



Ika-26 ng Enero 2017

G. WILFREDO O. LUCENA
No. 80, Saguid Road, Upper Purok 7
Asin Barangay, Baguio City, 2600
SM-19573-0109-17

Mahal naming **G. Lucena**:

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-25 ng Enero 2017, nagkaroon po ng desisyon ang tanggapanang ito na pagbigyan ang ilang bahagi ng 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



January 26, 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:

WILFREDO O. LUCENA VS. SSS
ECC CASE No. SM-19573-0109-17

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.”**

Very truly yours,


STELLA Z. BANAWIS
Executive Director


cc:

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

Mr. WILFREDO O. LUCENA
No. 80, Saguid Road, Upper Purok 7
Asin Barangay, Baguio City, 2600
SM-19573-0109-17

jtv/msmp



WILFREDO O. LUCENA,
Appellant,

-versus-

ECC CASE No. SM-19573-0109-17

SOCIAL SECURITY SYSTEM (SSS),
Appellee.

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D E C I S I O N

This appeal seeks to review the decision of the Social Security System (SSS)-Medical Claims Review Committee (MedCRC), dated October 19, 2016, denying appellant's claim for disability benefits, under the Employees' Compensation Law (P.D. No. 626, as amended), for his Coronary Artery Disease (CAD), S/P (Status-Post) Acute Atrial Fibrillation; Noise-Induced Hearing Loss, Left Severe Mixed Hearing Loss with Tympanic Membrane Perforation, Right Moderate Mixed Hearing Loss; Multiple Osteoarthritis; Cervical Degenerative Spondyloarthropathy with Neural Foraminal Stenosis, bilateral; Thoracic Degenerative Spondylosis; Lumbar Degenerative Spondylosis.

From August 27, 1986, until October 31, 2003, the appellant, Wilfredo O. Lucena (SSS No. 02-0228305-2), 61 years old at the time of the filing of the claim and a resident of Baguio City, successively held the positions of Security Guard and then, eventually, as Desk/Traffic Officer of Philex Mining Corp., Tuba, Benguet. From November 16, 2008, until November 10, 2014, he was employed as Security Personnel of Carlo Maximus Security Agency, Baguio City.

During the time of his employment at Philex Mining Corp., the duties and responsibilities of the appellant has been described as follows:

I. Security Guard

General Functions:

Protects and prevents the loss of and/or damage to company as well as personal properties, maintains peace and order, prevents and investigate crimes, offenses or misdemeanor, enforces camp rules and regulations, company orders, policies and instructions, SOPs safety regulations and the laws of the land in coordination with government law enforcement agencies and performs such other duties as maybe directed.

Duties and Responsibilities:

1. Secures company properties in his area of responsibility;
2. Enforces and complies with company policies, rules and regulations, SOPs and safety regulations;
3. Responds and reports any unusual incident in his area of responsibility as required;
4. Complies with established security measures and policies as embodied in the security manual and RA 5487 as amended;
5. Frisks/inspects persons and baggage in his area of responsibility as required;
6. Notifies concerned offices/persons and baggage in his area of responsibility;
7. Observes proper turn-over of duties and responsibilities and conducts joint inspection in his area of responsibility;
8. Amends and participates actively in safety/security meetings and seminars as required;
9. Subjects himself to polygraph examination as scheduled;
10. Assumes the duties and responsibilities of the first class security guard in the absence of the latter;
11. Renders escort duties;
12. Performs duties and responsibilities of anti-high grading team, camp Padcal, checkpoint guard, gold recovery section;
13. Preserves crime scene;
14. Enforces company traffic rules and regulations as required by the post.

II. Desk Officer

General Function

Coordinating arm of the security department to other department; in-charge in the networking, preparation of needed documents for the department and maintenance of office records; performs the functions of a logistic/asset in-charge who maintains and monitors all properties, materials, equipment and firearms under the responsibility of the security department.

