



Republic of the Philippines  
DEPARTMENT OF LABOR AND EMPLOYMENT  
**EMPLOYEES' COMPENSATION COMMISSION**  
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Ika-21 ng Abril 2017

**G. ARNOLD R. MALAVEGA**

No. 9, I. Cruz St.  
Vergara, Mandaluyong City, 1551  
SM-19590-0306-17

Mahal naming **G. MALAVEGA**:

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 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 tatlumpong (30) araw matapos po ninyong tanggapin ang kopya ng desisyon.

Maraming salamat po.

Lubos na sumasainyo,

  
**STELLA ZIPAGAN-BANAWIS**  
Executive Director



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:

**ARNOLD R. MALAVEGA vs. SSS  
ECC CASE No. SM-19590-0306-17**

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. ARNOLD R. MALAVEGA**  
No. 9, I. Cruz St.  
Vergara, Mandaluyong City, 1551  
SM-19590-0306-17



**ARNOLD R. MALAVEGA,**  
*Appellant,*

**-versus-**

**ECC CASE No. SM-19590-0306-17**

**SOCIAL SECURITY SYSTEM (SSS),**  
*Appellee.*

x-----x

## **D E C I S I O N**

This appeal seeks to review the Resolution No. 2016-E 0488 of the Social Security System-Medical Claims Review Committee (SSS-MedCRC), dated February 9, 2017, denying appellant's claim for disability benefits, under the Employees' Compensation Law (P.D. No. 626, as amended) for his Medial Meniscal Tear, (L) knee.

Between September 2013 and December, 2015, the appellant, Arnold R. Malavega (SSS No. 03-97486463), 45 years old at the time of the filing of the claim and a resident of Mandaluyong City, was employed as Room Service Attendant of Philippine Transmarine Carriers, Inc., Makati City.

During the time of his employment, the appellant was responsible for the following:

1. Ensures efficient and seamless service delivery of all meals to guests in their staterooms;
2. Learns and uses appropriate food and wine terminology and pronunciation to enhance the guest's dining experience;
3. Becomes familiar with menu descriptions and wine lists in order to discuss items appropriately with guest;
4. Obtains linen, silverware, glassware and china to set stateroom service trays;
5. Arranges settings on stateroom service trays, per Gold Anchor Standards;
6. Observes all established security and guest privacy procedures when delivering to staterooms;
7. Presents both food and beverage to guests;
8. Suggests menu courses, appropriate wines, and answers questions regarding menu and wine selections, per Gold Anchor Standards;
9. Makes recommendations to entice guests while meeting management goals to reduce particular inventory stock;

10. Relays order to galley as required and serves courses from galley and beverages from various locations;
11. Garnishes and decorates dishes as required prior to serving;
12. Enters food and beverage orders in the point of sale system;
13. Observes guests to anticipate their needs and responds to any additional requests;
14. Takes ownership of maintenance in Guest Corridors when appropriate;
15. Maintains cleanliness and appearance of their working area in accordance with all USPH and company standards;
16. Attends meetings, training activities, courses and all other work-related activities as required.
17. Performs any job-related activities which may be assigned by the Supervisor or management.

Medical records reveal that sometime in 2013, the appellant twisted his right knee due to a slipping accident. On December 5, 2015, he sought medical consultation at the in-house physician of the cruise ship when he complained of pain and swelling on his left knee. He underwent a laboratory examination which revealed findings of tears in his ligaments. He was diagnosed to have suffered from Medial Meniscal Tear, left knee. Due to his condition, the appellant was repatriated to the Philippines. On January 11, 2016, he underwent Partial Medial Menisectomy as surgical remedy.

On February 23, 2016, the appellant filed claims for SSS sickness benefits and EC disability benefits before the SSS Makati City-2 Branch (Branch) due to his ailment. The Branch approved the grant of SSS sickness benefits for 60 days effective January 10, 2016, but denied his claim for EC disability benefits on the ground that the working conditions of the appellant did not increase his risks of contracting his illness in the absence of a specific accident or incident causing the injury.

