



ECC recognizes parental duties of separated partners as basis for EC claims

Employees' Compensation Commission's Executive Director Stella Z. Banawis yesterday said that the ECC has recently ruled in favor of a deceased member who has been exercising his parental duties over his children from a former marriage before he met his death in an accident on his way to work.

At dawn of 8 April 2013, 40-year old Mindanao Trucking Corporation's tank truck driver Jeremias D. Joven left his former residence in Talisay, Gingoog City to report for work in Cagayan de Oro City after visiting his children from his first marriage. At around 7:30 in the morning, Joven's vehicle collided with another vehicle at National Highway Zone 2, Cugman, Cagayan de Oro City. He died due to severe head injury.

The victim's common-law wife, Rochelle V. Cabanada, filed an Employees' Compensation (EC) claim for death benefits at the Cagayan de Oro Branch of Social Security System but her claim was denied because the documents submitted stated that the residence of Joven is in Magting, Mambajao, Camiguin, yet he came from Gingoog City at the time of the fatal accident.

Cabanada sought reconsideration of her EC claim. But the SSS sustained the denial because Joven did not come from his residence in Camiguin, where his live-in partner lives, but from his previous residence in Gingoog City when he met the fatal accident.

On appeal, the ECC ruled partial reversal of the SSS decision. According to the ECC, Joven's act of continuously visiting his children at Talisay, Gingoog City cannot be considered a diversion from his usual route.

"While the deceased had maintained an illicit relationship with the appellant, as the father of the children by his legal wife, the deceased was just complying with his obligations as a father to them. His act of visiting his children in Talisay, Gingoog City from time to time to see their conditions, to give support, financially or otherwise, or

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Evelyn Ruth Soriano shares her struggles as an Occupationally Disabled Worker (ODW) and how DOLE and ECC help her through the DOLE Integrated Livelihood Program and ECC KaGabay Program during the DOLE flag ceremony held at the Occupational Health and Safety Center on August 4, 2014.

Midwife then, entrepreneur now through the help of ECC

Evelyn Ruth Soriano, a staff midwife in a hospital in Mandaluyong City for more than 19 years, was forced to resign from work when she accidentally slipped on a wet floor in the sterilizing room while on duty. She had a lumbar disc disease that restrained her from any body movement for a period of time.

To ensure a steady income, Soriano put up a sari-sari store for their daily expenses.

But it was not enough to support her family's needs. With three young children who were all studying, she was so worried about her situation. She was jobless with no clear vision towards her future.

Luckily, her parents and friends supported her financially. But Soriano knew that she cannot rely on her parents and friends permanently. She had to do something.

"Paano kaya ang magiging buhay namin?" (What will happen to our lives?) Soriano uttered.

In December 2011, Soriano's family celebrated Christmas without anything on the table for the first time. She felt sorry

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MOA signing between ECC and PNP. Philippine National Police General Hospital Chief Police Senior Superintendent Jeremy V. Zulaybar and Employees' Compensation Commission Executive Director Stella Z. Banawis sign the Memorandum of Agreement (MOA) on the provision of rehabilitation services for Occupationally Disabled Workers (ODWs) held at the PNP General Hospital Health Service Conference Room on August 29, 2014.



ECOP MEMBERS GAIN UNDERSTANDING OF THE ECP. Employees' Compensation Commission (ECC) Chairman-Designate and Department of Labor and Employment Undersecretary Ciriaco J. Lagunzad and ECC Executive Director Stella Z. Banawis answer queries on the Employees' Compensation Program (ECP) from the members of the Employers' Confederation of the Philippines (ECOP) in an open forum during the ECOP's 2nd Members' General Meeting held on 29 August 2014 at the Henry Sy Sr. Auditorium, St. Luke's Medical Center, Global City, Taguig with the theme "SSS, Philhealth, PagIbig, and ECC: Maximizing Social Protection to the Filipino Workforce". (Photo Courtesy of ECOP)

Midwife then...from front page

for her kids. But she just kept her faith with the Lord and surrendered everything to Him, believing in the saying that God will always provide.

Upon learning that Soriano suffered from a work-related injury, the Employees' Compensation Commission sent a letter to her four times. The ECC invited her to visit its office to give her free rehabilitation services. However, Soriano ignored ECC's invitations because she did not trust any government agency.

