

CLARIFYING THE MANNER OF THE GRANT OF EC BENEFITS DESPITE THE ABSENCE OF RECORDING OF THE INCIDENT IN A LOGBOOK

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Adopted: 09 December 2014

Date Filed: 29 January 2015

WHEREAS, paragraph (a) and (c) of Art. 205 of P.D. No. 626, as amended, provides:

“ ART. 205. Record of death or disability. (a) All employers shall keep a logbook to record chronologically the sickness, injury or death of their employees, setting forth therein their names, dates, and places of the contingency, nature of the emergency and absences. Entries in the logbook shall be made within five days from notice or knowledge of the occurrence of the contingency.

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(c) “Should any employer fail to record in the logbook an actual sickness, injury or death of any of his employees within the period prescribed herein, give false information or withhold material information already in his possession, he shall be held liable for fifty percent of the lump sum equivalent of the income benefit to which the employee may be found to be entitled, the payment of which shall accrue to the State Insurance Fund.

WHEREAS, there is a misconception that in the event that a sickness, injury, or death has been declared as work-connected and the employer failed to record the same in a logbook, fifty per cent (50%) of the EC benefits shall be provided by the erring employer and only 50% shall be granted by the System;

WHEREAS, this Commission finds the need to clarify the same to prevent any confusion in the interpretation of the law and so as not to further delay meritorious claims to the prejudice of the workers, and/or their beneficiaries, with work-connected sickness, injury, or death;

WHEREAS, Article 177 (c) of P.D. No. 626, as amended, empowers this Commission to approve rules and regulations governing the processing of EC claims;

NOW THEREFORE, ON MOTION DULY MADE AND SECONDED

This Commission RESOLVES AT IS HEREBY RESOLVED to require both Systems to grant workers, and/or their beneficiaries, with work-connected sickness, injury, or death of whatever EC benefits to which they are entitled despite the absence of recording of the said incident in a logbook;

RESOLVED FURTHER, that the mere absence of logbook shall not result in the suspension of evaluation of the claim. In the event that a claim for disability or death has been declared as work-connected, the amount of claim shall be provided in full by the System which shall impose the penalty to the employer as provided under paragraph (c) of Art. 205 of P.D. No. 626, as amended.

RESOLVED FINALLY, that this Resolution shall take effect 15 days after its publication in a newspaper of general circulation and copy of the same be furnished to the System for guidelines and compliance.

APPROVED in Makati City, this 09[th] day of December, 2014.

(SGD) CIRIACO A. LAGUNZAD III

Chairperson-Alternate
Department of Labor and Employment

AGNES E. SAN JOSE (Absent)

(SGD) DIONISIO C. EBDANE, JR.

Member-Designate
Member-Designate
Social Security System
Government Service Insurance System

(SGD) CARLITO P. ROBLE

(SGD) MIGUEL B. VARELA

Member
Member
Employees' Sector
Employers' Sector

(SGD) ALEXANDER A. PADILLA

(SGD) ROBERT S. MARTINEZ

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Member-Designate
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Civil Service Commission

(SGD) STELLA ZIPAGAN-BANAWIS

Member
Employees' Compensation Commission-Secretariat

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