

SECOND DIVISION

[G.R. No. 173430, July 28, 2008]

**GOVERNMENT SERVICE INSURANCE SYSTEM, PETITIONER, VS.
FELOMINO S. CASCO, RESPONDENT.**

DECISION

TINGA, J.:

The Government Service Insurance System (GSIS) assails the Decision^[1] of the Court of Appeals dated 29 April 2005, which reversed the Decision^[2] of the Employees' Compensation Commission (ECC) denying Felomino Casco's request for conversion of his permanent partial disability (PPD) benefits to permanent total disability (PTD) benefits under Presidential Decree No. 626 (P.D. No. 626), as amended.

The following facts, culled from the assailed decision, are undisputed:

Felomino Casco, petitioner herein, was employed as a teacher of the Department of Education, Culture and Sports (DECS). He joined the government service on August 14, 1978 on a provisional status and was assigned at the Quezon City Division. On July 1, 1989, he was promoted to Teacher I. On January 1, 1994, he was assigned at DECS-Mandaluyong. In 1998- up to 1999, he was assigned at the Mandaluyong East High School wherein he taught Filipino.

As a Filipino teacher, Casco was required to regularly perform the following tasks:

1. Teach Filipino III as a subject in the secondary school curriculum.
2. Attend professional meetings conducted in the school and some seminars in the division level.
3. Develop desirable values among his students.
4. Submit the required reports/records to the department chairman/office as the case may be.
5. Prepare lesson plans.
6. Participate in school and community programs and render allied services.

Sometime in 1994, Casco was diagnosed to be hypertensive. On December 7, 1995, he was admitted at the Philippine General Hospital where he was diagnosed of CVA, Right Middle Cerebral Artery,

Thrombotic. On October 14, 1999, he suffered another attack and was confined at the Our Lady of Lourdes Hospital. This forced him to retire from the government service at an early age.

Casco then applied for disability benefits under *Presidential Decree No. 626*, as amended. On October 14, 1999, the Government Service Insurance System (GSIS) granted him thirty-eight (38) months of permanent partial disability (PPDI).

On December 10, 2000 up to December 19, 2000, Casco was again confined at the Potenciano Hospital due to his ailments. His confinement within the specified period was likewise paid by the System.

Casco's latest physical examination reveals that he still experiences chest pain, which is pricking, in character, limping accompanied by lapse of memory and vertigo. Thus, he requested the System to convert his permanent partial disability to permanent total disability (PTD) pursuant to *P.D. 626*, as amended, but the same was denied.

Dissatisfied, Casco appealed before the Employees' Compensation Commission.

On March 26, 2003, the ECC rendered a decision affirming the decision of the System. The pertinent portion of the said decision is hereby quoted as follows:

x x x

However, as regard his request for conversion of his PPD benefits into PTD benefits, we are not inclined to give merit to his claim. The result of his latest physical examination does not warrant grant of PTD benefits as required under the law. His examination failed to show that he suffers from motor or sensory deficit. Neither was it shown that he experienced permanent complete paralysis of two limbs nor incurable imbecility and insanity as a result of his ailments.

Premises considered, the prayer for compensation benefits under PD 626, as amended, is hereby DENIED.

SO ORDERED.

Respondent appealed the ECC decision to the Court of Appeals, which resolved the case in his favor. The appellate court ordered the GSIS to grant respondent full disability benefits as provided under P.D. No. 626, as amended.

In a Resolution^[3] dated 4 July 2006, the Court of Appeals denied GSIS's motion for reconsideration.

In the Petition for Review on Certiorari^[4] dated 9 August 2006, GSIS defends its position that respondent failed to adduce proof that his ailment is categorized as a PTD under the law or that it is attributable to his former occupation. According to