On February 9, 2017, the SSS-MedCRC sustained the denial on the same ground through its Resolution No. 2016-E 0488.

On February 24, 2017, the Secretariat received the records of the case from the SSS for review purposes.

On March 17, 2017, this case was submitted to the Technical Review Committee (Committee) for initial deliberation. The Committee decided to elevate this case with a recommendation to grant the claim on the ground that the working conditions of the appellant, which entailed repeated squatting and/or changing of knee position, increased his risk of contracting the claimed ailment.

***The appeal is meritorious.***

Article 173 (formerly Art. 167) paragraph (I) 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 reveal the etiology of Meniscus Tears, in this manner, to wit:

**Meniscus Tears**

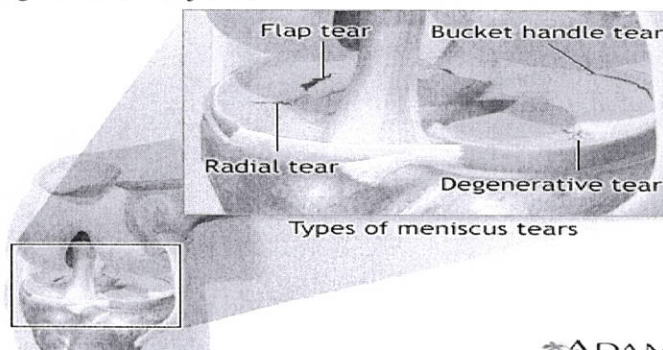
- "Meniscus tears refer to a tear in the shock-absorbing cartilage (meniscus) of the knee.
- "The meniscus is a C-shaped piece of cartilage located in the knee. Cartilage is found in certain joints and forms a buffer between the bones to protect the joint. The meniscus serves as a shock-absorption system, assists in lubricating the knee joint, and limits the ability to flex and extend the joint.

**"Causes**

- "Meniscal tears are most commonly caused by twisting or over-flexing the knee joint.

**"Symptoms**

- "A 'pop' may be felt at the time of injury;
- "Knee joint pain when walking;
  - "Knee pain in the space between the bones; gets worse when gentle pressure is applied to the joint;
- "Locking of the knee joint;
- "Recurrent knee-catching;
- "Difficulty squatting down;
- "Swelling in the knee joint;



Reference:  
<http://www.nlm.nih.gov/medlineplus/ency/article/0011071.htm>

- “The knee is a weight-bearing joint that is important for walking, standing, bending, stooping and squatting. The knee is rather unstable and depends for support on ligaments and strong muscles. There are two joints in the knee, the femorotibial and the femoropatellar. On both inner and outer side of the joint there are strong ligaments, and in the centre of the femorotibial joint are the cruciate ligaments, which give stability and assist in the normal mechanical function of the knee. The menisci are curved, fibrocartilaginous structures that lie between the femoral (femoral condyles) and the tibial bones (tibial plateau). The knee joint is both stabilized and empowered by muscles that originate above the hip joint and at the shaft of the femur and are inserted upon bony structures below the knee joint. Around the knee joint there is a synovial capsule and the joint is protected by several bursae.
- “All these structures are easily hurt by trauma and overuse and medical treatment for knee pain is rather common.”

*Reference:*

*Encyclopedia of Occupational Health and Safety, 4<sup>th</sup> Edition, Volume I, pp 6.24-6.25*

- “A twisting or hyperflexion event is the usual cause of tears in the athletic population; however, in older individuals, tears may occur without a defined moment, presumably via a cumulative microtraumatic degenerative mechanism.

*Reference:*

*Schwartz' Principles of Surgery, 8<sup>th</sup> Edition, p. 1711: Orthopaedics-Meniscal Injuries.*

- “Meniscus tears are sometimes related to trauma but significant trauma is not necessary. A sudden twist or repeated squatting can tear the meniscus.
- “Meniscus tears typically occur as a result of twisting or change of position of the weight-bearing knee in varying degrees of flexion or extension.”

