



Republic of the Philippines
Department of Labor and Employment
EMPLOYEES' COMPENSATION COMMISSION

**FREQUENTLY ASKED QUESTIONS
ABOUT THE
EMPLOYEES' COMPENSATION PROGRAM**

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EMPLOYEES' COMPENSATION PROGRAM (ECP)

1. What is the Employees' Compensation Program (ECP)?

The Employees' Compensation Program is a government program designed to provide a compensation package to public and private employees and/or their dependents in the event of work-related sickness, injury or death.

EC COVERAGE

2. Who are covered under the Employees' Compensation Program?

Private sector workers who are compulsory members of the Social Security System (SSS), including sea-based Overseas Filipino Workers (OFWs), and "kasambahays".

Government sector employees who are compulsory members of the Government Service Insurance System (GSIS), including uniformed personnel of the Armed Forces of the Philippines (AFP), Philippine National Police (PNP), Bureau of Jail Management and Penology (BJMP), Bureau of Fire Protection (BFP), and Philippine Coast Guard.

3. When shall coverage of the employees under the Employees' Compensation Program start?

Employees are covered under the Employees' Compensation Program starting from the first day of their employment.

PREMIUM CONTRIBUTION

4. Who pays the EC contribution?

The employers shall pay for the EC contribution of his/her employees.

| Range of Compensation | Amount of Employer's Contribution per month |
|-----------------------|---|
| P 1,000 - P 14,749.99 | P 10.00 |
| P 14,750.00 and above | P 30.00 |

For the public sector-

P 100.00 (regardless of range of monthly compensation)

5. When does the obligation of the employer to remit EC monthly contributions for his employee begin and ends?

The obligation of the employer to remit EC contributions starts within the first ten (10) calendar days following the month when said contributions are due and applicable. Otherwise, the employer shall pay the prescribed penalty.

When a covered employee dies, becomes disabled or is separated from employment, his employer's obligation to pay the monthly contribution arising from that employment shall cease at the end of the month of contingency and during such months that he is not receiving wages or salary. (*Art. 189 [183], par. (d) P.D. No. 626 as re-numbered*)

6. What if the employer did not remit the SSS contributions of his workers and a work-related accident took place, involving the said employees, can they still claim EC benefits?

Yes, under Article 196 of Presidential Decree No. 626, as amended, the failure or refusal of the employer to pay or remit the EC contributions shall not prejudice the right of the employee or his dependents to the benefits under the ECP. If the contingency occurs before the System receives any report of the name of his employee, the employer shall be liable to the System for the lump sum equivalent to the benefits which such employee or his dependents may be entitled to.

COMPENSABLE CONTINGENCIES

7. What contingencies are compensable under the Employees' Compensation Program?

Any work-connected INJURY or SICKNESS, resulting to DISABILITY or DEATH of a covered employee is compensable under the ECP.

COMPENSABLE DISEASES

8. When is a sickness compensable under the Employees' Compensation Program?

A sickness is considered compensable if the same is included in the ECC's List of Occupational Diseases and the conditions for its compensability are met. If the conditions were not satisfied and/or the claimed ailment is not included in the list, proof must be shown that the risk of contracting the disease is increased by the working conditions. This is known as the increased-risk theory.

COMPENSABLE INJURIES

9. When is an injury compensable under the Employees' Compensation Program?

An injury is considered compensable when the same takes place within the period of employment, at a place where the employee may reasonably be in the performance of his duties, and while he is fulfilling those duties or engaged in doing something incidental thereto, or where he is engaged in the furtherance of the employer's business.

