

EMPLOYEES' COMPENSATION COMMISSION

The Official Newsletter of the Employees' Compensation Commission

Volume No. 10 Issue No. I for 2012

ECC extends assistance to ODWs

Commission (ECC), an attached agency of the Department of Labor and Employment has provided arm prosthesis to Michael Orola, an occupationally-disabled worker (ODW), who sustained work-related injury resulting to the loss of his arms.

The ECC aims to help ODWs rebuild their lives though the Katulong at Gabay sa Manggagawang may Kapansanan (KaGabay) Program. This special economic assistance pro-

The Employees' Compensation gram has three components, to wit: physical restoration, which aims to restore the physical and functional capacity of the ODWs through physical and occupational therapy, skills training or reemployment, and, entrepreneurial training for small home-based business.

> Orola has worked as a lineman at the Batangas Electric Cooperative in Lipa City. performing his duties as such, he

met an accident which led to the amputation of his arms.

Due to such contingency, Orola was granted a total of P74,757.93 income benefits and medical reimbursement and a monthly pension of P3,460.53 under the EC Program.

In preparation for the placement of his artificial arm, the ECC also provided for Orola's three sessions of physical therapy at the Philippine General Hospital (PGH) and electromyography-nerve conduction velocity test, a requirement preparatory to being fitted with artificial arm.

On February 29, 2012, Orola gave a courtesy call to ECC Executive Director Stella Zipagan-Banawis with his newly fitted artificial arm worth P90,000.00.

With the assistance given to him by the ECC, Orola remains optimistic and still dreams to have a productive life. Considering that his family has a sari-sari store, he also expressed his desire to takeup Entrepreneurial Training on laundry/dishwashing/detergent & fabric conditioner. In addition, he also wants to avail of the opportunity to be trained on hog and goat raising. These trainings will to Orola under the be given ECC-KaGabay Program. Orola will also be provided with starter kit to help him on his laundry and hog raising business.



OIC-Executive Director Stella Z. Banawis (middle) and some ECC staff listen to Michael Orola (left), who was granted arm prosthesis under the ECC-KaGabay Program.

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DOLE directs ECC, OSHC and BWC to conduct safety audit

Labor Secretary Rosalinda Dimapilis-Baldoz recently ordered the Employees' Compensation Commission(ECC), the Occupational Safety and Health Center (OSHC) and the Bureau of Working Conditions (BWC) to conduct a safety audit of on-going construction projects in the National Capital Region, Region 3, Region 4-A, Region 7, and Region 11 in line with the DOLE's (Department of Labor and Employment) thrusts to assist construction companies to comply with

the requirements of Department Order No. 13, otherwise known as the Guidelines Governing Occupational Safety and Health in the Construction Industry and the Occupational Safety and Health Standards.

Task Force Safety Patrol is authorized to coordinate directly with the principal contractors of the ongoing construction projects in the identified regions. The Safety Patrol team (SPT) is composed of at least four members from the OSHC,

BWC, ECC, OSHNetwork members, selected accredited safety practitioners and workers group representatives.

The SPT was directed to meet with the project manager and the safety and health committee to discuss the objectives, procedures and findings of the audit.

The DOLE Regional Offices assist the team by providing them with the list of on-going projects in their regions. The team prioritizes construction sites that have not been inspected by the Regional Office and those that are considered in the critical phases such as excavation, building of high-rise superstructures, use of equipment such as cranes, including demolition of structures.

The conduct of the SPT is spearheaded by the OSHC and is simultaneously conducted in the five re-

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workplace, or at a place where his work requires him to be;

- The employee was executing an order from the employer regardless of the time and place of the incident, or in the performance of his official functions; or
- The employee was "going to or coming from" his workplace, subject to the existing guidelines of the same.

RESOLVES FURTHER, that copies of this Resolution be duly furnished to the concerned agencies for information and appropriate action.

APPROVED in the City of Makati, this 9th day of March 2012.

ECC opens desk offices in the regions

The Employees' Compensation Commission (ECC), an attached agency of the Department of Labor and Employment (DOLE), recently strengthened its presence in the regions by opening desks offices in Cordillera Administrative Region, Region 7, 9, and Region 12 in line with the directive of Labor Secretary Rosalinda Dimapilis-Baldoz to bring the ECC services closer to the regions.

