

GOVERNMENT SERVICE INSURANCE SYSTEM, PETITIONER, VS. JUM ANGEL, RESPONDENT.

G.R. No. 166863. July 20, 2011

Ponente: PEREZ, J.

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PEREZ, J.:

On appeal by certiorari [1] from the Decision [2] of the First Division of the Court of Appeals in CA-G.R. SP No. 61304 dated 31 May 2004, granting the Petition of Jum Angel (respondent) to REVERSE and SET ASIDE the Decision [3] and Order of the Employees' Compensation Commission (ECC) denying payment of death benefits due to private respondent as widow of Sergeant Benjamin Angel (Sgt. Angel) under Presidential Decree No. 626 otherwise known as "Employees' Compensation and State Insurance Fund."

The relevant factual antecedents of the case, as gathered by the court, are the following:

The late Sgt. Angel started his military training on 1 July 1974. On 7 October 1977, he was admitted into active service. He was later promoted to the rank of Corporal in December 1982 and to the rank of Sergeant in July 1986. He was in active service until his death on 3 March 1998.

On 3 March 1998, Sgt. Angel was "fetched/invited" from his post by a certain Capt. Fabie M. Lamerez (Capt. Lamerez) of the Intelligence Service Group of the Philippine Army to shed light on his alleged involvement in a "pilferage/gunrunning" case being investigated by the Philippine Army. [4]

On or about 2 p.m. of the same day, he was placed inside a detention cell to await further investigation.

The following day, the lifeless body of Sgt. Angel was found hanging inside his cell with an electric cord tied around his neck. According to the Autopsy Report conducted by the Crime Laboratory of the Philippine National Police (PNP), the cause of death was asphyxia by strangulation.

Respondent, the wife of the late Sgt. Angel, filed a complaint before the PNP Criminal Investigation Command, alleging that her husband was murdered and named the "elements of Intelligence Service Group" led by Capt. Lamerez as suspects.

On 8 April 1998, upon investigation, the Office of the Provost Marshal reported that Sgt. Angel died under suspicious circumstance while in line of duty. The Provost Marshal found it incredible that Sgt. Angel would take his life, in view of his impending retirement and being a father to four (4) children. The Provost Marshal concluded that foul play may have been committed against Sgt. Angel and recommended that the case be tried by a court martial.

On 25 April 1998, the Inspector General, upon referral of the case, held that there is no evidence suggesting foul play in the death of Sgt. Angel and maintained that the detention of Sgt. Angel could have triggered a mental block that caused him to hang himself.

The case was referred to a Judge Advocate General, to determine whether or not Sgt. Angel died while in line of

duty. On 3 December 1999, Judge Advocate General Honorio Capulong in his report recommended that Sgt. Angel be declared to have died in line of duty.

On 15 March 2000, the Philippine Army through Chief of Staff Brig. General Pedro V. Atienza, Jr., issued General Order No. 270 declaring the line of duty status in favor of Sgt. Angel. Section 1 of the Order states:

I. Declaration of in Line of Duty Status - the death of the late Sgt. Benjamin R. Angel 633863, Philippine Army formerly assigned with SBTM, ASCOM who died on March 3, 1998 at ISG, Fort Bonifacio, Makati is declared IN LINE OF DUTY STATUS. [5] (Emphasis ours)

By reason thereof, respondent, as widow of Sgt. Angel, filed a claim for death benefits with the Government Service Insurance System (GSIS) under Presidential Decree No. 626, as amended.

On 29 September 1999, the GSIS denied the respondent's claim on the ground that Sgt. Angel's death did not arise out of and in the course of employment. A motion for reconsideration was filed but the same was denied by the GSIS.

On appeal before the ECC, the ECC in its Decision [6] dated 13 April 2000 likewise denied the claim for want of merit. The relevant portion of the decision states that:

After careful deliberation of the facts attendant to this case, this Commission believes that the death benefits prayed for under P.D. 626, as amended, cannot be granted. It has been stressed time and again that the thrust of Employees' Compensation Law is to secure adequate and prompt benefits to the employee and his dependents in the event of a work-related disability or death. In this connection, Rule III, Section 1(a) of the Implementing Rules of PD 626, as amended, defines when an injury or death is considered compensable, to wit: "For the injury and the resulting disability or death to be compensable, the injury must be the result of accident arising out of and in the course of employment." The circumstances surrounding this case do not meet the aforementioned conditions. Clearly, the deceased was not performing his official duties at the time of the incident. On the contrary, he was being investigated regarding his alleged involvement on a pilferage/gunrunning case when he was found dead in his cell, an activity which is foreign and unrelated to his employment as a soldier. Thus, the protective mantle of the law cannot be extended to him as the documents appear bereft of any showing to justify a casual connection between his death and his employment.

