



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

G. LEVY B. MORALLOS

No. 565, Lot 10, Block 12
Pragmatic, Sto. Tomas
Biñan, Laguna, 4024
SM-19591-0306-17

Mahal naming **G. MORALLOS**:

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 tatlong (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:

LEVY B. MORALLOS vs. SSS
ECC CASE No. SM-19591-0306-17

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. LEVY B. MORALLOS
No. 565, Lot 10, Block 12
Pragmatic, Sto. Tomas
Biñan, Laguna, 4024
SM-19591-0306-17



LEVY B. MORALLOS,
Appellant,

-versus-

ECC CASE No. SM-19591-0306-17

SOCIAL SECURITY SYSTEM (SSS),
Appellee.

×.....×

D E C I S I O N

This appeal seeks to review the Resolution No. 2016-E 0277 of the Social Security System (SSS)-Medical Claims Review Committee (MedCRC), dated February 9, 2017, denying appellant's claim for disability benefits, under the Employees' Compensation Law (P.D. No. 626, as amended), due to Pneumoconiosis; Pulmonary Tuberculosis (PTB).

From June 1, 1987, until his retirement on December 31, 2014, the appellant, Levy Morallos (SSS No. 03-5895898-5), 60 years old at the time of the filing of the claim and a resident of Biñan, Laguna, was employed as Security Guard (Shift Patrol) at the Poro Point Installation Department of Philex Mining Corp., Tuba, Benguet.

The Certification, dated March 10, 2016, which was signed by Mr. Jun Leon A. Montenola, Port Administrator, states the nature of operation of Philex Poro Point Installation in relation to the working conditions of the appellant, in this manner, to wit:

“The Philex Poro Point Installation is tasked to receive and to store the delivered copper concentrates coming from the mine site. The delivered concentrates, occasionally, are further dried, either by simple sun drying or through the mechanical kiln drying processes to achieve the required material moisture by the company's buyers transported via ocean going vessels, either to Korea or Japan.

“Further, Philex Poro receives and stores, from time to time, materials and supplies, indent or otherwise, necessary for the mine operations and transport the same to Philex Padcal in Benguet.”

Medical records reveal that on May 10, 2007, the appellant underwent chest X-ray examination which revealed findings of Pneumonia, right; minimal pleural effusion and thickening, right. Sometime in 2011, he was diagnosed to be suffering from Pulmonary Tuberculosis. Medical records further reveal that in February of 2016, he underwent Computed Tomography (CT) scan examination which revealed findings of “Bilateral Lower Lung Interstitial Lung Disease, compatible with early Pneumoconiosis; Fibroid Pulmonary Tuberculosis, right upper lobe, small Pulmonary Nodules.”

The appellant filed a claim for EC disability benefits before the SSS Baguio Branch (Branch). The Branch denied the claim on the ground that the contingency occurred after the retirement of the appellant.

On September 22, 2016, the SSS-MedCRC sustained the denial through Resolution No. 2016-0443 in this manner, to wit:

“...Pneumoconiosis occurred only after member had already received his retirement benefit (in July 2015).”

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 to the Commission with a recommendation to grant EC disability benefits on the ground that 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 latency period of Pneumoconiosis.

The appeal is meritorious.

Article 173 (formerly Art. 167) paragraph (l) of Presidential Decree (P.D.) No. 626, as amended, defines sickness as "any illness definitely accepted as an occupational disease listed by the Commission, or any illness caused by employment subject to proof that the risk of contracting the same is increased by working conditions." Section 1 (b), Rule III, of the Rules Implementing P.D. No. 626, as amended, provides that “for the sickness and the resulting disability or death to be compensable, the sickness must be the result of an occupational disease included under Annex “A” of these Rules (Amended Rules on Employees’ Compensation) with the conditions set therein satisfied; otherwise, proof must be shown that the risk of contracting the disease is increased by the working conditions.”

