

CARMELITA DE LA REA, PETITIONER, VS. EMPLOYEES' COMPENSATION COMMISSION AND GOVERNMENT SERVICE INSURANCE SYSTEM, RESPONDENTS.

G.R. NO. 66129. January 17, 1986

Ponente: GUTIERREZ, JR., J.

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GUTIERREZ, JR., J.:

This is a petition for review on certiorari of the decision dated September 15, 1983 of respondent Employees' Compensation Commission which affirmed the decision of respondent Government Service Insurance System denying the claim for compensation benefits under Presidential Decree No. 626, as amended, filed by herein petitioner, on account of the death of her husband Mauricio de la Rea.

The following facts are not disputed:

The late Mauricio de la Rea enlisted in the Philippine Navy on October 3, 1972 and re-enlisted every three years thereafter. He held various ranks, the last one being CD2 (E-5) which rank he held up to the time of his death on May 29, 1982 (p. 17, ECC rec). Immediately before his death, he was assigned in the Philippine Navy's Assault Craft Squadron, National Defense Forces in Sangley Point, Cavite City. On May 15, 1982, he was granted his rest and recreation order, or what is commonly known as vacation leave, for fifteen (15) days, from May 15, to May 30, 1982, for the purpose of undergoing physical examination relative to his re-enlistment in the Philippine Navy. While enjoying his rest and recreation privileges at his hometown in Halang, Amadeo, Cavite, he was shot to death for unknown motive by a certain Pepito Montoya-who is also a resident of the same place. Mauricio de la Rea died instantly from gunshot wounds he sustained.

On July 19, 1982, the Philippine Navy created a Line on Duty (LOD) Board to investigate the death of Mauricio de la Rea and to determine whether he died in line of duty. On August 26, 1982, the LOD Board submitted its report to the Commander, Naval Defense Forces (CNDF) of the Philippine Navy concluding that the death of the deceased was not due to his misconduct, neither was he AWOL (absent without official leave) at the time of the incident, and recommending that Mauricio de la Rea, who died in line of duty be entitled to all the benefits due and to become due him as prescribed by laws and regulations (pp. 19-20, ECC rec). On September 12, 1982, the investigation report was approved by the CNDF (p. 24, ECC rec).

Prior to the aforesaid report of the LOD Board, or on August 5, 1982, herein petitioner filed a claim for compensation benefits under Presidential Decree No. 626 with the Government Service Insurance System (p. 12, ECC rec). This claim was denied on November 29, 1982 by means of a letter signed by Juanito A. Santamaria, Social Security Services of the GSIS. Said letter-denial is quoted hereunder:

"This has reference to your claim for death benefits under PD #626, as amended, due the late Mauricio A. de la Rea, a former serviceman in the Philippine Navy who died on May 29, 1982.

"After a careful study and appraisal of the records submitted, your claim cannot be considered favorably on the

ground that the sickness/ injury that caused his/her death is not due to circumstances of his/ her employment, nor incurred in the performance of the duties and responsibilities of his/her position.

"As legally evaluated, it shows that

"Subject EP was shot to death on May 29, 1982 while he was on authorized Rest and Recreation and, therefore, he was not performing his official functions, nor injured in the place where his work requires him to be, and neither was he executing an order for his employer which are the conditions necessary in order that the death of an employee will be considered work-connected.

"For failure to satisfy the above-stated conditions, disapproval of the claim is hereby recommended.

""DISAPPROVED.'"

"In view of the foregoing, it is deeply regretted that your claim cannot be given due course by this Office." (p. 16, ECC rec.)

On January 3, 1983, petitioner sought a reconsideration of the above letter denial (p. 38, ECC rec.) which was likewise denied by the respondent GSIS.

On Appeal to respondent ECC, as indicated earlier, the latter rendered the questioned decision dated September 15, 1983 sustaining the denial of petitioner's claim for compensation benefits primarily because the death of Mauricio de la Rea emanated from factors which are not work-connected. Pertinent portions of respondent ECC's decision state the following:

"Pursuant to the provisions of Section I (a) of Rule III of the Amended Rules on Employee's Compensation, for an injury and the resulting disability or death to be compensable, the injury must be the result of an employment accident satisfying all the following conditions, namely: (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.'

"We have meticulously scrutinized the records and the evidence submitted and we believe no cogent reason exists to reverse the respondent System's findings that the deceased's contingency does not fall within the compensable provision of the law. When an employee sustains an injury at a time when he is not in the performance of his official functions, he is not entitled to compensation benefits. The records show that Mauricio de la Rea at the time of his death was on vacation leave. Needless to state, he was not in the performance of his official functions as a navy serviceman. Neither was he at his workplace. Indeed, the deceased's death on the fateful day of May 29, 1982 had no bearing on his employment as a navy serviceman, as he was in his hometown in Cavite. Moreover, his assailant as borne by the records was no other than his neighbor in the barrio. Clearly, de la Rea's death emanated from factors which are not work-connected. Inasmuch as his death does not satisfy even one of the indispensable requisites imposed by the Employees' Compensation Law for compensability of an injury, appellant's prayer for reversal of her

claim based on her husband's death cannot be sustained for lack of legal basis." (pp. 16-17, rec.)

Hence, this petition for review, petitioner submitting that "respondent ECC erred in not considering compensable under the law the death resulting from a work-related injury of Mauricio de la Rea."

We find the petition devoid of merit.

