

CONSORCIA F. MANUZON, PETITIONER, VS. EMPLOYEES COMPENSATION COMMISSION AND GOVERNMENT SERVICE INSURANCE SYSTEM (MINDANAO STATE UNIVERSITY MSU, MARAWI CITY), RESPONDENTS.

G.R. No. 88573. June 25, 1990

Ponente: GANCAYCO, J.

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GANCAYCO, J.:

Both parties argue that the only issue in this case is whether or not an employee who has been declared or acknowledged by the Government Service insurance System (GSIS) as permanently and totally disabled, who was forced to retire from the service and who died four and a half (4-1/2) years later, this time of a different but related ailment, is entitled to death benefits under Article 194(b) of Presidential Decree No. 626, as amended.

In a letter dated March 20, 1988, petitioner requested the GSIS for a continued pension considering that her husband died of a lingering illness which was found to be work connected by the GSIS and that her husband became paralyzed while in service. Her husband was granted monthly pension, but it stopped in 1985. She was granted additional pension up to January of 1988 only.[1]

The GSIS denied petitioner's request in the letter dated June 10, 1988, as follows:

“Madam:

This has further reference to your request for continuance of your monthly pension under Presidential Decree No. 626, as amended, which ended on January 21, 1988.

In this connection, please be informed that no additional benefit could be paid to you in view of the fact that your husband's death due to Myocardial Infraction was evaluated not compensable having occurred 4-1/2 years after his retirement from the service. What was paid to you up to January 21, 1988, seven months after his death on June 17, 1987 is the balance of the five years guaranteed period (January 21, 1983 to January 21, 1988).

Please be guided accordingly.

Very truly yours,

SGD. FELICISIMO M. FERNANDEZ

Manager”[2]

The case was appealed (ECC Case No. 4630) to the Employees' Compensation Commission. In a decision dated April 12, 1989, approved unanimously in a meeting held on April 12, 1989 under Resolution No. 89-04-0130 and certified correct by Executive Director Jorge B. Contreras,[3] the Commission affirmed the decision of the GSIS and dismissed the case.

The antecedents of the case alleged by petitioner and not disputed by public respondents are as follows:

“Petitioner’s late husband started his government service as a national language researcher in December 1957 at the Institute of National Language. Later he transferred to the Mindanao State University in Marawi City as an instructor in June 1974. He rose to become assistant professor and he was holding this position when in October 1982 disaster struck. He was hospitalized at the Mindanao Sanitarium and Hospital for hemiparesis (R). His attending physician, Dr. Levi H. Pagunzan described the patient’s complaint, thus:

Chief Complaints - Hemiparesis (R)

- The present condition started a few hours prior to admission when he was found just lying in bed in his room, unable to move his (R) side, urinary incontinence and spasm of (R) upper and lower extremities. No medication was given and admission was rough.

The diagnosis of the doctor was cardio-vascular accident - hemorrhage. Subsequently, Mr. Manuzon underwent rehabilitation at the National Orthopedic Hospital. His physician Dr. Sylvia Velasco diagnosed his illness as ‘Hemiparesis (L) Post CVA thrombosis.’

Because of his illness, Mr. Manuzon retired from the service effective January 22, 1983. For his ailment, hemiparesis, post cardio vascular attack, the System recommended Mr. Manuzon for temporary total disability benefit from January 22, 1983, up to February 24, 1983 and permanent total disability benefit from Feb. 25, 1983 up to December 1983. Subsequently, the System recommended that his PTD benefits be continued to January 1984. This was subsequently extended to January 1985. On June 17, 1987, Mr. Manuzon died of acute myocardial infraction.

Mrs. Manuzon, herein petitioner filed an Income benefits Claim for Payment in behalf of herself and her 4 minor children for the death of her husband. The System on July 3, 1987 recommended payment of additional permanent total disability benefits from February 1985 up to the end of the guaranteed period. However, the death claim was disapproved by the System on the ground that the contingency occurred after retirement when there is no longer an employer-employee relationship.

On appeal with the Employees Compensation Commission, respondent ECC affirmed the adverse decision of the GSIS for the following reasons:

‘xxx For a cardio vascular attack or myocardial infraction, to be compensable under the Employees Compensation rules, any of the following conditions must be satisfied:

1. If the heart disease was known to have been present during employment, there must be proof that an acute exacerbation was clearly precipitated by the unusual strain by reason of the nature of his work.
2. The strain of work that brings about an acute attack must be of sufficient severity and must be followed within twenty-four hours by the clinical signs of a cardiac injury to constitute causal relationship.
3. If a person who was apparently asymptomatic before subjecting himself to strain at work showed signs and symptoms of cardiac injury during the performance of his work and such symptoms and signs persisted, it is reasonable to claim a causal relationship.