Duties and Responsibilities:

1. Receives all information/incidents brought to the attention of the security department and disseminates the same to the security manager or chief security officer or to the concerned personnel for proper action, then enters them into the daily journal;
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2. Informs concerned personnel regarding reported incidents in camp;
 3. Prepares daily morning report of the security situation inside camp;
 4. Acts as in-charge in the storage and documentation as well as of the issuance of firearms, ammunition and radios;
 5. Conducts preliminary investigation of cases brought to the security office before turning it over to the investigator on duty;
 6. Ensures that all outgoing communications from the security manager and chief security officer are distributed to all concerned;
 7. Relays received messages from all concerned and coordinates all required actions/measures as ordered and follows-up for the immediate accomplishment of the task/s at hand;
 8. Prepares daily manpower disposition;
 9. Records vendor permits, extension of visitors/finished contract/retired or terminated employee clearance and records and counter signs appliance permits prior to signature of the security manager of the chief security officer;
 10. Conducts pep talks to incoming security guards assigned in Padcal and satellite areas prior to their deployment to their respective post, regarding updates, special orders, additional instructions, follow-up action, reminders and other relevant security issues and monitors their compliance and non-compliance;
 11. Initiates preparation and maintains records of delinquency reports for acknowledgement by the erring agency guard and for proper action by their detachment commander;
 12. Monitors and maintains the operation of the CCTV camera installed at the assay refinery;
 13. Marks/tags and documents confiscated evidence submitted to the security office;
 14. Coordinates to the PNP and concerned departments the arrival/delivery of explosives from the supplier;
 15. Prepares endorsement/transmittal of apprehended suspects to the concerned PNP in the absence of the investigator;
 16. Coordinates with the concerned department on the total manpower of both company employees and contract workers in every shift;
 17. Coordinates to the concerned departments the cleaning of reported oil spills along the mine camp's roadways;
 18. Monitors and coordinates a response team during the activation of security alarm systems of the SVPO residence, cashier/pay window and the main dynamite magazine;
 19. Activates the fire siren codes in case of fire or emergencies;
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20. Ensures that belongings brought out of camp by separated employees are properly inspected in accordance to the list provided by the camp administration/housing section of the general services department. Likewise, ensures that recyclable materials brought out of camp by the PBARM members and other individuals are properly inspected in accordance to the list provided by PBARM/camp administration section;
 21. Prepares and submits various reports to the security manager/chief security officers;
 22. Prints and produces all security forms needed by the department;
 23. Ensures a well-balanced stock of materials and supplies needed by the department;
 24. Maintains adequate office supplies and initiates/prepares the withdrawal and controls the issuance of materials and supplies needed by the department;
 25. Ensures a well-balanced stock of materials and supplies needed by the department;
 26. Conducts quarterly physical inventory of all properties/materials/equipment/supplies under direct responsibility of the department;
 27. Ensures proper handling, safe storage and prudent use of materials and supplies;
 28. Keeps track of the supplies, equipment issued to the personnel in the field and establishes controls to prevent them from being wasted and/or damaged and/or pilfered;
 29. Prepares and submits on time accurate time sheets of each personnel to the personnel department;
 30. Gets latent prints of newly hired employees, contractual, WAP trainees, on-the-job trainees, new vendors and house helpers;
 31. Monitors and implements CRP and maintains record of them and submits monthly report;
 32. Ensures proper safe-keeping and maintenance of records and files of the department;
 33. Guarantees confidentiality of information/documents, assets/informers/informants handled;
 34. Prepares overtime/rest day, work/holiday, work-justifications for signing by the Assistant Department Manager and the Security Manager and submit the same on time to the personnel department;
 35. Serves/delivers daily security report and other communications to the pigeon hole and other offices;
 36. Prepares and monitors vacation leaves of security personnel;
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37. Monitors attendance of security personnel;
38. Attends pep talks, DSC and other meetings of the department;
39. Complies with company policies, safety rules and regulations, SOPs, proper housekeeping and proper loss control practices;
40. Adheres to safety, health, environmental, security, cost reduction and productivity improvement programs of the company.