The desk offices of the ECC are housed at the DOLE regional offices in Baguio City for the CAR, in Cebu City for Region 7, Zamboanga City for Region 9 and DOLE Regional Office in General Santos City for Region 12.

The ECC desk officers have been directed to conduct an

awareness drive on the EC Program, assists Claimants pertaining to the documents necessary in filing an EC claim at the Social Security System and the Government Service Insurance System, develop a database of and implement the ECC's Katulong at Gabay sa Manggagawang may Kapansanan or Ka-Gabay Program. The KaGabay Program offers physical restoration, skills training for re- employment and entrepreneurship training to ODWs.

In June 2011, the ECC opened its first regional extension unit in Cagayan de Oro City.

Aside from the four regional desks offices, the ECC plans to open desks offices this year in other DOLE regional offices nationwide.

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EC appealed cases decided by the ECC

The Employees' Compensation Commission (ECC) reviews, on appeal by the claimants, Employees' Compensation claims denied by the Social Security System (SSS) and the Government Service Insurance System (GSIS). Claimants are given 30 days from receipt of notice of denial of the claim to appeal the Systems' decision.

ECC decisions may be appealed to the Court of Appeals within 15 days from notice thereof. Any decision, order or resolution of the Commission shall become final and executory if no appeal is taken within 15 days from notice thereof.

| SSS | January 17, 2012 | BAAY, Carlito L. | ECC Case No. SM-18917-0217-12 |
|--|---|--|---|
| AÑASCO, Ofelia | ECC Case No. SM-18867-1201-11 | BESMONTE, Bella G. | ECC Case No. SM-18895-0126-12 |
| BAÑEZ, Anita N. | ECC Case No. SL-18861-1125-11 | BORJA, Eduardo P. | ECC Case No. SM-18909-0209-12 |
| CASUGA, Darwin F. | ECC Case No. SM-18872-0711-11 | CENTENO, Melinette C. | ECC Case No. SM-18910-0209-12 |
| DAVID, Teresita T. | ECC Case No. SM-18868-1201-11 | Del Castillo, Fernando V. | ECC Case No. SM-18864-1201-11 |
| DIZON, Rolando Q. | ECC Case No. SM-18869-1201-11 | DELA CASTILLO, Teodoro C. | ECC Case No. SM-18906-0207-12 |
| DOMINGO, Rose Darlyn M. | ECC Case No. SM-18872-1201-11 | ESTARES, Cesar C. | ECC Case No. SM-18915-0217-12 |
| ECITA, Laura Y. | ECC Case No. SM-18857-1125-11 | GAVINO, Alfredo B. Jr. | ECC Case No. SM-18896-0126-12 |
| GARGARITANO, Connie B. | ECC Case No. SL-18862-1125-11 | HOYUMPA, Salvador D. | ECC Case No. SM-18911-0209-12 |
| MENDOZA, Villarina R. | ECC Case No. SM-18860-1125-11 | JUAN, Tirso S. | ECC Case No. SM-18912-0209-12 |
| MORALES, Naneth C. (RNS Electronic Ent.) | ECC Case No. SL-18866-1201-11 | JUNGCO, Conrado P. Sr. | ECC Case No. SM-18919-0217-12 |
| NAZARRO, Angelita T. | ECC Case No. SL-18863-1125-11 | LOBIANO, Analisa L. | ECC Case No. SM-18889-0110-12 |
| ODEVILLAS, Victor H. Jr. | ECC Case No. SM-18870-1201-11 | PARROCHA, Vilma D. | ECC Case No. SM-18914-0209-12 |
| RAVAGO, Prospero M. | ECC Case No. SM-18854-1114-11 | ROCES, Lucita J. | ECC Case No. SM-18892-0126-12 |
| SANTIAGO, Raymund D.C. | ECC Case No. SM-18858-1125-11 | SANCHEZ, Danilo S. | ECC Case No. SM-18891-0126-12 |
| SARABIA, Dorenda O. | ECC Case No. SM-18834-0919-11 | SEPRIA, Porfereito B. | ECC Case No. SM-18893-0126-12 |
| TACLINDO, Rizalina F. | ECC Case No. SM-18871-1201-11 | TESARA, Teresita G. | ECC Case No. SM-18900-0126-12 |
| TAYTAY, Felipina V. | ECC Case No. SM-18874-1201-11 | TOLENTINO, Estelita R. | ECC Case No. SM-18918-0217-12 |
| | March 2012 | ZAMORA, Roschelle G. | ECC Case No. SM-18901-0126-12 |
| ALFONSO, Virgilio L. | ECC Case No. SM-18884-0110-12 | | |
| ALI ONOO, VIIGIIIO L. | | | |
| · | | GSIS | January 2012 |
| BIBAOCO, Pedro L. | ECC Case No. SM-18883-0110-12 | GSIS | January 2012 |
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cuting orders of employer, regardless of the time and place of the incident

