

SALVADOR LAZO, PETITIONER, VS. EMPLOYEES COMPENSATION COMMISSION & GOVERNMENT SERVICE INSURANCE SYSTEM (CENTRAL BANK OF THE PHILIPPINES), RESPONDENTS.

G.R. No. 78617. June 18, 1990

Ponente: PADILLA, J.

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PADILLA, J.:

This is an appeal from the decision of the respondent Employees Compensation Commission (ECC) in ECC Case No. 2883 which affirmed the dismissal of petitioner's claim for compensation against the Government Service Insurance System (GSIS).

The petitioner, Salvador Lazo, is a security guard of the Central Bank of the Philippines assigned to its main office in Malate, Manila. His regular tour of duty is from 2:00 o'clock in the afternoon to 10:00 o'clock in the evening. On 18 June 1986, the petitioner rendered duty from 2:00 o'clock in the afternoon to 10:00 o'clock in the evening. But, as the security guard who was to relieve him failed to arrive, the petitioner rendered overtime duty up to 5:00 o'clock in the morning of 19 June 1986, when he asked permission from his superior to leave early in order to take home to Binangonan, Rizal, his sack of rice.

On his way home, at about 6:00 o'clock in the morning of 19 June 1986, the passenger jeepney the petitioner was riding on turned turtle due to slippery road. As a result, he sustained injuries and was taken to the Angono Emergency Hospital for treatment. He was later transferred to the National Orthopedic Hospital where he was confined until 25 July 1986.

For the injuries he sustained, petitioner filed a claim for disability benefits under PD 626, as amended. His claim, however, was denied by the GSIS for the reason that -

“It appears that after performing your regular duties as Security Guard from 2:00 P.M. to 10:00 P.M. on June 18, 1986, you rendered overtime duty from 10:00 P.M. to 5:06 A.M. of the following day; that at about 5:06 A.M. after asking permission from your superior you were allowed to leave the Office to do certain personal matter - that of bringing home a sack of rice and that, while on your way home, you met a vehicular accident that resulted to (sic) your injuries. From the foregoing informations, it is evident that you were not at your work place performing your duties when the incident occurred.”[1]

It was held that the condition for compensability had not been satisfied.

Upon review of the case, the respondent Employees Compensation Commission affirmed the decision since the accident which involved the petitioner occurred far from his work place and while he was attending to a personal matter.

Hence, the present recourse.

The petitioner contends that the injuries he sustained due to the vehicular accident on his way home from work should be construed as “arising out of or in the course of employment” and thus, compensable. In support of his

prayer for the reversal of the decision, the petitioner cites the case of *Pedro Baldebrin vs. Workmen's Compensation Commission*,^[2] where the Court awarded compensation to the petitioner therein who figured in an accident on his way home from his official station at Pagadian City to his place of residence at Aurora, Zamboanga del Sur. In the accident, petitioner's left eye was hit by a pebble while he was riding on a bus.

Respondents claim that the Baldebrin ruling is a deviation from cases earlier decided and hence, not applicable to the present case.

The Court has carefully considered the petition and the arguments of the parties and finds that the petitioner's submission is meritorious.

Liberal interpretation of the employees compensation law to give effect to its compassionate spirit as a social legislation,^[3] in *Vda. de Torbela v. ECC*,^[4] the Court held:

"It is a fact that Jose P. Torbela, Sr. died on March 3, 1975 at about 5:45 o'clock in the morning due to injuries sustained by him in a vehicular accident while he was on his way to school from Bacolod City, where he lived, to Hinigaran, Negros Occidental where the school of which he was the principal was located and that at the time of the accident he had in his possession official papers he allegedly worked on in his residence on the eve of his death. The claim is compensable. When an employee is accidentally injured at a point reasonably proximate to the place at work, while he is going to and from his work, such injury is deemed to have arisen out of and in the course of his employment."

Again in *Alano v. ECC*,^[5] it was reiterated:

"Dedicacion de Vera, a government employee during her lifetime, worked as principal of Salinap School in San Carlos City, Pangasinan. Her tour of duty was from 7:30 a.m. to 5:30 p.m. On November 29, 1976, at 7:00 A.M., while she was waiting for a ride at Plaza Jaycee in San Carlos City on her way to the school, she was bumped and run over by a speeding Toyota mini-bus which resulted in her instantaneous death. x x x"

"In this case, it is not disputed that the deceased died while going to her place of work. She was at the place where, as the petitioner puts it, her job necessarily required her to be if she was to reach her place of work on time. There was nothing private or personal about the school principal's being at the place of the accident. She was there because her employment required her to be there."

More recently, in *Vano vs. GSIS & ECC*,^[6] this Court, applying the above quoted decisions, enunciated:

"Filomeno Vano was a letter carrier of the Bureau of Posts in Tagbilaran City. On July 31, 1983, a Sunday, at around 3:30 p.m. Vano was driving his motorcycle with his son as backrider allegedly on his way to his station in Tagbilaran for his work the following day, Monday. As they were approaching Hinawanan Bridge in Loay, Bohol, the motorcycle skidded, causing its passengers to be thrown overboard. Vano's head hit the bridge's railing which rendered him unconscious. He was taken to the Engelwood Hospital where he was declared dead on arrival due to severe hemorrhage.