III. Traffic Officer

General Function

Enforces traffic rules and regulations

Duties and Responsibilities

1. Gives advises/lectures to employees, dependents, students, pupils, PUV drivers/operators, company drivers/operators regarding road safety;
2. Reports to the safety department and security office all traffic incidents/accidents and unsafe road conditions encountered in the course of his rounds; Conducts preliminary investigations of traffic incidents;
3. Checks all traffic signs for damage or recommends provision of such where necessary;
4. Orients all residents in camp about camp traffic rules and regulations;
5. Formulates solutions to identified traffic problems;
6. Maintains updated list of PUV, private vehicles, motorcycles and their corresponding operators or owners;
7. Apprehends/reports driver violators of camp traffic rules and regulations and recommends disciplinary actions as necessary;
8. Enforces use of catwalks and crossing lanes in camp;
9. Resolves the problems with PUV drivers;
10. Gathers recommendations from PUV drivers and operators for the improvement of traffic safety in camp and along Kias-Philex road;
11. Notifies operators and drivers of defects noted by the traffic road safety committee and bans these vehicles from plying the Baguio-Philex Road until defects are repaired.

Medical records reveal that between July 2001 and May 2003, the appellant had a series of medical consultations due to occasional chest pain. It was noted that he has been suffering from Coronary Artery Disease (CAD) and Angina Pectoris. During that time, he was employed as Security/Desk/Traffic Officer at the Philex Mining Corp., Tuba, Benguet.

On September 18, 2003, the appellant was rushed to a nearby hospital when he complained of sudden substernal chest pain associated with palpitations, difficulty of breathing and dizziness while he was at his assigned post. He was diagnosed to have suffered from Mitral Valve Prolapse; Cardiac Dysrhythmia; Acute Atrial Fibrillation. The Safety /Medical Committee of Philex Mining Corp. has considered his illness as “idiopathic in origin.” However, the said Committee further commented that his illness “*can also be caused or aggravated by stress since his job as a desk officer/traffic enforcer/foot patrolling can cause physical & mental fatigue leading to stress.*”

On January 29, 2013, the appellant underwent Audiogram examination. It was noted that he had normal hearing. On October 6, 2015, he underwent another Audiogram examination which revealed findings of “Moderate to Severe Mixed Hearing Loss”. On October 1, 2013, the appellant was separated from his employment at Philex Mining Corp. due to retrenchment.

On August 11, 2004, the appellant filed a claim for disability benefits under Republic Act (R.A.) No. 8282 (“The Social Security Act of 1997”) due to Coronary Artery Disease (CAD) before the SSS Baguio City Branch (Branch). Records reveal that he was granted SSS Permanent Partial Disability (PPD) benefits due to CAD for twenty-three (23) months effective August 2004.

On March 16, 2016, the appellant sought medical consultation due to chest pain, hearing loss, and multiple joint pains. He was diagnosed to be suffering from Coronary Artery Disease (CAD), S/P (Status-Post) Acute Atrial Fibrillation; Noise-Induced Hearing Loss, Left Severe Mixed Hearing Loss with Tympanic Membrane Perforation, Right Moderate Mixed Hearing Loss; Multiple Osteoarthritis; Cervical Degenerative Spondyloarthropathy with Neural Foraminal Stenosis, bilateral; Thoracic Degenerative Spondylosis; Lumbar Degenerative Spondylosis.

On April 14, 2016, the appellant filed a claim for EC disability benefits before the SSS Baguio City Branch (Branch) due to his ailments. However, the Branch denied the claim on the ground of no causal relationship.

On October 19, 2016, the SSS-MedCRC sustained the denial through Resolution No. 2016-E 0210 in this manner, to wit:

“...no causal relationship to his job, as Security Officer. Also, physical examination and interview do not show impairment of function of body parts and joint pains are degenerative in nature...”

On January 5, 2017, the Secretariat received the records of the case from the SSS for review purposes.

On January 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 the following recommendations:

1. For award

Claimed Illness	Basis for Award
Coronary Artery Disease	Satisfaction of condition for compensability of Cardiovascular Disease; non-diabetic, non-smoker, non-alcoholic beverage drinker; strenuous working conditions of a security officer

2. For denial

Claimed Illness	Reason for Denial
Multiple Osteoarthritis; Cervical Spondyloarthropathy, Thoracic and Lumbar Spondylosis	Non-satisfaction of condition for compensability of Musculoskeletal Disorder; working conditions did not entail repetitive joint use; neither there is showing that the appellant has experienced the symptoms of the said illness during the period of his employment
Noise-Induced Hearing Loss, Left Severe Mixed Hearing Loss with Tympanic Membrane Perforation, Right Moderate Mixed Hearing Loss	Non-satisfaction of condition for compensability of Hearing Loss; audiometric findings are inconsistent with occupational noise-induced hearing loss; working conditions did not entail prolong exposure to noise or handling of noise generating tools or devices such as jackhammer or rock drill; neither there is showing that the appellant has suffered from acoustic trauma while he was performing his duties

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 appellant's Hearing Loss and Musculoskeletal Disorders.