This Commission now proceeds to discuss the etiology of the claimed ailment, to wit:

Pneumoconiosis

- “The expression pneumoconiosis, from the greek pneuma (air, wind) and konis (dust) was coined in Germany by Zenker in 1867 to denote changes in the lungs caused by the retention of inhaled dust.
- “Pneumoconiosis is a diagnosable disease of the lungs produced by the inhalation of dust, the term “dust” being understood to refer to particulate matter in the solid phase, but excluding living organisms.”

Reference:

Encyclopedia of Occupational Health and Safety, 4th Edition, Volume I, page 10.32, Pneumoconiosis: Definition

- “Pneumoconiosis is one of a group of interstitial lung disease caused by breathing in certain kinds of dust particles that damage your lungs.
- “Because you are likely to encounter these dusts only in the workplace, pneumoconiosis is called an occupational lung disease.
- “Pneumoconiosis usually takes years to develop. Because your lungs can't get rid of all these dust particles, they cause inflammation in your lungs that can eventually lead to scar tissue.

Reference:

www.hopkinsmedicine.org/pneumoconiosis

- “There is usually a long delay between the time at which a person was exposed to the dust (often over a long period of years) to the onset of the actual pneumoconiosis disease – often 10 years or more. Therefore, cases of the disease that are emerging now could be as a consequence of the conditions in the respective workplace of the sufferer over ten years ago.”

Reference:

www.pneumoconiosis.org.uk

Under Annex “A” of the Amended Rules on Employees’ Compensation (“Occupational and Work-Related Diseases”), Pneumoconiosis is considered as an occupational disease subject to the satisfaction of the following conditions:

- (a) “The employee must have been exposed for a prolonged/sufficient duration to dust in the work-place, as duly certified by the employer or by a competent medical practitioner/institution acceptable to the System;
- (b) “Clinical diagnosis consistent with signs and symptoms of pneumoconiosis and impairment of lung function supported by diagnostic proof such as X-ray or computer tomography (CT) scan and lung function test, ultrasound, histological findings;
- (c) “With a reasonable latency period following exposure to the mineral dust and the development of the disease.”

In denying the claim, the SSS states that the findings of Pneumoconiosis occurred only after the appellant has retired from his employment. However, based on the abovementioned medical findings, Pneumoconiosis has a longer latency period or period of manifestation. Thus, the SSS erred in denying the claim on that ground alone.

Medical findings have already established that Pneumoconiosis is an occupational lung disease which could be caused by exposure and/or inhalation of mineral dusts. The SSS may have failed to consider that the working conditions and/or the working environment of the appellant at the Philex Mining Corp.-Poro Point Installation entailed exposure to mineral dusts and other deleterious agents. As certified by the Philex Poro Point Installation, the said establishment is responsible for the storage of copper concentrates which were extracted from the mining sites. Prior to his retirement in 2014, he was diagnosed with Pneumonia and Pulmonary Tuberculosis. The said facts show that he was predisposed to varied lung diseases. Three years after his retirement or in 2016, he underwent chest X-ray examination and it was discovered that he has been suffering from Interstitial Lung Disease compatible with early Pneumoconiosis.

In the light of the exposure of the appellant to detrimental work environment, the possibility of the manifestation of his Pneumoconiosis from the inhalation of mineral dusts and other deleterious agents is not remote. In granting EC disability benefits in this case, this Commission believes that 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 latency period of Pneumoconiosis.

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

SO ORDERED.

City of Makati,
March 31, 2017.



