

ANGELINA JAVIER, PETITIONER, VS. EMPLOYEES COMPENSATION COMMISSION, ET AL., RESPONDENTS.

G.R. No. 61349. July 25, 1983

Ponente: GUTIERREZ, JR., J.

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GUTIERREZ, JR., J.:

This petition for review seeks to set aside the decision of the Employees' Compensation Commission which denied the petitioner's claim for disability benefits for having been filed beyond the statutory period provided by the Labor Code for the filing of workmen's compensation claims accruing prior to the effectivity of said Code.

The facts as found by the Solicitor General are not disputed.

"Petitioner Angelina Javier is a retired elementary school teacher of the Ministry of Education and Culture. She started working as a classroom teacher on August 24, 1940, at Hamtic, Antique. During the early '60s, she complained of pain in both eyes accompanied by severe headache. Constant rise in her blood pressure was also noted. In 1966, she was assigned teacher-in-charge of the school lunch counter where her duties reportedly exposed her to the heat of the stove and her hands and feet were often wet. Not long after, she noticed swelling of both joints of her lower and upper extremities and had difficulty in walking. In May, 1972, she showed an abrupt change in her behavior. She became compulsive, depressed, and unpredictable. She developed symptoms of paranoia. She suspected every one of persecuting her and plotting against her. Due to pain of her eyes with frequent headache, she was, on May 5, 1972, confined at the Pagtanac Medical Clinic at San Jose, Antique, where her attending physician Dr. Rizal G. Pagtanac (also petitioner's legal guardian now) diagnosed her ailments as "paranoid schizophrenia, malignant hypertension, rheumatoid arthritis, and cataract bilateral." November 6, 1972, she was retired from the service and replaced by another teacher because of her failure to report for duty at the expiration of her one-year leave of absence.

"On September 1, 1980, petitioner thru her legal guardian filed with the GSIS a claim for disability compensation benefits under PD 626, as amended, for her aforestated ailments.

"On September 9, 1980, the GSIS, although admitting that hypertension and rheumatoid arthritis, which are two of the diseases of petitioner, are compensable as contemplated by the said decree, denied her claim for lack of jurisdiction, "it appearing that you (petitioner) retired from the service effective November 6, 1972, . . . (and) that the GSIS as an administering agency of the Employees' Compensation Program under the aforementioned decree has jurisdiction only for claims of government employees still in the service on or after January 1, 1975."

Petitioner appealed to the respondent Employees' Compensation Commission and on February 25, 1982, the latter affirmed the decision of the GSIS. Hence, this petition.

The only issue presented in this petition is whether or not the petitioner can recover disability benefits under the Workmen's Compensation Act inspite of the delay in the filing of her claim.

Petitioner claims that since her illness started when the Workmen's Compensation Act was still in force and

effect, the ten-year prescriptive period provided for by said Act should apply to her case.

Respondents, on the other hand, maintain that petitioner's claim has already prescribed because under Article 292, as amended by PD 626, of the Labor Code, claims accruing prior to the Code's effectivity must be filed on or before March 31, 1975, in order that they may be decided under the provisions of the Workmen's Compensation Act, otherwise, they will be forever barred.

The case of *Corales v. Employees Compensation Commission*, (88 SCRA 547-548) is squarely in point. In this case We ruled:

Furthermore, the provisions of the New Labor Code on Employees Compensation - Book IV, Title II - apply only to injury, sickness, disability or death accruing on or after January 1, 1975 (Art. 208). More precise is Section 1 (c) of Rule III of the Amended Rules on Employees Compensation, which declares that only injury or sickness that accrued on or after January 1, 1975 and the resulting disability or death shall be compensable under the Rules. There is therefore no doubt that what governs petitioner's claim is the Workmen's Compensation Act, as amended.

.....

Article 292 of the New Labor Code, which requires that workmen's compensation claims accruing prior to the New Labor Code shall be filed with the appropriate regional offices of the Department of Labor not later than March 31, 1975, otherwise, they shall forever be barred, does not apply to petitioner, who filed his claim on August 4, 1975 with the GSIS; because WE have repeatedly held that the prescriptive period for claims which accrued under the Workmen's Compensation Act, as amended, is ten (10) years, it being a right founded on statute. Petitioner's right accrued as early as September 1965 and hence is a vested right.

.....