Claimed Illness	Etiology/Conditions for Compensability under Annex "A" of the Amended Rules on Employees' Compensation	Reason for Denial of the Claim
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><i>References:</i> 1. <i>Harrison's Principles of Internal Medicine, 14th Edition, Companion Handbook, p. 1062;</i> 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 Security Guard, Desk and Traffic Officer entailed exposure to harmful noise levels in the higher frequencies.</p> <p>Further, there is no showing that the appellant has suffered from acoustic trauma while he was performing his duties.</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>	
<p>Musculoskeletal Disorders</p>	<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>Although Musculoskeletal Disorders have been included in the List of occupational Diseases, their compensability requires compliance with the conditions provided under Annex “A” of the Amended Rules on Employees’ Compensation.</p> <p>There is no substantial evidence showing that the working conditions of the appellant entailed repetitive handling of mechanical tools, instruments, and equipment and/or lifting and carrying of heavy objects. Neither there is showing that the appellant has experienced the symptoms of the said illness</p>

Claimed Illness	Etiology/Conditions for Compensability under Annex "A" of the Amended Rules on Employees' Compensation	Reason for Denial of the Claim
	<p><i>Reference:</i> <i>Board Resolution No. 13-11-36 dated November 29, 2013</i></p> <p>"24. Musculoskeletal Disorders.</p> <p>"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.</p> <p>(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; Sponylitis; Spondylithesis; 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);</p> <p>(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</p>	<p>during the period of his employment.</p> <p>In this case, the etiology of the claimed ailment points only to degeneration which is not related to any type of employment.</p>

Claimed Illness	Etiology/Conditions for Compensability under Annex "A" of the Amended Rules on Employees' Compensation	Reason for Denial of the Claim
	<p>among but not limited to workers who perform repeated above shoulder activities and/or repeated flexion, external rotation and abduction.</p> <p>(c) "Disorders of the elbow acquired or secondary to injuries/accidents causing Crushing, Avulsions, Amputations, Lateral and Medical 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.</p> <p>(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.</p>	

Claimed Illness	Etiology/Conditions for Compensability under Annex "A" of the Amended Rules on Employees' Compensation	Reason for Denial of the Claim
	<p>(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</p> <p>(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.</p>	

Having failed to find substantial evidence that will establish causal connection between the claimed ailments of the appellant and his working conditions, this Commission sustains the decision of the SSS denying appellant's claim insofar as his Hearing Loss and Musculoskeletal Disorders are concerned.

This Commission now proceeds to rule on the compensability of the appellant's Coronary Artery Disease.

Medical findings provide the etiology of Coronary Artery Disease in this manner, to wit:

Coronary Artery Disease

“Causes of Coronary Artery Disease:

1. “*Atherosclerosis of the coronary arteries*- a disorder of the coronary arteries characterized by the presence of yellowish plaques of fats and cellular debris within the arteries. This leads to the narrowing of the arteries resulting in a decreased blood supply in organs and areas normally supplied by these arteries. Atherosclerosis is the leading cause of CAD. The risk factors identified for atherosclerosis essentially are the risk factors for CAD. The major risk factors making a person vulnerable to atherosclerosis are the following:
 - a. “*Increasing age*;
 - b. “*Male gender*;
 - c. “*Hypertension or high-blood pressure*;
 - d. “*Cigarette smoking*;
 - e. “*Lipid disorder due to accumulation of too much fats in the body*;
 - f. “*Insulin resistance which is seen in Diabetes Mellitus*;
 - g. “*Family history of CAD*

“Minor Risk Factors:

- a. “*Obesity or an excessively heavyweight*;
 - b. “*Physical Inactivity*;
 - c. “*Stress*;
 - d. “*Postmenopausal Estrogen Deficiency*;
 - e. “*High Carbohydrate Intake*;
 - f. “*Alcohol*
2. “*Thromboemboli*- a blood clot that circulates in the bloodstream and becomes lodged in the blood vessel such as the coronary arteries;
 3. “*Coronary artery spasm*- a sudden constriction of the coronary arteries;
 4. “*Coronary Arteritis*- an inflammatory condition of the inner layers or the outer coat of the coronary arteries that lead to a decreased blood flow;
 5. “*Conditions that increase the work-load of the heart such as increased heart rate and hyperactivity of the thyroid gland*;
 6. “*Conditions that decrease oxygen delivery to the heart like anemia and severe bleeding*;
 7. “*Inborn abnormalities of the coronary arteries.*”

References:

1. *Harrison's Principles of Internal Medicine, pp.1399-1409, Volume I, 15th Edition;*
 2. *Robbins' Pathologic Basis of Disease, pp. 504; 550-564, 6th Edition;*
 3. *Harrison's Principles of Internal Medicine, 17th Edition, part 9, Sec. 5, 237; Ischemic Heart Disease*
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Under Annex "A" of the Amended Rules on Employees' Compensation, the Cardiovascular (or heart) Disease of the covered member must have occurred under any of the following conditions to be considered as compensable:

- 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 of 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)

In this case, this Commission believes that the appellant has satisfied the first condition for compensability of which provides:

- 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;"

Between 1986 and 2003 or for 17 years, the appellant was required to render his multiple tasks as Security Guard, Desk and Traffic Officer. Sometime in 2001, the appellant has experienced the symptoms of his heart ailment when he suffered from chest pain and chest heaviness. Sometime in 2003, he was rushed to a nearby hospital when he complained of chest pain associated with palpitation, difficulty of breathing and dizziness while he was on duty. Medical records reveal that he has no history of cigarette smoking and alcoholic beverage drinking. Neither there is showing that he has history of Diabetes Mellitus

Owing to the absence of any lifestyle risk factors, this Commission believes that the performance of various tasks as Security Guard, Desk and Traffic Officer for 17 years exposed the appellant to severe strain and fatigue at work which, eventually, led to the manifestation of his heart illness. The strain manifested itself when the appellant was rushed to a hospital due to chest pain while on duty.

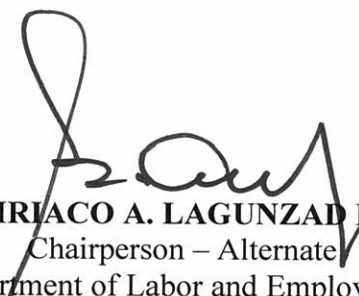
The Safety/Medical Committee Illness/Sickness Report of Philex Mining Corp. has issued a statement showing that the heart ailment of the appellant *“can also be caused or aggravated by stress since his job as a desk officer/traffic enforcer/foot patrolling can cause physical & mental fatigue leading to stress.”* The said Report should have been considered as substantial evidence of occupational risk factors which were present for the entire duration of the employment of the appellant which, in turn, caused debilitating effects on his health.

The Supreme Court has already ruled that in any determination of compensability, the nature and characteristics of the job are as important as raw medical findings and the claimant's personal and social history. This is a basic legal reality in workers' compensation law (cited in the case of GSIS vs. Calumpiano, G.R. No. 196102, November 26, 2014).

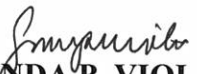
WHEREFORE, the appealed decision is hereby **MODIFIED** and the SSS is ordered to grant **EC disability benefits** to herein appellant plus reimbursement of medical expenses for his succeeding consultations due to **Coronary Artery Disease** subject to the limitations prescribed by the Commission. However, the claims for EC disability benefits due to **Hearing Loss** and **Musculoskeletal Disorders** are hereby **DENIED** on the ground of no causal relationship and/or no employer-employee relationship.

SO ORDERED.


**CITY OF MAKATI,
January 25, 2017.**



CIRIACO A. LAGUNZA III
Chairperson – Alternate
Department of Labor and Employment



BRENDA P. VIOLA, M.D.
Member-Designate
Social Security System



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



CARLITO P. ROBLE
Member
Employees' Sector

ABSENT

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



STELLA ZIPAGAN-BANAWIS
Member
Employees' Compensation Commission
Secretariat

