



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

Tel. No. 899-4251 • Fax. No. 897-7597 • E-mail: ecc_mails@yahoo • Website: <http://www.ecc.gov.ph>

GUIDELINES IN THE EVALUATION OF LEGAL CLAIMS

CIRCULAR No. 03-709

TO: ALL SSS BRANCH MANAGERS AND GSIS REGIONAL OFFICE AREA MANAGERS

Pursuant to the various existing resolutions and previous decisions of this Commission, the following guidelines are hereby issued for purposes of uniformity in the evaluation of legal claims:

I. Work-connected injuries. – The injury and the resulting disability or death sustained by reason of employment are compensable regardless of the place where the incident occurred, if it can be proven that at the time of the contingency, the employee was acting within the purview of the employment and performing an act reasonably necessary or incidental thereto. Injuries or death resulting from any of the following shall also be compensable:

a. While on special errand. An injury sustained by an employee outside the company premises, if it is covered by an office order or a locator slip or a pass for official business, is compensable. The injury is likewise compensable where the employee was performing official functions outside regular working hours and beyond the place of work (*Alleda vs. GSIS, LG-11512-500, June 24, 2004; Plandres vs. SSS, SL-16236-0524-04, July 29, 2004; Lupas vs. GSIS, GL-17100-1208-05, January 26, 2006; Magallanes vs. GSIS, GL-17285-0420-06, Oct. 23, 2006; Basa vs. GSIS, GL-17724-0426-07, July 19, 2007; Valeroso vs. GSIS, GL-14551-1002, April 23, 2008; Gravador vs. GSIS, LG-14526-1002, April 23, 2008; Directo vs. GSIS, LG-12258-401, April 23, 2008*);

b. While going to or coming from the place of work. An injury or death of a covered employee in an accident while going to, or coming from the workplace must have been a continuing act and had not been diverted by any other unusual activity, and/or the employee had not departed from the usual route to, or from, the work-place (*ECC Board Resolution No. 3914-A, July 5, 1988*)

c. While ministering to personal comfort. Acts performed by an employee within the time and space limits of the employment to minister to personal comfort, such as satisfaction of thirst, hunger or other physical demands or to protect oneself from excessive cold or heat, shall be deemed incidental to the employment and injuries suffered in the performance of such acts shall be considered compensable and arising out of and in the course of employment;

(EC Board Resolution No. 93-08-0068, August 5, 1993; Melchor T. Pilapil, vs. SSS, ECC Case No. SL-16571-0920-04, Dec. 10, 2004; Abelardo Dellomos vs. SSS, ECC Case No. SL-17938-0927-07, Dec. 17, 2007)

d. Bunkhouse Rule. 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. *(Noida B. Abuel, ECC Case No. SL-16974-0815-05, April 4, 2008, citing Uy vs. WCC [97 SCRA 255])*

II. Death of an Employee due to Assault* –

- 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 work-places; 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 the causal connection between the incident and the employment.

* *(Carolina F. Montero vs. GSIS, ECC Case No. GL-17212-027-06, Aug. 31, 2006; Manuel H. Jentalan vs. SSS, ECC Case No. SL-17516-1030-06, Dec. 14, 2006 citing Enao vs. ECC, G.R. No. L-46046, April 15, 1985; De la Rea vs. ECC, G.R. No. L-66129, Jan. 17, 1986; Lentejas vs. ECC, G.R. No. 89168, May 14, 1991; Tancinco vs. GSIS, G.R. No. 132916, Nov. 16, 2001)*

III. Limitation of liability.* No compensation shall be allowed to the employee or the dependents in cases when the sickness, injury, disability or death was occasioned by any of the following:

- a. Intoxication. – this refers to an employee's condition of being under the influence of liquor or prohibited drugs to the extent that the acts, words or conduct are visibly impaired, as to prevent the employee from physically and mentally engaging in the duties of employment;
- b. Willful intent to injure or kill oneself or another. This contemplates a deliberate intent on the part of the employee to inflict injuries on himself or another;

- c. Notorious negligence. This refers to something more than mere or simple negligence. It signifies a deliberate act of the employee to disregard the safety measures or ignore established warning or precaution.

**ECC Board Resolution No. 93-08-0068, No.7, paragraphs 7. 1-7.3, August 5, 1993*

IV. Reckoning Date of the Three-Year Prescriptive Period.

a. In the case of sickness, from the time the covered employee lost the earning capacity and not when the illness first became manifest (*Gojo vs. SSS, SL-16814-0210-05, June 10, 2005, citing ECC vs. Sanico, G.R. No. 134028, Dec. 17, 1999*);

b. In the case of injury, from the time it was sustained;
(*ECC Board Resolution No. 93-08-0068, August 5, 1993*)

c. In the case of death, from the time of death of the covered employee;
(*ECC Board Resolution No. 93-08-0068, August 5, 1993*)

Provided, however, that in cases where a covered employee is declared presumptively dead, the three-year limitation for filing the claim shall be counted from the date the missing person was officially declared to be presumptively dead.

(*ECC Board Resolution No. 93-08-0068, August 5, 1993*)

V. Effectivity . These guidelines shall take effect immediately after its publication in a newspaper of general circulation.

Done in the City of Makati on this 22nd day of July, 2009.


EVELYN P. FLORENDO-TABLANG, CESO IV
OIC- Executive Director and Concurrent Commissioner