

ANIANO E. IJARES, PETITIONER, VS. THE COURT OF APPEALS, EMPLOYEES COMPENSATION COMMISSION AND GOVERNMENT SERVICE INSURANCE SYSTEM, RESPONDENT.

G.R. No. 105854. August 26, 1999

Ponente: PURISIMA, J.

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PURISIMA, J.:

At bar is an appeal by certiorari from the decision of the Court of Appeals[1], dated April 13, 1992, and the denial of the motion for reconsideration dated June 11, 1992 in CA-G. R. SP No. 26910

The facts that matter are as follows:

Petitioner was employed by the government on March 16, 1955 as a Researcher in the Institute of National Language of the Department of Education, Culture and Sports (DECS). In 1983, he was diagnosed by Dr. Merlin B. Consing, a Phthysiologist, to have PTB Minimal and Emphysema. Since then, he has undergone medical treatment.

From May 1 to 31, 1985, petitioner went on sick leave due to chronic emphysema. On June 1, 1985, he availed of early retirement under Presidential Decree No. 1146 bringing to a close thirty (30) years of public service. He was sixty (60) years old at the time of his retirement.

Sometime in 1988, petitioner was confined at the Philippine General Hospital (PGH) due to Chronic Obstructive Pulmonary Diseases, Emphysema, PTB class IV and S/P Pneumothorax, Right. He underwent a Pulmonary Function Test which indicated Severe Obstructive Ventilatory Pattern unresponsive to Bronchodilator. Dr. Leon James Young of the UP-PGH Medical Center found petitioner to be suffering from Permanent Total Disability.

On January 5, 1989, petitioner filed with the Government Service Insurance System (GSIS) a claim for Permanent Total Disability benefits under P. D. No. 626. After his ailment was evaluated medically compensable he was only granted Permanent Partial Disability compensation, equivalent to a period of nineteen (19) months beginning June 1, 1985 to December 31, 1986. His subsequent request for an award of his original claim was denied by the System on the ground that the petitioner was already awarded the maximum benefits commensurate to the degree of his disability at the time of retirement. The matter was elevated to the Employees Compensation Commission (ECC) which, in due, time affirmed the finding of the GSIS, ratiocinating thus:

"After going over the records of the case under consideration, we agree with the decision of the respondent System in denying appellant's claim for additional compensation. Under the ECC Schedule of Compensation, appellant was already awarded the maximum benefits commensurate to the degree of his disability at the time of his retirement from the service. The confinement of appellant at the Philippine General Hospital sometime in January, 1988 due to PTB, minimal with Pulmonary Emphysema, Bilateral, could not be attributed to his employment considering that he retired from the service on June 1, 1985, hence, the risk of his employment aggravating his PTB was unlikely. For any progression of a retired employee's condition after the date of his retirement is no longer within the compensatory coverage of P. D. 626, as amended, since severance of an

employee-employer relationship results to the release of the State Insurance Fund from any liability in the event of sickness and resulting disability or death after such retirement or separation from the service. Thus, claim of appellant for additional compensation benefits could not be given favorable consideration."

On appeal, the Court of Appeals came out with the assailed decision affirming the disposition of the respondent Commission. Petitioner's motion for reconsideration suffered the same fate.

Undaunted, petitioner found his way to this Court via the present petition for review on certiorari theorizing that:[2]

- Respondent Court erred in finding that Rule XI Section 1 of the Amended Rules on Employees Compensation and the case of FLORANTE E. DALUYON VS. EMPLOYEES COMPENSATION COMMISSION (G. R. No. 85133, 15 October 1992) do not apply.
- Respondent Court erred in finding that the ailment acquired during employment, the continuation and consequent aggravation of the same resulting to confinement in a hospital and evaluation by a physician that his patient was permanently totally disabled is not compensable as Permanent Total Disability because there is no employee-employer relationship.
- Respondent Court erred in finding that the grant of permanent partial disability is sufficient proof that petitioner is still fit for work, and modern medicine may easily heal such ailment.
- Respondent Court erred in finding that since petitioner's ailment has no specific relationship with his work, although he was already granted Permanent Partial Disability benefits, he should not be allowed Permanent Total benefits.
- The Respondent Court erred in finding that liberal interpretation of labor laws does not apply to all cases.
- The Respondent Court erred that the decision of the ECC is supported by substantial evidence.

Petitioner also posed the legal issues:[3]

- Whether an ailment lasting more than One Hundred Twenty (120) days as provided for by Section 2 (a and b), Rule VII and Section 1 (b), Rule X of the Amended Rules On Employees Compensation should be classified as Permanent Total Disability.
- Whether a work-connected illness, acquired during employment, to which Permanent Partial Disability benefits were granted in 1989 and award of the original claim of Permanent Total Disability benefits denied due to the severance of employee-employer relationship, should be considered as caused by the conditions of work.

