



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



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Ika-3 ng Pebrero 2017

Gng. REMEDIOS T. LEONARDO

No. 12, Fernandez St., Brgy. San Antonio
SFDM, Quezon City, 1105
SM-19563-1212-16

Mahal naming **Gng. Leonardo**:

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-10 ng Enero 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

JQ



February 3, 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:

**REMEDIOS T. LEONARDO vs. SSS
ECC CASE No. SM-19563-1212-16**

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. 17-01-01 dated January 10, 2017.

Very truly yours,


STELLA ZIPAGAN-BANAWIS
Executive Director *JL*

cc:

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

Mrs. REMEDIOS T. LEONARDO
No. 12, Fernandez St., Brgy. San Antonio
SFDM, Quezon City, 1105
SM-19563-1212-16



REMEDIOS T. LEONARDO,
Appellant,

-versus-

ECC CASE No. SM-19563-1212-16

SOCIAL SECURITY SYSTEM (SSS),
Appellee.

X.....X

DECISION

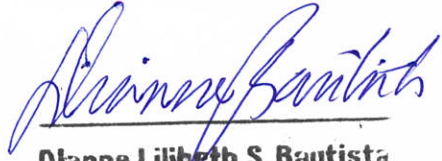
This appeal seeks to review the decision of the Social Security System-Medical Claims Review Committee (SSS-MedCRC), dated September 23, 2016, denying appellant's claim for death benefits, under the Employees' Compensation Law (P.D. No. 626, as amended), for the death of her son due to Cerebral Edema secondary to Myocardial Infarction (MI).

From March 2008 until his death on December 5, 2008, the deceased, Fernando T. Leonardo, Jr. (SSS No. 03-8256270-3), 43 years old at the time of death and a former resident of San Francisco del Monte City, Quezon City, had worked as Seaman-Motorman-Oiler of Bernard Schulte Ship Management, Inc., Makati City.

During the period of his employment as Seaman/Motorman-Oiler, the duties and responsibilities of the deceased include:

1. Performs engine room watch in port and underway particularly onboard ships propelled by steam or diesel engine;
2. Applies oil and grease on moving parts such as gears, shafts and bearings of engines and auxiliary equipment used to propel maritime vessels;
3. Examines machinery with grease and lubricating oil according to machinery lubrication instruction;
4. Reads pressure, RPM and temperature gauges and records data in Engineering logbook;
5. Assists the Engineer in routine preventive maintenance works and adjusting machinery;
6. May lubricate deck machinery when vessel is in loading and unloading operations;
7. Assists in the proper orientation, maintenance and repair of other deck/engine room machinery;

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Board Secretary III

8. Assists in the proper operation, maintenance, and repair of other deck/engine room machinery;
9. Assists in the receipt and control of fuel, lubricants, and engine spare parts and consumables;
10. Assists in dry-docking, repair of some engine room machinery and equipment under the direction of the First Engineer;
11. Does other related job as directed by superior officers.

On March 18, 2008, the deceased underwent physical examination and he was declared fit for sea duty. He was subjected to a series of laboratory examinations which revealed normal findings.

On December 4, 2008, the deceased was found unwell, had experienced chest pain and had difficulty of breathing while onboard a vessel. The said vessel came from the Port of Callao, Peru and was heading towards the Port of San Antonio, Chile. Due to the deteriorating health condition of the deceased, the vessel turned around and returned to the Port Of Callao. On December 5, 2008, the vessel arrived in the Port of Callao. The medical personnel immediately boarded the vessel but the deceased was found dead inside his cabin. On December 6, 2008, his remains were subjected to Post-Mortem examination and it was declared that the cause of death was Cerebral Edema secondary to Myocardial Infarction. There is no showing that the deceased was a victim of a violent incident.

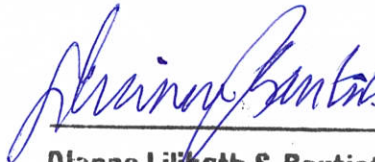
On February 17, 2009, the appellant filed a claim for SSS death with funeral benefits before the SSS San Francisco del Monte Branch (Branch) which were subsequently granted by the Branch.

