388 Phil. 1115

THIRD DIVISION

[G.R. No. 136200, June 08, 2000]

CELERINO VALERIANO, PETITIONER, VS. EMPLOYEES' COMPENSATION COMMISSION AND GOVERNMENT SERVICE INSURANCE SYSTEM, RESPONDENTS.

D E C I S I O N

PANGANIBAN, J.:

To be compensable, an injury must have resulted from an accident arising out of and in the course of employment. It must be shown that it was sustained within the scope of employment while the claimant was performing an act reasonably necessary or incidental thereto or while following the orders of a superior. Indeed, the standard of "work connection" must be satisfied even by one who invokes the 24-hour-duty doctrine; otherwise, the claim for compensability must be denied.

The Case

Before us is a Petition for Review under Rule 45 assailing the January 30, 1998 Court of Appeals[1] (CA) Decision,[2] as well as the September 25, 1998 Resolution[3] in CA-GR SP No. 31141. The dispositive portion of the Decision reads as follows:[4]

> "WHEREFORE, the Decision of the Employees' Compensation Commission dated April 1, 1993 is hereby AFFIRMED in toto."

The September 25, 1998 Resolution denied petitioner's Motion for Reconsideration.

The Facts

The factual and procedural antecedents of the case are summarized in the assailed Decision as follows:[5]

> "Celerino S. Valeriano was employed as a fire truck driver assigned at the San Juan Fire Station. Sometime on the evening of July 3, 1985, petitioner was standing along Santolan Road, Quezon City, when he met a friend by the name of Alexander Agawin. They decided to proceed to Bonanza Restaurant in EDSA, Quezon City, for dinner. On their way home at around 9:30 PM, the owner-type jeepney they were riding in figured in a head-on collision with another vehicle at the intersection of N. Domingo and Broadway streets in Quezon City. Due to the strong impact of the collision, petitioner was thrown out of the vehicle and was severely injured. As a result of the mishap, petitioner was brought to several hospitals for treatment.

"On September 16, 1985, he filed a claim for income benefits under PD 626, with the Government Security Insurance Service. His claim for benefits was opposed on the ground that the injuries he sustained did not directly arise or result from the nature of his work. Petitioner filed a motion for reconsideration of the denial by the System but the same was turned down on the ground that the condition for compensability had not been satisfied. Petitioner then interposed an appeal to the Employees' Compensation Commission (ECC for short). In a decision dated April 1, 1993, the ECC ruled against herein appellant, the pertinent portions of which are stated in the following wise:

> `After a study of the records of the case under consideration, we find the decision of the respondent System denying appellant's claim in order.
>
> `Under the present compensation law, injury and the resulting disability or death is compensable if the injury resulted from an accident arising out of and in the course of employment. It means that the injury or death must be sustained while the employee is in the performance of his official duty; that the injury is sustained at the place where his work requires him to be; and if the injury is sustained elsewhere, that the employee is executing an order for the employer. The aforementioned conditions are found wanting in the instant case. The accident that the appellant met in the instant case occurred outside of his time and place of work. Neither was appellant performing his official duties as a fireman at the time of the accident. In fact, appellant just left the Bonanza Restaurant where he and his friends had dinner. Apparently, the injuries appellant sustained from the accident did not arise out of [and] in the course of his employment. Considering therefore the absence of a causal link between the contingency for which income benefits [are] being claimed and his occupation as fireman, his claim under PD 626, as amended, cannot be given due course.'"

The CA Ruling

The Court of Appeals agreed with the finding of the Employees' Compensation Commission that petitioner's injuries and disability were not compensable, emphasizing that they were not work-connected.