10. When is an accident considered to have "risen out of and in the course of employment"?

An accident may be considered to have risen out of and in the course of employment when it happened:

- at the workplace;
- while performing official functions;
- outside of the workplace, but performing an order/instruction of the employer;
- when going to or coming home from work;
- while ministering to personal comfort;
- while in a company shuttle bus; or
- during a company sponsored activity

EC BENEFITS

11. What are the benefits under the Employees' Compensation Program?

The benefits are the following:

A. Loss of income benefit or a cash benefit given to a worker to compensate for loss of income due to inability to work.

There are three types of loss of income benefits:

1. **Temporary Total Disability (TTD).** A total disability is temporary if as a result of the injury or sickness, the employee is unable to perform any gainful occupation for a continuous period not exceeding 120 days except where such injury or sickness still requires medical attendance beyond 120 days but not to exceed 240 days from onset of disability in which case benefit for temporary total disability shall be paid. (*Rule VII, Sec. 2 (a) in relation to Rule X, Sec. 2 (a) Amended Rules on Employees' Compensation*)

2. **Permanent Total Disability (PTD)** means an incapacity to perform gainful work which is expected to be permanent. This status does not require a condition of complete helplessness, but means disablement of an employee to earn wages in the same kind of work, or work of a similar nature that he/she was trained for or accustomed to perform, or any kind of work which a person of his/her mentality and attainment could do.

The following disabilities shall also be deemed total and permanent:

- a. Complete loss of sight of both eyes;
 - b. Loss of two limbs at or above the ankle or wrist;
 - c. Permanent complete paralysis of two limbs;
 - d. Brain injury resulting in incurable imbecility or insanity; and
 - e. Such cases as determined by the System and approved by the ECC.
-
3. **Permanent Partial Disability (PPD)** benefit is given to a worker who loses a body part and, consequently, the loss of the use of that body part.

B. Medical benefits - reimbursement of the cost of medicine for the illness or injury, payment to providers of medical care,

hospital care, surgical expenses and the costs of appliances and supplies. The medical services are limited to ward services during confinement;

C. Rehabilitation Services - provision of remedial treatment, vocational assessment and preparation which is designed to meet the individual needs of each handicapped employee to restore him to suitable employment and to help each person with work-related disability (PWRD) to develop his/her mental, vocational or social potential.

Rehabilitation services may be in the form of any of the following:

- a. Medical-surgical management;
- b. Hospitalization;
- c. Necessary appliances and supplies;
- d. Physical restoration;
- e. Psychosocial counseling;
- f. Psychiatric evaluation;
- g. Skills training;
- h. Entrepreneur training;
- i. Hearing impairment evaluation;
- j. Visual impairment evaluation; and
- k. Job referral.

D. Carer's allowance is provided to an employee who suffers from a permanent partial or permanent total disability as a result of a work-related contingency arising out of employment; and

E. Death benefits which include funeral and EC death pension granted to beneficiaries of an employee who died as a result of compensable sickness or injury.

BENEFICIARIES

12. In case an employee dies as a consequence of a work-related sickness or injury, who shall receive the income benefits?

The beneficiaries of the covered member.

13. Who are considered as qualified beneficiaries?

The beneficiaries shall be either primary or secondary, and determined at the time of employee's death.

A. PRIMARY BENEFICIARIES

The following beneficiaries are considered primary:

- The legitimate spouse living with the employee, or a legitimate spouse separated with the employee at the time of the employee's death until he/she remarries; and
- Legitimate, legitimated, legally adopted or acknowledged natural children, who are unmarried, not gainfully employed, not over 21 years of age, or over 21 years of age provided that he/she is incapacitated and incapable of self-support due to physical or mental defect which is congenital or acquired during minority.

B. SECONDARY BENEFICIARIES

The following beneficiaries are considered secondary:

- The legitimate parents wholly dependent upon the employee for regular support;
- The legitimate descendants and illegitimate children who are unmarried, not gainfully employed, not over 21 years of age, or over 21 years of age provided he/she is incapacitated

and incapable of self-support due to physical or mental defect which is congenital or acquired during minority.

Primary beneficiaries shall have priority claim to death benefits over secondary beneficiaries. Whenever there are primary beneficiaries, no death benefit shall be paid to his/her secondary beneficiaries.

