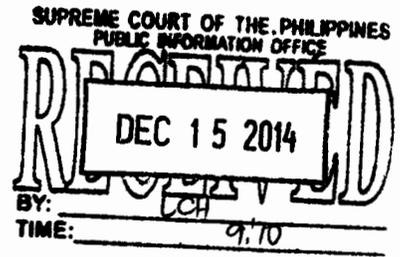




Republic of the Philippines  
Supreme Court  
Manila  
FIRST DIVISION



NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated November 19, 2014 which reads as follows:*

**“G.R. No. 205666 (Ester V. Alferez v. Employees Compensation Commission).** - After a judicious review of the records, the Court resolves to **DENY** the instant petition and **AFFIRM** the September 28, 2012 Decision<sup>1</sup> and January 23, 2013 Resolution<sup>2</sup> of the Court of Appeals (CA) in CA-G.R. SP No. 123625 for failure of Ester V. Alferez (petitioner) to show that the CA committed any reversible error in upholding the denial of her claim for death benefits on the ground that the cause of her husband’s death was not work-related.

The burden of proof is on the petitioner to show, at least by substantial evidence, that the development of the disease was brought about largely by the conditions present in the nature of the job.<sup>3</sup> However, as pointed out by the CA, petitioner failed to prove that the risk of contracting myocardial infarction was increased by her husband’s working conditions. She merely alleged that he was exposed to great stress and tension due to his duties and responsibilities as a bank executive, but submitted no medical record to show that stress had been the contributory factor for her husband’s illness. What was clearly shown, instead, was that her husband’s diabetic condition, hypertension, obesity, and smoking habit all contributed to the myocardial infarction that took his life. Petitioner’s claim cannot be granted on the basis of her husband’s 32 years of service to the bank. The policy of extending the applicability of Presidential Decree No. 626 (ECC Law) to as many qualified employees as possible should be balanced by the equally vital interest of denying undeserving claims for compensation.

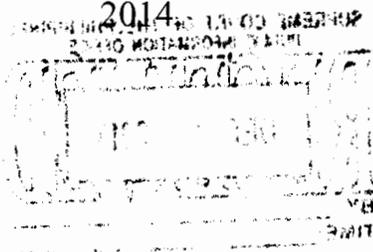
<sup>1</sup> *Rollo*, pp. 50-60. Penned by Associate Justice Ramon R. Garcia with Associate Justices Amelita G. Tolentino and Danton Q. Bueser, concurring.

<sup>2</sup> *Id.* at 28-29.

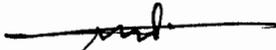
<sup>3</sup> *Gatus v. Social Security System*, G.R. No. 174725, January 26, 2011, 640 SCRA 553, 560; citation omitted.

- over – two (2) pages .....

**SO ORDERED.” BERSAMIN, J.**, on official travel; **VELASCO, JR., J.**, designated acting member per S.O. No. 1870 dated November 4, 2014.



Very truly yours,

  
**EDGAR O. ARICHETA**  
Division Clerk of Court *pk 14*  
**363**

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Court of Appeals (x)  
Manila  
(CA-G.R. SP No. 123625)

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Employee’s Compensation  
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(ECC Case No. SM-18785-  
0722-11)

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