"We see no reason to deviate from the foregoing rulings. Like the deceased in these two (2) aforementioned cases, it was established that petitioner's husband in the case at bar was on his way to his place of work when he met the accident. His death, therefore, is compensable under the law as an employment accident."

In the above cases, the employees were on their way to work. In the case at bar, petitioner had come from work and was on his way home, just like in the Baldebrin case, where the employee "x x x figured in an accident when he was going home from his official station at Pagadian City to his place of residence at Aurora, Zamboanga del Sur x x x."^[7]

In Baldebrin, the Court said:

“The principal issue is whether petitioner’s injury comes within the meaning of and intentment of the phrase ‘arising out of and in the course of employment.’ (Section 2, Workmen’s Compensation Act). In *Philippine Engineer’s Syndicate, Inc. vs. Flora S. Martin and Workmen’s Compensation Commission*, 4 SCRA 356. We held that ‘where an employee, after working hours, attempted to ride on the platform of a service truck of the company near his place of work, and, while thus attempting, slipped and fell to the ground and was run over by the truck, resulting in his death, the accident may be said to have arisen out of or in the course of employment, for which reason his death is compensable. The fact standing alone, that the truck was in motion when the employee boarded, is insufficient to justify the conclusion that he had been notoriously negligent, where it does not appear that the truck was running at a great speed.’ And, in a later case, *Iloilo Dock & Engineering Co. vs. Workmen’s Compensation Commission*, 26 SCRA 102, 103, We ruled that ‘[e]mployment includes not only the actual doing of the work, but a reasonable margin of time and space necessary to be used in passing to and from the place where the work is to be done. If the employee be injured while passing, with the express or implied consent of the employer, to or from his work by a way over the employer’s premises, or over those of another in such proximity and relation as to be in practical effect a part of the employer’s premises, the injury is one arising out of and in the course of the employment as much as though it had happened while the employee was engaged in his work at the place of its performance.” (Underscoring supplied)

In the case at bar, it can be seen that petitioner left his station at the Central Bank several hours after his regular time off, because the reliever did not arrive, and so petitioner was asked to go on overtime. After permission to leave was given, he went home. There is no evidence on record that petitioner deviated from his usual, regular homeward route or that interruptions occurred in the journey.

While the presumption of compensability and theory of aggravation under the Workmen’s Compensation Act (under which the *Baldebrin* case was decided) may have been abandoned under the New Labor Code,[8] it is significant that the liberality of the law in general in favor of the workingman still subsists. As agent charged by the law to implement social justice guaranteed and secured by the Constitution, the Employees Compensation Commission should adopt a liberal attitude in favor of the employee in deciding claims for compensability, especially where there is some basis in the facts for inferring a work connection to the accident.

This kind of interpretation gives meaning and substance to the compassionate spirit of the law as embodied in Article 4 of the New Labor Code which states that “all doubts in the implementation and interpretation of the provisions of the Labor Code including its implementing rules and regulations shall be resolved in favor of labor.”

The policy then is to extend the applicability of the decree (PD 626) to as many employees who can avail of the benefits thereunder. This is in consonance with the avowed policy of the State to give maximum aid and protection to labor.[9]

There is no reason, in principle, why employees should not be protected for a reasonable period of time prior to or after working hours and for a reasonable distance before reaching or after leaving the employer’s premises.[10]

If the *Vano* ruling awarded compensation to an employee who was on his way from home to his work station one day before an official working day, there is no reason to deny compensation for accidental injury occurring while he is on his way home one hour after he had left his work station.

We are constrained not to consider the defense of the street peril doctrine and instead interpret the law liberally in favor of the employee because the Employees Compensation Act, like the Workmen’s Compensation Act, is basically a social legislation designed to afford relief to the working men and women in our society.

WHEREFORE, the decision appealed from is REVERSED and SET ASIDE. Let the case be remanded to the ECC and the GSIS for disposition in accordance with this decision.

SO ORDERED.

Melencio-Herrera, (Chairman), Paras, Sarmiento, and Regalado, JJ., concur.

- [1] Annex “B”, Rollo at p. 7
- [2] G.R. No. L-43792, October 12, 1984, 132 SCRA 510
- [3] Clemente v. WCC, G.R. No. L-42087, 8 April 1988, 159 SCRA 492
- [4] G.R. No. L-42627, February 21, 1980, 96 SCRA 260
- [5] G.R. No. L-48594, March 16, 1988, 158 SCRA 670
- [6] G.R. No. 81327, December 4, 1989
- [7] see Baldebrin, *supra*.
- [8] PD 626 - promulgated on 1 January 1975, further amended by PD 1368 on 1 May 1978.
- [9] Carbajal v. Government Service Insurance System, G.R. No. L-46654, August 9, 1988, 164 SCRA 204
- [10] Cudahy Packing Co. v. Parramore, 263 U.S. 418 [1923] and Papineau v. Industrial Accident Commission, 187 Pac. 108.

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