FILING OF EC CLAIMS

14. Who may file the claim?

The employee or any member of his/her family can file for the EC benefits claim with the GSIS/SSS. The employer may assist the employee or his/her family in filing the claim.

15. Can an employer claim for EC medical reimbursement?

The employer may claim for EC medical reimbursement in case he/she paid for the medical or hospitalization expenses of the employee with work-related sickness or injury.

16. When shall EC claims be filed?

EC claims must be filed within a period of three years.

- In case of sickness- from the last confinement, in case of multiple confinements due to the same illness, or from the last time the employee was unable to report for work due to illness, whichever is applicable;
- In case of injury, from the time of the incident;
- In case of death, from the date of death.

17. When does the three year prescriptive period in the filing of EC claim stop?

Under EC Board Resolution No. 10-03-45 (Mar. 17, 2010), when a claimant filed a claim for disability or death benefits before the SSS or the GSIS, either under the SSS law or the GSIS law, the claim for EC benefits for the same incident should be considered as filed.

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.

18. Should the sick leave credits be consumed first before filing the EC claims?

No, there is no need to consume sick leave or other similar benefits before EC temporary or permanent disability can be filed. Considering that compulsory coverage of the employees starts on the first day of employment, EC claim may be filed regardless of the presence or absence of the sick-leave credits.

19. Where are EC claims filed?

Claim for EC benefit may be filed at the SSS for private sector employees, and at the GSIS for government employees and uniformed personnel. It is recommended that the claim should be filed at any GSIS or SSS branch nearest to the place of work or residence of the covered employee.

20. What is the first step before an employee could file an EC claim?

The employee should notify his/her employer of his/her sickness or injury within five days from the occurrence of the contingency. Notice to the employer is not necessary if the contingency occurred during working hours, at the place of work and with the knowledge of the employer or his/her representative.

21. How does one file an EC claim?

Proceed to the nearest SSS and GSIS branch to file for the EC benefits claims. Fill out the prescribed forms and prepare supporting documents for your benefits claim. The list of the documentary requirements are posted in the SSS (www.sss.gov.ph), GSIS (www.gsis.gov.ph) and ECC (www.ecc.gov.ph) websites.

REFUSAL OF EMPLOYER TO ISSUE CERTIFICATE OF EMPLOYMENT

22. What if the employer refuses to issue certificate of employment as a documentary requirement in filing EC benefits claim?

ECC Board Resolution No. 00-03-0181 dated March 31, 2000 provides that other secondary evidence which signifies the existence of employer-employee relationship between the company and the covered employee may be accepted when the employer unjustly refuses to issue certificate of employment.

The employee may provide:

1. Employment contract;
2. Pay slips duly issued by the company's cashier or its representatives;

3. Previous certificate of employment duly signed by the employer or its representatives;
4. Other secondary evidence like notice of strike, quitclaims, waivers, memorandum issuance, office order, office circular duly issued by the company or its representatives which signifies the existence of employer-employee relationship between the company and the claimant or the covered employee;
5. Duly accomplished SSS sickness form signed by the employer or his representative filed with the System.

EC LOGBOOK

23. What is an EC logbook and what does it contain?

An EC logbook is used to chronologically record the sickness, injury or death of employees, indicating the names, dates, and places of contingency, nature of the contingency and absences. Every employer should maintain one.

Entries in the logbook shall be made within 5 days from notice or knowledge of the contingency. Within 5 days after entry in the logbook, the employer shall report to the System only those contingencies he deems to be work-connected.

24. What is the importance of EC logbook?

Considering that employers are no longer required to dispute the compensability of the EC claims, the obligation to maintain and to record sickness, injury or death among their employees is the most important participation of the employers to the reportorial requirements of PD No. 626, as amended.

