



Republic of the Philippines
DEPARTMENT OF LABOR AND EMPLOYMENT
EMPLOYEES' COMPENSATION COMMISSION
4th & 5th Floors, ECC Bldg., 355 Sen. Gil J. Puyat Avenue, City of
Makati

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**EXCERPTS FROM THE MINUTES OF THE 7th REGULAR COMMISSION MEETING,
EMPLOYEES' COMPENSATION COMMISSION, SERIES OF 2010,
convened at the Board Room, 5th Floor, ECC Building,
355 Sen. Gil J. Puyat Avenue, Makati City
on Thursday, 2nd day of September 2010 at 12:00 Noon**

BOARD RESOLUTION NO. 10-09-116
Series of 2010
**AMENDING PARAGRAPH 2, PART II OF
EC BOARD RESOLUTION NO. 90-03-0022**

WHEREAS, Paragraph II, Part 2 of EC Board Resolution No. 90-03-0022, dated March 23, 1990, provides that:

"2. Upon the death of a pensioner, as mentioned in paragraph (b) of Article 194, eighty percent (80%) of the monthly income benefit and the dependent's pension shall be paid to the primary beneficiaries regardless of the cause of death;"

WHEREAS, in the case of *Belarmino vs. Employees' Compensation Commission*, (G.R. No. 90104, May 11, 1990), the Supreme Court held that:

"...the right to compensation extends to disability due to disease supervening upon and proximately and naturally resulting from a compensable injury. Where the primary injury is shown to have arisen in the course of employment, every natural consequence that flows from the injury likewise arises out of the employment, unless it is the result of an independent intervening cause attributable to claimant's own negligence or misconduct. Simply stated, all the medical consequences and sequels that flow from the primary injury are compensable."

WHEREAS, it has now become imperative for the Commission to amend the above-quoted Board Resolution to make it consistent with the cited Court ruling and policy behind compensability of ailments and cause of death;

WHEREAS, consultations on the matter were made with the Medical Evaluation and Underwriting Department of the GSIS and the Medical Operation Department of the SSS;

WHEREAS, Article 177 (d) of P.D. 626, as amended, empowers this Commission to approve rules and regulations governing the processing of EC claims;


ON MOTION DULY MADE AND SECONDED,


This Commission **RESOLVES AS IT HEREBY RESOLVES** that Paragraph 2, Part II of EC Board Resolution No. 90-03-0022 is hereby amended to read as follows:


"2. Upon the death of a pensioner, as mentioned in paragraph (b) of Article 194, eighty percent (80%) of the monthly income benefit and the dependent's pension shall be paid to the primary beneficiaries *in cases where the cause of death is a complication or natural consequence of his compensated Permanent Total Disability.*"

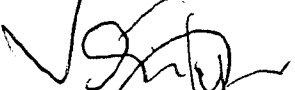
This Commission **RESOLVES, AS IT HEREBY RESOLVES FINALLY**, that copies of this Resolution be duly furnished the SSS and the GSIS for their information and proper guidance.


APPROVED in the City of Makati, this 2nd of September 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. **ENRIQUE T. ONA**
Member-Designate
Philippine Health Insurance Corporation


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


Hon. **ANICIA MARASIGAN - DE LIMA**
Member-Designate
Civil Service Commission