C. Motive is important in cases where the covered employee was on vacation, leave, offduty, or was at home when the incident happened. Disclosure of the motive is an aid in determining causal connection between the incident and the employment. WHEREAS, in order to elaborate clearer guidelines and prevent further delay in resolving meritorious claims at the level of the Systems, the Secretariat proposes the promulgation of a policy on the compensability of death of an employee due to assault in accordance with the rulings of the Highest Court;

WHEREAS, Article 177 (c) 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 IS HEREBY RESOLVED**, to declare the compensability of death of an employee due to assault notwithstanding the fact the motive is personal in nature if the same occurred in any of the following situations, in addition to those provided under Item II of Circular No. 03-709 dated 22 July 2009:

 The employee was at his assigned/designated

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ECC joins the World Day for Safety and Health at Work in Zamboanga City

The Employees' Compensation Commission regional Extension Unit 9 (ECC-REU9) recently joined the Department of Labor and Employment 9, the Occupational Safety and Heath Network-9 (OSHNET9) and other government agencies in the celebration of the "2012 World Day for Safety and Health at Work" in Zamboanga City.

The event aims to promote national awareness and appreciation on the importance of occupational safety and health. It also endeavors to elicit cooperation and support of the workers, employers, professional groups, as well as the public in general in upgrading the quality of life in the workplace.

The celebration was highlighted by mangrove planting at Sta. Cruz Island, Sta. Barbara, Zamboanga City. The attendees were assisted by the Philippine navy. The City Environment and Natural Resources Office representative oriented the participants on the proper way of planting the mangroves.

The group planted a total of 200 propagules (mangroves), each of which is expected to house approximately one ton of fish after three years. These will also serve as a natural defense mechanism against possible tsunami waves and natural calamities.

A covenant signing concluded the celebration wherein the signatories committed to promote a greener mother earth and safer coastal area for the City of Zamboanga.



ECC-REU 9 Information Officer Cerna I. Ahmad plants propagule (mangrove) and signs the covenant in manifestation of her support to promote a greener mother earth.

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New ECC board resolutions

The ECC has issued two policies: "Declaring the Compensability of Injuries and its Resulting Disability or Death Sustained by Stay-in Local Employees within the Quarters Furnished by the Employers "and "Declaring the Compensability of Death of an Employee Due to Assault when the same occurred in the Course of Performance of official Functions notwithstanding the Fact that the Motive is Personal in Nature."

Board Resolution No. 12-01-02
Declaring the Compensability of
Injuries and its Resulting Disability or Death Sustained by Stay-in
Local Employees within the Quarters Furnished by the Employers

WHEREAS, the 1987 Constitution mandates that full protection shall be afforded to labor;

WHEREAS, the Supreme Court in the case of *Uy vs. Workmen's* Compensation Commission (GR No. L-43389, April 28, 1980) adopted the so-called "Bunkhouse Rule" and held that:

"x x x where the employee is required to stay in the premises or in quarters furnished by the employer, injuries sustained therein are in the course of employment regardless of the time the same occurred."

WHEREAS, P.D. No. 626, as amended, being a social legislation, should be given liberal construction to fully carry into effect its aim to promptly provide income benefits to workers and/or their beneficiaries in the event of work-

connected disability or death;

WHEREAS, in accordance with the Constitution and with the ruling of the Highest Court, this Commission finds the need to provide additional protection to local employees who are required to stay in the quarters furnished by their employers;

WHEREAS, Article 177 (c) empowers this Commission to approve rules and regulations governing the processing of Employees' Compensation (EC) claims;

ON MOTION DULY MADE AND SECONDED,

This Commission **RESOLVE AS IT IS HEREBY RESOLVED**, to declare the compensability of injuries, and its resulting disability or death, sustained by stay-in local employees in their quarters regardless of the time of its occurrence except when the disability or death was occasioned by the employee's intoxication, willful intention to injure or kill himself or another, or notorious negligence as provided under Article 172 of P.D. No. 626, as amended;

RESOLVES FURTHER, that copies of this Resolution be duly furnished the SSS and the GSIS for its compliance and proper guidance.

