

SECOND DIVISION

[G.R. No. 166863, July 20, 2011]

**GOVERNMENT SERVICE INSURANCE SYSTEM, PETITIONER, VS.
JUM ANGEL, RESPONDENT.**

D E C I S I O N

PEREZ, J.:

On appeal by *certiorari* ^[1] from the Decision ^[2] of the First Division of the Court of Appeals in CA-G.R. SP No. 61304 dated 31 May 2004, granting the Petition of Jum Angel (respondent) to **REVERSE** and **SET ASIDE** the Decision ^[3] and Order of the Employees' Compensation Commission (ECC) denying payment of death benefits due to private respondent as widow of Sergeant Benjamin Angel (Sgt. Angel) under Presidential Decree No. 626 otherwise known as "Employees' Compensation and State Insurance Fund."

The relevant factual antecedents of the case, as gathered by the court, are the following:

The late Sgt. Angel started his military training on 1 July 1974. On 7 October 1977, he was admitted into active service. He was later promoted to the rank of Corporal in December 1982 and to the rank of Sergeant in July 1986. He was in active service until his death on 3 March 1998.

On 3 March 1998, Sgt. Angel was "fetched/invited" from his post by a certain Capt. Fabie M. Lamerez (Capt. Lamerez) of the Intelligence Service Group of the Philippine Army to shed light on his alleged involvement in a "pilferage/gunrunning" case being investigated by the Philippine Army. ^[4]

On or about 2 p.m. of the same day, he was placed inside a detention cell to await further investigation.

The following day, the lifeless body of Sgt. Angel was found hanging inside his cell with an electric cord tied around his neck. According to the Autopsy Report conducted by the Crime Laboratory of the Philippine National Police (PNP), the cause of death was *asphyxia* by strangulation.

Respondent, the wife of the late Sgt. Angel, filed a complaint before the PNP Criminal Investigation Command, alleging that her husband was murdered and named the "elements of Intelligence Service Group" led by Capt. Lamerez as suspects.

On 8 April 1998, upon investigation, the Office of the Provost Marshal reported that Sgt. Angel died under suspicious circumstance while in line of duty. The Provost Marshal found it incredible that Sgt. Angel would take his life, in view of his

impending retirement and being a father to four (4) children. The Provost Marshal concluded that foul play may have been committed against Sgt. Angel and recommended that the case be tried by a court martial.

On 25 April 1998, the Inspector General, upon referral of the case, held that there is no evidence suggesting foul play in the death of Sgt. Angel and maintained that the detention of Sgt. Angel could have triggered a mental block that caused him to hang himself.

The case was referred to a Judge Advocate General, to determine whether or not Sgt. Angel died while in line of duty. On 3 December 1999, Judge Advocate General Honorio Capulong in his report recommended that Sgt. Angel be declared to have died in line of duty.

On 15 March 2000, the Philippine Army through Chief of Staff Brig. General Pedro V. Atienza, Jr., issued General Order No. 270 declaring the line of duty status in favor of Sgt. Angel. Section 1 of the Order states:

I. Declaration of in Line of Duty Status - the death of the late Sgt. Benjamin R. Angel 633863, Philippine Army formerly assigned with SBTM, ASCOM who died on March 3, 1998 at ISG, Fort Bonifacio, Makati is declared IN LINE OF DUTY STATUS. ^[5] (Emphasis ours)

By reason thereof, respondent, as widow of Sgt. Angel, filed a claim for death benefits with the Government Service Insurance System (GSIS) under Presidential Decree No. 626, as amended.

On 29 September 1999, the GSIS denied the respondent's claim on the ground that Sgt. Angel's death did not arise out of and in the course of employment. A motion for reconsideration was filed but the same was denied by the GSIS.