*Reference:*

*Meniscus Injuries Clinical Presentation; Baker, BS MD., et. al.; Updated July 25, 2016, <http://emedicine.medscape.com/article/90661-clinical?src=refgatesrc1>*

In denying the claim, the SSS states that the appellant failed to provide any evidence showing that he sustained a trauma on his left knee which could have caused the manifestation of his Medial Meniscal Tear. However, based on the abovementioned medical findings, the said illness could also be caused by sudden twist or repeated squatting.

Medical records reveal that sometime in 2013, the appellant twisted his right knee due to a slipping accident. Two years later or on December 5, 2015, he sought medical consultation at the in-house physician of the cruise ship when he complained of pain and swelling on his left knee. Considering that the appellant had injury on his right-knee, it is not unreasonable to surmise that the appellant had to utilize his left-knee more often in the performance of his duties. Considering further that his working conditions as Room Service Attendant in a cruise ship entailed various changing of positions of his legs and/or knees, in serving food and beverages, in arranging/decorating of table settings, and in attending to various request of

guests, the possibility of having Meniscus Tears on his left-knee is not remote.

The degree of proof required under P.D. No. 626, as amended, is merely substantial evidence, which means, "*such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.*" What the law requires is a reasonable work-connection and not a direct causal relation. It is enough that the hypothesis on which the workmen's claim is based is probable. Medical opinion to the contrary can be disregarded especially where there is some basis in the facts for inferring a work-connection. Probability, not certainty, is the touchstone. (italics supplied [Salalima v. ECC and SSS, G.R. No. 146360, May 20, 2004])

In this case, this Commission believes the existence of reasonable probability. Stated differently, this Commission believes that 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.

**WHEREFORE**, premises considered, the appealed Decision is hereby **REVERSED** and the SSS is hereby **ORDERED** to pay the appellant the corresponding EC disability benefits due him under the law plus reimbursement of medical expenses for his succeeding medical consultations due to Medial Meniscal Tear, left knee, subject to the limitations prescribed by the Commission.

**SO ORDERED.**

**City of Makati,**  
**March 31, 2017.**



## 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:

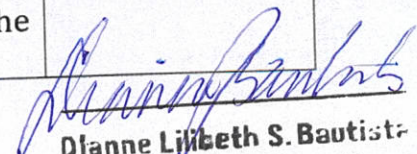
**“ART. 186. Settlement of Claims.- The System shall have original and exclusive jurisdiction to settle any dispute arising from this Title with respect to coverage, entitlement to benefits, collection and payment of contributions and penalties thereon, or any other matter related thereto, subject to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

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

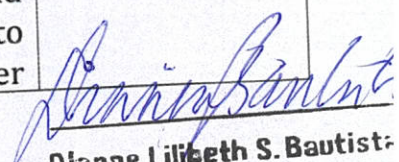
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**Dianne Lijbeth S. Bautista**  
 Board Secretary III



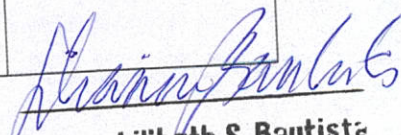
<b>Title of the Case/ Nature of Appeal</b>	<b>TRC Recommendation</b>	<b>End of 20 working days PCT</b>
<p><i>Renal Failure</i></p> <p>Occupation of the covered member: Assurance Group Manager (Mechanical Engineer, Shi Designing and Manufacturing Corp.)</p>		
<p><b>I.2. MALAVEGA, Arnold R. vs. SSS</b></p> <p><b>(SM-19590-0306-17)</b></p> <p>Nature of claim: <i>disability benefits due to Medial Meniscal Tear</i></p> <p>Occupation of the covered member: Room Service Attendant (Phil. Transmarine Carrier)</p>	<p><b>For Award</b></p> <p><b>Basis for award</b></p> <p>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.</p>	<p><b>April 3, 2017</b></p>
<p><b>I.3. MORALLOS, Levy B. vs. SSS</b></p> <p><b>(SM-19591-0306-17)</b></p> <p>Nature of claim: <i>disability benefits due to Pneumoconiosis; Pulmonary Tuberculosis (PTB)</i></p> <p>Occupation of the covered member: Shift</p>	<p><b>For Award</b></p> <p><b>Basis for award</b></p> <p>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 illness taking into consideration the longer</p>	<p><b>April 3, 2017</b></p>