In a nutshell, petitioner, under the aforesaid assignment of errors and the legal issues posited for resolution, faults the Court of Appeals for not adjudging him entitled to his original income benefits claim for Permanent Total Disability and not Permanent Partial Disability as found by the respondent Commission.

The assigned errors and legal issues, being closely allied will be discussed jointly.

Petitioner anchors his position on the fact that he was unable to perform any gainful occupation for a period exceeding 120 days by reason of his illness. It is his submission that his illness was acquired during his employment with the government, the same illness which caused him to avail of an early retirement in 1985 and to be confined in 1988 at the Philippine General Hospital. Further, petitioner theorizes that the diagnosis by his physician, Dr. Leon James Young, declaring him to be permanently and totally disabled should have prodded the Commission to grant his original claim.

On the other hand, the respondent Commission maintains that the petitioner is not entitled to the benefits of an

employee who is permanently and totally disabled, citing in support of its finding, Section 2 (a), Rule X of the Amended Rules on Employees Compensation, to wit:

"SECTION 2. Period of entitlement. - (a) The income benefit shall be paid beginning on the first day of such disability. If caused by an injury or ill sickness it shall not be paid longer than 120 consecutive days except where injury or sickness still requires medical attendance beyond 120 days but not to exceed 240 days from onset of disability in which case benefit for temporary total disability shall be paid. However, the system may declare the total and permanent status at any time after 120 days of continuous temporary total disability as may be warranted by the degree of actual loss or impairment of physical or mental functions as determined by the System."

It is thus contended that the mere inability to perform gainful occupation for a period exceeding 120 days due to his illness or injury does not entitle him (petitioner) to the benefits claimed. Respondent Commission also seeks to deny further liability to the petitioner on account of the non-compensable nature of the illness of the latter, alleging that the confinement of petitioner at the PGH sometime in 1988 due to the same ailment could not be attributed to his employment considering that he retired from the service on June 1, 1985. According to the respondent Commission, the risk of his employment aggravating his PTB was unlikely, for any progression of a retired employee's condition after the date of his retirement is no longer within the compensatory coverage of P. D. 626, as amended, since severance of an employee-employer relationship results in the release of the State Insurance Fund from any liability in the event of sickness and resulting disability or death after such retirement or separation from the service.[4]

The petition is impressed with merit.

Employee's disability under the Labor Code is classified into three distinct categories: (a) temporary total disability; (b) permanent total disability; and (c) permanent partial disability.[5] Likewise, Section 2, Rule VII of the Amended Rules on Employees Compensation provides:[6]

"SECTION 2. Disability - (a) A total disability is temporary if as a result of the injury or sickness the employee is unable to perform any gainful occupation for a continuous period not exceeding 120 days, except as otherwise provided for in Rule X of these Rules.

(b) A disability is total and permanent if as a result of the injury or sickness the employee is unable to perform any gainful occupation for a continuous period exceeding 120 days except as otherwise provided for in Rule X of these Rules.

(c) A disability is partial and permanent if as a result of the injury or sickness the employee suffers a permanent partial loss of the use of any part of his body."

Rule XI of the same Amended Rules provide:

"SECTION 1. Condition to entitlement.

(a) x x x x x x x x

(b) The following total disabilities shall be considered permanent;

(1) Temporary total disability lasting continuously for more than 120 days, except as otherwise provided for in Rule X hereof;

(2) Complete loss of sight of both eyes;

(3) Loss of two limbs at or above the ankle or wrist;

- (4) Permanent complete paralysis of two limbs;
- (5) Brain injury resulting in incurable imbecility or insanity; and
- (6) Such cases as determined by the System and approved by the Commission."

In *GSIS vs. Court of Appeals et al.*,^[7] the Court held that while "permanent total disability" invariably results in an employee's loss of work or inability to perform his usual work, "permanent partial disability," on the other hand, occurs when an employee loses the use of any particular anatomical part of his body which disables him to continue with his former work. Stated otherwise, the test of whether or not an employee suffers from "permanent total disability" is a showing of the capacity of the employee to continue performing his work notwithstanding the disability he incurred. Thus, if by reason of the injury or sickness he sustained, the employee is unable to perform his customary job for more than 120 days and he does not come within the coverage of Rule X of the Amended Rules on Employees Compensation (which, in a more detailed manner, describes what constitutes temporary total disability), then the subject employee undoubtedly suffers from "permanent total disability" regardless of whether or not he loses the use of any part of his body.

