



Republic of the Philippines
DEPARTMENT OF LABOR AND EMPLOYMENT
EMPLOYEES' COMPENSATION COMMISSION
ECC Building, 355 Sen. Gil J. Puyat Avenue, City of Makati

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**EXCERPTS FROM THE MINUTES OF
THE SECOND (2nd) REGULAR COMMISSION MEETING,
EMPLOYEES' COMPENSATION COMMISSION, SERIES OF 2012,
Convened at the Board Room, 5th Floor, ECC Bldg., Sen. Gil Puyat Ave., Makati City
Friday, 09 March 2012 at 12:00 NN**

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 the 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 vs. Mecayer* (G.R. No. 156182, April 13, 2007), the Supreme Court held, in substance, that the death of an employee as a result of a murderous assault upon him/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 of 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 in the course of performance of official functions.*
- B. *Motive of assault need not be established if the covered employee sustained injury while:*
 1. *the employee was at the assigned/designated workplaces; or*
 2. *the employee was executing 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, off-duty, 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;

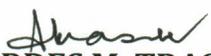
ON MOTION DULY MADE AND SECONDED,

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:

1. The employee was at his assigned/designated workplace, or at a place where his work requires him to be;
2. 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
3. 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 09th day of March 2012.


LOURDES M. TRASMONTE
Chairperson-Designate
Department of Labor and Employment

Judy A. See
JUDY FRANCES A. SEE
Member-Designate
Social Security System

(absent)
DIONISIO C. EBDANE, JR.
Member-Designate
Government Service Insurance System

Vladimir R. Tupaz
VLADIMIR R. TUPAZ
Member
Employees' Sector

Miguel B. Varela
MIGUEL B. VARELA
Member
Employers' Sector

(absent)
ALEXANDER A. PADILLA
Member-Designate
Philippine Health Insurance Corporation

Francisco T. Duque III
FRANCISCO T. DUQUE III
Member
Civil Service Commission

Stella Zipagan-Banawis
STELLA ZIPAGAN-BANAWIS
Member
Employees' Compensation Commission - Secretariat