APPROVED in the City of Makati, this 17th day of January 2012.

Board Resolution No. 12-03-08
Declaring the Compensability of
Death of an Employee Due to Assault when the same occurred in
the course of performance of official functions notwithstanding the
fact that the motive is personal in
nature.

WHEREAS, in the cases of *Enao* vs. *ECC* (G.R. No. L-46046, April 15, 1985), *Lentejas* vs. *ECC* (G.R. No. 89168, May 14, 1991) and in the case of *GSIS* v. *Mecayer* (G.R. No. 156182, April 13, 2007), the Supreme Court held, in substance, that the death of an employee as a result or a murderous assault upon his/her by an enemy is still compensable when the same occurred in the course of the performance of official functions;

WHEREAS, in those cases, the Supreme Court ruled that criminal intent should not be regarded as a supervening cause that will nullify the compensability of the death of an employee, who was attacked and killed at the place where his work required him to be, and while in the course performing his official duties;

WHEREAS, on 22 July 2009, this Commission issued Circular No. 03-709, Guidelines in the Evaluation of Legal Claims included Death of an Employee due to Assault under Item II thereof, which provides:

- A. The death of an employee as a result of a murderous assault is compensable when the same occurred of performance of official functions.
- B. Motive of assault need not be established if the covered employee sustained injury while:
 - the employee was at the assigned/designated workplaces; or
 - 2. the employee was exe-

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ECC and DA collaborates in helping an ODW

The Employees' Compensation her female pigs give birth. Commission (ECC), together with the Department of Agriculture (DA), joined hands in helping an occupationally-disabled worker (ODW) starts a piggery business.

Laura Medina was a sponger and glazer worker of a ceramic manufacturing company in Caloocan City for five years. Her job exposed her to silica sand, aluminium oxide and other ceramic raw materials. As a consequence, she was diagnosed to have pulmonary tuberculosis (PTB). Due to her illness, she was forced to resign from her work. Medina filed an EC claim at the Social Security System (SSS) where she was awarded an EC partial disability benefits amounting to P65,425.00.

Aside from the disability benefits given to deserving ODWs, the Employees' Compensation Program also includes the ECC-KaGabay Program. This program facilitates ODWs re-integration into the economic mainstream through vocational skills training and placement assistance or through entrepreneurial training and assistance in the setting-up a micro-enterprise or home-based business.

Medina in her case, was interested in hog raising. This prompted the ECC to coordinate with the Department of Agriculture. A favourable response was given, when the Bureau of Animal Industry gave her free training on goat, swine, poultry training and animal product processing. She was also given two female pigs by the Bureau with the condition that she will give back four piglets when

In addition to that, the ECC- Ka-Gabay program granted Medina, meal and transportation allowance during her training and provided her livestock feeds amounting to P8,248.50 as part of her starter

On February 28, 2012, Medina informed the ECC that her sow delivered nine piglets.

With their piggery business, Medina and her husband envision a brighter future for their family.

The ECC collaborates with other government agencies to effectively promote the welfare of ODWs. It also provides physical and occupational therapy to ODWs so that they can again be productive members of our society. For more information on the EC Program, please call 899-42-51 or 52, local 227 or 228.

others, that the advocacy program was in fulfillment of the ECC's mission to ensure that workers are informed of their right and privileges under the Employees' Compensation Program (ECP).

More than 130 participants attended the advocacy program comprising of HR Manager, supervisors, administrative offices, safety officers, accountants, finance officers of various companies.

The media interviewed the ECC Team on various issues concerning the implementation of the ECP.

The ECC Team was composed of Ms. Maulion, Dr. Concepcion, Ms. Borres, Jonathan G. Cuneta, Edward M. Razon and ECC COA Auditor Rahula F. Cueno.