In view of the ruling of the Supreme Court in the case of Buena Obra vs. SSS (G.R. No. 147745, April 9, 2003), which was reiterated in the case of Mesa vs. SSS (G.R. No. 160467, April 7, 2009), that when a claimant filed a claim for disability or death benefits before the Systems within the three-year prescriptive period in relation to Article 201 of P.D. No. 626, as amended, either under the SSS law or the GSIS law, the claim for the same benefits under the Employees' Compensation (EC) Law should be considered as filed. Thus, the appellant was able to file his claim for EC disability benefits within the three-year prescriptive period under Article 201 of P.D. No. 626, as amended.

Be that as it may, on April 23, 2015, the appellant filed a claim for additional EC death benefits before the Branch. The Branch denied the claim on the ground of no causal relationship.

On September 23, 2016, the SSS-MedCRC sustained the denial through Resolution No. 2016-0094 reasoning that:

"...Based on Master's Report, he was not subjected to undue stress before and at the time of death...there was no causal relationship between the member's cause of death and his job as Motorman/Oiler."


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On December 7, 2016, the Secretariat received the records of the case from the SSS for review purposes.

On January 6, 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 EC death with funeral benefits on the ground of satisfaction of one of the conditions for compensability of Cardiovascular Disease. Specifically, the Committee recognized the strenuous working conditions of the deceased as Motorman/Oiler which caused or contributed to the manifestation of his fatal heart illness.

The appeal is meritorious.

Article 173 (formerly 167) paragraph (1) 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 provide the etiology of Myocardial Infarction in this manner, to wit:

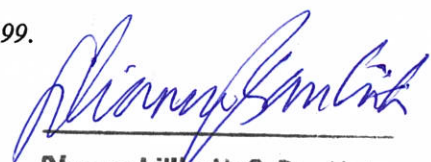
Myocardial Infarction

- "Myocardial Infarction (MI) or "Heart Attack" is a medical emergency caused by a block on the coronary arteries (the blood vessels that supply blood to the heart tissue). A block on one of these arteries results in loss of blood supply to the heart tissues and later on leads to death of the cells. The death of the cells could lead to loss of pumping function of the heart which, in turn, could lead to reduced or very low blood supply.
- "Cigarette smoking, hypertension and the presence of too much fat in the body produce heart attack. Patients most likely to develop MI include those who are excessively heavy, physically inactive, diabetics and those with history of angina or chest pain due to inadequate heart tissue oxygenation. Less common medical conditions that could lead to MI include hypercoagulability (tendency of the blood to thicken rapidly), collagen vascular disease (a disorder involving inflammatory changes of the blood vessels and connective tissues) and cocaine abuse."

Reference:

Harrison's Principles of Internal Medicine, 15th Edition, Volume 1, pp.1387-1399.

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Cardiovascular Disease (Myocardial Infarction) is listed as an occupational disease under Annex "A" of the Amended Rules on Employees' Compensation. Thus, the appellant is bound to comply with all the conditions required to warrant the grant of benefits. Under Annex "A" of the Amended Rules on Employee's Compensation, Cardiovascular Diseases are considered compensable under any of the following conditions:

- a. "If the heart disease was known to have been present during employment, there must be proof that an acute exacerbation was clearly precipitated by the unusual strain by reasons of the nature of his work;
- b. The strain of work that brings about an acute attack must be of sufficient severity and must be followed within 24 hours by the clinical signs of a cardiac insult to constitute causal relationship;
- c. "If a person who was apparently asymptomatic before being subjected to strain at work showed signs and symptoms of cardiac impairment during the performance his work and such symptoms and signs persisted, it is reasonable to claim a causal relationship subject to the following conditions:
 1. "If a person is a known hypertensive, it must be proven that his hypertension was controlled and that he was compliant with treatment;
 2. "If a person is not known to be hypertensive during his employment, his previous health examination must show normal results in all of the following, but not limited to: blood pressure, chest x-ray, electrocardiogram (ECG)/treadmill exam, CBC and urinalysis.
- d. "A history of substance abuse must be ruled out."
(ECC Resolution No. 432, dated July 20, 1977, as amended by ECC Resolution No. 11-05-13, dated May 26, 2011)

