

GENEROSO ALANO, PETITIONER, VS. EMPLOYEES' COMPENSATION COMMISSION, RESPONDENT.

G.R. No. L-48594. March 16, 1988

Ponente: GUTIERREZ, JR., J.

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GUTIERREZ, JR., J.:

The only issue in this case is whether or not the injury sustained by the deceased Dedicacion de Vera resulting in her death is compensable under the law as an employment accident.

The facts as found by the respondent Employees' Compensation Commission are as follows:

"Dedicacion de Vera, a government employee during her lifetime, worked as principal of Salinap Community School in San Carlos City, Pangasinan. Her tour of duty was from 7:30 a.m. to 5:30 p.m. On November 29, 1976, at - 7:00 A.M., while she was waiting for a ride at Plaza Jaycee in San Carlos City on her way to the school, she was bumped and run over by a speeding Toyota mini-bus which resulted in her instantaneous death. She is survived by her four sons and a daughter.

"On June 27, 1977, Generoso C. Alano, brother of the deceased, filed the instant claim for income benefit with the GSIS for and in behalf of the decedent's children. The claim was, however, denied on the same date on the ground that 'the injury upon which compensation is being claimed is not an employment accident satisfying all the conditions prescribed by law.' On July 19, 1977 appellant requested for a reconsideration of the system's decision, but the same was denied and the records of the case were elevated to this Commission for review." (Rollo, p. 12)

The respondent Commission affirmed the decision of the Government Service Insurance System. It stated that Section I(a), Rule III of the Amended Rules on Employees' Compensation specifically provides that: "For the injury and the resulting disability or death to be compensable, the injury must be the result of an employment accident satisfying all the following conditions: (1) The employee must have sustained the injury during his working hours; (2) The employee must have been injured at the place where his work requires him to be; and (3) The employee must have been performing his official functions." (Rollo, p. 13)

According to the respondent Commission, the deceased's accident did not meet any of the aforementioned conditions. First, the accident occurred at about 7:00 a.m. or thirty minutes before the deceased's working hours. Second, it happened not at her workplace but at the plaza where she usually waits for a ride to her work. Third, she was not then performing her official functions as school principal nor was she on a special errand for the school. The case, therefore, was dismissed.

The petitioner then went to this Court on petition for review on certiorari. He alleges that the deceased's accident has "arisen out of or in the course of her employment."

The respondent Commission reiterates its views and contends that the present provision of law on employment injury is different from that provided in the old Workmen's Compensation Act (Act 3428) and is "categorical in that the injury must have been sustained at work while at the workplace, or elsewhere while executing an order

from the employer." (Rollo, p. 44)

The Government Service Insurance System which received a copy of the Court's resolution requiring the parties to submit their memoranda, however manifests that it does not appear to be a party to the case because it had not been impleaded as a party thereto.

We rule in favor of the petitioner.

This case does not come to us with a novel issue. In the earlier case of *Vda. de Torbela v. Employees' Compensation Commission* (96 SCRA 260, 263-264) which has a similar factual background, this Court held:

"It is a fact that Jose P. Torbela, Sr. died on March 3, 1975 at about 5:45 o'clock in the morning due to injuries sustained by him in a vehicular accident while he was on his way to school from Bacolod City, where he lived, to Hinigaran, Negros Occidental where the school of which he was the principal was located and that at the time of the accident he had in his possession official papers he allegedly worked on in his residence on the eve of his death.

"The claim is compensable. When an employee is accidentally injured at a point reasonably proximate to the place at work, while he is going to and from his work, such injury is deemed to have arisen out of and in the course of his employment."

In this case, it is not disputed that the deceased died while going to her place of work. She was at the place where, as the petitioner puts it, her job necessarily required her to be if she was to reach her place of work on time. There was nothing private or personal about the school principal's being at the place of the accident. She was there because her employment required her to be there.

As to the Government Service Insurance System's manifestation, we hold that it is not fatal to this case that it was not impleaded as a party respondent. As early as the case of *La O v. Employees' Compensation Commission*, (97 SCRA 782) up to *Cabanero v. Employees' Compensation Commission* (111 SCRA 413) and recently, *Clemente v. Government Service Insurance System* (G.R. No. L-47521, August 31, 1987), this Court has ruled that the Government Service Insurance System is a proper party in employees' compensation cases as the ultimate implementing agency of the Employees' Compensation Commission. We held in the aforecited cases that "the law and the rules refer to the said System in all aspects of employee compensation including enforcement of decisions (Article 182 of Implementing Rules)."

WHEREFORE, the decision of the Employees' Compensation Commission appealed from is hereby SET ASIDE and the Government Service Insurance System is ordered to pay the heirs of the deceased the sum of Twelve Thousand Pesos (P12,000.00) as death benefit and the sum of One Thousand Two Hundred Pesos (P1,200.00) as attorney's fees.

SO ORDERED.

Fernan, (Chairman), Feliciano, Bidin, and Cortes, JJ., concur.

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