

**GOVERNMENT SERVICE INSURANCE SYSTEM (GSIS), PETITIONER,
VS. COURT OF APPEALS AND ROMEO S. BELLA, RESPONDENTS.***G.R. No. 132648. March 04, 1999*

Ponente: PURISIMA, J.

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At bar is a Petition for Review on Certiorari under Rule 45 of the Revised Rules of Court seeking to set aside the Decision[1] of the Court of Appeals[2] dated February 12, 1998 in CA-G.R. SP NO.44465, reversing the Decision of the Government Service Insurance System (GSIS), which affirmed the Decision of the Employees Compensation Commission (ECC) in ECC Case No. M.G. 7872 - 1295.

The antecedent facts are, as follows:

On June 10, 1964, private respondent Romeo S. Bella was employed by the Bureau of Animal Industry as a livestock inspector. He retired from the service on August 16, 1986. On July 16, 1987, he was re-employed by the Department of Agriculture as Agricultural Food Technologist and on March 1, 1994, promoted to the position of Agriculturist II.

As disclosed by his records of employment, private respondent was suspended without pay from September 1, 1993 to March 1, 1994. A month after, or on April 1, 1994, to be precise, he was reinstated to his former position as Agriculturist II at the Provincial Agricultural Office in Tacurong, Sultan Kudarat. On July 1, 1995, private respondent who was then 56[3] years old, filed a terminal leave of absence due to physical disability.

The medical records of private respondent reveal that he was suffering from Acute Myocardial Infraction[4] and was confined at the Notre Dame Hospital in Cotabato City from September 13, 1988 to September 19, 1988 and at the Philippine Heart Center from September 6, 1994 to September 26, 1994.

Thus, private respondent filed with the GSIS, Cotabato Branch, a claim for compensation benefits under P.D. 626[5], as amended. Finding his application meritorious and his ailment compensable, the GSIS awarded him a Temporary Total Disability income benefit during the periods of July 16 to July 21, 1994 and August 24 to August 29, 1994, as well as reimbursement for medical expenses. Private respondent Romeo S. Bella was also granted a Permanent Partial Disability income benefit equivalent to thirty-eight (38) months for his Ischemic Cardiomyopathy.

Private respondent requested for the conversion of his benefits from Permanent Partial Disability to Permanent Total Disability, reasoning out that his ailments of Ischemic Cardiomyopathy[6] and Chronic Obstructive Pulmonary Disease[7] rendered him unable to engage in any gainful occupation for a continuous period exceeding 120 days, as certified to by his attending physicians, Dr. Romulo Uy, Dr. Anne Marie Luat, Dr. Danilo Rustia, Dr. Juanito Lastimosa and Dr. Eldefonso Maglasang.[8]

But petitioner GSIS denied his request for Permanent Total Disability on the ground that the degree of private respondent's disability as evaluated by petitioner's medical officers, did not satisfy the criteria for Permanent Total

Disability. His motion for reconsideration was similarly denied. On appeal, the Employees Compensation Commission (ECC) affirmed the Decision of the GSIS, denying private respondent's request for conversion of his Permanent Partial Disability benefit to Permanent Total Disability benefit.

Dissatisfied, private respondent went to the Court of Appeals on a Petition for Review.

On February 12, 1998, the Court of Appeals came out with its decision reversing the Decision of the Employees Compensation Commission; disposing, thus:

"WHEREFORE, the appealed decision is hereby REVERSED and SET ASIDE. Accordingly, another judgment is rendered granting petitioner's claim for Permanent Total Disability (PTD) benefits.

No pronouncements as to costs.

SO ORDERED."[9]

Therefrom, petitioner GSIS found its way to this Court via the present petition, theorizing:

I

THAT THE RESPONDENT HONORABLE COURT OF APPEALS GRAVELY ERRED IN REVERSING AND SETTING ASIDE THE DECISION OF THE EMPLOYEES COMPENSATION COMMISSION WHICH AFFIRMED THE DECISION OF HEREIN PETITIONER GSIS.

II

THAT THE HONORABLE COURT OF APPEALS ERRED IN CONSIDERING THE CONVERSION OF PERMANENT PARTIAL DISABILITY (PPD) BENEFITS OF HEREIN RESPONDENT TO PERMANENT TOTAL DISABILITY UNDER P.D. 626, AS AMENDED.

III

THAT THE DECISION OF THE RESPONDENT HONORABLE COURT OF APPEALS IS CONTRARY TO LAW AND APPLICABLE JURISPRUDENCE.

The pivot of inquiry here is: whether or not the private respondent is entitled to permanent total disability benefits.

The Labor Code classifies employees' disability into three distinct categories, namely: a) temporary total disability;^[10] b) permanent total disability;^[11] and c) permanent partial disability.^[12] Section 2, Rule VII, of the Rules and Regulation Implementing Title II, Book IV of the Labor Code defines and clarifies these categories, as follows: "SEC. 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 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."

"SEC. 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[13] 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."