In case of non-compliance and the incident has been declared as work-connected, the erring employer shall be held liable to 50% of the lump sum equivalent of the income benefit to which the employee may be found to be entitled. (*Article 211 (c) of PD No. 626, as re-numbered*)

25. On the other hand, what should the employer do upon the employee's submission of notice?

All entries in the employer's logbook shall be made by the employer or any of his/her authorized official after verification of the contingencies or the employee's absences for a period of a day or more. Upon request by the System, the employer shall furnish the necessary information about any contingency appearing in the logbook, citing the entry number, page number and date. Such logbook shall be made available for inspection to the duly authorized representative/s of the System.

26. What if the employer refuses to provide a copy of the EC logbook?

Under Board Resolution No. 14-12-44, dated Oct. 27, 2014, the SSS or GSIS shall grant workers, and/or their beneficiaries, with work-connected sickness, injury or death of whatever EC benefits to which they are entitled despite the absence of recording of the said incident in the logbook.

Mere absence of a logbook shall not result in the suspension of evaluation of the claim. In the event that a claim for disability or death has been declared as work-connected, the amount of claim shall be provided in full by the Systems which shall impose the penalty to the employer as provided under paragraph (c) of (*Art. 211 of P.D. No. 626, as re-numbered*).

MONTHLY PENSION

27. What is the duration of the monthly income benefit for Permanent Partial Disability (PPD) benefits?

| Complete and Permanent Loss of the Use of | No. of Months | Complete and Permanent Loss of the Use of | No. of Months |
|---|---------------|---|---------------|
| One thumb | 10 | One arm | 50 |
| One index finger | 8 | One foot | 31 |
| One middle finger | 6 | One leg | 46 |
| One ring finger | 5 | One ear | 10 |
| One little finger | 3 | Both ears | 20 |
| One big toe | 6 | Hearing of one ear | 25 |
| Any other toe | 3 | Hearing of both ears | 50 |
| One hand | 39 | Sight of one eye | 25 |

28. How is monthly EC pension computed? (EC-SSS)

EC monthly pension is equivalent to 115% of the SS monthly pension for the same sickness or injury that is work-related.

To compute the EC Monthly Pension (MP):

The SS MP shall be the highest of the following:

- $MP = 300 + (20\% \text{ AMSC}) + (2\% \text{ AMSC} \times \text{CYS})$ or the sum of: three hundred pesos and Twenty percent of the average monthly salary credit (AMSC) and two percent of the average monthly salary credit (AMSC) multiplied by credited years of service (CYS) in excess of 10 years
- Forty percent (40%) of the AMSC; or

- One Thousand Pesos for members with less than 10 CYS; P1,200 with at least 10 CYS and 2,400 with at least 20 CYS

Multiply the SS MP to 1.15 (1.15 X SS MP)

FUNERAL BENEFIT

29. How much is the funeral benefit under the ECP?

A funeral grant equivalent to twenty thousand pesos (Php 20,000)* shall be paid to help defray the cost of funeral expenses upon the death of a worker.

**(the approval of the increase of EC Funeral Benefits from P20,000 to 30,000 for public (ECC Board Resolution No. 16-07-28) and for private sectors (ECC Board Resolution No. 16-05-18) is being awaited from the Office of the President of the Republic of the Philippines)*

30. Does the GSIS allow the simultaneous grant of GSIS and EC funeral benefits?

Yes, under Board Resolution No. 165 dated Nov. 13, 2014 in relation to GSIS Policy and Procedural Guidelines No. 267-14, beneficiaries of a member who died due to work-related contingency while in active service shall be entitled to receive both EC and GSIS funeral benefits.

DOUBLE RECOVERY

31. Can an employee avail of simultaneous benefits under the Employees' Compensation Program and under another law for the same contingency?

It depends. For private sector employees, the payment of benefits under the Social Security Program does not bar the employee/beneficiaries from receiving benefits under the EC Program, provided that the disability or death is work-related.

For public sector employees, EC benefits are subject to the exclusiveness of benefits as provided under the GSIS law.

