

GOVERNMENT SERVICE INSURANCE SYSTEM (GSIS), PETITIONER, VS. THE HON. COURT OF APPEALS AND ROSA BALAIS, RESPONDENTS.

G.R. No. 117572. January 29, 1998

Ponente: ROMERO, J.

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ROMERO, J.:

This is a petition for review on certiorari seeking to annul and set aside the decision[1] rendered by the Court of Appeals dated October 17, 1994 which reversed the decision issued by the Employees Compensation Commission (ECC) in ECC Case No. 6462 dated November 17, 1993, affirming the decision of petitioner Government Service Insurance System (GSIS) that private respondent Rosa Balais is not entitled to conversion of compensation benefits from partial disability for a 9-month period after retirement to total disability.

Private respondent started working as an emergency employee of the National Housing Authority (NHA) in 1952. She then rose from the ranks until she was promoted to Chief Paying Cashier in 1984.[2]

Medical records disclose that on December 17, 1989, private respondent suddenly experienced chills, followed by loss of consciousness. She was brought to the Capitol Medical Center where she was sedated but allowed to go home after three hours. Later, on the same day, however, she vomited several times and suffered from parietal-occipital pains. She was again rushed to U.E.R.M. Medical Center where she underwent a thorough medical examination. She was diagnosed to be suffering from Subarachnoid Hemorrhage Secondary to Ruptured Aneurysm. After undergoing craniotomy, she was finally discharged from the hospital on January 20, 1990.[3]

Despite her operation, private respondent could not perform her duties as efficiently as she had done prior to her illness. This forced her to retire early from the government service on March 1, 1990 at the age of sixty-two (62) years.[4]

On March 13, 1990, private respondent filed a claim for disability benefits with the GSIS for the above-described ailment. Her illness was evaluated as compensable by the GSIS Medical Evaluation and Underwriting Group. Accordingly, the GSIS granted her temporary total disability (TTD) benefits for the period starting from December 17, 1989 to January 31, 1990 and subsequently, permanent partial disability (PPD) benefits for nine months starting on March 2, 1990.[5]

In a letter dated November 17, 1992, private respondent requested the GSIS for the conversion of the classification of her disability benefits from permanent partial disability (PPD) to permanent total disability (PTD).[6]

Such plea, however, was denied by the GSIS in a letter dated December 8, 1992 on the ground that the GSIS Medical Evaluation and Underwriting Department which evaluated her claim found no basis to alter its findings. She was informed that the results of the physical examination conducted on June 5, 1990 did not satisfy the criteria for permanent total disability. Moreover, she was told that the pension granted to her was the maximum

benefit due her under the Rating Schedule established by the ECC.[7]

The denial of her request then prompted private respondent to file on May 4, 1993 a request for reconsideration of the earlier denial of her application for the conversion of her disability benefits from permanent partial disability to permanent total disability, explaining that since the time of her operation she continued to suffer from dizziness, headaches, loss of memory and inability to properly sleep. Moreover, she contended that there were instances when she felt extremely weak and could not walk without support. She further stated that she was required to take medication for life.[8]

The GSIS, however, denied reconsideration which denial was later affirmed on appeal by the ECC in its decision dated November 17, 1993.[9]

Undaunted, private respondent filed a petition for review with the Court of Appeals, which promulgated a decision favorable to her on October 17, 1994, the dispositive portion of which reads:

“WHEREFORE, this petition for review is granted and the decision of the Employees Compensation Commission in ECC Case 6462 dated 17 November 1993 should be, as it is hereby REVERSED.”[10]

Petitioner GSIS now comes to this Court by way of a petition for review on certiorari alleging that the Court of Appeals erred:

“1. In reversing and setting aside the decision of the Employees’ Compensation Commission which affirmed the decision of herein petitioner GSIS.”

“2. In considering the ailment of Subarachnoid Hemorrhage Secondary to Ruptured Aneurysm as permanent total disability.”[11]

The sole issue to be resolved here is whether private respondent is entitled to conversion of her benefits from permanent partial disability to permanent total disability.

Both petitioner and the Solicitor General argue against private respondent’s request for the conversion of her disability benefits on the ground that she had already been awarded the benefits commensurate to the degree of her physical condition at the time of her retirement. They contend that her ailment Subarachnoid Hemorrhage Secondary to Ruptured Aneurysm only entitled her to receive benefits for permanent partial disability and such illness does not satisfy the criteria for permanent total disability. Furthermore, they aver that private respondent’s request for conversion cannot be granted because other than alleging abnormalities and non-improvement of memory she failed to show sufficient medical basis that would warrant said conversion.

Petitioner also maintains that, although private respondent was awarded permanent partial disability benefits for nine (9) months commencing on the day of her retirement, it does not automatically follow that petitioner recognized her disability as permanent and total because the period of 120 days mentioned in Sec. 2, Rule 7 of the Amended Rules on Employees’ Compensation is not the determining factor. Petitioner contends that an injury or illness that goes beyond the said 120 days may still be considered as permanent partial disability pursuant to Sec. 2, Rule 10 of the same rules.

