

BERNANDINO S. MANIOSO, PETITIONER, VS. GOVERNMENT SERVICE INSURANCE SYSTEM, RESPONDENT.

G.R. NO. 148323. April 29, 2005

Ponente: CARPIO-MORALES, J.

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CARPIO-MORALES, J.:

Petitioner, Bernandino S. Manioso, appeals via Petition for Review on Certiorari the decision of the Court of Appeals (CA) which affirmed that of respondent Government Service Insurance System (GSIS) denying his claim for additional disability benefits under Presidential Decree (PD) No. 626, "FURTHER AMENDING CERTAIN ARTICLES OF PRESIDENTIAL DECREE NO. 442 ENTITLED 'LABOR CODE OF THE PHILIPPINES,'" as amended.

Petitioner started working on July 13, 1959 as Accounting Clerk I at the Budget Commission.

On August 10, 1959, he transferred to the Bureau of Forestry, now the Department of Environment and Natural Resources (DENR), with the same position of Accounting Clerk I.

On July 1, 1989, petitioner was promoted to the position of Senior Bookkeeper of DENR, Region IV, Manila.

In 1978, petitioner was found to be suffering from Hypertensive Vascular Disease (HVD). In 1983, he was diagnosed with Coronary Artery Disease (CAD). In 1989, he was found to have Nephrolithiasis, Left, with associated renal parenchymal disease prostatic concretions, which was confirmed in a medical examination conducted in 1992.

In 1994, the results of petitioner's laboratory examinations indicated that he was suffering from cardiomegaly, LV Form and Atherosclerotic aorta; pelvo-calyceolithiasis (L) and early degenerative changes, spine. In the same year, another diagnostic report revealed that petitioner was afflicted with staghorn calculi (L), cortical cyst, ® and a slightly enlarged prostate gland.

On January 11, 1995 up to January 20, 1995, petitioner was hospitalized in Batangas City after he experienced chest heaviness, shortness of breath, and diaphoresis. The results of his examinations showed that he was suffering from Acute Myocardial Infarction and HVD.

From January 11, 1995 up to May 15, 1995 when petitioner compulsory retired from government service on reaching 65 years of age and after serving almost 36 years, he no longer reported for work. His sick leave covering said period was duly approved.

In the meantime, petitioner filed a claim for income benefits under PD 626 with the GSIS which found his ailments work-related, hence, he was granted Temporary Total Disability (TTD) benefits for two months covering the period from January 11, 1995 to March 11, 1995. He was later granted Permanent Partial Disability (PPD) benefits for eight (8) months covering the period from May 15, 1995 to January 14, 1996.

It appears that petitioner appealed for more disability benefits with the GSIS which subjected him to a series of

medical tests.

In 1997, petitioner was brought to the Philippine General Hospital (PGH) several times due to Chronic Renal Infection (CRI) 2Ú to Obstructive Uropathy 2Ú to Staghorn Calculi (L) and Benign Prostatic Hypertrophy (BPH); Diabetes Mellitus Nephropathy, Stage IV, and Hypertensive Nephrosclerosis.

Petitioner thereupon filed a request with the GSIS for additional disability benefits, claiming that the ailments for which he was hospitalized several times in 1997 developed from his work-related illnesses.

The GSIS disapproved petitioner's request upon the ground that he was already paid the maximum monthly income benefit for eight (8) months covering the period from May 15, 1995 to January 14, 1996 "commensurate to the degree of his disability at the time of his retirement from service." [1]

On appeal, the CA affirmed the ruling of the GSIS, it holding that petitioner's physical condition at the time of his retirement was not of such nature as to satisfy the criteria set for Permanent Total Disability (PTD). Additionally, it held that since the ailments for which petitioner sought additional benefits developed after his retirement, they can no longer be attributed to his former occupation but to factors independent thereof. [2]

Hence, the present petition proffering the following issues:

I

WHETHER OR NOT PETITIONER'S AILMENTS CONSISTING OF ACUTE MYOCARDIAL INFARCTION (SIC) AND HYPERTENSIVE VASCULAR DISEASE, AND OTHER AILMENTS WHICH LATER DEVELOPED FALL UNDER THE CATEGORY OF PERMANENT TOTAL DISABILITY, [AND]

II

WHETHER OR NOT PETITIONER'S RETIREMENT FROM SERVICE PREVENTS HIM FROM ENTITLEMENT TO PERMANENT TOTAL DISABILITY BENEFITS. [3]

Respecting the first issue, petitioner claims that the GSIS' grant to him of TTD benefits for two (2) months covering the period from January 11, 1995 to March 11, 1995, and PPD benefits for eight (8) months covering the period from May 15, 1995 up to January 14, 1996, showed that it acknowledged that he was suffering from PTD. [4] The GSIS though, petitioner proffers, mistakenly categorized his ailments under PPD instead of PTD.

The Court finds for petitioner. Under Article 192 (c) of PD No. 442, as amended (the Labor Code of the Philippines), the following disabilities are deemed total and permanent: (1) Temporary total disability lasting continuously for more than one hundred twenty days. [5]

Under Section 2(b), Rule VII of the Amended Rules on Employees Compensation, "[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 under Rule X of these Rules."

The records show that the GSIS evaluated petitioner's Myocardial Infarction and HVD as occupational diseases under PD 626. Petitioner was on sick leave from January 11, 1995 up to his date of retirement on May 15, 1995 or for a period of more than 120 days. Surely, the DENR, in approving his more than 120 days leave must have passed upon his Medical Certificate relative to his ailments.

Petitioner's disability having lasted for more than 120 days, he is entitled to PTD benefits.

Under Article 192 (a) of the Labor Code, "any employee who contracts sickness or sustains an injury resulting in PTD shall, for each month until his death, be paid by the [GSIS] during such disability, an amount equivalent to

the monthly income benefit, plus ten percent thereof for each dependent child, but not exceeding five.” And under Article 192 (b) of the same Code, the only time the income benefits, which are guaranteed for five years, shall be suspended is if the employee becomes gainfully employed, or recovers from his PTD or fails to be present for examination at least once a year upon notice by the GSIS.

As petitioner’s medical records show that the ailments that he suffered in 1997 are complications that resulted from his work-related ailments, “the right to compensation extends to disability due to disease supervening upon and proximately and naturally resulting from compensable injury.”[6]

Respecting the second issue, petitioner’s retirement from the service does not prevent him from availing of the PTD benefits to which he is entitled. For as stated earlier, benefits due an employee due to work-related sickness shall be provided until he becomes gainfully employed, or until his recovery or death. None of these is present in petitioner’s case.

It would be an affront to justice if petitioner, a government employee who had served for thirty six (36) years, is deprived of the benefits due him for work-related ailments that resulted in his Permanent Total Disability.

WHEREFORE, the decision appealed from is hereby REVERSED and SET ASIDE and another rendered declaring petitioner’s disability as Permanent and Total and ordering the GSIS to pay petitioner, Bernandino S. Manioso, his benefits arising therefrom.

SO ORDERED.

Panganiban, (Chairman), Sandoval-Gutierrez, Corona, and Garcia, JJ., concur.

[1] Rollo at 63.

[2] Id. at 64.

[3] Id. at 19.

[4] Id. at 22.

[5] *Diopenes v. GSIS, et al.*, 205 SCRA 331 (1992).

[6] *Belarmino v. ECC*, 185 SCRA 304 (1990).

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