BOARD RESOLUTION NO. 17-03-13

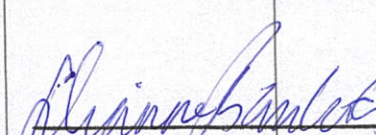
Approving the Recommendations of the Technical Review Committee (TRC) on Ten (10) EC Appealed Cases from the SSS

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)

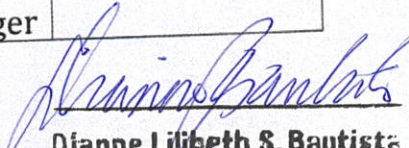
WHEREAS, on March 17, 2017, the Technical Review Committee (TRC) has deliberated on the following EC appealed cases from the SSS:

I. SSS (Medical Cases)

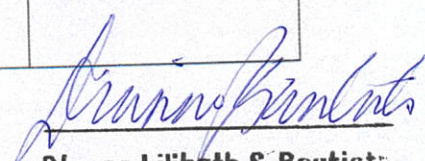
<i>Title of the Case/ Nature of Appeal</i>	<i>TRC Recommendation</i>	<i>End of 20 working days PCT</i>
<p>I.1. ALABASTRO, Romeo A. vs. SSS</p> <p>(SM-19589-0306- 17)</p> <p>Nature of claim: <i>disability benefits due to Febrile Neutropenia; Nasopharyngeal Cancer; Pneumonia in the Immunocompromised; Septic Shock; Acute</i></p>	<p>For Award</p> <p>Basis for Award:</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>April 3, 2017</p> <p>CERTIFIED TRUE COPY</p> <p> Dianne Lilibeth S. Bautista Board Secretary III</p>

Title of the Case/ Nature of Appeal	TRC Recommendation	End of 20 working days PCT
<p><i>Renal Failure</i></p> <p>Occupation of the covered member: Assurance Group Manager (Mechanical Engineer, Shi Designing and Manufacturing Corp.)</p>		
<p>I.2. MALAVEGA, Arnold R. vs. SSS</p> <p>(SM-19590-0306-17)</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>For Award</p> <p>Basis for award</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>April 3, 2017</p>
<p>I.3. MORALLOS, Levy B. vs. SSS</p> <p>(SM-19591-0306-17)</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>For Award</p> <p>Basis for award</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>April 3, 2017</p>

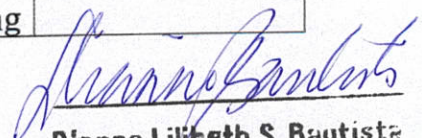
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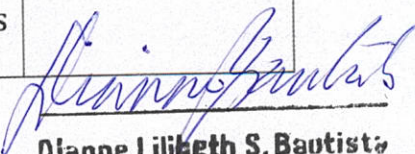

Dianne Lilibeth S. Bautista
 Board Secretary III

Title of the Case/ Nature of Appeal	TRC Recommendation	End of 20 working days PCT
Patrol (Philex Mining Corp.-Poro Point Installation)	latency period of Pneumoconiosis.	
<p>I.4. DE GUZMAN, Gloria E. vs. SSS (Pablo N. De Guzman-deceased) (SM-19595-0306-17)</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;">For Award</p> <p>Basis for award: The working conditions of the deceased increased the risks of contracting the fatal ailment; tail ponds (heavy metal residues) in mining contain heavy deposit of heavy metals as a result of accumulated mining wastes (tailings); heavy metals residues in tail ponds include gold, silver, lead, cobalt, copper, chromium, manganese, iron, etc.; medical findings provide that heavy metals, such as chromium, are known carcinogens in occupational settings.</p>	April 3, 2017
<p>I.5. NG, Philip S. vs. SSS (SM-19588-0306-17)</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;">For Denial</p> <p>Reasons for denial: 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"> 1. Head Trauma; 2. Genetic Disorders; 	<p>April 3, 2017</p> <p style="text-align: right;">CERTIFIED TRUE COPY</p>