Considering that there is no showing that the deceased had history of Hypertension or Diabetes Mellitus and considering further that his pre-employment laboratory examination results revealed normal findings, this Commission believes that the condition of the deceased falls under the abovementioned third condition which provides:

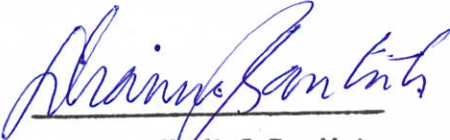
- c. "If a person who was apparently asymptomatic before being subjected to strain at work showed signs and symptoms of cardiac impairment during the performance his work and such symptoms and signs persisted, it is reasonable to claim a causal relationship subject to the following conditions:

xxx xxx

2. "If a person is not known to be hypertensive during his employment, his previous health examination must show normal results in all of the following, but not limited to: blood pressure, chest x-ray, electrocardiogram (ECG)/treadmill exam, CBC and urinalysis."

In a long line of EC appealed cases, this Commission has recognized the strenuous working conditions of Filipino seamen considering that they encounter various occupational hazards and exposures while onboard a vessel.

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In the case of Heirs of the Late R/O (Radio Operator) Reynaldo Aniban vs. NLRC (G.R. No. 116354, December 4, 1997 citing Panangui vs. ECC, G.R. No. L-56259, March 18, 1983), the Supreme Court ruled that the Myocardial Infarction of a Radio Operator/Seaman is compensable on the ground that any kind of work or labor produces stress and strain normally resulting in the wear and tear of the human body. In the said case, the Supreme Court also held that *"it is not required that the occupation be the only cause of the disease as it is enough that the employment contributed even in a small degree to its development."* (citing Abana vs. Quisumbing, No. L-23489, March 27, 1968)

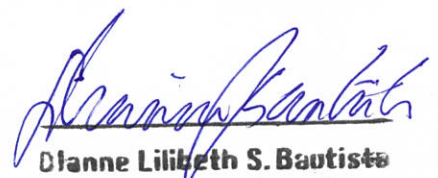
In this case, the strain is even greater considering the multiple tasks of the deceased as Seaman-Motorman-Oiler. He was among the crew whose responsibility entailed maintenance works of various equipment and machinery inside the engine room of the vessel. Considering that his job is vital in the navigation of the vessel, it is not implausible to imagine that the deceased had been performing the same for almost 24 hours.

On December 5, 2008, the deceased was found dead inside his cabin. There is no showing that a foul play occurred in the said incident. This Commission cannot discount the possibility that the long working hours of the deceased may have caused over-exertion and fatigue which, eventually, led to the manifestation of his heart attack.

The following medical findings show that seamen may incur cardiovascular consequences as a result of occupational hazards of maritime occupation:

- **"Deaths of seafarers at sea resulting from acute and chronic diseases are primarily attributed to acute myocardial infarction which accounted for 35% of deaths; among the ground staff only 13% of deaths were attributable to myocardial infarction in the same period. Although the mortality rate due to ischemic heart disease among the overall Polish population is higher than that in occupationally active seamen, in two-thirds of the seamen who died of this disease it was the very first symptom, only one-sixth of them suffered from precursory symptoms of angina pectoris, and most seamen died suddenly or instantly.**
- **"In view of the fact that most infarctions occurred at sea with no available qualified medical assistance frequently at night when alone in the cabin, there was practically no possibility of undertaking immediate life-saving action. Before the voyage, one-third of the seamen who died of myocardial infarction were diagnosed with a stable form of angina pectoris, four persons with past infarction, and nine persons with combined arterial hypertension and ischemic heart disease.**
- **"Considering the coexistence of other risk factors (e.g. smoking, hypercholesterolemia, and overweight) common for Polish seamen, and based on health regulations, it could have been possible to prevent the employment of these persons on seagoing vessels. Similar failure in prevention and fitness selection is evident in fatal cases of cerebral apoplexy, sudden coagulability of disturbances or ileus which occurred without prior anamnesis.**

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- “The fact that 80% of seamen who died at sea neither reported any discomfort nor sought medical advice before the dramatic exacerbation in their state of health reveals the limitations in the potential of health service to anticipate and eliminate the risk of death.”

