

TRINIDAD M. VILLAS, PETITIONER, VS. EMPLOYEES COMPENSATION COMMISSION AND GOVERNMENT SERVICE INSURANCE SYSTEM, (WESTERN POLICE DISTRICT INTEGRATED NATIONAL POLICE), RESPONDENTS.

G.R. No. 83232. July 04, 1991

Ponente: CRUZ, J.

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CRUZ, J.:

This case turns on the correct determination of the date when the petitioner contracted the permanent total disability for which he is claiming the corresponding compensation.

The petitioner was appointed to the Manila Police Department in 1967 after passing the basic police training course and the usual physical/medical examinations, including the neuro-psychiatric test.

In 1970, as a member of the Anti-Riot Group of the MPD, he was knocked unconscious with a fist-sized rock that hit him on the head during a violent student demonstration at Mendiola. As a result, he started having severe headaches, extreme heaviness, blurring of vision, and fainting spells.[1]

On November 8, 1972, he consulted a neurologist at the University of Santo Tomas Hospital, who diagnosed his ailment as a generalized motor seizure with etiology undetermined.[2] Two years later, the petitioner was admitted to the hospital to undergo three radical ear operations.[3]

In July 1978, he was treated at the San Roque Hospital in Olongapo City for injuries he had sustained during an epileptic fit[4] and at the Mabini Medical Clinic from March 1979 to September 1980 for seizure disorder.[5]

Finally, on January 24, 1981, he was admitted to the PCM/MPF Hospital, Camp Panopio, where he remained until March 17, 1981. He was discharged on that date with the recommendation that he be retired under disability.[6]

The petitioner retired on October 23, 1981.

On August 16, 1984, he filed a claim for compensation benefits under PD 626 as amended, but the Government Service Insurance System rejected it on the ground that it should have been filed within one year from the date of the occurrence of the sickness on April 26, 1977. The petitioner requested reconsideration arguing that the prescriptive period under the Civil Code was ten years, but the request was denied.

Nevertheless, upon his manifestation of his intention to appeal to the Employees Compensation Commission, the petitioner received from the GSIS the amount of P13,920.00 itemized as follows:

For payment of daily income benefit as provided for under PD 626, as amended, due to temporary disability for 120 days P26/d from April 26 - August 23, 1977 ----- P1,920.00

and for payment of monthly income benefit due to permanent total disability from:

Aug. 24 - 31, 1977 P252.88 ----- 65.25

Sept. 27 - April 78 ----- 2,023.04

May 78 - Dec. 79 P368.41 ----- 8,601.84

Jan. 80 - March 80 P373.99 ----- 1,121.97

April 80 (prop) -----

P13,920.00

The petitioner subsequently filed requests for payment for disability benefits but these were denied by the GSIS, which held that he had already "enjoyed the maximum benefit allowed by law in the amount of P12,000.00." [7]

On appeal, this denial was affirmed by the Employees Compensation Commission in its decision dated March 29, 1988. [8] The petitioner then came to this Court for relief.

In denying the petitioner's claim, the respondents relied on Article 190 of PD 626 before it was amended by PD 1386 on May 1, 1978. The original provision read as follows:

Permanent Total Disability. - (a) Under such regulations as the Commission may approve, any employee under this Title who contracts sickness or sustains an injury resulting in permanent total disability shall for each month until his death but not exceeding five years be paid by the system during such disability an income benefit to be computed as follows:

Forty-five percent of the first three hundred pesos of average monthly salary credit or fraction thereof; plus

Twenty-five per cent of the next three hundred pesos of average monthly salary credit or fraction thereof; plus

Nine per cent of each succeeding one hundred pesos of average monthly salary credit or fraction thereof; plus

One tenth of one per cent of the average monthly salary credit for each month of paid coverage in the System in excess of one hundred twenty months of paid coverage as of the last day of the second quarter preceding the quarter of disability: Provided, That the monthly income benefit shall not be less than forty-five pesos.

(b) The monthly income benefit shall be guaranteed for five years, but the total payments of which shall in no case exceed twelve thousand pesos, and shall be suspended if the employee is gainfully employed or recovers from his permanent total disability or fails to present himself for examination at least once a year upon notice by the System. (Emphasis supplied.)

They also applied Section 5, Rule XI, of the Amended Rules on Employees Compensation, reading as follows:

Entitlement to the new income benefit under P.D. 1641. a) The new amount of the monthly income benefit computed under these Amended rules shall be applicable to all contingencies occurring on or after January 1, 1980. However, for contingencies which occurred before May 1, 1978, the limitation of P12,000.00 or 5 years, whichever comes first, shall be enforced. (Emphasis supplied.)