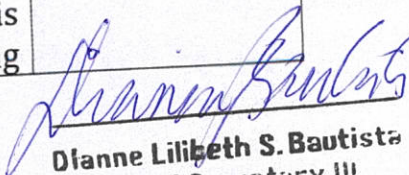
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**Dianne Lilibeth S. Bautista**  
 Board Secretary III

<b>Title of the Case/ Nature of Appeal</b>	<b>TRC Recommendation</b>	<b>End of 20 working days PCT</b>
Patrol (Philex Mining Corp.-Poro Point Installation)	latency period of Pneumoconiosis.	
<p><b>I.4. DE GUZMAN, Gloria E. vs. SSS</b> <i>(Pablo N. De Guzman-deceased)</i></p> <p><b>(SM-19595-0306-17)</b></p> <p>Nature of claim: <i>death benefits due to Adenocarcinoma of the Lung</i></p> <p>Occupation of the covered member: Tail Pond Maintainer (Philex Mining Corp.-Poro Point Installation)</p>	<p style="text-align: center;"><b>For Award</b></p> <p><b>Basis for award:</b> 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.</p>	<b>April 3, 2017</b>
<p><b>I.5. NG, Philip S. vs. SSS</b> <b>(SM-19588-0306-17)</b></p> <p>Nature of claim: <i>disability benefits due to Seizure Disorder</i></p> <p>Occupation of the Covered Member: Payroll/Novell System Administrator (Laguna Carparts Manufacturing, Inc.)</p>	<p style="text-align: center;"><b>For Denial</b></p> <p><b>Reasons for denial:</b> No causal relationship/no employer-employee relationship;</p> <p>-the appellant retired from his employment in 2013 but his ailment was diagnosed only in 2015.</p> <p>- Based on medical findings, the following are the causes of Seizure:</p> <ol style="list-style-type: none"> <li>1. Head Trauma;</li> <li>2. Genetic Disorders;</li> </ol>	<b>April 3, 2017</b>

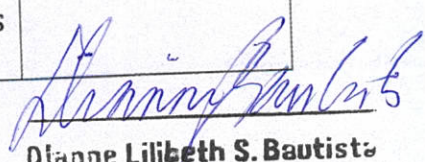
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**Dianne Lilibeth S. Bautista**  
Board Secretary III

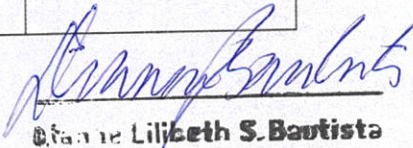
<b>Title of the Case/ Nature of Appeal</b>	<b>TRC Recommendation</b>	<b>End of 20 working days PCT</b>
	<p>3. Infection;                      4. Brain Tumor;                      5. Illicit Drug Use;                      6. Idiopathic (unknown cause);                      7. Alcohol withdrawal;                      8. Cerebrovascular Disease;                      9. Metabolic disorders (uremia, hepatic failure, electrolyte abnormalities, hypoglycemia);                      10. Alzheimer's Disease and other Degenerative Central Nervous System (CNS) disorders.</p> <p>(Reference: Harrison's Principles of Internal Medicine, 14<sup>th</sup> ed., Companion Handbook, p. 999)</p> <p>-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.</p>	
<p><b>1.6. ESPINA, Carina M. vs. SSS (SM-19592-0306-17)</b></p> <p>Nature of claim: <i>disability benefits due to Adenocarcinoma of the</i></p>	<p><b>For Denial</b></p> <p><b>Reason for denial:</b> No causal relationship; non-satisfaction of condition for compensability of Lung Cancer; neither there is showing that the working</p>	<p><b>April 3, 2017</b></p> <p><b>CERTIFIED TRUE COPY</b></p> <p>  <b>Dianne Lilibeth S. Bautista</b>                      Board Secretary III</p>

