



Republic of the Philippines  
 Supreme Court  
 Manila

SECOND DIVISION

SOCIAL SECURITY SYSTEM,      G.R. No. 225827  
*Petitioner,*

Present:

PERLAS-BERNABE, S.A.J.,  
*Chairperson,*  
 HERNANDO,  
 INTING,  
 GAERLAN, and  
 ROSARIO,\* JJ.

- versus -

BELINDA C. CUENTO,  
*Respondent.*

Promulgated:

JUL 28 2021

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DECISION

INTING, J.:

Assailed in the present Petition for Review on *Certiorari*<sup>1</sup> is the Decision<sup>2</sup> dated December 17, 2015 of the Court of Appeals (CA) in CA-G.R. SP No. 140167 which reversed and set aside the Decision<sup>3</sup> dated February 27, 2015 of the Employees' Compensation Commission (ECC) in ECC CASE No. SM-19368-0113-15. The ECC Decision affirmed the decision of the Social Security System (SSS) denying Belinda C. Cuento's (respondent) claim for death benefits under the Employee's Compensation Law of Presidential Decree No. (PD) 626.

Designated additional member per Special Order No. 2835 dated July 15, 2021.

<sup>1</sup> *Rollo*, pp. 3-24.

<sup>2</sup> *Id.* at 27-34; penned by Associate Justice Jose C. Reyes, Jr. (now a retired member of the Court) with Associate Justices Nina G. Antonio-Valenzuela and Jhosep Y. Lopez (now a member of the Court), concurring.

<sup>3</sup> *Id.* at 39-43; signed by Chairperson Ciriaco A. Lagunzad III and members Brenda P. Viola, Dionisio C. Ebdane, Jr., Carlito P. Roble, Miguel B. Varela and Stella Zipagan-Banawis.

### *The Antecedents*

Respondent's husband, Maximo M. Cuento (Maximo), was employed as a motorized messenger by Gold Rush Services, Corp. assigned at Metro Bank. His last assignment and contract was in February 2011 until he died on October 4, 2011.<sup>4</sup>

Meanwhile, on June 15, 2011, Maximo was diagnosed with a transient ischemic attack.<sup>5</sup> While on duty on October 4, 2011, Maximo appeared to have suffered from a stroke. He was brought to San Juan De Dios Hospital. The hospital declared him "dead on arrival." In the Post Mortem Death Certificate, Maximo's cause of death is myocardial infarction.<sup>6</sup>

Respondent filed for death benefits with the SSS. However, the reviewing branch denied respondent's claim. The denial was sustained by SSS-Medical Operations Department. Thus, respondent appealed to the ECC.<sup>7</sup>

### *Ruling of the Panel of ECC*

The ECC affirmed the denial of the claim for death benefits. It ruled that there was no showing that Maximo had been subjected to unusual strain at work when he suffered from a stroke while on duty. In the absence of any substantial evidence showing causal relationship between the fatal ailment of the deceased and his working conditions, it is reasonable to conclude that atherosclerosis caused the manifestation of his myocardial infarction. Further, the suddenness of attack is common in middle age, or elderly men and can be explained by the typical progress of atherosclerosis over time.<sup>8</sup>

Undaunted, respondent appealed to the CA through a Petition for Review under Rule 43 of the Rules of Court.

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<sup>4</sup> *Id.* at 27.

<sup>5</sup> *Id.* at 70.

<sup>6</sup> *Id.* at 66.

<sup>7</sup> *Id.* at 28.

<sup>8</sup> *Id.* at 42.

*Ruling of the CA*

In the Decision<sup>9</sup> dated December 17, 2015, the CA granted the petition and reversed and set aside the Decision of the ECC.