The Commission concluded that "inasmuch as appellant's contingency occurred before 1978, he (was) covered by the P12,000.00 limitation." [9]

The petitioner contends that the "contingency" occurred not in 1977 but only in 1981, when the physicians at the Camp Panopio Hospital found after thorough examination that he was suffering from "organic brain syndrome with convulsive seizure and total deafness (L) ear" and recommended his retirement under such disability.

At that time, the applicable law was the same Article 190 of PD 626 but as already amended by PD 1368 to read as follows:

Art. 192. Permanent total disability. – (a) Under such regulations as the Commission may approve, any employee under this Title, who contracts sickness or sustains an injury resulting in his permanent total disability shall, for each month until his death, be paid by the System during such a disability, an amount equivalent to the monthly income benefit, plus ten percent thereof for each dependent child, but not exceeding five, beginning with the youngest and without substitution; Provided, that the monthly income benefit shall be the new amount of the monthly benefit for all covered pensioners, effective upon approval of this Decree (Emphasis supplied).

(b) The monthly income benefit shall be guaranteed for five years, and shall be suspended if the employee is gainfully employed or recovers from his permanent total disability, or fails to present himself for examination at least once a year upon notice by the System.

Notably, the P12,000.00 limitation does not appear in the law as amended. Hence, according to the petitioner, he should be paid the prescribed monthly income benefits up to his death even if these should go beyond the original (but withdrawn) limitation. These benefits should be computed under PD 1641, which took effect on January 1, 1980.

We agree with the petitioner.

At the time he was felled by a rock during the demonstration at Mendiola in 1970, the extent of the injuries he had sustained could not as yet be ascertained. The consequences thereof developed over a number of years, necessitating three ear operations and his confinement in four separate hospitals during the period from 1974 to 1981. It was only in 1981, after his hospitalization at Camp Panopio, that the government physicians pronounced his permanent total disability and recommended his retirement. His claim for compensation should therefore be resolved under the laws existing at that time.

In *Chavez v. Employees Compensation Commission*,^[10] this Court held:

Respondents argue that petitioner's action has already prescribed as it was filed beyond the 3-year prescriptive period provided for under Art. 292 of the New Labor Code. A perusal of the record shows that petitioner filed this case on January 4, 1982 for disability benefits. Petitioner was afflicted with the disease in 1972 or 1974, yet he continued to go on with his regular work as postmaster. In 1976, when he was operated on for removal of kidney stones, he was just on sick leave with pay. Immediately after his discharge from the hospital, he continued to work as postmaster. He was thus not disabled yet to discharge his work. His incapacity to work began when his doctors advised him to quit working to be able to live longer, and this was in January 1981 when he filed his forced retirement papers at the age of 61 years. The determining point of the accrual of the cause of action is the time the complainant-employee becomes disabled or incapacitated to do his regular work because that is the time when the benevolent mantle of the law commences to cover and protect him. Thus when petitioner filed his complaint on January 4, 1982, the 3-year prescriptive period had not yet lapsed.

The petitioner in the case before us should be deemed disabled as of the time he was pronounced s such after his two-month examination and treatment at the MPF Hospital in Camp Panopio. That was in March 17, 1981. The petitioner soon thereafter filed his claim for disability benefits with the Western Police District, pursuing it assiduously to the National Police Commission, to the GSIS on August 16, 1984, and finally to the ECC on March 5, 1987, before coming to this Court. Hence, there should be no question that his claim was filed within the three-year prescriptive period now fixed by Section 291 of the Labor Code.

It is not disputed that the petitioner incurred his disability in line of duty and that before the accident in 1970 he had comported himself quite creditably, earning several awards and citations for outstanding performance.^[11] If there be any doubt about the interpretation of the applicable law, it would seem that the better policy is to resolve that doubt in his favor, considering especially the unhappy circumstances in which he now finds himself. The

added expense to be incurred in providing for his care should not deter the government from expressing its appreciation and concern for this disabled public servant who needs and deserves its assistance. It is a small price to pay for dedicated and loyal service, and it is not even a reward.

WHEREFORE, the petition is GRANTED and the challenged decision REVERSED. The petitioner shall be paid permanent total disability income benefits commencing from the date of his retirement on October 23, 1981, and for the rest of his life, in accordance with PD 626 as amended by PD 1368 and PD 1641. It is so ordered.

Narvasa, (Chairman), Griño-Aquino, and Medialdea, JJ., concur.
Gancayco, J., on leave.

[1] Rollo, p. 41.

[2] Ibid., p. 34.

[3] Id., p. 32.

[4] id., p. 35.

[5] id., p. 41.

[6] id., p. 38.

[7] id., pp. 53 and 56.

[8] id., p. 59.

[9] id., p. 62.

[10] 149 SCRA 82.

[11] Rollo, p. 32.

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