

SECOND DIVISION

[G.R. No. 116015, July 31, 1996]

**GOVERNMENT SERVICE INSURANCE SYSTEM (GSIS),
PETITIONER, VS. COURT OF APPEALS AND EFRENIA D. CELOSO,
RESPONDENTS.**

D E C I S I O N

TORRES, JR., J.:

A teacher is likened to that of a candle which consumes itself in the process of giving light. The good teacher not only gives the light of knowledge but also touches the heart - serving not only the "lowly and the least, but even the lost."

This case is about such a teacher who was disabled in the process of giving light.

Dissatisfied with the decision^[1] of the Court of Appeals in CA-G.R. SP No. 29930 promulgated on May 17, 1994, the Government Service Insurance System (GSIS) comes to this court by way of a petition for review on certiorari impugning the aforesaid decision the dispositive portion of which reads:

"WHEREFORE, the petition is hereby given due course and is GRANTED. The assailed decision of respondent ECC affirming the decision of the GSIS is REVERSED. Petitioner's permanent partial disability is converted into permanent total disability. The ECC and GSIS are ordered to make the corresponding adjustment of the benefits properly accruing to the petitioner and award such benefits to her.

"SO ORDERED."

The undisputed facts as found by the Court of Appeals are as follows:

"Records show that Efrenia D. Celoso was a classroom teacher assigned by the Department of Education, Culture and Sports (DECS) in Panit-an, Capiz. She had been in the government teaching service since 1951 up to November, 1985 when she retired (at 55) due to poor health.

Sometime in March 1982, while she was teaching her Grade I pupils the proper way of scrubbing and sweeping the floor, she accidentally slipped. Her back hit the edge of a desk. She later complained of weak lower extremities and difficulty in walking.

On March 20, 1982, she underwent an x-ray examination at the St. Anthony's Hospital In Roxas City. Results of the examination revealed that she had pulmonary tuberculosis and a compression fracture in the spine with sclerosis. After a second x-ray examination, she was found to be suffering from Pott's disease^[2] and was advised to undergo an

operation.

On August 22, 1985, she filed with the GSIS a claim for disability benefits under P.D. 626, as amended.[3] The GSIS denied the claim by reason of prescription, holding that the petitioner should have filed her claim within one year from the occurrence of the contingency in March 1982.

The petitioner appealed to the ECC. In its resolution dated January 11, 1989, the ECC reversed the decision of the GSIS and ruled that the application for leave of absence of herein petitioner with the Department of Education on July 19, 1982 is considered a 'constructive filing of the compensation claim under our rules.' Pursuant to the ECC resolution, the GSIS awarded petitioner permanent partial disability benefits corresponding to 45 months.

In November, 1985, the petitioner underwent a surgical operation on her spine. Her condition worsened.

On June 28, 1989, the petitioner filed with the GSIS a petition for conversion praying that her disability status be changed from permanent partial disability to permanent total disability, with the corresponding adjustment of her disability benefits."^[4]

However, the GSIS did not give the petition due course, thus:

"A re-evaluation of your claim was undertaken by our Medical Evaluation and Underwriter Group. However, based on the extent of your disability and per decision of the Employees Compensation Commission, the Permanent Partial Disability granted you for forty-five months from July 5, 1982 to April 30, 1986 constitutes the maximum benefits due you based on ECC Rating Schedule for non-scheduled diseases."

Efrenia Celoso then filed a petition with the Court of Appeals which decided the case in her favor.

Hence, this petition.

Petitioner GSIS ascribes to the respondent court the following assignment of errors:

1. That the respondent Honorable Court of Appeals gravely erred in giving due course to the petition of respondent Efrenia and reversing the decision of herein petitioner GSIS.
2. That the Honorable Court of Appeals erred in granting the request for conversion of petitioner's disability from permanent partial disability to permanent total disability.
3. That the decision of the respondent Court of Appeals is contrary to law and applicable jurisprudence.

Being interrelated, the assignment of errors will be discussed jointly.

The question to be resolved in this case is whether or not private respondent Efrenia

Celoso's request for the conversion of her permanent partial disability to permanent total disability should be granted.

We rule for private respondent.

Petitioner GSIS contends: that the period of 120 days is not the determining factor for an injury or an illness to be pronounced as permanent total disability; that an injury or an illness that goes beyond the said period of 120 days may still be considered permanent partial disability pursuant to Sec. 2, Rule X of the Rules on Employees Compensation, as amended; that the ailment of herein respondent was found to be PTB, Minimal and later on she was found to be suffering from Pott's Disease (Tuberculosis Spondylitis); that these ailments were the basis for ECC in awarding her the 45 months permanent partial disability benefits; that she cannot further be entitled to her claim for conversion to permanent total disability; that for any progression of a retired employee's condition after the date of her retirement is no longer within the compensatory coverage of P.D. 626, since severance of an employee-employer relationship result to the release of the State Insurance Fund from any liability in the event of sickness and resulting disability or death after such retirement or separation from the service; and that having been granted the maximum benefits commensurate to the degree of her disability at retirement date, she is no longer entitled to additional compensation benefits.

We are not persuaded by petitioner's contentions.

Petitioner's contention that "an injury or an illness that goes beyond the period of 120 days may still be considered permanent partial disability" does not find support in the provision (Sec. 2, Rule X of the Rules on Employees Compensation) it cites, and which we quote:

"The income benefit shall be paid beginning with the first day of disability. If caused by an injury, it shall not be paid longer than 120 consecutive days except where such injury still require medical attendance beyond 120 days, in which case benefit for temporary total disability shall be paid."

Disability should not be understood more on its medical significance but on the loss of earning capacity.^[5] Permanent total disability means disablement of an employee to earn wages in the same kind of work, or work of a similar nature that she was trained for or accustomed to perform, or any kind of work which a person of her mentality and attainment could do. It does not mean absolute helplessness.^[6] In the case at bar, with more reason private respondent should be granted permanent total disability benefits. Attached with petitioner's petition for conversion of her permanent disability status is the affidavit dated January 9, 1989 of Elito L. Lobereza, M.D., Chief Hospital II, Bailan District Hospital, Bailan, Pontevedra, Capiz, declaring:

"1. That I had examined Mrs. Efrenia D. Celoso, a retired Permanent Elementary Grades Teacher of the District of Panit-an, Division of Capiz in her residence this January 4, 1989.

"2. That Mrs. Celoso is incapable of standing and sitting without any assistance.