For the death to be compensable under Presidential Decree No. 626. Section 1 (a). Rule III of the Amended-Rules off Employees' Compensation is in point:

"Section I. Grounds—

(a) for the injury and the resulting disability or death to be compensable, the injury must be the result of an employment accident satisfying all of the following conditions:

- (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.

In the case before us, the required conditions are wanting. There is also no submission that the above rules are unconstitutional or invalid. Mauricio de la Rea was not at the time and place where his work required him to be; neither was he performing official functions nor was he executing an order-for his employer at the time he was slain. In other words, his death is not work-related.

Mauricio de la Rea was undisputedly on vacation leave in his hometown in Halang, Amadeo, Cavite when after alighting from a jeepney, he was shot twice by a certain Pepito Montoya with a .45 caliber pistol. The motive behind the killing was unknown. The records do not even show, much less was evidence presented that the death which befell the petitioner's husband arose as an incident to the performance of his duties in the

Philippine Navy or that the same arose from the perils of his work, (*Iloilo Dock & Engineering Co. v. Workmen's Compensation Commission*, 26 SCRA 102) In the absence of such causal-connection, especially under the present law on employees' compensation, the claim can not be granted.

As held in the case of *Luzon Stevedoring Corp. v. Workmen's Compensation Commission*, (27 SCRA 1132):

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"x x x (J)urisprudence is to the effect that injuries sustained by an employee while in the course of his employment, as the result of an assault upon his person by another employee, or by a third person, no question of the injured employee's own culpability being involved, is compensable where, from the evidence presented, a rational mind is able to trace the injury to a cause set in motion by the nature of the employment, or some condition, obligation or incident therein, and not by some other agency. (*Morgan v. Hoage*, 63 App. D.C. 355. 72 F. [2d] 727.) [Italics supplied]

We are cognizant of the fact that the days when an employee is on vacation are considered part of the period of his employment. The rationale behind the grant of vacation leave to an employee is to enable the employee to have some rest and to reinvigorate himself so that he would be more efficient and productive in his work (*Vda. de Uchang v. Workmen's Compensation Commission*, 11 SCRA 69). However, not everything which transpires during a vacation may be attributed or related to the employment. It does not follow that every death or disease while on vacation is work-connected.

The petitioner cites the cases of *Aranzanso v. Sagnit* (71 SCRA 608) and *Vda. de Uchang v. Workmen's Compensation Commission*, *supra* to support her claim. The *aforecited* cases can not be precedents for the case now before us. As stated by the Solicitor-General in his memorandum which we quote:

"The cases cited by petitioner (*Aranzanso v. Sagnit*, 71 SCRA 611; *Vda. de Uchang v. Workmen's Compensation Commission*, 77 SCRA 69) are not relevant in the case at bar considering that the main issue raised therein was whether or not the employer-employee relationship existed during the time an employee was on vacation leave. Besides, the bases of the claims for compensation in the *aforecited* cases were illness of the employees (heart attack) which occurred while they were on vacation leave. Further, in both cases, this Honorable Court found that the illness was contracted or aggravated by reason of employment." (pp. 50-51. Respondent's Memorandum).

It should be noted that these cited cases were covered by the defunct Workmen's Compensation Act where there was a presumption of compensability not re-enacted in the new law.

The present Employees Compensation Law has studiously different provisions and envisions a system different from that under the former law. We reiterate the ruling in the case of *Armeña v. Employees' Compensation Commission* (I22SCRA 851) where it was clearly explained that in order:

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"x x x to restore a sensible equilibrium between the employer's obligation to pay workmen's compensation and the employee's right to receive reparation for work-connected death or disability, the old law was jettisoned and in its place we have the employees' compensation and state insurance fund in the Labor Code, as amended."

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To rule that, for purposes of employees compensation, a person on vacation leave is still working would be stretching the law too far. Following the same arguments, a person struck by lightning while fast asleep in his bed at night would be considered as having been merely resting so he could better perform his work the following morning. Under this kind of reasoning, there would be no deaths which would not be compensable. The law-might as well be amended to make-the fact of death with no qualifications or requirements whatsoever compensable.

Furthermore, the mere fact that the employee-employer relationship continues during an intermission from work is not controlling on the question of whether or not an injury incurred during such time is compensable. (*Mack v. Reo Motors, Inc.*, 76 N.W. 2d 35) What is essential is the causal connection between the resulting death or disability and the employee's work (*Miinigbas v. Workmen's Compensation Commission*, 128 SCR.A 411). As Justice Munoz-Palma stressed in the case of *Belannino v. Workmen's Compensation Commission* (82 SCRA 261):

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"x x x but more controlling is the principle laid down in *Luzon Stevedoring* that where the cause of assault is work-connected, the death of an employee is compensable under the Workmen's Compensation Act." (Italics supplied)

Unfortunately, the petitioner failed to establish such a causal connection. No allegations were made as to the reason why her husband was killed. Investigators who inquired into the circumstances surrounding the death were not able to identify or determine the motive for the killing. The suddenness of the attack on Mauricio de la Rea and the absence of motive for such an act clearly belie petitioner's claim for compensation.

We are, therefore, constrained to deny petitioner's claim for death benefits on the ground that the death is not work-connected.

WHEREFORE, the decision of the Employees' Compensation Commission is hereby AFFIRMED.

SO ORDERED.

Teehunkee (Chairman), Melencio-Herrera, Planet, Relova. De la Fuente, and Patajo, JJ., concur.

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