

IZOLA L. AQUINO, PETITIONER, VS. EMPLOYEES COMPENSATION COMMISSION AND GOVERNMENT SERVICE INSURANCE SYSTEM, RESPONDENTS.

G.R. No. 89558. August 22, 1991

Ponente: PARAS, J.

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PARAS, J.:

This is a petition for review to modify and/or set aside the decision of the Employees' Compensation Commission (ECC) which affirmed the decision of the Government Service Insurance System (GSIS) denying permanent total disability benefits to the claimant Izola L. Aquino.

Petitioner Izola L. Aquino was a public school teacher assigned in San Pablo City since 1948. Sometime in 1980, after 32 years of teaching, the petitioner was hospitalized for a heart ailment diagnosed as Acute Myocardial Infraction. In 1985, she suffered another attack of Acute Myocardial Infraction secondary to Coronary Artery Disease, causing her confinement at the University of Santo Tomas Hospital. On July 18, 1985, the petitioner was forced to retire from her work at the age of 60 as a direct consequence of her ailment. Finding her ailment service connected, the GSIS awarded her temporary disability benefits for 60 days (from March to April, 1980 and from March 26 to April 3, 1985) as well as permanent partial disability benefits for 19 months (from June 18, 1985 to January 17, 1987).

Subsequently, in a letter dated March 27, 1987, the petitioner requested the GSIS for a conversion of her disability benefits from permanent partial to permanent total. The GSIS denied her request ruling that the extent of her disability at the time of her retirement corresponded only with the permanent partial disability category and that she had been awarded the maximum benefits commensurate to the degree of her disability. Said decision was affirmed by the ECC on appeal.

The only issue before Us is whether the petitioner's ailment is permanent total or permanent partial.

We find that this case is similar to *Gonzaga v. Employees' Compensation Commission*, (127 SCRA 443) where the petitioner was forced to retire from her work as a teacher, at the age of 49, "as a direct consequence of her hypertension and ametropia," or dimness of vision. The Court, in reversing the public respondent there, held *inter alia*:

"Petitioner could not in all honesty be deemed entitled to merely partial disability benefit; because she has been forced out of work and has been rendered incapable of further pursuing her usual job which is teaching. It was not only her "ability to perform her usual task" which was impaired, and her "efficiency and competence for work as well as earning capacity" which was reduced; but ultimately, herein petitioner had to let go of her job as a teacher. She was forced to retire because her illness rendered her incapable of teaching (*Landicho v. WCC, et al.*, *supra*; *Marcelino v. 7-Up Bottling Co. of the Philippines*, *supra*).

"Furthermore, the fact of an employee's disability is placed beyond question with the approval of the employee's optional retirement for such is authorized only when the employee is 'physically incapable to

render sound and efficient service' under C.A. 186, as amended by Republic Act 4968 in conjunction with Memorandum Circular No. 133 of the Office of the President on October 19, 1967 (*Faicol v. WCC and Republic of the Philippines*, 93 SCRA 811 [1979]; *Roma v. WCC and Bureau of Public Schools*, 80 SCRA 170 [1977]; *Romero v. WCC and Bureau of Public Schools*, 77 SCRA 842 [1977]).

“When an employee is forced to ask for retirement ahead of schedule, not because of old age, but primarily of his weakened bodily condition due to illness contracted in the course of her employment, she should be given compensation for her inability to work during the remaining days before her scheduled retirement, aside from the benefits received by her (*Villaflor v. Republic of the Philippines*, 98 SCRA 383 [1980]; *Almaiz v. WCC*, 85 SCRA 144 [1978]; *Bello v. WCC*, 80 SCRA 153 [1977]; *Marcelino v. 7-Up Bottling Co. of the Philippines*, *supra*).”

There is no reason to digress from this ruling. We also note that the GSIS paid the petitioner what it called her permanent partial disability benefits for a total of 19 months. Section 2 Rule 7 of the Amended Rules on Employees' Compensation, however, provides, that “a total disability is permanent if as a result of the injury or sickness, the employee is unable to perform any gainful occupation for a continuous period exceeding 120 days.” It is therefore, evident that the public respondent erred in denying the petitioner's claim for permanent total disability benefits.

WHEREFORE, the appealed decision is hereby SET ASIDE and the public respondent is ORDERED:

- (1) to pay the petitioner permanent total (instead of permanent partial) disability benefits to be determined in accordance with Section 5 Rule XI of the Amended Rules on Employees' Compensation; and
- (2) to reimburse the petitioner's medical and hospital expenses, as supported by the proper receipts.

SO ORDERED.

Melencio-Herrera, (Chairman), Padilla, and Regalado, JJ., concur.
Sarmiento, J., on leave.

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