time but rather over a period of time. The fact that the covered member is already out of the service is of no moment. The primordial consideration is that he/she contracted his/her ailment due to or by reason of employment.

In this case, the appellant worked in a construction project prior to his transfer of employment. The International Labor Organization has illustrated the working conditions in construction industry in relation to the conditions for compensability of Hearing Loss in this manner, to wit:

Health and Safety Hazards in the Construction Industry	Conditions for Compensability
<p><b>Physical Hazards</b></p> <p>“Physical hazards are present in every <b>construction project</b>. These hazards include <b>noise</b>, heat, and cold, radiation, <b>vibration</b> and barometric pressure.</p> <p>“<b>The machines that have transformed construction into an increasingly mechanized activity have also made it increasingly noisy.</b> The sources of noise are engines of all kinds, power saws, sanders, routers, planers, explosives, and many more. <b>Noise is present on demolition projects by the very activity of demolition.</b> It affects not only the person operating a <b>noise-making machine</b> but all those close-by and not only <b>cause noise-induced hearing loss</b> but also mask other sounds that are important for communication and safety. (emphasis supplied)</p> <p><i>Reference:</i>  <i>ILO Encyclopedia of Occupational Health and Safety Volume III, 4<sup>th</sup> Edition, p. 93.3</i></p>	<p><b>Occupational Hearing Loss</b></p> <p>“Exposure in the workplace to harmful noise levels in the higher frequencies.”</p>

Medical findings have already established that irreversible damage to inner ears due to loud noise is gradual or cumulative. The evaluation report of the OSHC has also confirmed the existence of reasonable probability between the hearing impairment and the working conditions of the appellant in this manner, to wit:

- “The worker [appellant] was exposed to noise levels over several years thereby increasing his risk for noise induced hearing loss
- “it is plausible to consider that the appellant’s work is contributory to his hearing loss. Though the time of onset of illness was not determined based on case information, it cannot negate the fact that the appellant was exposed to excessive noise while performing his work.” (*OSHC Evaluation Report “Case of Rodolfo A. Eco, Jr.”, Darryl Lucian S. Bautista, MD, Senior Occupational Health Officer; Ma. Beatriz G. Villanueva, MD, Division Chief III, Health Control Division*)

In the light of the appellant’s exposure to loud noise in his previous working conditions, the probability that the said detrimental risk-factor caused the manifestation of his Hearing Loss is not remote.

**WHEREFORE**, the appealed decision is hereby **REVERSED** and the SSS is ordered to **GRANT** EC disability benefits and to reimburse the succeeding medical expenses that would be incurred by the appellant for his medical consultations due to hearing loss subject to the limitations prescribed by the Commission.

**SO ORDERED.**

**CITY OF MAKATI,  
March 7, 2017.**





## BOARD RESOLUTION NO. 17-03-09

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

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 3, 2017, the Technical Review Committee (TRC) has deliberated on the following EC appealed cases from the SSS and the GSIS:

#### ***I. SSS (Medical Cases)***

<b><i>Title of the Case/ Nature of Appeal</i></b>	<b><i>TRC Recommendation</i></b>	<b><i>End of 20 working days PCT</i></b>
<p><b><i>I.1. ECO, Rodolfo A., Jr. vs. SSS (SM-19535-1024-16)</i></b></p> <p><i>Nature of claim: disability benefits due to Moderate Sensorineural Hearing Loss left; Severe Sensorineural Hearing Loss, right</i></p> <p><i>Occupation of the covered member: Tinsmith</i></p>	<p><b><i>For Award</i></b></p> <p><b><i>Basis for Award:</i></b>  <i>satisfaction of condition for compensability of Hearing Loss: exposure to harmful/excessive noise levels;</i></p>	<p><b><i>Mar. 9, 2017</i></b></p> <p><b>CERTIFIED TRUE COPY</b></p> <p><i>[Signature]</i>  <b><i>Dianne Loretta S. Bautist</i></b>  <b><i>Board Secretary III</i></b></p>
<p><b><i>I.2. TRONGCO, Julio C. vs. SSS</i></b></p>	<p><b><i>For Denial</i></b></p>	<p><b><i>Mar. 15, 2017</i></b></p>