

SECOND DIVISION

[G.R. No. 160467, April 07, 2009]

SOLEDAD MUÑOZ MESA, PETITIONER, VS. SOCIAL SECURITY SYSTEM AND PHILROCK INCORPORATED, RESPONDENT.

DECISION

CARPIO MORALES, J.:

On appeal is the Court of Appeals Decision^[1] dated January 16, 2003 sustaining the Decision^[2] dated August 24, 2001 of the Employees Compensation Commission (ECC) in ECC Case No. MS-12322-501, as well as its Resolution^[3] dated October 3, 2003 denying petitioner's motion for reconsideration.

Teodoro Mesa (Mesa), the deceased husband of petitioner Soledad Muñoz Mesa, was an employee of respondent Philrock Incorporated (Philrock), from April 1966 to November 1998.^[4]

In the course of his employment, Mesa was diagnosed to be afflicted with diabetes mellitus, pulmonary tuberculosis, and ischemic heart disease^[5] for which he was confined from September 23 to 30, 1988 at St. Martha's Specialty Clinic in Tarlac City. Upon his discharge from the hospital, he continued to work for Philrock until he succumbed to myocardial infarction on November 19, 1988. He last held the position of Project General Superintendent.

Close to 12 years later or in October 2000, Mesa's wife, herein petitioner, claimed for employees' compensation benefits under Presidential Decree (P.D.) No. 626 or the Employees' Compensation Law, as amended.

By pro-forma letter^[6] dated January 18, 2001, the Social Security System (SSS) denied petitioner's claim on the ground of prescription. Petitioner moved for reconsideration, alleging that the filing of the claim was delayed because she was not aware that her husband was entitled to employees' compensation until she heard it from a friend who was able to claim a similar benefit, and that she could not file the claim immediately because she herself was in and out of the hospital. The motion was elevated by the SSS to the ECC per memorandum^[7] dated April 17, 2001.

By Decision dated August 24, 2001, the ECC held that petitioner's claim had prescribed on November 26, 1991, following Article 201^[8] of P.D. 626, as amended, which provides that claims under said law should be brought within three years from the time the cause of action accrued. Even if Art. 1144^[9] of the Civil Code were applied, the ECC posed, the claim would still be barred by prescription since the period is reckoned from the date of contingency or November 25, 1998 to the date of filing of the claim in October 2000 which entailed a period of almost 12 years.

Petitioner thereupon appealed to the Court of Appeals, contending that the three-year period in P.D. 626 should not be construed as a prescriptive period but more of a requisite for the exercise of a right granted by law, and pleading for the application of the social justice precepts in resolving the controversy in her favor.

Via a Supplement to the Petition,^[10] petitioner submitted the Online Inquiry System-generated "D[eath] D[isability] and] R[etirement] Claims Information" sheet^[11] showing that she filed a claim for death and funeral benefits with the SSS on December 12, 1988.

By the challenged Decision dated January 16, 2003, the appellate court dismissed petitioner's petition and affirmed the ECC Decision. Citing *Vda. De Hornido v. ECC*, Art. 201 of P.D. 626, and Art. 1144 of the Civil Code, the appellate court held that at the time petitioner instituted the claim for employees' compensation benefits, almost 12 years had elapsed, hence, it had prescribed.

On petitioner's filing before the SSS of a claim for death and funeral benefits on November 25, 1988, the appellate court held that the same did not operate as constructive notice to the ECC for purposes of employees' compensation, hence, it did not toll the running of the prescriptive period. Additionally, it held that this issue was not presented before the lower tribunals and was raised for the first time on appeal, hence, it could not be entertained; and that although the November 25, 1988 claim was denominated as "SSS Death and Funeral Benefit," what petitioner actually claimed was funeral or burial benefits alone, *not* death benefits resulting from compensable injury or illness, and it was only in 2000 that she filed for death benefits, hence, the said claim for funeral benefits could not operate as constructive notice on the part of SSS within the purview of the rules on employees' compensation.

Petitioner's motion for reconsideration having been denied by Resolution dated October 3, 2003, the present appeal was filed.

Petitioner reiterates her contention that her claim has not prescribed and that the funeral claim served as constructive notice to the SSS/ECC to toll the running of the prescriptive period pursuant to ECC Resolution No. 90-03-0022 and 93-08-0068. And she requests the Court to apply social justice precepts and humanitarian considerations.

The appeal is impressed with merit.

Apropos is the ruling in *Buena Obra v. SSS*^[12] in which the Court, speaking through then Associate, now Chief Justice Puno, held that the claim for funeral benefits under P.D. No. 626, as amended, which was filed after the lapse of 10 years by the therein petitioner who had earlier filed a claim for death benefits, had *not* prescribed,

The issue of prescription in the case at bar is governed by P.D. No. 626, or the Law on Employees' Compensation. Art. 201 of P.D. No. 626 and Sec. 6, Rule VII of the 1987 Amended Rules on Employees' Compensation both read as follows:

"No claim for compensation shall be given due course unless said claim is filed with the System within three years from the time the cause of action accrued."

This is the general rule. The exceptions are found in Board Resolution 93-08-0068 and ECC Rules of Procedure for the Filing and Disposition of Employees' Compensation Claims. Board Resolution 93-08-0068 issued on 5 August 1993, states:

"A claim for employee's compensation must be filed with System (SSS/GSIS) within three (3) years from the time the cause of action accrued, **provided however, that any claim filed within the System for any contingency that may be held compensable under the Employee's Compensation Program (ECP) shall be considered as the EC claim itself.** The three-year prescriptive period shall be reckoned from the onset of disability, or date of death. In case of presumptive death, the three (3) years limitation shall be counted from the date the missing person was officially declared to be presumptively dead." (emphasis supplied)

In addition, Section 4(b), Rule 3 of the ECC Rules of Procedure for the Filing and Disposition of Employees' Compensation Claims, reads:

"RULE 3. FILING OF CLAIM

Section 4. When to file.

(a) Benefit claims shall be filed with the GSIS or the SSS within three (3) years from the date of the occurrence of the contingency (sickness, injury, disability or death).

(b) Claims filed beyond the 3-year prescriptive period may still be given due course, provided that:

1. A claim was filed for Medicare, retirement with disability, burial, death claims, or life (disability) insurance, with the GSIS within three (3) years from the occurrence of the contingency.
2. **In the case of the private sector employees, a claim for Medicare, sickness, burial, disability or death was filed within three (3) years from the occurrence of the contingency.**
3. In any of the foregoing cases, the employees' compensation claim shall be filed with the GSIS or the SSS within a **reasonable time** as provided by law. [Emphasis supplied.]"

We agree with the petitioner that her claim for death benefits under the SSS law should be considered as the Employees' Compensation claim itself. This is but logical and reasonable because the claim for death benefits which petitioner filed with the SSS is of the same nature as her claim before the ECC. Furthermore, the SSS is the same agency with which Employees' Compensation claims are filed. **As correctly contended by the petitioner, when she filed her claim for death benefits with the SSS under the SSS law, she had already notified the SSS of her employees' compensation claim,**