WHEREFORE, premises considered, the decision of the respondent System appealed from is hereby AFFIRMED, and this case DISMISSED for want of merit. [7]

Respondent appealed the case before the Court of Appeals under Rule 43 of the 1997 Rules of Civil Procedure. Before the appellate court, she raised the issue that the ECC erred:

- In declaring that the death benefits prayed for under P.D. 626, as amended, cannot be granted, as the deceased was not performing his official duties at the time of the incident.
- In declaring that the subject matter of the investigation, during which he was found dead in his cell, is foreign and unrelated to his employment as a soldier.
- In declaring that the mantle of the law cannot be extended to the deceased as the documents appear bereft of any showing to justify a causal connection between his death and his employment. [8]

On 31 May 2004, the Court of Appeals reversed the ECC ruling. The dispositive portion of the decision reads:

WHEREFORE, the instant petition is GRANTED. Accordingly, the assailed decision dated April 13, 2000 of respondent ECC is hereby REVERSED and SET ASIDE and the GSIS [is] ORDERED to pay the death benefits due the petitioner as widow of Sgt. Angel under Presidential Decree No. 626, as amended. [9]

The appellate court in its decision pointed out that Sgt. Angel was manning his post at the Army Support Command when "invited" by Capt. Lamerez of the Intelligence Service Group to undergo an investigation concerning a gunrunning/pilferage case in the Philippine Army. Sgt. Angel was never arrested; he went with Capt. Lamerez to shed light on the investigation. [10] It was never shown that Sgt. Angel's subsequent detention was a punishment for any wrong doing. [11] Furthermore, the appellate court recognized the peculiar nature of a soldier's job as decided by the Supreme Court. To quote:

x x x a soldier on active duty status is really on a 24 hours a day official duty status and is subject to military discipline and military law 24 hours a day. He is subject to call and to the orders of his superior officers at all times, seven (7) days a week, except, of course, when he is on vacation leave status. Thus, a soldier should be presumed to be on official duty unless he is shown to have clearly and unequivocally put aside that status or condition temporarily by going on an approved vacation leave. [12]

Hence, this Petition for Review on Certiorari.

Petitioner GSIS raises the issue whether or not the Court of Appeals disregarded the law and jurisprudence when it set aside the ECC Decision dated 13 April 2000 that for the injury and the resulting disability or death to be compensable, the injury must be the result of accident arising out of and in the course of employment.

Court's Ruling

GSIS contends that the death of Sgt. Angel did not arise out of in the course of employment as provided by Section 1, Rule III of the Implementing Rules of Presidential Decree No. 626, otherwise known as the "Employees' Compensation and State Insurance Fund." The widow, on the other hand, counters that her husband died in line of duty so that such death is compensable under the Fund.

The contentions bring out the issue whether or not the declaration by the Philippine Army that the death of Sgt. Angel was "in line of duty status" confers compensability under the provisions of Presidential Decree No. 626 otherwise known as "Employees' Compensation and State Insurance Fund."

We rule in favor of petitioner GSIS.

For the injury and the resulting death to be compensable, the law provides:

Implementing Rules of P.D. 626, [13] RULE III - COMPENSABILITY, Section 1. Grounds.

(a) For the injury and the resulting disability or death to be compensable, the injury must be the result of accident arising out of and in the course of the employment. (Underscoring supplied)

Pertinent jurisprudence outline that the injury must be the result of an employment accident satisfying all of the following: 1) the employee must have been injured at the place where his work requires him to be; 2) the employee must have been performing his official functions; and 3) if the injury is sustained elsewhere, the employee must have been executing an order for the employer. [14]

It is important to note, however, that the requirement that the injury must arise out of and in the course of employment proceeds from the limiting premise that the injury must be the result of an accident.

The term accident has been defined in an insurance case. [15] We find the definition applicable to the present case. Thus:

The words "accident" and "accidental" have never acquired any technical signification in law, and when used in an insurance contract are to be construed and considered according to the ordinary understanding and common usage and speech of people generally. In substance, the courts are practically agreed that the words

"accident" and "accidental" mean that which happens by chance or fortuitously, without intention or design, and which is unexpected, unusual, and unforeseen. The definition that has usually been adopted by the courts is that an accident is an event that takes place without one's foresight or expectation - an event that proceeds from an unknown cause, or is an unusual effect of a known case, and therefore not expected.

An accident is an event which happens without any human agency or, if happening through human agency, an event which, under the circumstances, is unusual to and not expected by the person to whom it happens. It has also been defined as an injury which happens by reason of some violence or casualty to the insured without his design, consent, or voluntary cooperation.