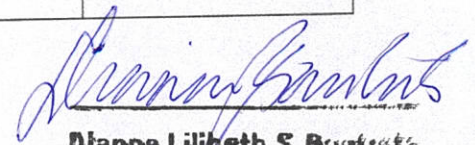

Dianne Lilibeth S. Bautista
 Board Secretary III

Title of the Case/ Nature of Appeal	TRC Recommendation	End of 20 working days PCT
	<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, 14th 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>1.6. ESPINA, Carina M. vs. SSS (SM-19592-0306-17)</p> <p>Nature of claim: <i>disability benefits due to Adenocarcinoma of the</i></p>	<p>For Denial</p> <p>Reason for denial: No causal relationship; non-satisfaction of condition for compensability of Lung Cancer; neither there is showing that the working</p>	<p>April 3, 2017</p> <p>CERTIFIED TRUE COPY</p>


Dianne Lilibeth S. Bautista
 Board Secretary III

Title of the Case/ Nature of Appeal	TRC Recommendation	End of 20 working days PCT
<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>I.7. LIRAZAN, Ma. Christina O. vs. SSS</p> <p>(Mirasol F. Osal-deceased)</p> <p>(SM-19593-0306-17)</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>For Denial</p> <p>Reason for denial: 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>April 3, 2017</p>
<p>I.8. SALES, Antonio S. vs. SSS</p> <p>(SM-19594-0306-17)</p> <p>Nature of claim: <i>disability benefits due to Hypertensive Cardiovascular Disease; Valvular Heart Disease; Hyperthyroidism</i></p>	<p>For Denial</p> <p>Reasons for denial: 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>April 3, 2017</p> <p>CERTIFIED TRUE COPY</p> <p></p> <p>Dianne Lilibeth S. Bautista Board Secretary III</p>

Title of the Case/ Nature of Appeal	TRC Recommendation	End of 20 working days PCT
<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>I.9. EVANGELISTA, Estrelita S. vs. SSS</p> <p>(Noel C. Evangelista-deceased)</p> <p>(SM-19597-0306-17)</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>For Denial</p> <p>Reason for denial: no causal relationship; the diabetic condition of the deceased, which was enhanced by his history of cigarette smoking for 30 years, caused the development of his fatal ailments.</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>April 3, 2017</p> <p>CERTIFIED TRUE COPY</p>



Dianne Lilibeth S. Bautista
Board Secretary II

<i>Title of the Case/ Nature of Appeal</i>	<i>TRC Recommendation</i>	<i>End of 20 working days PCT</i>
<p>I.10. PASION, Rodel E. vs. SSS</p> <p>(SM-19599-0314- 17)</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>For Denial</p> <p>Reason for denial: 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>April 11, 2017</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;

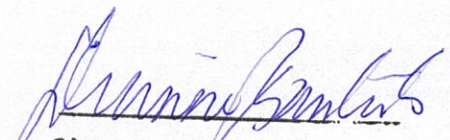
ON THE BASIS OF THE CONCURRENCE OF THE MEMBERS OF THE COMMISSION

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)

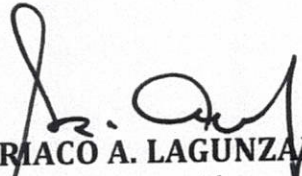
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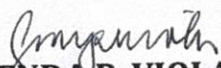

Dianne Lilibeth S. Bautista
Board Secretary III

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;

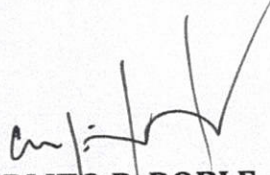
RESOLVED FINALLY, that SSS be duly furnished with copies of this Resolution and Decisions on the abovementioned cases for compliance and guidance purposes.

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


CIRIACO A. LAGUNZADHI
Chairperson-Alternate
Department of Labor and Employment


BRENDA P. VIOLA
Member-Designate
Social Security System

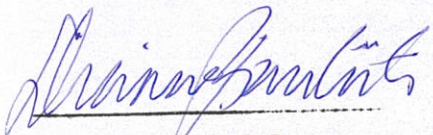

DIONISIO C. EBDANE, JR.
Member-Designate
Government Service Insurance System


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