

ROSA LENTEJAS, PETITIONER, VS. EMPLOYEES' COMPENSATION COMMISSION, RESPONDENT.

G.R. No. 89168. May 14, 1991

Ponente: FELICIANO, J.

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FELICIANO, J.:

Victorio Lentejas, the husband of petitioner Rosa Lentejas, entered the government service on 13 January 1968 as Maintenance "Capataz" at the bureau of Public Highways in Calbayog City, Western Samar. He rose from the ranks until he became a maintenance foreman in 1978, a construction foreman in 1979, and eventually general foreman at the City Engineer's Office of Calbayog City. His official working hours were from 8:00 A.M. to 5:00 P.M.

On 25 July 1984, Victorio as general foreman of the City Engineer's Office, went to Barangay Banti, Tinambacan District, Calbayog City, there to inspect work being done on a damaged seawall protecting the shoreline against encroachment by the sea. At around 4:30 P.M., being then (according to the police report) on his way home from that place, Victorio was suddenly attacked and stabbed with a knife by Arnulfo Luaton who inflicted upon him multiple stab wounds on different parts of the body causing his instantaneous death.

Police investigation showed that the killing was brought about by a personal grudge. The deceased Victorio and the killer Arnulfo were owners of adjoining lots situated in San Vicente St., Tinambacan District, Calbayog City and they were in disagreement as to the correct boundary between their respective lots. About six (6) months earlier, petitioner and Arnulfo's father had a heated argument regarding this boundary dispute.

Because of Victorio's death, petitioner as the surviving spouse filed with the Government Service Insurance System (GSIS) a claim for compensation benefits under the provisions of Presidential Decree No. 626, as amended. The GSIS denied her claim upon the ground that the killing was not work-connected since the motive of the assailant in slaying her husband was a personal grudge. Petitioner filed a motion for reconsideration, which motion was denied by the GSIS. This denial was elevated by the petitioner to public respondent Employees' Compensation Commission (ECC). The ECC, however, in its decision dated 24 May 1989, affirmed the decision of the GSIS denying petitioner's claim for compensation benefits on the same basis that the cause of Victorio's death was not work-connected.

Deliberating on the instant Petition for Review on Certiorari, the Court believes that the decision of the ECC should be reversed and petitioner's claim for compensation benefits granted.

Under the Amended Rules on Employees' Compensation promulgated by the ECC and relating to both government and private sector employees, more particularly Section 1 of Rule III, the requirements for compensability of an injury and the resulting death are as follows:

"a) For the injury and the resulting death to be compensable, the injury must be the result of an employment accident satisfying all of the following conditions:

1. the employee must have been injured at the place where his work requires him to be;
2. the employee must have been performing his official functions;
3. if the injury is sustained elsewhere, the employee must have been executing an order for the employer.

....."

It is not disputed that on 24 July 1984, Victoria Lentejas, a general foreman at the City Engineer's Office, Calbayog City, was assigned the task of inspecting the construction or rehabilitation work then in process on the damaged seawall along the shoreline at Barangay Banti. While he was on his way from Barangay Banti, Arnulfo Luaton attacked and stabbed him with deadly effect. He was dead when the police reached the scene of the crime: the circumstances of Victorio's death were related by an eye--witness to the police officers. Thus, there was no definite evidence to show that the deceased was actually on his way home at the time of the attack upon him. The killing took place at 4:30 P.M., that is, during the deceased's official hours of work and hence, Victorio might well have been on his way back to the City Engineer's Office when he was set upon and killed. He was, in other words, on official time and in the course of performing his official functions when he was attacked. The deceased was at a place where his work required him to be, that is, at Barangay Banti and there is no evidence to show that the route he took leaving the situs of the damaged seawall was not a usual or convenient route from that place. He was not to borrow a phrase from the common law of torts, on "a frolic of his own." [1]

In a line of cases, this Court has held that an injury sustained by the employee while on his way to or from his place of work, and which is otherwise compensable, is deemed to have arisen out of and in the course of his employment. In *Vda. De Torbela v. Employees' Compensation Commission*, [2] 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." [3]

In *Alano v. Employees' Compensation Commission*, [4] the court had before it the following facts:

"Dedicacion de Vera, a government employee during her lifetime, worked as principal of Salinap Community 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. She is survived by her four sons and a daughter.

....." [5]

and held as follows:

"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 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." [6]

The *Vda. de Torbela* and *Alano* cases were reiterated in *Vano v. Government Service Insurance System*. [7] In the

very recent case of *Lazo v. Employees' Compensation Commission*,^[8] the deceased, a security guard of the Central Bank, was injured when the passenger jeepney he was riding on his way home from work turned turtle. In awarding compensation, the Court held that:

"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 in theory of aggravation under the Workmen's Compensation Acts (under which the *Baldebrin* case was decided) may have been abandoned under the new labor code it is significant that the liberality of the law in general in favor of the working man 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."^[9]

We note that under the foregoing cases, it is quite clear that although Victorio might have been on his way home from Barangay Banti at the time he was attacked and killed by Arnulfo Luaton, that circumstance did not by itself operate to render his death non-compensable. We note, at the same time, that in all the cases noted above from *Vda. de Torbela* to *Lazo*, the events which caused or precipitated injury or death did not involve the intentional inflicting of harm or injury or death upon the employee concerned. In the instant case, however, as noted earlier, Victorio's death was the result of a murderous assault upon him. Thus, the precise technical issue here is whether or not the circumstance that Victorio's death was the result of a criminal attack by another person, not a member of the staff of the Calbayog City Engineer's Office, had the effect of rendering his death non-compensable although such death had occurred in the course of performance of official functions.

After careful examination of the *Vda. de Torbela*, *Alano* and *Lazo* cases, we believe and so hold that the case at bar falls within the scope of the rule set out in those cases. There is no question that the deceased in the instant case did not foresee, and could not have foreseen, the attack on himself when he undertook to go to Barangay Banti to inspect and oversee the municipal construction work then on-going in that place. In so far as the mind and will of the victim were concerned, the homicidal intent on the part of Arnulfo Luaton was as external and fortuitous an event as a speeding mini-bus or a recklessly negligent jeepney driver. In other words, we do not think that the third person's criminal intent should be regarded as a supervening cause having the effect or nullifying the circumstance that, when Victorio was attacked and killed, he was where his work required him to be and that he was then in the course of performing his official duties. It seems pertinent to note that inflicting physical injuries or death through negligence constitutes a criminal offense both under the Revised Penal Code (Article 365) and a special statute (Republic Act No. 4136, the Land Transportation and Traffic Code), just as much as homicide or murder.

ACCORDINGLY, the Court Resolved to GRANT due course to the Petition for Review, to TREAT the Comment of respondent Commission as its Answer, and to REVERSE and SET ASIDE the decision of the Employees' Compensation Commission dated 24 May 1989. The case is hereby REMANDED to the ECC and the GSIS for disposition conformably with this Resolution.

Fernan, C.J., (Chairman), Gutierrez, Jr., Bidin, and Davide, Jr., JJ., concur.

[1] Prosser and Keeton on the Law of Torts, p. 503 (5th ed., 1984).

[2] 96 SCRA 260 (1980).

[3] 96 SCRA at 263-264.

[4] 158 SCRA 669 (1988).

[5] 158 SCRA at 671.

[6] 158 SCRA at 672.

[7] 179 SCRA 770 (1989).

[8] 186 SCRA 569 (1990).

[9] 186 SCRA at 574.

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