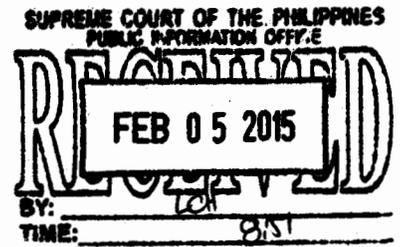




Republic of the Philippines
Supreme Court
 Manila

THIRD DIVISION

NOTICE



Sirs/Mesdames:

*Please take notice that the Court, Third Division, issued a Resolution dated **January 26, 2015**, which reads as follows:*

“G.R. No. 183264 (Edilberto D. Gomera v. Social Security System). - This treats of the petition for review on *certiorari* of the Decision¹ of the Court of Appeals (CA), dated October 30, 2007, in CA-G.R. SP No. 99156.

The pertinent factual and procedural antecedents of the case, as summarized by the CA, are as follows:

x x x x

The petitioner Edilberto D. Gomera (“Gomera” for brevity) x x x was employed and rose from his job as an industrial mechanic to become a senior mechanic at the Central Azucarera de Tarlac in San Miguel, Tarlac, from 1963 up to 1 November 2004 or for a period of roughly forty years.
 x x x

x x x x

x x x. As early as the year 1997, Gomera was diagnosed to have “essential hypertension” (HPN). His Blood Pressure went as high as systole 160 mmHg over diastole 119 mmHg (B.P. = 160/110), and even 180/120 for which reason St. Martin [De Porres Hospital, the Medical Service Department of the sugar central] prescribed Metoprolol/Neoblock. During his examination on 4 September 2002 at the same hospital facility, he was advised to have a disciplined diet regimen and quite vaguely, initiate a “lifestyle modification.” As the years went by, the condition progressed, until before his retirement on 1 November 2004 at age 61 years, when the HPN varied between moderate and severe.

[Meanwhile, o]n 14 March 1993, Gomera and his group were adjusting the discharger assembly of “WSFA Basket No. 4” during the second shift, and he was in a rather awkward position, because of which, he suddenly felt severe pain in his back after re-tightening the adjustment bolt. He suffered what is commonly known as “slipped-disc.” Despite

¹ Pinned by Associate Justice Apolinario D. Bruselas, Jr., with Associate Justices Bienvenido L. Reyes (now a member of this Court) and Aurora Santiago-Lagman, concurring; *rollo* pp. 19-28.

2.

physical therapy, and dural steroid injections during his first confinement in the hospital from 31 March to 5 April 1993, the low back pain persisted and he even at times developed numbing of his extremities or "peripheral neuropathy." He was thus re-confined several days later and underwent a magnetic resonance imaging (MRI) examination of the lumbosacral spine
x x x.

x x x x

Believing that his illnesses were work-related, the petitioner applied for compensation with the Social Security System (SSS or system). In a letter dated 19 January 2006, the system granted [petitioner] a total of thirty-eight (38) months of permanent partial disability (PPD) pension benefits for herniated disc x x x.

x x x x

However, [SSS] altogether denied his claim as to the compensability of HPN saying

"EC disability benefits for hypertension was denied since there is no proof of resulting disability due to said illness prior to or after the time of retirement."

Dissatisfied with the SSS decision, petitioner Gomera elevated his claim to the Employees Compensation Commission (ECC or commission), which affirmed the system's decision. x x x

x x x x²

Petitioner then filed with the CA a petition for review under Rule 43 of the Rules of Court assailing the decision of the ECC and the SSS.

On October 30, 2007, the CA promulgated its assailed Decision dismissing petitioner's petition for review and affirming the decision of the ECC and the SSS.

Hence, the present petition for review on *certiorari* with the following Assignment of Errors:

- I. The COMMISSION and the COURT ignored the 38 months partial disability benefits granted to the petitioner before his retirement (optional)
- II. The court ignored Hypertension, Heart Disease and CVA, Cerebro-Vascular Accident as occupational and compensable diseases pursuant to existing jurisprudence.³

² Rollo, pp. 19-22.

³ *Id.* at 5.

Petitioner's basic contention is that his hypertension was a result of his prolonged exposure to air pollutants in the course of his employment as a mechanic.