Significantly, an accident excludes that which happens with intention or design, with one's foresight or expectation or that which under the circumstances is expected by the person to whom it happens.

The exclusion of an intentional or designed act which exclusion refines the definition of accident that we find applicable to the provisions of the implementing rules of the law is specifically provided for in Article 172 of the law, Presidential Decree No. 626. Thus:

Art. 172. Limitation of liability - The State Insurance Fund shall be liable for compensation to the employee or his dependents, except when the disability or death was occasioned by the employee's intoxication, willful intention to injure or kill himself or another, notorious negligence or otherwise provided under this title. (Underscoring supplied)

The factual foundation of respondent's claim is that on the day following Sgt. Angel's detention for investigation of his alleged involvement in a pilferage/gunrunning case, his lifeless body was found hanging inside his cell with an electric cord tied around his neck. The autopsy report stated that the cause of death as asphyxia by strangulation.

With the law upon the facts, we conclude that the death of Sgt. Angel did not result from an accident which is compensable under Presidential Decree No. 626. It was on the contrary occasioned by an intentional or designed act which removes the resulting death from the coverage of the State Insurance Fund. It is unexpected that the discussion below by the GSIS, the ECC and the Court of Appeals, veered away from the indispensable antecedent that the death must be caused by accident and, instead, focused on the requirement that the death must arise out of or in the course of employment. Such that, the ECC denied compensability because:

Clearly the deceased was not performing his official duties at the time of the incident. On the contrary, he was being investigated regarding his alleged involvement on a pilferage/gunrunning case when he was found dead in his cell, an activity which is foreign and unrelated to his employment as a soldier. Thus, the protective mantle of the law cannot be extended to him as the documents appear bereft of any showing to justify causal connection between his death and his employment. [16]

Led into a confined debate, the Court of Appeals merely met the ECC's reasons and said that even during the investigation, Sgt. Angel was still in the performance of his duties. The Court of Appeals alluded to the ruling that a soldier is on active duty status 24-hours a day and concluded that the ECC should not have ignored the official findings of the military that the deceased sergeant died while in the performance of his duties.

We should undo the reversal by the Court of Appeals of the ECC ruling.

1. The finding of the military authorities that Sgt. Angel died while in the line of duty is not binding on the ECC. This is not a new ECC doctrine. Apropos is the case of *Government Service Insurance System v. Court of Appeals*, [17] even if the case concerns the PNP and not the AFP. Thus:

x x x the proceedings before the PNP Board and the ECC are separate and distinct, treating of two (2) totally

different subjects; moreover, the PNP Board's conclusions here may not be used as basis to find that private respondent is entitled to compensation under P.D. No. 626, as amended. The presumption afforded by the Order relied upon by the PNP Board concerns itself merely with the query as to whether one died in the line of duty, while P.D. No. 626 addressed the issue of whether a causal relation existed between a claimant's ailment and his working conditions. Plainly, these are different issues calling for differing forms of proof or evidence, thus accounting for the existence of a favorable presumption in favor of a claimant under the Defense Department Order, but not under P.D. No. 626 when the disease is not listed under Annex 'A' of the Amended Rules on Employees' Compensation.

Paraphrasing the above ruling, we find that the proceedings before the Philippine Army which finally resulted in the issuance by the Chief of Staff of General Order No. 270 that the death of Sgt. Angel was "in line of duty status" may not be used as basis for the finding that the widow of Sgt. Angel is entitled to compensation under Presidential Decree No. 626, as amended. Death in line of duty is not equivalent to a finding that the death resulted from an accident and was not occasioned by the sergeant's willful intention to kill himself. It is not enough, as erroneously pointed out by the Court of Appeals, that there is evidence to support the conclusion that the sergeant died while in the performance of his duties since he was not arrested but was merely invited to shed light on the investigation which was "part of xxx official duties to cooperate with the inquiry being conducted by the Philippine Army." There must be evidence that the sergeant did not take his own life considering the fact that he was "found hanging inside his cell with an electric cord tied around his neck."