The Court has already dismissed the same arguments before in similar cases. Petitioner’s insistence must therefore suffer the same fate in the instant case.

While it is true that the degree of private respondent’s physical condition at the time of her retirement was not considered as permanent total disability, yet, it cannot be denied that her condition subsequently worsened after her head operation and consequent retirement. In fact, she suffered afterwards from some ailments like headaches, dizziness, weakness, inability to properly sleep, inability to walk without support and failure to regain her

memory. All these circumstances ineluctably demonstrate the seriousness of her condition, contrary to the claim of petitioner. More than that, it was also undisputed that private respondent was made to take her medication for life.

“A person’s disability may not manifest fully at one precise moment in time but rather over a period of time. It is possible that an injury which at first was considered to be temporary may later on become permanent or one who suffers a partial disability becomes totally and permanently disabled from the same cause.”[12]

In the same vein, this Court has ruled that “disability should not be understood more on its medical significance but on the loss of earning capacity.”[13] Private respondent’s persistent illness indeed forced her to retire early which, in turn, resulted in her unemployment, and loss of earning capacity.

Judicial precedents likewise show that disability is intimately related to one’s earning capacity. It has been a consistent pronouncement of this Court that “permanent total disability means disablement of an employee to earn wages in the same kind of work, or work of a similar nature that she was trained for or accustomed to perform, or any kind of work which a person of her mentality and attainment could do.”[14] “It does not mean state of absolute helplessness, but inability to do substantially all material acts necessary to prosecution of an occupation for remuneration or profit in substantially customary and usual manner.”[15]

The Court has construed permanent total disability as the “lack of ability to follow continuously some substantially gainful occupation without serious discomfort or pain and without material injury or danger to life.”[16] It is, therefore, clear from established jurisprudence that the loss of one’s earning capacity determines the disability compensation one is entitled to.

It is also important to note that private respondent was constrained to retire at the age of 62 years because of her impaired physical condition. This, again, is another indication that her disability is permanent and total. As held by this Court, “the fact of an employee’s disability is placed beyond question with the approval of the employee’s optional retirement, for such is authorized only when the employee is ‘physically incapable to render sound and efficient service’ x x x.”[17]

In the case at bar, the denial of the claim for permanent total disability benefit of private respondent who, for 38 long years during her prime had rendered her best service with an unblemished record and who was compelled to retire on account of her worsening condition, would indeed subvert the salutary intentions of the law in favor of the worker. The Court, therefore, affirms the decision of the respondent Court of Appeals decreeing conversion of private respondent’s disability from permanent partial disability to permanent total disability.

One final note. The GSIS and ECC should be commended for their vigilance against unjustified claims that will deplete the funds intended to be disbursed for the benefit only of deserving disabled employees. Nevertheless, we should caution them against a too strict interpretation of the rules lest it result in the withholding of full assistance from those whose capabilities have been diminished, if not completely impaired, as a consequence of their dedicated service in the government. A humanitarian impulse, dictated by no less than the Constitution itself under the social justice policy, calls for a liberal and sympathetic approach to the legitimate appeals of disabled public servants like the herein private respondent. Compassion for them is not a doleout but a right.[18]

WHEREFORE, the instant petition is hereby DENIED, and the challenged decision of the Court of Appeals dated October 17, 1994 is AFFIRMED in toto.

SO ORDERED.

Narvasa, C.J., (Chairman), Melo, Francisco, and Panganiban, JJ., concur.

[1] Penned by Associate Justice Antonio M. Martinez; Martin, Jr. and Vidallon-Magtolis, JJ., concurring.

[2] Rollo, Decision of the Court of Appeals, p. 21.

[3] Ibid., pp. 21-22.

[4] Ibid.

[5] Ibid.

[6] Ibid.

[7] Ibid.

[8] Ibid.

[9] Ibid.

[10] Ibid., p. 25.

[11] Rollo, p. 12.

[12] Government Service Insurance System v. Court of Appeals. G.R. No. 116015, July 31, 1996, 260 SCRA 133.

[13] Ibid.

[14] Bejerano v. Employees' Compensation Commission, G.R. No. 84777, January 30, 1992, 205 SCRA 598, citing Tolosa v. ECC, 136 SCRA 335 in turn citing Landicho v. WCC, et al., Marcelino v. 7-Up Bottling Co. of the Phils., et al., 47 SCRA 343 [1972].

[15] Bejerano v. ECC, supra.

[16] Ibid., citing Medina v. ECC, 128 SCRA 349 (1984).

[17] Government Service Insurance System v. Court of Appeals, supra, p. 140, citing Bejerano v. ECC, supra, in turn citing Tolosa v. ECC, supra, p. 342.

[18] Diopenes v. GSIS, G.R. No. 96844, January 23, 1992, 205 SCRA 331.

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