The CA took into account Maximo's duties as a messenger which required him to drive around Metro Manila, pick up checks and documents for delivery to the head office of Metro Bank, and deliver documents to its branches. His everyday exposure under the sweltering heat of the sun during the summer season and his exposure to rain during the rainy season aggravated by his susceptibility to smoke-belching vehicles are enough proof of the strenuous nature of his work.<sup>10</sup>

The CA also noted that Maximo was already at risk of myocardial infarction after he suffered a transient ischemic attack on June 15, 2011. Thus, the CA found that the myocardial infarction which caused the death of Maximo is work connected and compensable.<sup>11</sup>

The dispositive portion of the CA Decision reads:

WHEREFORE, premises considered, the instant petition is GRANTED. The assailed Decision dated February 27, 2015 of the Employees' Compensation Commission (ECC) in FCC Case No. SM-19368-0113-15 is hereby REVERSED and SET ASIDE. Respondent Social Security System (SSS) is hereby ordered to pay petitioner the proper benefits for the death of her husband Maximo M. Cuento.

SO ORDERED.<sup>12</sup>

Hence, the petition.

*The Issue*

The issue is whether Maximo's myocardial infarction is a compensable disease under PD 626, as amended.

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<sup>9</sup> *Id.* at 27-34.

<sup>10</sup> *Id.* at 32.

<sup>11</sup> *Id.*

<sup>12</sup> *Id.* at 34.

SSS argues that the deceased's myocardial infarction is neither caused nor aggravated by the unusual strain of his job as a motorized messenger.<sup>13</sup> It avers that respondent utterly failed to adduce substantial evidence to show that the conditions of the law were complied with.<sup>14</sup> Thus, without proof of work connection, the deceased's myocardial infarction cannot be declared as compensable.<sup>15</sup>

In her Comment,<sup>16</sup> respondent asserts that the CA correctly reversed the ECC ruling. She avers that it is undisputed that Maximo suffered a stroke while working. His duties as a motorized messenger undoubtedly contributed to the physical effects on his health and body because of his exposure to constant stress brought about by the traffic and infuriating fellow motorists. Hence, his job clearly contributed to Maximo's sickness and eventual death.<sup>17</sup>

#### *The Court's Ruling*

The petition is without merit.

The death of respondent's husband is due to *myocardial infarction (heart attack)* - also known as *coronary occlusion* or just a '*coronary*,' which is a life threatening condition. *Predisposing factors for myocardial infarction are the same for all forms of Coronary Artery Disease, and these factors include stress. Stress appears to be associated with elevated blood pressure.*"<sup>18</sup> Myocardial infarction falls under the large umbrella of cardiovascular diseases.

Under ECC Board Resolution No. 11-05-13 entitled "Amending the Conditions for Compensability of Cardiovascular Diseases, Essential Hypertension, and Cerebrovascular Accidents Under Annex "A" of the Amended Rules on Employees' Compensation," cardiovascular disease is deemed compensable occupational disease in any of the following conditions:

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<sup>13</sup> *Id.* at 9.

<sup>14</sup> *Id.* at 16.

<sup>15</sup> *Id.* at 17.

<sup>16</sup> *Id.* at 94-107.

<sup>17</sup> *Id.* at 104.

<sup>18</sup> *GSIS v. Cuanang*, 474 Phil. 727, 737 (2004), citing Luckman and Sorensen, *Medical-Surgical Nursing*, 3<sup>rd</sup> Edition, pp. 929, 934.

- 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; and
- 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 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.<sup>19</sup>

For an occupational or work-related disease and the resulting disability or death to be compensable, all of the following conditions must be satisfied:

1. The employee's work and/ or the working conditions must involve risk/s that caused the development of the illness;
2. The disease was contracted as a result of the employee's exposure to the described risks;
3. The disease was contracted within a period of exposure and under such factors necessary to contract it; and
4. There was no deliberate act on the part of the employee to disregard the safety measures or ignore established warning or precaution.<sup>20</sup>

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<sup>19</sup> ECC Board Resolution No. 11-05-13 (2011).

