

PERLITA LOPEZ, PETITIONER, VS. EMPLOYEES COMPENSATION COMMISSION, GOVERNMENT SERVICE INSURANCE SYSTEM, DEPARTMENT OF EDUCATION CULTURE & SPORTS, RESPONDENTS.

G.R. No. 90267. December 21, 1993

Ponente: QUIASON, J.

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QUIASON, J.:

This is a petition for review on certiorari under Article 181 of the Labor Code and Section 16 of the Interim Rules of 1983 of the decision of respondent Employees Compensation Commission (ECC) dated June 28, 1989 in ECC Case No. 4331 entitled "Perlita Lopez v. Government Service Insurance System," which affirmed the denial by the Government Service Insurance System (GSIS) of the claim for death benefits under P.D. No. 626, to claimant-petitioner, Perlita Lopez.

Petitioner's late husband, Pedro Lopez, was employed as a public school teacher at the Urdaneta National High School, Urdaneta, Pangasinan, from July 1, 1973 until his untimely demise on May 27, 1987.

On April 27, 1987, a memorandum was issued to Pedro Lopez by the head of the school's Science Department and noted by Lino A. Caringal, Sr. the principal, which reads:

"In view of your long and competent teaching experience as a PHYSICS Teacher and in anticipation with (sic) the forthcoming Division Search for Outstanding Improvised Secondary Science Equipment for Teachers to be held at the TAP Bldg. in Lingayen, Pangasinan on October 8 and 9, 1987, you are hereby designated to prepare the MODEL DAM, UNHS official entry to said contest.

In this connection, you are further advised to complete this MODEL DAM on or before scheduled date of the contest" (Rollo, p. 54; underlining supplied).

Lopez complied with his superior's instruction and constructed an improvised electric micro-dam, which he took home to enable him to finish it before the deadline.

On May 27, 1987, at around 6:30 A.M., while he was engrossed in his project, he came in contact with a live wire and was electrocuted. He was immediately brought to a clinic for emergency treatment but was pronounced dead on arrival. The death certificate showed that he died of cardiac arrest due to accidental electrocution.

Petitioner then filed a claim for death benefits with the GSIS, which was denied on the ground that her husband's death did not arise out of and in the course of employment. Petitioner's motion for reconsideration was likewise denied.

She then elevated the case to the ECC for review, which affirmed the decision rendered by the GSIS and dismissed the same.

The sole issue for us to resolve is whether or not respondent committed grave abuse of discretion in holding that

the cause of death of petitioner's husband is not work connected and therefore it is not compensable under P.D. No. 626.

Respondent ECC argued that based on the certification issued by the school principal, Lopez at the time of the accident was suppose to report for duty to help in the enrollment of the 4th year class, but he opted to remain at his house to finish the project. Hence, respondent ECC contends, that the claim for death benefits failed to satisfy the conditions set forth under Sec. 1(a), Rule III of the Amended Rules on Employees Compensation. Said rule states:

"For an injury and the resulting disability or death to be compensable, the injury must be the result of an employment accident, satisfying all 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; and
3. If the injury is sustained elsewhere, the employee must have been executing an order from its superior."

The Employees Compensation Act is a social legislation whose primordial purpose is to provide amelioration of the working class of our society. As held in the case of *Nitura v. Employees Compensation Commission*, 201 SCRA 278 (1991):

"As an official agent charged by law to implement social justice guaranteed and secured by the Constitution, the ECC 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 with the incident. This kind of interpretation gives meaning and substance to the compassionate spirit of the law as embodied in Article 4 of the New Labor Code which states that all doubts in the implementation and interpretation of the provisions of the Labor Code including its implementing rules and regulations should be resolved in favor of labor."

In the case of *Pampanga Sugar Development Co., Inc. v. Quiroz*, 16 SCRA 784 (1966), we held:

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"An injury or accident befalls a man 'in the course of' his employment, if it occurs while he is doing what a man may reasonably do within a time during which he is employed, and at a place where he may reasonably be during the time, 13 NACCA LAW JOURNAL 28-29, And it 'arises out of' the work of the employer, when it results from a risk or hazard which is necessarily or ordinarily or reasonably inherent in or incidental to the conduct of such work or business."

"In the course of" points to the place and circumstances under which the accident takes place and the time when it occurs. Of the two phrases on work connection, "in the course of" is deemed broader than "arising out of" (*Fernandez and Quiason, Labor Standards and Welfare Legislation*, 1964 ed., pp. 563-564).

While the death of Pedro Lopez took place in his house and not in his official work station, which is the school, he was still discharging his function as the one in-charge of the project. He was constrained to finish the project within a specific period of time and he could only do so if he worked overtime in his house.

The death of petitioner's husband is service-connected even if it happened during the summer vacation. He was still under the employ of the government and there still existed an employer-employee relationship although teachers do not report for duty during that period (*Pepito v. Workmen's Compensation Commission*, 78 SCRA 35 [1977]).

It can even be said that the conditions set forth under Sec. 1, par. (a), Rule III of the Amended Rules on Employees Compensation, have been complied with.

The said rule requires that the injury must have been sustained by the employee at "the place where his work requires him to be" and if the injury is sustained elsewhere the employee "must have been executing an order from his superior." Inasmuch as Lopez had to finish the project on time for the contest scheduled on October 5 and 9, 1987, it can be implied that Lopez was given permission, if not direction, to perform his work at his house.

Respondent ECC cannot rely on the fact that Lopez had been ordered by the school principal to report for duty to assist in the enrollment of the fourth-year students on the day of the accident. Lopez was electrocuted at 6:30 A.M. while he was working on the model he was asked to build. To claim that he should have been in school at the time he died in order to entitle his widow any compensation benefits, is to strain good sense and logic.

For an injury to be compensable it is not important that the cause therefor shall have taken place within the place of employment. As long as the worker acted within the purview of his employment, performing an act reasonably necessary or incidental thereto, the injury sustained by reason thereof falls within the protection of the law regardless of the place of injury (ECC Implementing Rules and Regulations, Rule III, Sec. 1; ECC Resolution No. 2799, July 25, 1984; *Enao v. Employees Compensation Commission*, 135 SCRA 660 [1985]).

The thrust of social justice is compassion for the poor. By denying under the peculiar circumstances the claim of the petitioner for benefits arising from the death of her husband, public respondents ignored this public policy and committed a grave abuse of discretion.

WHEREFORE, the petition for certiorari is GRANTED and the decision of respondent Employees Compensation Commission is REVERSED. The Government Service Insurance System is ORDERED to pay the death benefits to petitioner, with legal rate of interest from the filing of the claim until it is fully paid, attorney's fees equivalent to ten percent (10%) of the award and costs of suit.

SO ORDERED.

Cruz, (Chairman), Davide, Jr., and Bellosillo, JJ., concur.

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