

FORTUNATA VDA. DE HORNIDO, PETITIONER, VS. EMPLOYEES COMPENSATION COMMISSION AND GOVERNMENT SERVICE INSURANCE SYSTEM (DEPT. OF EDUCATION, CULTURE AND SPORTS), RESPONDENTS.

G.R. No. 78859. July 19, 1990

Ponente: GANCAYCO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-78859/>

GANCAYCO, J.:

It is a time-honored policy of the State to protect the rights of workers in the government and the private sector, and to promote their welfare. Thus, the legislature enacted the Workmen's Compensation Act which was later superseded by the Employee's Compensation Act. The purpose of these two laws is to ensure that workers and their families are adequately compensated in times of work-oriented injuries, sickness or even death. But what happens when disability benefits are claimed twenty-one years from the time the disability occurs? Does the aforesaid policy of the State prevail over the well-settled principle of prescription? This is the problem posed before this Court in the instant petition for review on certiorari of a decision of the Employee's Compensation Commission.

Asenciano Hornido was employed as an elementary public school teacher until his retirement on May 9, 1974. Sometime in 1965, Hornido contracted hypertension allegedly due to "so many years of strenuous teaching."^[1] In 1976, he succumbed to pneumonia secondary to CVA and hypertension.

On August 25, 1985, herein petitioner Fortunata Vda. de Hornido applied for compensation benefits with the GSIS but the same was denied in the following tenor:

"It appears from the records that your husband retired from the service on May 9, 1974. In this connection, please be informed of the pertinent provisions of the aforesaid Decree, and corresponding implementing rules duly promulgated by the Employees' Compensation Commission, quoted hereunder:

'Art. 208. Applicability - This Title shall apply only to injury, sickness, disability or death occurring on or after January 1, 1975.'

'Rule III, Sec. 1(c) - Only injury or sickness that occurred on or after January 1, 1975 and the resulting disability or death shall be compensable under these Rules.'"^[2] (Underscoring supplied.)

Aggrieved by the decision of the respondent GSIS, petitioner thereafter sought redress from the respondent ECC but to no avail. Quoted hereunder are the pertinent portions of the ECC decision dated April 7, 1987, which is now subject of review by this Court by the present petition for review on certiorari, to wit:

"(At most), the instant case falls within the jurisdiction of the old workmen's compensation law. Causes of action under the old law, however, must be filed within 10 years from their accrual. Otherwise, they shall be forever barred. Records of the case at bar show that this case was filed after the lapse of the ten-year period.

FOR ALL THE FOREGOING, the instant case is hereby DISMISSED for lack of jurisdiction.

SO ORDERED."[3]

The records reveal that the deceased employee retired from the service on May 9, 1974. Presidential Decree No. 626 (The Employees Compensation Act) on which petitioner anchors her claim took effect only on January 1, 1975. In this respect, the law is clear. Petitioner's claim should be governed not by PD No. 626 but by the Workmen's Compensation Act which was the law then in force. This is consistent with the ruling of this Court in *Vda. de Tumolva vs. ECC*,[4] where it was held thus:

"Where the ailment was contracted before January 1, 1975, although the death occurred and the subsequent claim was filed after the effectivity of the New Labor Code in 1975, the claim should still be decided under the Workmen's Compensation Act (Ibid, citing *De Castro, Jr. vs. Republic*, 75 SCRA 372; *Cuenza vs. ECC*, 104 SCRA 198)" (Underscoring supplied.)

Under the Workmen's Compensation Act, "it is not necessary to prove that employment was the sole cause of the death or injury suffered by the employee. It is sufficient to show that the employment had contributed to the aggravation or acceleration of such death or ailment."[5] Nevertheless, this Court finds that the instant petition is devoid of merit.

The Government Corporate Counsel, acting as counsel for respondent GSIS stated in his memorandum that even under the old Workmen's Compensation Act, petitioner's claim should nevertheless be denied since her husband was no longer an employee at the time of his death. Additionally, the said counsel avers that since death did not occur within 2 years from the alleged work-connected sickness, the requirements set forth in Sec. 8 of the governing law was not complied with.[6] "(H) is death occurred 6 years after he contracted the ailments of 'cerebral thrombosis and hypertension essential' which caused his death."[7] In view of the foregoing, counsel for respondent GSIS contends that petitioner's claim cannot prosper.

The Court finds that what is most persuasive is the point raised by the Solicitor General as counsel for respondent Commission in his comment that the petitioner's claim is barred by prescription.

Petitioner admits that her husband's disability started as early as 1965 when he contracted hypertension. True, the old workmen's compensation act grants disability benefits for diseases "which have been shown to have arisen in the course of employment."[8] It must, however, be remembered that since petitioner claims a right under a statute, Article 1144 of the Civil Code comes into play. The said Article requires that the claim must be filed within 10 years from the time the cause of action accrued. In the instant case, more than 10 years have elapsed from the time petitioner's cause of action arose before she filed her claim in 1984. It took twenty-one long years before petitioner decided to take the necessary action.

This Court sustains the Solicitor General's observation that "petitioner cannot justify her unreasonable delay in filing her claim by invoking scarcity of GSIS forms, difficulty of transportation in the area, her health problems and financial difficulties."[9]

These reasons adduced by the petitioner are, at the very least, flimsy and cannot justify a reversal of the decision of the respondent commission. Other options were available to her, such as sending her application for compensation through the mail. It is obvious, therefore, that her inaction way beyond the reglementary period proved fatal to her cause.

WHEREFORE, premises considered, the petition is hereby DENIED for lack of merit and the decision of the respondent commission is AFFIRMED. No costs.

SO ORDERED.

Narvasa, (Chairman), Cruz, Griño-Aquino, and Medialdea, JJ., concur.

[1] Page 1, Petition for Review; Page 3, Rollo.

[2] Page 10-11, Rollo.

[3] Pages 11-12, Rollo.

[4] 141 SCRA 78 (1986).

[5] Bonifacio vs. GSIS, 146 SCRA 276 (1986).

[6] "Sec. 8. Death Benefit.- If the disease contracted or injury received by the employee as provided in section two hereof causes his death within two years from the date of such injury or sickness, the employer shall pay the compensation to the persons entitled thereto, and in case there shall be none, he shall pay to the person representing the deceased employee the burial expenses not to exceed two hundred pesos, and shall also pay to or for the following persons, in the order of priority and during the periods hereinafter set forth, a weekly compensation equivalent to the following percentages of the average weekly wages of the employee as determined in section nineteen of this Act:

"x x x x x x x x"

(Underscoring supplied.)

[7] Page 100, Rollo.

[8] Hernandez vs. WCC, 14 SCRA 219 (1965).

[9] Page 28, Rollo.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.