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

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**Dianne Lilibeth S. Bautista  
Board Secretary III**

<b>Title of the Case/ Nature of Appeal</b>	<b>TRC Recommendation</b>	<b>End of 20 working days PCT</b>
<p>Occupation of the Covered Member: Interfolder Machine Operator (SCA Hygiene Products Corp.)</p>	<p>- 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.</p>	
<p><b>I.9. EVANGELISTA, Estrelita S. vs. SSS</b></p> <p>(Noel C. Evangelista-deceased)</p> <p><b>(SM-19597-0306-17)</b></p> <p><i>Nature of claim: death benefits due to Acute Myocardial Infarction; Neuro-ischemic Foot Ulcer; Massive Gastrointestinal Bleeding; Chronic Kidney Disease secondary to Diabetic Nephropathy</i></p> <p>Occupation of the Covered Member: Admin Asst./Advocacy Staff (International Dialogue, Inc [IID])</p>	<p><b>For Denial</b></p> <p><b>Reason for denial:</b> 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.</p> <p>-The causes of death, Acute Myocardial Infarction; Neuro-ischemic Foot Ulcer; Massive Gastrointestinal Bleeding; Chronic Kidney Disease secondary to Diabetic Nephropathy, emphasizes that complications.</p>	<p><b>April 3, 2017</b></p> <p><b>CERTIFIED TRUE COPY</b></p> <p> Lilibeth S. Bautista Board Secretary III</p>

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

**WHEREAS**, considering that this Commission is mandated to resolved EC appealed cases within the period of 20 working days, the abovementioned EC appealed cases are deemed resolved on the date of start of routing, or on 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;

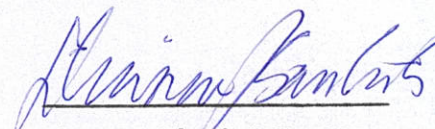
**ON THE BASIS OF THE CONCURRENCE OF THE MEMBERS OF THE COMMISSION**

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);**
4. **DE GUZMAN, Gloria vs. SSS (SM19595-0306-17)**  
(Pablo N. De Guzman-deceased)

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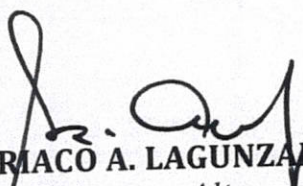
**Dianne Lilibeth S. Bautista**  
Board Secretary III

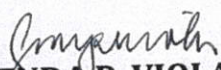
be remanded to the SSS for enforcement of Decisions of this Commission on the abovementioned cases ordering the SSS to grant EC benefits to the appellants and/or to the qualified beneficiaries of the covered member;

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

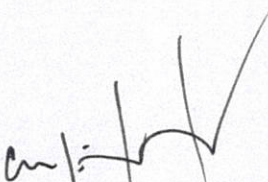
**APPROVED**, in Makati City, 31st day of March 2017.

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**CIRIACO A. LAGUNZAD III**  
Chairperson-Alternate  
Department of Labor and Employment

  
**BRENDA P. VIOLA**  
Member-Designate  
Social Security System

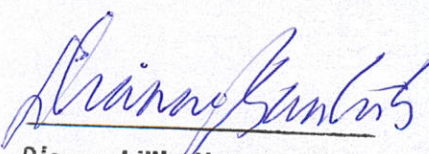
  
**DIONISIO C. EBDANE, JR.**  
Member-Designate  
Government Service Insurance System

  
**CARLITO P. ROBLE**  
Member  
Employees' Sector

**VACANT**  
(In Transition)  
Member-Designate  
Philippine Health Insurance Corporation

  
**STELLA ZIPAGAN-BANAWIS**  
Member  
Employees' Compensation Commission - Secretariat

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**Dianne Lilibeth S. Bautista**  
Board Secretary III