At the outset, it bears to point out that the issues raised by petitioner are essentially questions of fact. It is settled that only questions of law, not questions of fact, may be raised before the Supreme Court in a petition for review under Rule 45 of the Rules of Court.⁴ This Court cannot be tasked to go over the proofs presented by the petitioners in the lower courts and analyze, assess and weigh them to ascertain if the court *a quo* and the appellate court were correct in their appreciation of the evidence.⁵

Indeed, the arguments raised by petitioner put into question the factual findings of both the SSS and the ECC. However, it is likewise settled that findings of fact of administrative agencies and quasi-judicial bodies, which have acquired expertise because their jurisdiction is confined to specific matters, are generally accorded not only respect but finality when affirmed by the Court of Appeals.⁶ In the present case, the SSS, the ECC and the CA were unanimous in finding that petitioner failed to prove any disability resulting from his hypertension prior to or at the time of his retirement.

As correctly cited by the ECC and the CA, ECC Resolution No. 92-07-0031⁷ states that:

Hypertension classified as primary or essential is considered compensable if it causes impairment of function of body organs like kidneys, heart, eyes and brain, resulting in any kind of disability; subject to the submission of any of the following:

- (a) chest X-ray report,
- (b) ECG report,
- (c) blood chemistry report,
- (d) funduscopy report,
- (e) C-T scan,⁸

Thus, this Court finds no error in the ECC Decision that:

⁴ *La Union Cement Workers Union, et al. v. NLRC, et al.*, 597 Phil. 452, 457 (2009).

⁵ *Id.*

⁶ *Gatus v. Social Security System*, G.R. No. 174725, January 26, 2011, 640 SCRA 553, 564.

⁷ Dated July 8, 1992.

⁸ Board Resolution No. 11-05-13, Series of 2011, approved on May 26, 2011, amended ECC Resolution No. 92-07-0031 by adding Ophthalmological evaluation, M[agnetic] R[esonance] I[maging], M[agnetic] R[esonance] A[ngiogram], 2-D echo, kidney ultrasound, and B[lood] P[ressure] monitoring report as among the pieces of evidence which may be submitted by a claimant to prove hypertension as the cause of the impairment of the functions of any of his/her body organs which results in his/her disability.

January 26, 2015

x x x x

Whether or not the appellant's [herein petitioner's] Hypertension caused the manifestation of end-organ damage must be substantiated by diagnostic tests, failing this, the instant claim must fail. Unfortunately, the available medical records are not enough to validate his claim. There is nothing in the records that will sufficiently establish that he suffered end-organ impairment during the course of his employment with Central Azucarera de Tarlac. Hence, there is much sense in refusing the grant of EC disability benefits where no such end-organ damage due to Hypertension has been proven.

x x x x⁹

In the same vein, the Court finds no cogent reason to depart from the ruling of the CA holding that:

x x x x

x x x [I]t was incumbent upon Gomera to prove, at the first instance, that the environment and nature of his work worsened or at least contributed to his hypertensive condition. The burden of proof is on the petitioner who must establish that his disease intervened or was contracted in the course of his employment. x x x

x x x x

Nowhere in his complaint before the SSS did the petitioner ever trace the genesis or etiology of HPN to his work-stress, and the like. He did so belatedly only in his petition, and reproduced as a response to the respondents' Comment thereon, x x x.

x x x x

Even then, his research did not indubitably link the alleged exposure to toxic chemicals to the hypertensive state. Neither did he categorically deny his smoking or drinking habits. On the whole, Gomera failed to comply with the criteria or conditions set forth by the [R]ules of the [C]ommission, thus warranting a denial of compensation. x x x

x x x x¹⁰

Indeed, petitioner failed to present competent evidence such as medical records or physician's reports to objectively substantiate his claim that there is a reasonable link between his work and his ailment. His bare allegations do not, by themselves, make his illness compensable.

⁹ See ECC Decision, Annex "13" to Petition, *rollo*, p. 50.

¹⁰ See CA Decision, Annex "1" to Petition, *id.* at 24-25.

On the basis of the foregoing, the Court finds no error on the part of the SSS, the ECC and the CA in denying petitioner's claim for disability benefits.

WHEREFORE, the instant petition is **DENIED**. The Decision of the Court of Appeals, dated October 30, 2007, in CA-G.R. SP No. 99156, is **AFFIRMED**. (Reyes, *J.*, no part; Del Castillo, *J.*, designated Acting Member per Raffle dated January 26, 2015).

SO ORDERED."

Very truly yours,


WILFREDO V. LAPITAN
Division Clerk of Court *1/20/15*

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