> "Turning to the case before us, the evidence on record shows that herein petitioner was injured not at the place where his work required him to be. Neither was he executing an order from his superior, nor performing his official functions at the time of the accident. It must be recalled that at the time of the accident, petitioner was already dismissed from his regular 8-hour daily work. He was walking along Santolan Road when he met his friend and they decided to go to Bonanza Restaurant for dinner. Notwithstanding his claim that he can be called to report for work anytime in case there is a fire, or that his position is akin to that of a military man, a contention we cannot support, still the circumstances leading to the accident in which he was injured reveals that there is no

causative connection between the injury he sustained and his work. Petitioner's invocation of the ruling in Hinoguin vs. ECC, 172 SCRA 350 is misplaced. In that case, petitioner Sgt. Hinoguin was a member of the Armed Forces and soldiers are presumed to be on official duty 24 hours a day. In the case at bar, petitioner is a fireman with a specific tour of duty. To sustain petitioner's contention of compensability would, in effect, make the employer, in this case the State, the insurer against all perils. That is not the intendment of our lawmakers in enacting the Workmen's Compensation Act." [6]

Hence, this Petition.[7]

The Issues

In his Petition,[8]Petitioner Celerino Valeriano urges the Court to resolve the following questions:

"I

WHETHER PETITIONER'S INJURIES ARE WORK-CONNECTED.

"II

WHETHER PETITIONER FIREMAN, LIKE SOLDIERS, CAN BE PRESUMED TO BE ON 24-HOUR DUTY."[9]

These questions point to the sole issue of the compensability of Petitioner Valeriano's injuries and resulting disability.

The Court's Ruling

We find no merit in the Petition.

Main Issue:
Compensability of Valeriano's Injuries and Resulting Disability

Disability benefits are granted an employee who sustains an injury or contracts a sickness resulting in temporary total, permanent total, or permanent partial, disability.[10] For the injury and the resulting disability to be compensable, they must have necessarily resulted from an accident arising out of and in the course of employment.[11]

Were Petitioner's Injuries Work-Connected?

Citing *Iloilo Dock & Engineering Co. v. Workmen's Compensation Commission*,[12] the Court of Appeals dismissed petitioner's claim on the ground that he had not been injured at his work place, executing an order of his superior, or performing official functions when he met the accident.

We agree. In *Iloilo*, the Court explained the phrase "arising out of and in the course of employment" in this wise:

> "The two components of the coverage formula -- "arising out of" and "in the course of employment" -- are said to be separate tests which must be independently satisfied; however, it should not be forgotten that the basic concept of compensation coverage is unitary, not dual, and is best expressed in the word, "work-connection," because an uncompromising insistence on an independent application of each of the two portions of the test can, in certain cases, exclude clearly work-connected injuries. The words "arising out of" refer to the origin or cause of the accident, and are descriptive of its character, while the words "in the course of" refer to the time, place and circumstances under which the accident takes place.
>
> "As a matter of general proposition, an injury or accident is said to arise "in the course of employment" when it takes place within the period of the employment, at a place where the employee may reasonably x x x be, and while he is fulfilling his duties or is engaged in doing something incidental thereto."[13]

Thus, for injury to be compensable, the standard of "work connection" must be substantially satisfied. The injury and the resulting disability sustained by reason of employment are compensable regardless of the place where the injured occurred, if it can be proven that at the time of the injury, the employee was acting within the purview of his or her employment and performing an act reasonably necessary or incidental thereto.[14]

Petitioner Valeriano was not able to demonstrate solidly how his job as a firetruck driver was related to the injuries he had suffered. That he sustained the injuries after pursuing a purely personal and social function -- having dinner with some friends -- is clear from the records of the case. His injuries were not acquired at his work place; nor were they sustained while he was performing an act within the scope of his employment or in pursuit of an order of his superior. Thus, we agree with the conclusion reached by the appellate court that his injuries and consequent disability were not work-connected and thus not compensable.

***Applicability of* Hinoguin *and* Nitura**

Petitioner debunks the importance given by the appellate court to the fact that he was not at his work place and had in fact been dismissed for the day when he met the accident. He argues that his claim for disability benefits is anchored on the proposition that the exigency of his job as a fireman requires a constant observance of his duties as such; thus, he should be considered to have been "on call" when he met the accident. He underscores the applicability of *Hinoguin v. ECC*[15] and *Nitura v. ECC*[16] to his case.

> In *Hinoguin* and *Nitura*, the Court granted death compensation benefits to the heirs of Sgt. Limec Hinoguin and Pfc. Regino Nitura, both members of the Philippine Army. After having gone elsewhere on an overnight pass, Sgt. Hinoguin was accidentally shot by a fellow soldier during the