Reference:

Causes and Circumstances of Deaths of Polish Seafarers during Sea Voyages, Bogdan Jarernin, Ewa Kotulak, Maria Starnawska, and Stanislaw Tornaszunas, Journal of Travel Medicine, Volume 3, Number 2, pp. 91-95

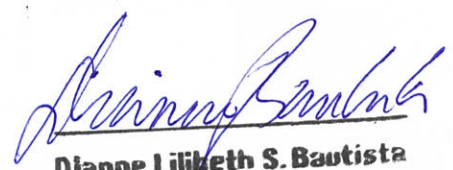
Owing to the absence of any non-work related risk-factors such as lifestyle and atherosclerosis in this case, this Commission believes that the strenuous working conditions of the deceased onboard a vessel caused or contributed to the manifestation of his fatal heart illness.

WHEREFORE, premises considered, the denial of the SSS on the claim of the appellant is hereby **REVERSED** and the SSS is ordered to grant EC death with funeral benefits to the qualified beneficiaries of the deceased in accordance with Article 200 (formerly 194) paragraph (a) of P.D. No. 626, as amended, and its Implementing Rules and Regulations.

SO ORDERED.

CITY OF MAKATI,
January 10, 2017.

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Board Secretary III



BOARD RESOLUTION NO. 17-01-01

Approving the Recommendation of the Technical Review Committee (TRC) in the case of Leonardo, Remedios T. vs. SSS (SM-19563-1212-16)

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)

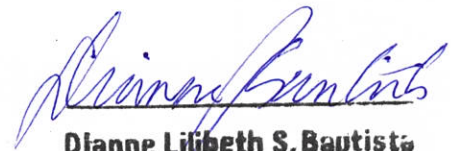
WHEREAS, during the deliberation of the case on January 6, 2017, the TRC decided to elevate the case of Remedios T. Leonardo vs. SSS (SM-19563-1212-16) to the Commission with a recommendation to grant EC death with funeral benefits on the ground of satisfaction of condition for compensability of Cardiovascular Disease

WHEREAS, considering that the 20th working day of the said case will fall on January 12, 2017, the resolution of the abovementioned case, for compliance purposes with the prescribed 20 working day PCT, is deemed necessary;

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

This Commission **RESOLVES AS IT HEREBY RESOLVED** to approve the recommendation of the TRC to grant EC death with funeral benefits to the qualified beneficiaries of the late Fernando T. Leonardo in the case of **Remedios T. Leonardo vs. SSS (SM-19563-1212-16)** on the ground of satisfaction of condition for compensability of Cardiovascular Disease;

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Board Secretary III


RESOLVED FURTHER, that the entire original records of the said case be remanded to the SSS for enforcement of the Decision of this Commission;

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

APPROVED, in Makati City, 10 January 2017.



CIRIACO A. LAGUNZAD III
Chairperson-Alternate

Department of Labor and Employment


BRENDA P. VIOLA
Member-Designate
Social Security System

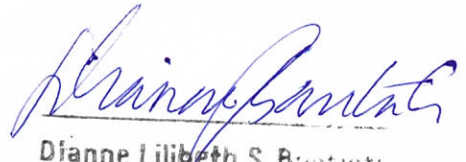

DIONISIO C. EBDANE, JR.
Member-Designate
Government Service Insurance System

CARLITO P. ROBLE
Member
Employees' Sector


RAMON F. ARISTOZA, JR.
Member-Designate
Philippine Health Insurance Corporation


STELLA ZIPAGAN-BANAWIS
Member
Employees' Compensation Commission - Secretariat

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Board Secretary III