2. The scene and setting of apparent suicide was contested by herein respondent, wife of the sergeant through a complaint before the PNP Criminal Investigation Command alleging that her husband was murdered and named the elements of Intelligence Service Group led by Capt. Lamerez as suspects. The alleged murder vis-à-vis the apparent suicide is precisely the determinant of compensability, with death "in line of duty" as a given factor. The sergeant was fetched from his post for investigation and he died in a detention cell while awaiting further investigation. The findings regarding his death provided by the Provost Marshall and the Inspector General are conflicting. The former found it incredible that the deceased would take his life in view of his impending retirement and being a father to four children and concluded that foul play may have been committed. The latter held that there was no evidence suggesting foul play maintaining that the detention of Sgt. Angel could have triggered a mental block that caused him to hang himself. The conflict was not resolved by subsequent official actions. The Judge Advocate General recommended that Sgt. Angel be declared to have died while in line of duty which declaration was done by the Chief of Staff of the Philippine Army. Noticeably, the declaration went no further than state that Sgt. Angel "died on March 3, 1998 at ISG, Fort Bonifacio, Makati." There was no mention about the cause of death. There was nothing in the declaration that would resolve the contradiction between the conclusion of foul play reached by the Provost Marshall and the finding of the Inspector General that there is no evidence suggesting foul play. The senior officers merely declared the fact that death occurred inside Fort Bonifacio.

From what is extant in the records, though, we rule in favor of the positive finding that there is no evidence of foul play over the inference that foul play may have been committed. The circumstances of Sgt. Angel's death - his lifeless body was found hanging inside his cell with an electric cord tied around his neck – taken together with the un rebutted finding that there is no evidence of foul play - negate respondent's claim of murder of her husband and of compensability of such death. It was not accidental death that is covered by Presidential Decree No. 626.

3. We are not unmindful of the fact that liberality of the law in favor of the working man and woman prevails in light of the Constitution and social justice. [18] But, as stated in *Government Service Insurance System v. Court of Appeals*, it is now the trust fund and not the employer which suffers if benefits are paid to claimants who are not entitled under the law. There is now an intention to restore a sensible equilibrium between the employer's

obligation to pay workmen's compensation and the employee's right to receive separation for work connected death or disability. [19]

There is a competing, yet equally vital interest to heed in passing upon undeserving claims for compensation. It is well to remember that if diseases or death not intended by the law to be compensated are inadvertently or recklessly included, the integrity of the State Insurance Fund is endangered. Compassion for the victims of diseases not covered by the law ignores the need to show a greater concern for the trust fund to which the tens of millions of workers and their families look to for compensation whenever covered accidents, diseases and deaths occur. [20]

This Court sympathizes with the sad predicament of respondent, the widow of Sgt. Angel. Such, however has already been considered in fixing the equilibrium between obligation and right in employees' compensation cases. It can no longer tilt the balance in respondent's favor.

WHEREFORE, the instant appeal is GRANTED. Accordingly, the Decision of the Court of Appeals is hereby REVERSED. The Decision dated 13 April 2000 of the Employees' Compensation Commission is REINSTATED.

No costs.

SO ORDERED.

Carpio, (Chairperson), Leonardo De Castro,[*]Brion, and Peralta,**] JJ., concur.

[*] Per Special Order No. 1006.

[**] Per Special Order No. 1040.

[1] Under Rule 45 of the 1997 Rules of Civil Procedure.

[2] Penned by Presiding Justice Cancio C. Garcia (former Supreme Court Associate Justice) with Associate Justices Andres B. Reyes, Jr. and Lucas P. Bersamin (now a member of this Court), concurring. Rollo, pp. 57-63.

[3] Dated 13 April 2000.

[4] Decision of the Court of Appeals. Rollo, pp. 57-58.

[5] Id. at 59.

[6] Id. at 60.

[7] Decision of the ECC. Id. at 70-71.

[8] Decision of the Court of Appeals. Id. at 61.

[9] Id. at 63.

[10] Id. at 61.

[11] Id. at 62.

[12] Nitura v. Employees' Compensation Commission, G.R. No. 89217, 4 September 1991, 201 SCRA 278, 284.

[13] ECC Resolution No. 2799, 25 July 1984.

[14] Government Service Insurance System v. Mecayer, G.R. No. 156182, 13 April 2007, 521 SCRA 100, 108.

[15] Sun Insurance Office, Ltd. v. Court of Appeals, G.R. No. 92383, 17 July 1992, 211 SCRA 554, 556 citing 43 Am. Jur. 2d 267.

[16] Rollo, pp. 70-71.

[17] G.R. No. 128523, 25 September 1998, 296 SCRA 514, 534-535.

[18] Id. at 531 citing Employees' Compensation Commission v. Court of Appeals, G.R. No. 121545, 14 November 1996, 264 SCRA 248, 256.

[19] Id. citing Tria v. Employees' Compensation Commission, G.R. No. 96787, 8 May 1992, 280 SCRA 834, 841-842.

[20] Government Service Insurance System v. Court of Appeals, supra note 17; Raro v. Employees' Compensation Commission, G.R. No. 58445, 27 April 1989, 172 SCRA 845, 852.

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