ECC and **DOLE** Region 5 conduct advocacy seminar in Legazpi City

The 2nd leg of the Employees' Compensation Commission regional awareness seminar was held on May 24, 2012, at the Hotel St. Ellis, Legazpi City. This was in coordination with DOLE Region 5. The one-day seminar aims to promote regional awareness among workers on the various programs of the ECC like Work Contingency Prevention, Employees' Compensation Program and the KaGabay Program.

Upon arrival, the team immediately proceeded to Radio Veritas with DOLE Region 5 public information officer Raymond Escalante who is also an anchor of Aksyon DOLE sa Veritas, which was simultaneously aired on DWBS-AM Channel 8.

The one-hour program received quite a number of text and phone queries from listeners because Mr. Escalante announced the ECC team representative's availability to tackle questions on the EC program n the specified date. Ma. Cecilia E. Maulion, ECC Chief of Information and Public Assistance Division (IPAD), Dr. Ma. Sarah Antonia I. Concepcion and Alicia S. Borres, were interviewed.

The one-day seminar started with the welcome remarks of DOLE-Region 5 Assistant Regional Director Exequiel Ronie A. Guzman followed by the opening remarks of Ms. Maulion. She emphasized, among Volume 10, Issue No. 1 Page 7

ECC joins Labor Day Celebration



The Employees' Compensation Commission (ECC) staff entertains claimants during the 2012 Labor Day Job and Livelihood Fairs on 1 May 2012 at the World Trade Center in Pasay City (left photo), Baguio Convention Center in Baguio City (middle photo) and at Gaisano Grand Mall in Kornadal City (right photo).

ECC employees undergo Team Building Seminar-Workshop

on-going program of the Employ- Tana Jr., Traverse Course Director ees' Compensation Commission of Batis Aramin Resort and Hotel. which aims to strengthen the spirit The employees were able to test of teamwork among the employees. their ability and endurance on out-This year, the ECC conducted its door activities like rappelling, wall two-day team building seminar climbing and zipline. workshop at Batis Aramin Resort and Hotel in Lucban, Quezon on ployees gain new insights about 12-13 April 2012.

door experiential and educational

The team building activity is an program headed by Johnny A.

Through the said activities, emteamwork through fun-filled activi-The workshop focused on out- ties, training and team interaction.





(Left photo) ECC staff listens to Mr. Johnny A. Tanan Jr., Traverse Course Director of Batis Aramin Resort and Hotel, as he discuss the safety procedures in rappelling, wall climbing and zipline. (Right photo) Jeffrey Fortaleza tries to place a piece of brick on top of the tower during the team building exercises in Lucban, Quezon on 12 April 2012.

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ECC gives job to dependents of ODWs

Commission (ECC), an attached agency of the Department of Labor and Employment (DOLE), has recently provided employment to fourteen dependents of occupaployment of Students (SPES).

fully help the primary beneficiaries has been working with the Trece

The Employees' Compensation of the Employees' Compensation Program. A person can be classified as an ODW when his illness or injury was considered work-related under the EC Program.

Out of the fourteen dependents tionally-disabled workers (ODWs) of the ODWs, three has been asunder the Special Program for Em- signed as the DOLE-Calamba, another three has been assigned with The ECC gave special attention the Occupational Safety and to the dependents of the ODWs to Health Center, one student grantee Martires Provicial Office of the DOLE Regional Office IV-A, one has been with the Office of the Vice Mayor of Angat, Bulacan and six with the ECC.

Labor Secretary Rosalinda Dimapilis-Baldoz directed the ECC to double or even triple the number of SPES grantees in CY 2013 after being informed by ECC Executive Director Stella Z. Banawis that the ECC Secretariat is strengthening its efforts to provide more benefits to ODWs.

"I would like to commend the act of the ECC in hiring the dependents of our ODWs as it will turn them into productive citizens and eventually learn the value of hard work," Baldoz added.

The hired ODW dependents between the ages 15 to 24 reported for work on April 16, 2012 and will receive the prevailing minimum wage.

The SPES aims to develop the intellectual capacities of children of poor families and harness their potentials for the country's well being. It specially helps poor but deserving students pursue their education by providing income or augment their income through encouraging their employment during summer and Christmas vacations.



Emelbert Tayoba, SPES grantee assigned at the ECC-Information and Public Assistance Division, sorts out documents for 5S + 2S purposes.

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The views expressed herein are those of the writers and/or their sources and do not necessarily reflect those of the ECC management, the DOLE or the Philippine Government.

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