Petitioner's claim having accrued prior to the New Labor Code, the presumption of compensability, the principle of aggravation, the award of attorney's fees and the payment of administrative fees must be observed and applied. And the Employees Compensation Commission is duty bound to observe and apply the foregoing principles in passing upon workmen's compensation. . . .

Thus, it is clear from the above-quoted precedent that the law which should apply to petitioner's case is the Workmen's Compensation Act, her illness having occurred during the effectivity of the same and prior to the Labor Code. In said Act, petitioner was given the right to file her claim within a prescriptive period of ten years. This right, being founded on a statute therefore, is a vested right. In the same case, we also said:

"Rights accrued and vested while a statute was in force ordinarily survive its repeal.

"The repeal of a statute does not operate to impair or otherwise affect rights which have been vested or accrued while the statute was in force. This rule is applicable alike to rights acquired under contracts and to rights of action to recover damages for torts. Where a new statute continues in force provisions of an old statute, although in form it repeals them at the moment of its passage, a right of action created by the old statute is not thereby destroyed . . .".

The undisputed facts showed that petitioner retired in 1972 and filed her claim in 1980, after the lapse of eight years only, such claim clearly falling within the ten-year prescriptive period. Therefore, we have no other recourse but to grant the petition.

In a number of cases, we also had the occasion to reiterate the rule enunciated in the *Corales* case. In *Villones v. Employees' Compensation Commission* (92 SCRA 320) we ruled:

". . . And WE ruled in *Corales vs. ECC, et al.* (L-44062, February 27, 1979) that the governing law in the

prosecution of the cause of action which accrued prior to the effectivity of a new law on a subject matter, shall be the law in force at the time of the accrual of said cause of action. Since the Workmen's Compensation Act was then in full force and effect, then it should govern in the case at bar."

Similarly, in *Corales v. Employees' Compensation Commission* and related cases (112 SCRA 501) we ruled:

.....

"OUR pronouncement that the vested rights of claimants, whose causes of action accrued before the regime of the new compensation scheme, over the more favorable and compassionate provisions of the previous compensation statute, including the right to file their claims during the ten-year prescriptive period, should be recognized and respected. Consequently, respondents GSIS and ECC have jurisdiction over claims the causes of action of which arose during the effectivity of the old workmen's compensation law, which must be resolved by them on the basis of the provisions of the old workmen's compensation law which is more sympathetic to the plight of the working man as it is more expressive of the social justice guarantee of the supreme law of the land."

.....

"It must also be noted that the new compensation law in fixing the March 31, 1975 deadline of filing claims accruing during the effectivity of the old compensation law with the regional offices (WCC) of the Department of Labor, overlooked the vested rights of claimants to file their claims within the ten-year prescriptive period recognized under the previous compensation law and jurisprudence."

.....

"Indeed, to sustain the stand of respondent ECC on this matter would result into a situation wherein herein claimants and others similarly circumstanced would have a bare right without any forum to enforce the same. A vested right rooted from a social legislation enacted pursuant to the social justice provision of the Constitution may not be rendered worthless by a literal construction of the pertinent provisions of the New Labor Code, which would thus inflict upon the petitioners and those equally situated the harshness of the arbitrary and constricted time limitation set forth in its Article 292."

Also, in *Villones v. Employees' Compensation Commission*, (116 SCRA 102) we stated:

"As already delineated, the petitioners, whose causes of action accrued during the effectivity of the old compensation law and continued even after its repeal unto the regime of the new compensation law, filed their respective claims for compensation only after the deadline set forth under the new law; but which deadline was ruled by this Court in *Corales* as not barring the claims of the petitioners as filed with the GSIS which under the law is mandated to take cognizance of compensation claims of government employees, the defunct Workmen's Compensation Commission and its regional branches being then in the process of folding up."

WHEREFORE, the decision of the respondent Employees' Compensation Commission, dated February 25, 1982, is hereby set aside and the Government Service Insurance System is hereby ordered:

- 1) To pay herein petitioner the sum of Six Thousand Pesos as disability compensation benefits;
- 2) To reimburse petitioner's medical expenses which are duly supported by receipts; and
- 3) To pay petitioner's counsel Six Hundred (P600.00) Pesos as attorney's fees.

SO ORDERED.

Teehankee (Chairman), Melencio-Herrera, Plana, Escolin and Relova, JJ., concur.
Vasquez, J., on leave.

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