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WHEREFORE, the writ of *certiorari* is granted and the decision of respondent Noriel of September 29, 1977 reversing an order of the Med-Arbiter calling for a certification election is nullified, reversed, and set aside. A certification election must be conducted forthwith. This decision is immediately executory. No costs.

Barredo, Antonio, Aquino, Concepcion Jr., and *Santos, JJ.*, concur.

SECOND DIVISION

[G.R. No. L-47503. October 30, 1978]

ESTER C. CORTES, *petitioner, vs.* **EMPLOYEES' COMPENSATION COMMISSION & GOVERNMENT SERVICE INSURANCE SYSTEM,** *respondents.*

SYLLABUS

1. **LABOR AND SOCIAL LEGISLATION; WORKMEN'S COMPENSATION ACT; NATURE.** — The Workmen's Compensation Act is a social legislation designed to give relief to the workman and should be construed fairly, reasonably and liberally in favor of and for the benefit of the employee and his dependents.

2. **REMEDIAL LAW; CIVIL PROCEDURE; APPEAL; DISMISSAL; PROPER IF THE CASE IS MOOT AND ACADEMIC.** — Where during the pendency of an appeal from a denial of a workmen's compensation claim by the Employees' Compensation Commission, the latter by resolution included the cause of the employee's death as one of those compensable and resolved to pay the petitioner's claim, the latter's appeal will be dismissed for having become moot and academic.

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RESOLUTION

ANTONIO, *J.*:

In this petition, petitioner seeks to set aside the decision of the Employees' Compensation Commission (ECC Case No. 0376, Querubin B. Cortes, deceased) of October 26, 1976, which affirmed the ruling of the Government Service Insurance System, ruling out compensability and denying the workmen's compensation of the widow, Ester C. Cortes.

It appears from the record that prior to his death, Atty. Querubin B. Cortes was the Clerk of Court of the Aklan Court of First Instance. His clinical during his service in said court shows that he suffered from off-and-on dizziness, frequent urination, general body weakness, occasional shortness of breath, chest pain and susceptibility to fatigue. This started way back in 1954. In spite of his illness, he continued to report for work. He consulted several physicians, namely: Drs. Rafael Tumbokon, Jose B. Legaspi and Crispulo F. Cruz. On September 4, 1975, he was confined at the Veterans Memorial Hospital where his illness was diagnosed as hypertensive cardiovascular disease, cardiomegally, diabetes mellitus and pneumonitis. He was discharged on September 17, 1975. Shortly after his discharge from the hospital, he was stricken ill again; consequently, he was admitted at Saint Gabriel Hospital, in apparently grave condition, on October 15, 1975. His condition at the time was described as follows: he was gasping for breath due to severe chest oppression and chest pain, his face was ashen gray and swollen; and his lower and upper extremities were also swollen. On October 24, 1975, he died as a result of myocardial infarction and some liver deterioration.

In denying compensability, respondent Commission adverted to medical studies which indicate that myocardial infarction is caused by factors unrelated to the deceased's employment, such as coronary atherosclerosis. And the three major risk factors in atherosclerosis are hypercholesterolemia, hypertension and cigarette smoking. Diabetes mellitus, obesity, sedentary living and psychosocial tensions are other risk factors.

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On October 6, 1978, the Solicitor General, on behalf of respondent Employees' Compensation Commission (ECC), filed a motion to dismiss on the following grounds:

"4. On *August 23, 1976*, the GSIS denied the aforesaid claim on the ground that the deceased's ailment, acute myocardial infarction, is not an occupational disease listed under the New Labor Code and this denial was affirmed by the respondent ECC, hence the present petition for review on *certiorari* filed by petitioner;

"5. On July 20, 1977, the ECC approved Resolution No. 432 which incorporated into the official list of work-related diseases under PD 626, as amended, an additional list of seven illnesses together with their corresponding criteria and among said illnesses is cardio-vascular disease;

"6. On *January 13, 1978*, a special meeting was held by the ECC, with the Solicitor General in attendance, to consider legal problems and legal implications with respect to ECC cases appealed to this Honorable Court in relation to ECC Resolution 432, and it was agreed at said meeting that appealed ECC cases involving claims which have become compensable as a consequence of ECC Resolution 432 and recent rulings of the ECC will be recommended for payment and the dismissal of such cases by this Honorable Court will be sought;

"7. The list of appealed ECC cases subject of the ECC meeting held on January 13, 1978 involved claims based on myocardial infarction and consisted of cases pending before this Honorable Court as of October 1977, hence did not include the present case which was appealed only in January, 1978;

"8. The agreements reached and recommendations approved at the ECC meeting of January 13, 1978 were already implemented in the following cases, which involved myocardial infarction and/or cardio-vascular disease, to wit:

a) Sofia Reyes *vs.* ECC, L-43817
b) Victorina Rosos *vs.* ECC, L-44069
c) Felomina Combes *vs.* ECC, L-45918
d) Pedro Villegas *vs.* ECC, L-46552
e) Roberta Dela *vs.* ECC, L-46323
f) Nenita Guarin *vs.* ECC, L-46825
g) Pedrita Marte *vs.* ECC, L-46362
h) Julio Mendoza *vs.* ECC, L-47370

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where Motions to Dismiss were filed with this Honorable Court based on ECC resolutions approving payment of the claim filed therein;

'9. After a restudy of the present case and consistent with the steps taken by the ECC in the aforementioned cases, ECC Resolution No. 1071 was issued on September 7, 1978 approving payment of the claim filed by the herein petitioner; ***." (*Rollo*, pp. 59-60).

The action taken by the government is indeed appropriate, considering that the Workmen's Compensation Act is a social legislation designed to give relief to the workman and should be construed fairly, reasonably and liberally in favor of and for the benefit of the employee and his dependents.

ACCORDINGLY, in view of the foregoing, the petition, for having become moot and academic, is hereby DISMISSED.

Fernando (Chairman), Barredo, Aquino, Concepcion, Jr., and *Santos, JJ.*, concur.

FIRST DIVISION

[G.R. No. L-48268. October 30, 1978]

HEIRS OF SEGUNDO UBERAS, namely: Nieves Uberas, Florencia Uberas, Manuel Uberas, Rolando Uberas, Ester Uberas, Jose Uberas, Jr., Zenaida Uberas, Yolanda Uberas, Cecilia Uberas, Henry Uberas, Paulita Uberas, Josephine Uberas, William Uberas, Ramon Uberas, Virgie Palomar, Alicia Palomar, Corazon Palomar, Antonio Palomar and Roque Palomar, HEIRS OF ALBINO UBERAS, namely: Delfin Uberas, Vivencio Uberas, Juan Uberas, Milagros Uberas, Jardenico Uberas, Lilia Uberas, Hergondeo Uberas, Anecito Uberas, Antonio Uberas, Rodolfo Uberas, Reymundo Uberas, Adrimedes Uberas and Nathaniel Uberas, *petitioners, vs.* **COURT OF FIRST**