It is abundantly clear that petitioner's disability cannot be considered as anything less than permanent and total. As attested to by the declaration of his physician and his medical history, it does not appear that petitioner comes within the coverage of Rule X which should, in effect, only provide for entitlement to temporary total disability benefits. In an unbroken line of cases, this Court has succinctly and categorically ruled that the early retirement of an employee due to work-related ailment proves that indeed the employee was disabled totally to further perform his assigned task, and to deny permanent total disability benefits when he was forced to retire would render inutile and meaningless the social justice precept guaranteed by the Constitution.^[8] Where the employee was forced to retire at an early age due to his illness, and illness persisted even after retirement, resulting in his present unemployment, such condition amounts to total disability which should entitle him to the maximum benefits allowed by law.^[9]

No amount of dodging by the respondent System will alter the undeniable fact that the illness of petitioner was contracted while he was still in the service. This much is established as a result of the grant to him by the System of permanent partial disability, after inevitably ruling on the compensable nature of said illness. It is therefore specious to uphold respondent Commission's stance that the deterioration of petitioners condition resulting to his 1988 confinement could not be attributed to his employment considering that he retired from the service on June 1, 1985. Petitioner's claim cannot be defeated by the mere fact of his separation from the service. The ruling in *De la Torre vs. Employees Compensation Commission*^[10] has settled this point as follows:

"We do not find merit in the contention of the Solicitor General, in his comment to this petition, that since the deceased had contracted her sickness five years after retirement when no employer-employee relationship exists, the deceased cannot claim compensation, inasmuch as such employer-employee relationship is the jurisdictional foundation for the recovery of compensation.

Such contention rests on a wrong premise. As heretofore stated, the deceased contracted her essential hypertension during her employment and not five years after her retirement. The fact that the essential hypertension of the deceased got worse at the time she was already out of service is without moment. The main consideration for its compensability is that her essential hypertension was contracted during and by reason of her employment; and any non-work related factor that contributed to its aggravation is immaterial."

To hold that the finding of Dr. Leon James Young concerning petitioner's permanent and total disability was useful only for purposes of determining the petitioner's entitlement to hospitalization benefits under Article 185 and 189 of PD. No 626 and therefore has no bearing on the determination of whether petitioner was entitled to

permanent total disability under Article 192 of the same Decree is to trivialize the significance of the physicians medical opinion as to the degree of petitioner's ailment. It has been resolved in many cases of similar nature that the doctor's certification as to the nature of claimant's disability may be given credence as he normally, would not make a false certification.[11] And no physician who is aware of the far reaching and serious effect that his statements would cause on a money claim filed with a government agency, would issue certifications indiscriminately without even minding his own interests and protection.[12]

The Court finds as devoid of any basis on record the conclusion of the Court of Appeals that modern medicine can easily heal petitioner's particular ailment if he is really taking all the care of a diligent patient. While it may be true that the law on disability benefits does not preclude the possibility that one who receives benefits under a permanent total disability may eventually be gainfully employed or recover from his permanent total disability, thus suspending the benefits,[13] such possibility however does not justify the denial of a claim for a permanent total disability which rightfully pertains to the claimant. To block subject claim on that ground would be premature. It bears stressing, once more, this Court's abiding concern for the welfare of government workers, especially those in the rank and file, whose patience, industry and dedication to duty have gone unheralded, but who, in spite of every little recognition, plod on dutifully to perform their appointed tasks. It is for this reason that the sympathy of the law, by its own terms, requires a construction of utmost liberality in their favor.[14]

WHEREFORE, the decision of the Court of Appeals in CA-G. R. SP No. 26910 is SET ASIDE and the petitioner is hereby declared entitled to benefits under Permanent Total Disability. No pronouncement as to costs.

SO ORDERED.

Melo (Chairman), Vitug, Panganiban, and Gonzaga-Reyes, JJ., concur.

[1] Seventeenth Division; Penned by Associate Justice Pedro A. Ramirez and concurred in by Associate Justices Angelina S. Gutierrez and Pacita Canizares Nye.

[2] Petition; Rollo, p. 11.

[3] Ibid, pp. 11-12.

[4] Rollo, p. 36.

[5] Vicente vs. Employees Compensation Commission, 193 SCRA 190, 193.

[6] Ibid.

[7] G. R. No. 132648, March 4, 1999; citing Vicente vs. Employees Compensation Commission, Supra.

[8] Daluyon vs. Employees Compensation Commission, 202 SCRA 677, 678.

[9] Ibid.

[10] 138 SCRA 106, 113.

[11] Bello vs. Workmen's Compensation Commission, 148 SCRA 619, 621-622.

[12] Vicente vs. Employees' Compensation Commission, supra, p. 196.

[13] Article 192 (b), The Labor Code of the Philippines.

[14] GSIS vs. Court of Appeals, supra.

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