



Republic of the Philippines
DEPARTMENT OF LABOR AND EMPLOYMENT
EMPLOYEES' COMPENSATION COMMISSION
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**EXCERPTS FROM THE MINUTES OF
THE FIFTH (5th) JOINT REGULAR COMMISSION MEETING,
EMPLOYEES' COMPENSATION COMMISSION, SERIES OF 2014,**
*Convened at the Multi-Purpose Hall, 4th Floor, ECC Bldg., Sen. Gil Puyat Ave., Makati City
Monday, 28 July 2014 at 12:00 NN*

BOARD RESOLUTION NO. 14-07-20

Guidelines on the Grant of EC Benefits Due to Calamity or Fatal Event Amending for this Purpose Paragraph 5 of Board Resolution No. 93-08-0068

WHEREAS, Article 194 (a) of P.D. No. 626, as amended, partly provides:

*"Article 194. Death. (a) Under such regulations as the Commission may approve, the System shall pay to the primary beneficiaries **upon the death of the covered employee** under this Title an amount equivalent to his monthly income benefit, plus ten percent thereof for each dependent child, but not exceeding five, beginning with the youngest and without substitution..." (emphasis supplied)*

WHEREAS, calamities or fatal events involve missing persons who were in the performance of their duties;

WHEREAS, this Commission finds the need to adopt a policy that would facilitate the grant of EC death with funeral benefits to the beneficiaries of the said missing persons;

WHEREAS, Item No. 5 (5.1) of Board Resolution No.93-08-0068, dated Sept. 12, 1996, provides the following rules on the processing and adjudication of EC claim for death benefits in case the death of a covered member is presumed:

xxx

“5. PRESUMPTIVE DEATH:

5.1. If one is declared presumptively dead after he had been reported missing for sometime, 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 payment of death benefits shall start from the latter date;”

WHEREAS, this Commission finds the need to further clarify the resolution on presumptive death to prevent any confusion in the evaluation of EC claims concerning the same;

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

NOW THEREFORE, ON MOTION DULY MADE AND SECONDED

This Commission **RESOLVES AT IT HEREBY RESOLVED**, to amend paragraph 5 of Board Resolution No.93-08-0068, dated September 12, 1996, which provides:

“5. Presumptive Death

5.1. “If one is declared presumptively dead after he had been reported missing for sometime, 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, payment of death benefits shall start from the latter date; and

5.2. “In spite of the fact that the body of a missing person had not been recovered, and that no burial activities had been undertaken, the beneficiaries shall still be entitled to funeral benefits, as provided for under the law; “

The said paragraph shall now read as follows:

5. “Guidelines on the Grant of EC benefits for the Beneficiaries of Missing Persons while in the Performance of Duty during Calamity or Fatal Events

5.1. **Coverage.**“These guidelines shall apply to all covered workers or employees’ and uniformed personnel who had



been reported missing while they were in the performance of their duties during calamities or fatal events such as, but not limited to, police or military operation, earthquake, typhoon, and volcanic eruption.

5.2. Period of Filing. "The beneficiaries may file their claims for EC death with funeral benefits within the three year-prescriptive period from the time the missing person has been presumed dead after the lapse of four years from the occurrence of the incident.

In lieu of Death Certificate, the Systems may require the 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 and/or has been missing for a period of four years.

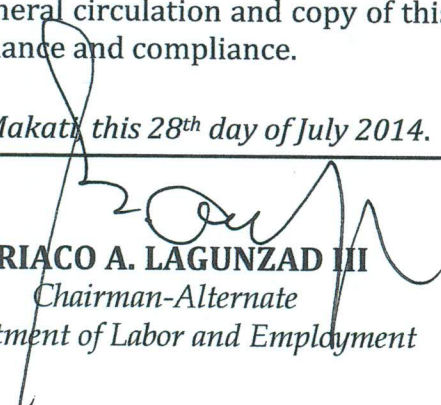
5.3"Grant of EC funeral benefits.EC funeral benefits shall be provided to the qualified beneficiaries despite the absence of burial ceremony.

5.4. "Non-Refund of EC benefits. "If the missing employee appears or without appearing his/her existence is proved, the EC death with funeral benefits which have been previously provided shall no longer be returned by the concerned beneficiaries to the Systems."

RESOLVED FURTHER, that all previous Rules or Resolutions inconsistent with these guidelines are hereby repealed or modified accordingly

RESOLVED FINALLY, that this Resolution shall take effect fifteen (15) days after its publication in a newspaper of general circulation and copy of this Resolution be furnished to the GSIS and to the SSS for guidance and compliance.

APPROVED in the City of Makati, this 28th day of July 2014.


CIRIACO A. LAGUNZAD III
Chairman-Alternate
Department of Labor and Employment

Agnes E. San Jose a more detailed guidelines need to be issued
AGNES E. SAN JOSE
Member-Designate
Social Security System


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


CARLITO P. ROBLE
Member
Employees' Sector

MIGUEL B. VARELA
Member
Employers' Sector

ALEXANDER A. PADILLA
Member-Designate
Philippine Health Insurance Corporation

ROBERT S. MARTINEZ
Member-Designate
Civil Service Commission


STELLA ZIPAGAN-BANAWIS
Member
Employees' Compensation Commission - Secretariat