On appeal before the ECC, the ECC in its Decision ^[6] dated 13 April 2000 likewise denied the claim for want of merit. The relevant portion of the decision states that:

After careful deliberation of the facts attendant to this case, this Commission believes that the death benefits prayed for under P.D. 626, as amended, cannot be granted. It has been stressed time and again that the thrust of Employees' Compensation Law is to secure adequate and prompt benefits to the employee and his dependents in the event of a work-related disability or death. In this connection, Rule III, Section 1(a) of the Implementing Rules of PD 626, as amended, defines when an injury or death is considered compensable, to wit: "For the injury and the resulting disability or death to be compensable, the injury must be the result of accident arising out of and in the course of employment." The circumstances surrounding this case do not meet the aforementioned conditions. Clearly, the deceased was not performing his official duties at the time of the incident. On the contrary, he was being investigated regarding his alleged involvement on a pilferage/gunrunning case when he was found dead in his cell, an activity which is foreign and unrelated

to his employment as a soldier. Thus, the protective mantle of the law cannot be extended to him as the documents appear bereft of any showing to justify a casual connection between his death and his employment.

WHEREFORE, premises considered, the decision of the respondent System appealed from is hereby AFFIRMED, and this case DISMISSED for want of merit. [7]

Respondent appealed the case before the Court of Appeals under Rule 43 of the 1997 Rules of Civil Procedure. Before the appellate court, she raised the issue that the ECC erred:

1. In declaring that the death benefits prayed for under P.D. 626, as amended, cannot be granted, as the deceased was not performing his official duties at the time of the incident.
2. In declaring that the subject matter of the investigation, during which he was found dead in his cell, is foreign and unrelated to his employment as a soldier.
3. In declaring that the mantle of the law cannot be extended to the deceased as the documents appear bereft of any showing to justify a causal connection between his death and his employment. [8]

On 31 May 2004, the Court of Appeals reversed the ECC ruling. The dispositive portion of the decision reads:

WHEREFORE, the instant petition is **GRANTED**. Accordingly, the **assailed decision dated April 13, 2000** of respondent ECC is hereby **REVERSED** and **SET ASIDE** and the GSIS [is] **ORDERED** to pay the death benefits due the petitioner as widow of Sgt. Angel under Presidential Decree No. 626, as amended. [9]

The appellate court in its decision pointed out that Sgt. Angel was manning his post at the Army Support Command when "invited" by Capt. Lamerez of the Intelligence Service Group to undergo an investigation concerning a gunrunning/pilferage case in the Philippine Army. Sgt. Angel was never arrested; he went with Capt. Lamerez to shed light on the investigation. [10] It was never shown that Sgt. Angel's subsequent detention was a punishment for any wrong doing. [11] Furthermore, the appellate court recognized the peculiar nature of a soldier's job as decided by the Supreme Court. To quote:

x x x a soldier on active duty status is really on a 24 hours a day official duty status and is subject to military discipline and military law 24 hours a day. He is subject to call and to the orders of his superior officers at all

times, seven (7) days a week, except, of course, when he is on vacation leave status. Thus, a soldier should be presumed to be on official duty unless he is shown to have clearly and unequivocally put aside that status or condition temporarily by going on an approved vacation leave.

[12]

Hence, this Petition for Review on *Certiorari*.

Petitioner GSIS raises the issue whether or not the Court of Appeals disregarded the law and jurisprudence when it set aside the ECC Decision dated 13 April 2000 that for the injury and the resulting disability or death to be compensable, the injury must be the result of accident arising out of and in the course of employment.

Court's Ruling

GSIS contends that the death of Sgt. Angel did not arise out of in the course of employment as provided by Section 1, Rule III of the Implementing Rules of Presidential Decree No. 626, otherwise known as the "Employees' Compensation and State Insurance Fund." The widow, on the other hand, counters that her husband died in line of duty so that such death is compensable under the Fund.

The contentions bring out the issue whether or not the declaration by the Philippine Army that the death of Sgt. Angel was "in line of duty status" confers compensability under the provisions of Presidential Decree No. 626 otherwise known as "*Employees' Compensation and State Insurance Fund*."

We rule in favor of petitioner GSIS.

For the injury and the resulting death to be compensable, the law provides:

Implementing Rules of P.D. 626, [13] RULE III - COMPENSABILITY, Section 1. Grounds.

(a) For the injury and the resulting disability or death to be compensable, the injury must be the result of accident arising out of and in the course of the employment. (Underscoring supplied)

Pertinent jurisprudence outline that the injury must be the result of an employment accident satisfying all of the following: 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 for the employer. [14]

It is important to note, however, that the requirement that the injury must arise out of and in the course of employment proceeds from the limiting premise that the injury must be the result of an accident.

The term accident has been defined in an insurance case. [15] We find the definition