

THIRD DIVISION

[G.R. No. 147745, April 09, 2003]

**MARIA BUENA OBRA, PETITIONER, VS. SOCIAL SECURITY
SYSTEM (JOLLAR INDUSTRIAL SALES AND SERVICES INC.),
RESPONDENTS.**

D E C I S I O N

PUNO, J.:

On appeal is the Decision^[1] of the Court of Appeals in CA-G.R. SP No. 60704 dated September 27, 2000 sustaining the Decision^[2] of the Employees' Compensation Commission dated April 13, 2000, as well as its subsequent Resolution^[3] dated March 6, 2001 denying petitioner's Motion for Reconsideration.

The facts of the case are as follows:

Juanito Buena Obra, husband of petitioner, worked as a driver for twenty-four (24) years and five (5) months. His first and second employers were logging companies. Thereafter, he was employed at Jollar Industrial Sales and Services Inc. as a dump truck driver from January 1980 to June 1988. He was assigned to the following projects:^[4]

1. January 1980 to December 1981 – F.F. Cruz Project, Nabua, Camarines Sur – hauling/delivery of filling materials from quarry to job site
2. January 1982 to December 1983 – F.F. Cruz, 300 MW Coal Fire Thermal Plant, Calaca, Bacungan and Makban Geothermal Plant, Los Baños, Laguna – hauling/delivery of filling materials from quarry to job site
3. January 1984 to December 1985 – Dizon Copper Silver Mines, Pili, San Marcelino, Zambales – hauling/delivery filling materials from quarry to job site
4. January 1986 to June 1988 – Metro Manila Hauling Project

On 27 June 1988, Juanito suffered a heart attack while driving a dump truck inside the work compound, and died shortly thereafter. In the Report of Death^[5] submitted by his employer to the Social Security System (SSS), Juanito expired at the Worker's Quarters at 10:30 a.m., of Myocardial Infarction.

Petitioner Maria M. Buenaobra immediately filed her claim for death benefits under the SSS law. She started receiving her pension in November 1988. Petitioner was, however, unaware of the other compensation benefits due her under Presidential

Decree No. 626, as amended, or the Law on Employees' Compensation. In September 1998, or more than ten (10) years after the death of her husband, that she learned of the benefits under P.D. No. 626 through the television program of then broadcaster Ted Failon who informed that one may claim for Employees Compensation Commission (ECC) benefits if the spouse died while working for the company. Petitioner prepared the documents to support her claim for ECC benefits. On 23 April 1999, she filed with the SSS her claim for funeral benefits under P.D. No. 626, as amended, which was docketed as SSS # 04-0089326-0.^[6]

On 28 July 1999, the SSS denied the claim of petitioner for funeral benefits ruling that the cause of death of Juanito was not work-connected, absent a causal relationship between the illness and the job. Caridad R. Borja, Assistant Vice-President National Capital Region (AVP – NCR) Central of the SSS Member Assistance Center in Quezon City wrote:

"Please be informed that funeral claim under the Employees Compensation is hereby denied. Per medical evaluation, cause of death of subject member's (*sic*) cannot be considered work connected since there is no causal relationship between the illness and the job."

On 8 October 1999, petitioner wrote to Atty. Teofilo E. Hebron, Executive Director of the ECC, appealing the denial of her claim. On 11 November 1999, Atty. Hebron ordered Dr. Simeon Z. Gonzales, Assistant Vice-President (AVP) of the Medical Services Group of the SSS to review the claim of petitioner.

On 23 November 1999, the Medical Services Group through Dr. Perla A. Taday, AVP for Medical Operations, concluded its re-evaluation and affirmed the denial of petitioner's claim. It reiterated that "there is no causal relationship between the cause of death/illness and member's job as dump truck driver."^[7] Pursuant to Section 5, Rule XVIII of the Implementing Rules of PD 626, the records of the deceased Juanito were elevated to the Commission.

On 13 April 2000, the Commission rendered a decision, dismissing the appeal.^[8] It ruled that petitioner failed to show by substantial evidence that her husband's cause of death was due to, or the risk of contracting his ailment was increased by his occupation and working conditions, as per Section 1(b), Rule III of P.D. No. 626, as amended. In addition, the Commission declared that petitioner's claim has prescribed, citing ECC Resolution No. 93-08-0068.

Petitioner appealed to the Court of Appeals. She alleged that her cause of action had not prescribed because the filing of her claim for SSS benefits shortly after Juanito's death suspended the running of the prescriptive period for filing EC claims, as per Item No. III of ECC Resolution No. 90-03-0022 dated 23 March 1990. The appellate court dismissed the petition. It ruled that petitioner's filing of her claim for SSS benefits shortly after Juanito's death did not suspend the running of the prescriptive period for filing EC claims. It interpreted the aforementioned ECC Resolutions to mean that a claimant must indicate the kind of claim filed before the running of the prescriptive period for filing EC claims may be interrupted. In the case at bar, petitioner indeed filed a claim with SSS. In fact, she has been receiving her pension since November 1988. However, she failed to specify whether the basis of her claim was any contingency which may be held compensable under the EC Program.^[9]

In addition, the Court of Appeals cited P.D. No. 626 which states that a contingency may be held compensable if listed in Annex "A" of the Rules Implementing Employees' Compensation as an occupational disease, and satisfying all conditions set forth therein; or if not listed as an occupational disease, or listed but has not satisfied the conditions set forth therein, it must be proven by substantial evidence that the risk of contracting the disease which caused the death of the member, was increased by the member's working conditions.^[10]

The appellate court likewise held that the three-year prescriptive period does not apply in the instant case. Instead, it applied Art. 1142(2) of the Civil Code which reads:

"Art. 1144. The following actions must be brought within ten (10) years from the time the right of action accrues:

- (1) Upon a written contract;
- (2) *Upon an obligation created by law;*
- (3) Upon a judgment. [Emphasis supplied.]"

The appellate court then held that the petitioner's cause of action has prescribed. Petitioner's husband died on 27 June 1988. She filed her claim for funeral benefits under P.D. No. 626 or the Law on Employees' Compensation only on 23 April 1999, or more than ten (10) years from his death.

Lastly, the appellate court ruled that even assuming petitioner's cause of action has not prescribed, her claim for Employees' Compensation benefits cannot prosper because of her failure to prove by substantial evidence that her husband's working conditions increased the risk of contracting the myocardial infarction that caused his death.

Petitioner's Motion for Reconsideration dated 27 September 2000 was denied by the appellate court in a Resolution promulgated on 6 March 2001.

Hence, this petition. The following issues are raised:^[11]

- (1) WHETHER, INDEED, THE CLAIM OF PETITIONER, HAD PRESCRIBED.
- (2) WHETHER OR NOT THE ILLNESS OF PETITIONER'S HUSBAND, MYOCARDIAL INFARCTION, IS WORK-RELATED.

On the first issue, we rule that the claim of petitioner for funeral benefits under P.D. No. 626, as amended, has not yet 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, because the SSS is the very same agency where claims for payment of sickness/disability/death benefits under P.D. No. 626 are filed.