<sup>20</sup> *Id.*



Applying the foregoing provisions, and after a review of the records, the Court holds that there is substantial evidence to rule that the death of respondent's husband is compensable.

The instant case undoubtedly falls under the above-stated condition letter 'b' of cardiovascular diseases which states that "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."

Respondent's husband was on duty as a motorized messenger when he suffered loss of consciousness and within 24 hours, he died due to myocardial infarction.<sup>21</sup>

The records show that respondent's husband had been with Metro Bank as a motorized messenger for several months and his duties included delivery of documents to or from the main office to any Metro Bank branch in Metro Manila.<sup>22</sup> He was deemed fit to work.<sup>23</sup>

Daily exposure to the heat of the sun, rain, and pollution are principal factors that cannot simply be ignored in declaring the compensability of the death of respondent's husband.

The Court in *Rañises v. Employees Compensation Commission*<sup>24</sup> already ruled on the compensability of myocardial infarction as an occupational disease. The Court held:

x x x As a driver and messenger, he spent virtually his whole day driving around Metro Manila, delivering equipment, collecting checks, and picking up company guests at the airport and driving them to designated places. Obviously, petitioner in the performance of his job, was subject to severe strain and fatigue and exposed to the stress and strain of everyday traffic. We thus agree with the Solicitor General that petitioner's ailment, being work-connected, is compensable.<sup>25</sup>

In the present case, the conditions of compensability are present.

<sup>21</sup> *Rollo*, p. 66.

<sup>22</sup> *Id.* at 65.

<sup>23</sup> *Id.* at 67.

<sup>24</sup> 504 Phil. 340 (2005).

<sup>25</sup> *Id.* at 344.

*First*, the working conditions of a motorized messenger clearly involve risks (heat, rain, and pollution) of contracting the illness which caused the death of respondent's husband.

*Second*, the stress and strain of plying around Metro Manila under the sun or rain was the major factor that caused the death of respondent's husband.

*Third*, prolonged exposure to stress, heat, rain, and pollution is deemed the main contributor of the cause of death of respondent's husband.

The only plausible conclusion in the instant case is that respondent's husband worked under risks of stress and strain that greatly contributed to his myocardial infarction. A reasonable mind analyzing these facts cannot but conclude that the risks present in respondent's husband working environment for the entire duration of his employment precipitated the myocardial infarction that led to his death.

As a final note, the Court in the case of *GSIS v. Cuanang*<sup>26</sup> declared that as an agency charged by law with the implementation of social justice guaranteed and secured by the Constitution—the ECC (as well as the GSIS and the SSS)—should adopt a liberal attitude in favor of the employees in deciding claims for compensability, especially where there is some basis in the facts for inferring a work-connection to the accident or to the illness.<sup>27</sup> This is what the Constitution dictates.

**WHEREFORE**, the petition is **DENIED**. The Decision dated December 17, 2015 of the Court of Appeals in CA-G.R. SP No. 140167 is hereby **AFFIRMED**.

**SO ORDERED.**

  
**HENRI JEAN PAUL B. INTING**  
*Associate Justice*

<sup>26</sup> *GSIS v. Cuanang*, *supra* note 18 at 727.

<sup>27</sup> *Id.* at 739, citing *Nitura v. Employee's Compensation Commission*, 278 Phil. 302, 308 (1991)



WE CONCUR:

  
**ESTELA M. PERLAS-BERNABE**  
*Senior Associate Justice*  
*Chairperson*

  
**RAMON PAUL L. HERNANDO**  
*Associate Justice*

  
**SAMUEL H. GAERLAN**  
*Associate Justice*

  
**RICARDO R. ROSARIO**  
*Associate Justice*

**ATTESTATION**

I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

  
**ESTELA M. PERLAS-BERNABE**  
*Senior Associate Justice*  
*Chairperson*

**CERTIFICATION**

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

  
**ALEXANDER G. GESMUNDO**  
*Chief Justice*

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