32. What is the meaning of the “exclusiveness of benefits” provision under the GSIS law in relation to P.D. No. 626, as amended?

According to Section 55 of R.A No. 8291 or the GSIS Law, whenever there are other laws that provide similar benefits for the same contingency covered by GSIS Law, the member who qualifies for the EC benefits shall have the option to choose which benefit between the GSIS and EC will be paid to him.

However, if the chosen benefit is less than the benefits provided by the GSIS, the GSIS will only pay for the difference between the benefit chosen as paid by the EC and the value of the GSIS benefit.

33. Can an employee separated from work still claim for EC benefits if the contingency happened during his/her previous employment?

Yes, if the claim was filed within three years from the time of the accident. Otherwise, the same may be barred by prescription (**Disability due to Injury**).

Yes, if the claimant can prove that his/her previous working conditions or nature of employment caused the development of

his/her illness. However, the EC claim must be filed with the System within three years from the time the cause of action accrued (**Disability due to Sickness**).

REMEDIES IF CLAIM IS DENIED

34. What if the claim for EC benefits was denied at the GSIS or the SSS branch?

The claimant may file a motion for reconsideration with the GSIS-Main Office, Pasay City or SSS Main Office, East Ave., Diliman, Quezon City, as the case may be. If still denied, he/she may appeal the System's decision to the Employees' Compensation Commission within 30 days from receipt of the System's decision.

35. What if the EC claim was granted by the GSIS or the SSS?

If granted by the GSIS, please refer to the GSIS website at www.gsis.gov.ph

If granted by the SSS, the EC benefit payments shall be remitted by the SSS to the member's designated bank under the Sickness and Maternity Benefits Payment thru-the Bank (SMB-PTB) Program.

For Persons with Work-related Disability (PWRD) separated from employment, the EC benefit will be paid directly by the SSS to the PWRD/claimant through his/her single savings/current/cash card/prepaid account in any accredited banks under the SMB-PTB.

For this purpose, the PWRD/claimant, whose approved benefit amount is more than P1,000 and whose address is within thirty (30) kilometers to the nearest SSS-accredited bank, he/she is required to open a single savings or current account, or to use his/her existing one with an SSS-accredited bank, to which the benefit payment will be remitted.

If the PWRD/claimant does not have an existing bank account, the SSS shall issue a Letter of Introduction (LOI) form that must be presented to the SSS-accredited bank chosen by the PWRD/claimant for the purpose of opening a single savings account or cash card account.

The PWRD/claimant shall then be notified by SSS via email or text of their benefit payment.

ECC QUICK RESPONSE PROGRAM

36. What is the ECC-QRP?

The Employees' Compensation Commission's Quick Response Program (QRP) provides immediate assistance to workers who suffer from work-connected contingencies, or to their families who have to deal with work accidents or sudden onset of occupational disease or death. This is in the form of psycho-social counselling and assistance in the filing of EC claim with the GSIS or the SSS.

37. What are the benefits and services provided by the ECC-QRP?

1. Psycho-social counselling and stress-debriefing to victims and their families to help them cope with the contingency;
2. Information on the Employees' Compensation Program (ECP); and

3. Assistance in the EC benefits claim application and preparation of EC benefits claim requirements.

38. What is the ECC's KaGabay Program?

The Employees' Compensation Commission's Katulong at Gabay sa Manggagawang may Kapansanan or KaGabay Program is a special economic assistance program for persons with work-related disability (PWRDs) who lost employment by reason of work-related sickness or injury.

39. What are the benefits and services under the KaGabay Program?

1. Physical restoration which refers to the provision of physical or occupational therapy services to PWRDs including prosthesis and assistive devices, subject to funding limitations.
2. Skills Training for re-employment so that the PWRDs can acquire new competencies, subject to the PWRDs potentials and residual functional capacity.
3. Entrepreneurship seminars to accredited training institutions to enable the PWRD to set up home-based business.

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ECC-REU XII

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Proteksyon sa manggagawang Filipino