Finally, the ECC made a home visit to Soriano and explained the benefits she will receive from the EC Program.

"I was actually surprised to know that ECC is willing to reach out and help me. ECC is the only government agency I know that extends its hand to occupationally-disabled workers like me without us asking from them," Soriano said.

Soriano received P6,865.50 permanent partial disability monthly pension for 15 months. The ECC also gave her free entrepreneurial trainings on soap making and start-your-own-business-and-enterprise.

"I was hitting rock bottom when the ECC came to me. They were just in time to help rebuild my life. Maybe God used ECC to help me to move on to a better future for my family," Soriano mused.

Through the trainings, Soriano was able to pick up the pieces and restore her life. With a little knowledge in cooking peanut butter, Soriano applied her learnings from the SYOBE training and tried selling peanut butter within her neighborhood. Soriano was able to sell two to five kilos of peanut butter in a week.

Soriano was able to meet a lot of people during her SYOBE training, and

one of them made some arrangements with DZAS radio for her live interview regarding her peanut butter business.

After the interview, many people contacted her and ordered peanut butter. From two kilos of peanut butter she now sells 50-60 kilos in a week.

"Indeed, God always provides. In my situation, He provided for my family through the help of ECC," Soriano said.

ECC recognizes...from front page

just to exercise parental authority over them, cannot be denied to him. Nor it should be considered a fault to prejudice the right of his beneficiaries under the law," the ECC said.

Furthermore, the SSS claimed residence of the deceased in Mambajao, Camiguin cannot be considered a residence both in fact and in law as it is a place maintained by a relationship which is not recognized under the Philippine Law and there is nothing from the records of the case that would show that the deceased marriage with his first wife had been legally dissolved.

However, appellant Cabanada is not considered as a qualified beneficiary under the law and thus, cannot file or receive benefits under Presidential Decree No. 626 as amended. The ECC decision ordered the SSS to determine Joven's qualified beneficiaries under PD 626.

Nevertheless, the funeral expenses which Cabanada has paid for Joven's wake can be enforced in a proper proceeding as a claim against the estate of the deceased.

"Injuries or death by the workers in the course of their performance of duties truly disheartens us that is why we study cases like these meticulously so that, as much as possible, we can give our members, or their qualified dependents, the right and sufficient amount of benefits under the law," Executive Director Banawis said.

ECC grants death with funeral benefits to the beneficiaries of missing workers while in the performance of their duties during calamities or fatal events

Beneficiaries of missing persons while in the performance of their duties during calamities or fatal events can file their claims for EC death with funeral benefits within three years from the time the missing person has been presumed dead after the lapse of four years from the occurrence of the incident on the basis of Board Resolution 14-07-20, ECC Executive Director Stella Zipagan-Banawis said.

Banawis said that this pertains to all workers or employees including uniformed personnel who had been reported missing while they were on duty during calamities or devastating event.

The said Board Resolution amends paragraph 5 of Board Resolution No. 93-08-0068 dated September 12, 1996.

The old resolution provides that if one is declared presumptively dead after he had been reported missing for some time, payment of death benefits shall be reckoned from the date he was declared presumptively dead by proper authority, in accordance with law; except when the declaration of death specified another date, in such a case, a payment of death benefits shall start from the latter date.

"The ECC finds the need to adopt a policy that would simplify the grant of EC death with funeral benefits to the beneficiaries of the missing workers. Hence we came up with the said Board Resolution," Banawis said.

The ECC also clarifies that the EC funeral benefits may also be granted notwithstanding the absence of burial ceremony to recompense the grief of the family of the missing person.

In addition, in lieu of death certificate, the administering agencies, Government Service Insurance System and Social Security System, may now require submission of certification from any concerned government institution showing that the concerned employee or uniformed personnel has been included in the list of missing persons due to a calamity or fatal event or has been missing for a period of four years.

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 ECC Bldg., 355 Sen. Gil J. Puyat Avenue, Makati City
 Tel Nos. 899-4251 to 52 local 227 and 228
 Fax No. 897-7597
 Website: <http://www.ecc.gov.ph>
 E-mail: ecc_mails@yahoo.com
 Like us on Facebook: www.facebook.com/ecc.official

Exec. Dir. Stella Zipagan-Banawis
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