



Republic of the Philippines
DEPARTMENT OF LABOR AND EMPLOYMENT
EMPLOYEES' COMPENSATION COMMISSION
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COMMISSION ADVISORY ON BOARD RESOLUTION NO. 00-04-0212

CIRCULAR No. 05-709

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

The following advisory is hereby issued in response to numerous queries from the branches of the Systems on whether EC claim may be evaluated in the absence of Certification of EC premium payment:

The first Resolution clause of Board Resolution No. 00-04-0212, dated April 13, 2000 (copy of which is attached hereto as Annex "A"), partly reads:

"xxx the employer, both in the private and public sector shall be required to issue Certificate of Premium Payments to SIF as an additional requirement in the filing of EC claims...."

In the absence of such requirement, the System could undertake the following measures:

1. Verify whether, indeed, the employer has failed to remit EC contributions;
2. If in the affirmative, apply Article 196 of P.D. 626, as amended, which provides:

" Art. 196. Delinquent Contributions. (a) An employer who is delinquent in his contributions shall be liable to the System for the benefits which may have been paid by the System to his employees or their dependents, and any benefit and expenses to which such employer is liable shall constitute a lien on all his property, real or personal which is hereby declared to be preferred to any credit, except taxes. The payment by the employer of the lump sum equivalent of such liability shall absolve him from the payment of the delinquent contributions and penalty thereon with respect to the employee concerned.

(b) "Failure or refusal of the employer to pay or remit the contributions herein prescribed shall not prejudice the right of the employee or his dependents to the benefits under this Title. If the sickness, injury, disability, or death occurs before the System receives any report of the name of his employee, the employer shall be liable to the System for the lump sum equivalent to the benefits to which such employee or his dependents may be entitled."

In all cases, no EC claim should be rejected on the basis alone of failure of the claimant to submit Certificate of Premium Payment.

For immediate implementation.

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


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