

ELIODORO T. ISCALA, PETITIONER, VS. REPUBLIC OF THE PHILIPPINES (DEPARTMENT OF EDUCATION & CULTURE, BUREAU OF PUBLIC SCHOOLS), GOVERNMENT SERVICE INSURANCE SYSTEM, AND THE EMPLO...

G.R. No. L-47414. May 23, 1988

Ponente: SARMIENTO, J.

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SARMIENTO, J.:

A Motion for Partial Reconsideration of our decision promulgated on December 11, 1987, was filed by the respondent Government Service Insurance System; by way of comment, the co-respondent Republic of the Philippines (Department of Education, Culture and Sports) categorically interposed no objection to the motion.

We find the foregoing motion to be grounded on the doctrine that when GSIS is made to pay for compensation benefits under the old Workmen's Compensation Act, it has right of reimbursement from the employer, which doctrine was laid down by this Court in *Corales vs. Employees' Compensation Commission* (No. L-44063, March 15, 1982, 112 SCRA 501) and reiterated in a number of subsequent cases including the very recent case of *Reyes vs. ECC* (No. L-43828, March 19, 1988).

WHEREFORE, it is hereby resolved to GRANT the Motion for Partial Reconsideration. Accordingly, our decision in this case is MODIFIED in that payment of compensation by the GSIS to the petitioner shall be without prejudice to its right of reimbursement from the Department of Education, Culture & Sports, the employees of the deceased Nena S. Iscala. As modified, the decision will, therefore, read as follows, the modification being in bold:

xxx xxx xxx

WHEREFORE, in view of the foregoing, the decision of the Employees Compensation Commission dated October 12, 1977 denying petitioner's claim for compensation for the death of Nena Iscala is hereby SET ASIDE and the GSIS is hereby ordered to AWARD to the petitioner such compensation as provided by the Workmen's Compensation Act without prejudice to its right of reimbursement from the DECS. NO COSTS.

xxx xxx xxx

SO ORDERED.

Yap (C.J.), Melencio-Herrera, Paras, and Padilla, JJ., concur.

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