

CRISPINA VANO, PETITIONER, VS. GOVERNMENT SERVICE INSURANCE SYSTEM, (BUREAU OF POSTS) AND EMPLOYEES' COMPENSATION COMMISSION, RESPONDENTS.

G.R. No. 81327. December 04, 1989

Ponente: PARAS, J.

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PARAS, J.:

The only issue in this case is whether or not the death of petitioner's husband, Filomeno Vano is compensable under the Employees' Compensation Law.

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.

Vano's widow, Crispina Vano, filed a death benefit claim under PD 626, as amended, with the Government Service Insurance System (GSIS). On April 6, 1984, the GSIS denied the claim, citing the following reason:

"It appears on record that your husband was on his way to his station when he died in a vehicular accident he figured in a Sunday, July 31, 1983.

"Obviously, the accident occurred outside of his time and place of work; neither was he performing official duties at the time of its occurrence. Accordingly, the conditions for compensability in accordance with the law have not been satisfied, to wit:

- '1. that the employee must have been injured at the place where his work requires him to be;
- '2. that 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 his employer." (p. 22, Rollo).

Crispina Vano's requests for reconsideration were denied by the GSIS, consequently, the case was elevated to the Employees' Compensation Commission (ECC) for appropriate review under ECC Case No. 2658.

In a Decision dated October 13, 1987, the ECC affirmed the decision denying the claim of Crispina Vano because:

"Under the employees' Compensation law, injuries resulting from accidents while an employee is going to and from the place of work is not compensable. Some exceptions, however, are: when the injury is sustained at a place proximate to the work-place, when the employee meets the accident while riding in a company vehicle and when

he is on special errand for his employer. (Section 1, Rule III of the Amended Rules on Employees' Compensation)

"We note that the case at bar does not fall under any of the foregoing exceptions. In fact, the subject employee's accident happened on a Sunday, a non-working day. In the light of the foregoing, we cannot but affirm respondent's denial of the claim." (pp. 13-15, Rollo; p. 2, Decision, ECC Case No. 2658)

The petitioner then came to this Court on a petition for review on certiorari. She alleges that since her husband was precisely commuting from his hometown to Tagbilaran City, where he would report for duty as letter carrier the following day, when he met the accident, then his consequent death should be compensated.

The respondent Government Service Insurance System (GSIS) reiterates its views and contends that the present provision of law on employment injury is different from that provided in the old Workmen's Compensation Act and is "categorical in that the injury must have been sustained at work while at the workplace or elsewhere while executing an order from the employer." (Rollo, p. 69)

For its part, the respondent Employees' Compensation Commission stood firm in asserting that the death of Filomeno Vano is not the result of an employment accident as contemplated by law hence petitioner is clearly not entitled to her claim for death benefits.

The case of *Vda. de Torbela vs. Employees' Compensation Commission* (96 SCRA 260, 263, 264) supports petitioner's contention of compensability. In the said case, this 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 of 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."

The same ruling was reiterated in the more recent case of *Alano vs. Employees' Compensation Commission* (158 SCRA, 669, 672):

"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."

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.

WHEREFORE, the decision appealed from is hereby SET ASIDE and the Government Service Insurance System is ordered to pay petitioner the sum of Twelve Thousand Pesos (P12,000.00) as death benefit and the sum of One Thousand Two Hundred Pesos (P1,200.00) as attorney's fees.

SO ORDERED.

Padilla, Sarmiento, and Regalado, JJ., concur.

Melencio-Herrera, J., (Chairman), on leave.

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