In *Vicente vs. Employees Compensation Commission*[14], the Court laid down the litmus test and distinction between Permanent Total Disability and Permanent Partial Disability, to wit:

"x x x 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 said employee undoubtedly suffers from 'permanent total disability' regardless of whether or not he loses the use of any part of his body.[15]

To justify its finding that private respondent's disability cannot be a Permanent Total Disability, the ECC ratiocinated:

"x x x Under the ECC Schedule of Compensation, appellant was already awarded the maximum benefits commensurate to the degree of his disability. Under this schedule, appellant's Ischemic Cardiomyopathy merits a disability rating of 38 months Permanent Partial Disability (PPD), and this has already been granted him. The nature of his ailment and his present physical condition which the medical officers of the System were able to evaluate when he came to follow-up his request showed that the criteria for Permanent Total Disability (PTD) like the permanent complete paralysis of two limbs has not been satisfied. Thus, we see no reason to alter the earlier ruling of the respondent System"[16]

Petitioner contends that the criteria for Permanent Total Disability, like permanent complete paralysis of two limbs have not been met[17] by private respondent's ailment and physical condition. As aptly pointed out by the Solicitor General, "total disability does not mean a state of absolute helplessness, but disablement of an employee to earn wages in the same kind of work or a work of similar nature, that he was trained or accustomed to perform, or any kind of work which a person of his mentality and attachments could do." [18] The fact that he was forced to retire at the early age of 56, due to a sickness disabling him from performing his job as Agriculturist II, qualifies his disability as a Permanent Total Disability, though he lost no use of any particular anatomical part of his body.

So also, no less than five doctors certified that private respondent's illness disabled him from performing any gainful occupation for a continuous period exceeding 120 days. Then too, even petitioner GSIS granted private respondent an income benefit amounting to the equivalent of 38 months. Well settled is the rule that a physician's report of sickness or accident substantiates the disability claim.[19] "A doctor's certification as to the nature of the claimant's disability may be given credence as he would not normally make false certification for the sake of a lowly school teacher." [20]

It is then beyond cavil that the sickness of the private respondent made him unable to perform any gainful occupation for a continuous period exceeding 120 days, thus entitling him to permanent total disability benefits.

Clearly, the position taken by the GSIS and the ECC runs counter to the avowed policy of the State to construe social legislations liberally in favor of the beneficiaries. "The court takes this occasion to stress once more its abiding concern for the welfare of the government workers, especially the humble rank and file, whose patience,

industry and dedication to duty have often 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 on social security is toward its beneficiaries, and the law, by its own terms, requires a construction of utmost liberality in their favor." [21]

Section 18, Article II of the Constitution, provides:

"Sec. 18. The State affirms labor as a primary social economic force. It shall protect the rights of workers and promote their welfare."

All things studiously considered, we are of the ineluctable conclusion that the Court of Appeals erred not in granting private respondent's claim for Permanent Total Disability benefits.

WHEREFORE, the petition is hereby DENIED, and the assailed Decision of the Court of Appeals in CA-G.R. SP NO. 44465 AFFIRMED. No pronouncement as to costs.

SO ORDERED.

Romero, (Chairman), and Gonzaga-Reyes, JJ., concur.

Vitug, J., on official business abroad.

Panganiban, J., on leave.

[1] Rollo, pp. 17 - 21.

[2] Third division, composed of Associate Justices: Artemio G. Toquero (ponente), Jorge S. Imperial (chairman), and Eubulo G. Verzola (member).

[3] Comment; Rollo, p. 38.

[4] A disease characterized by on- and- off shortness of breath, and effort related chest pains (see Decision, Rollo, p. 17).

[5] Amended the Labor Code provisions on Employees' Compensation and State Insurance Fund.

[6] Characterized by recurring attacks of fainting accompanied by headache, occasional loss of consciousness and amnesia [Tria vs. Employees Compensation Commission, et al., 208 SCRA 834, p. 836; May 8, 1992.]

[7] Patients typically have chronic productive cough for many years, followed by slowly progressive breathlessness with decreasing amounts of exertion, The Washington Manual: Manual of Medical Therapeutics; Woodley, and Whelan, editors, 27th Ed, p. 200].

[8] Manifestation and Motion; Rollo, p. 27.

[9] Decision; Rollo, p. 21.

[10] Article 191, Labor Code.

[11] Article 192, Labor Code.

[12] Article 193, Labor Code.

[13] Section 1. Condition to entitlement. - An employee shall be entitled to an income benefit for temporary total disability if all of the following conditions are satisfied:

- (1) He has been duly reported to the System;
- (2) He sustains the temporary total disability as a result of the injury or sickness; and
- (3) The System has been duly notified of the injury or sickness which caused his disability.

His employer shall be liable for the benefit if such illness or injury accrued before the employee is duly reported for coverage to the System.

[14] 193 SCRA 190 [January 23, 1991].

[15] *Id.*, p. 195.

[16] Decision; Rollo, p. 18.

[17] Petition; Rollo, p. 13.

[18] OSG Comment; Rollo p. 29; *Aguja vs. Government Service Insurance System, et al.*, 200 SCRA 187, p. 193 [August 5, 1991], citing: *Abaya v. ECC*, 176 SCRA 507 [1989]; *Orlino vs. ECC*, G. R. No. 85015, March 29, 1990 En Banc Minute Resolution, *Marcelino v. Seven Up Bottling Co.*, 47 SCRA 343 [1972]; *Landicho v. WCC and Canlubang Sugar Estate*, 89 SCRA 147 [1979].

[19] *Berjano vs. Employees' Compensation Commission* 205 SCRA 598, p. 603 [January 30, 1992], citing: *Medina vs. Employees Compensation Commission* 128 SCRA 349 [March 22, 1984].

[20] *Ibid.*, citing: *Morte vs. Employees' Compensation Commission*, 96 SCRA 884 [March 31, 1980].

[21] *Vicente v Employees' Compensation Commission*, 193 SCRA 190, p. 197, citing Pres. Decree No. 442, Art. 4 and Secs. 3, 12, Article XIII of the Constitution.

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