



**EXCERPTS FROM THE MINUTES OF THE 3<sup>rd</sup> REGULAR COMMISSION MEETING, EMPLOYEES' COMPENSATION COMMISSION, SERIES OF 2010, convened at the Board Room, 5<sup>th</sup> Floor, ECC Building, 355 Sen. Gil J. Puyat Avenue, Makati City on Wednesday, 17<sup>th</sup> day of March 2010 at 10:00 A.M.**

**BOARD RESOLUTION NO. 10-03-45  
CLARIFYING THE RULES ON PRESCRIPTION UNDER P.D. 626, AS AMENDED**

**WHEREAS**, Article 201 of P.D. 626, as amended, provides:

*"ART. 201. Prescriptive period. 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."*

**WHEREAS**, in accordance with EC Board Resolution No. 93-08-0068, dated August 5, 1993, the practice of both Systems is that any claim filed within three years for any contingency that may be held compensable under the Employees' Compensation Program (ECP) shall be considered as the EC claim itself;

**WHEREAS**, pursuant to EC Board Resolution No. 99-09-0538, dated October 7, 1999, the understanding of the Systems is that the period of filing EC claims for members and/or their beneficiaries who have been previously granted with disability or death benefits for the same contingency, either under the SSS law or the GSIS law, shall not be allowed to go beyond ten (10) years;

**WHEREAS**, in the cases of Buena Obra vs. SSS (G.R. No. 147745, April 9, 2003) and Mesa vs. SSS (G.R. No. 160467, April 7, 2009), the Supreme Court 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 petitioner who had earlier filed a claim for death benefits, had not prescribed."* The Supreme Court further ruled that *"when the petitioner filed her claim for death benefits 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."*

**WHEREAS**, this Commission, in compliance with the rulings of the Supreme Court, finds the need to clarify the rules on prescription;

**ON MOTION DULY MADE AND SECONDED**

This Commission **RESOLVES, AS IT HEREBY RESOLVES**, to adopt as a policy the decision of the of the Supreme Court in the case of Buena Obra vs. SSS (G.R. No. 147745, April 9, 2003), which was reiterated in the case of Mesa vs. SSS (G.R. No. 160467, April 7, 2009), that *when a claimant filed a claim for disability or death benefits before the Systems either under the SSS law or the GSIS law, the claim for the same benefits under the Employees' Compensation Law should be considered as filed.*

This Commission **RESOLVES FURTHER** that the filing of disability or death benefits either under the SSS law or the GSIS law within three years from the time the cause of action accrued would stop the running of the prescriptive period under P.D. 626, as amended.

This Commission **RESOLVES, AS IT HEREBY RESOLVES FINALLY**, that all previous Rules or Resolutions inconsistent with this Resolution are hereby repealed or modified accordingly and copies of this Resolution be duly furnished the SSS and the GSIS for their information and proper guidance.

APPROVED in the City of Makati, this 17<sup>th</sup> day of March, 2010



Hon. **LOURDES M. TRASMONTE**  
Chairman-Designate

*Department of Labor and Employment*



Hon. **SERGIO ORTIZ LUIS, Jr.**  
Member-Designate  
Social Security System



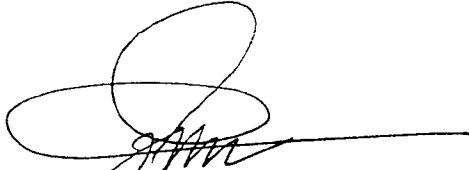
Hon. **DIONISIO C. EBDANE, Jr.**  
Member-Designate  
Government Service Insurance System



Hon. VLADIMIR R. TUPAZ  
Member  
Employees' Sector



HON. MIGUEL B. VARELA  
Member  
Employers' Sector



Hon. VALENTIN C. GUANIO  
Member-Designate  
Philippine Health Insurance Corporation



Hon. EVELYN P. FLORENDO-TABLANG  
Member  
Employees' Compensation Commission  
Secretariat

Hon. FRANCISCO T. DUQUE III  
Member  
Civil Service Commission