None of these conditions had been satisfied in the instant case, obviously because the (death) occurred more than four years after his retirement from the service. Further, the myocardial infraction which caused his death, is a different illness and cannot be considered a complication of the cardio vascular attack for which the deceased had been properly and fully compensated with Permanent Total Disability up to the guaranteed period.”[4]

Petitioner now claims that a proper interpretation of Article 194(b) of Presidential Decree No. 626 will entitle her dead husband to death benefits in favor of primary beneficiaries.

The petition is meritorious.

Article 194(b) of Presidential Decree No. 626, as amended, provides:

“b. Under such regulations as the Commission may approve, the System shall pay to the primary beneficiaries upon the death of a covered employee who is under permanent total disability under this title, eighty percent of the monthly income benefit and his dependents to the dependents’ pension: Provided, that the marriage must have been validly subsisting at the time of disability: xxx Provided, finally, that the minimum death benefit shall not be less than fifteen thousand pesos.”

We agree with the interpretation of the Solicitor General that generally speaking, the term “covered employee” refers to an employee who at the time of his death is still an employee covered by the GSIS.[5]

At the same time, we cannot ignore the Implementing Rules and Regulations of the Employees Compensation Commission that to be entitled to death benefits, the employee need not be an actual employee of the public or private sector at the time of his death; he can be a retired employee whose retirement was brought about by permanent disability.

The rules are as follows:

“Sec. 3(a), Rule XIII. ‘xxx If the employee has been receiving income benefits for permanent total disability at the time of his death, the primary beneficiaries shall be paid the monthly income benefit equivalent to eighty percent plus the dependent’s pension equivalent to 10 per cent thereof for every dependent child but not exceeding five counted from the youngest and without substitution.’”

“Sec. 3(b), Rule XIII. ‘xxx If the employee has been receiving monthly income benefit for permanent total disability at the time of death, the secondary beneficiaries shall be paid the monthly pension excluding the dependent’s pension of the remaining balance of the five year guaranteed period.’”

We agree that a permanent and totally disabled employee who is receiving pension cannot work. He was compelled to retire from the service because of disability that was work-oriented. Permanent total disability means an incapacity to perform gainful work which is expected to be permanent. The covered employee referred to in Section 194(b) Presidential Decree No. 626, as amended, includes an employee who has retired from work because of permanent and total disability and who subsequently dies.

Article 194(b) applies to a retired person as contemplated in Art. 194(d) which allows for funeral benefits upon the death of a covered employee or permanently totally disabled pensioner.

We interpret this social legislation in favor of the employee. Any doubt as to its proper interpretation must be resolved in favor of the employee whose rights must be protected.

In this case, the Employees Compensation Commission denied petitioner’s claim because the cause of death, myocardial infraction, came four and one half years after his retirement caused by work oriented paralysis arising from cerebrovascular attack. The reasoning of both public respondents is that his death was not caused by a work oriented cause.

We believe otherwise. The evidence clearly shows that during his employment, the deceased suffered from a stroke, a cardio vascular accident. It was caused by “thrombosis,” or blockage of arteries. He had to retire because of paralysis caused by that cardio vascular attack when he was an assistant professor. He died after his compulsory retirement due to total disability, caused by cardio vascular attack or myocardial infraction. Stated otherwise, the cause of his compulsory retirement due to paralysis arising from cardio vascular accident is closely related to the cause of his death, which was also a cardio vascular attack or myocardial infraction. That heart

disease developed when he was still working as a professor. It caused his paralysis and his total permanent disability. The disease was work-oriented because of the nature of his employment as a professor. The same disease eventually caused his death, contrary to the conclusion of both the GSIS and the Employees Compensation Commission. The Court holds that the heirs of Mr. Manuzon are entitled to the benefits they are claiming.

This Court is aware that death benefits must be granted to the primary beneficiaries of the decedent to help the family of a permanent and totally disabled person who was so disabled because of causes that are work-oriented. The rule applies all the more when that disabled person later dies because of the same cause or related cause.

WHEREFORE, the decisions of the Government Service Insurance System and the Employees Compensation Commission in E.C.C. Case No. 4630 are REVERSED, and a new one is rendered declaring and directing that death benefits be granted to petitioner, including dependent's pension for children who were minors at the time of their father's death in 1987, until they reach the age of 21 pursuant to Article 194(b) of Presidential Decree No. 626, as amended, funeral benefits in the amount of P3,000.00 pursuant to Article 194(cc) of the same law, and all other benefits to which petitioner and her children are entitled under the said decree.

This decision is immediately executory.

SO ORDERED.

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

[1] Page 49, Rollo.

[2] Page 53, Rollo.

[3] Pages 60-62, Rollo.

[4] Pages 86-87, Rollo.

[5] Section 4(b), Presidential Decree No. 626, as amended.

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