



**EXCERPTS FROM THE MINUTES OF
THE SECOND (2nd) REGULAR COMMISSION MEETING
EMPLOYEES' COMPENSATION COMMISSION
SERIES OF 2021**

*Convened Via ZOOM On-Line Meeting
Thursday, 11th of March 2021 at 9:00 A.M.*

BOARD RESOLUTION NO. 21-03-09

***Policy on the Compensability of Disability or Death under P.D. No. 626,
as amended, due to Injuries Sustained by Employees in the Public and
Private Sectors while in the Performance of their Duties or Assigned
Tasks in their Residences or Dwelling Places***

WHEREAS, the 1987 Constitution affirms labor as a primary social economic force and guarantees the promotion of welfare of all workers;

WHEREAS, under Presidential Decree No. 626, as amended, the Employees' Compensation Commission (ECC) is mandated to initiate, rationalize, and coordinate the policies of the Employees' Compensation Program (ECP);

WHEREAS, under Republic Act (RA) No. 11165 ("Telecommuting Act"), employers in the private sector may allow work-from-home arrangements or the performance of specific tasks within a certain period at residences or in the dwelling places of its employees with the use of telecommunications and/or computer technologies;

WHEREAS, Presidential Proclamation No. 922, s. 2020, dated 08 March 2020 declares a State of Public Health Emergency throughout the Philippines due to Coronavirus19 (COVID-19) pandemic and enjoins all government agencies and Local Government Units (LGUs) to render full assistance and cooperation and mobilize the necessary resources to undertake critical, urgent, and appropriate response and measures in a timely manner to curtail and eliminate the threat of Covid19;

WHEREAS, Presidential Proclamation No. 929, s. 2020, dated 16 March 2020 declares a State of Calamity throughout the Philippines for a period of six (6) months due to Covid19 pandemic unless earlier lifted or extended as circumstances may warrant;

WHEREAS, Presidential Proclamation No. 1081, s.2020 dated 16 Sept. 2020 extends the said period of the State of Calamity throughout the Philippines due to Covid19 pandemic for a period of one (1) year, effective 13 September 2020 to 12 September 2021, unless earlier lifted or extended as circumstances may warrant;

WHEREAS, Civil Service Commission-Memorandum Circular (CSC-MC), No. 10, series of 2020, dated 07 May 2020, as amended, by CSC MC No. 18, series of 2020, dated 15 Oct. 2020, and IATF Omnibus Guidelines on the Implementation of Community Quarantine in the Philippines with Amendments as of Feb. 18, 2021 authorize the adoption of work-from-home in the public sector as one of alternative working arrangements during the period of state of national emergency due to COVID19 pandemic;

WHEREAS, the existence of pandemic such as COVID19 threat or declaration of epidemic or public health emergency as defined under Republic Act No. 11332 ("Mandatory Reporting and Health Events of Public Health Concerns Act") may induce a large number of employers in the private sector and government agencies to adopt work-from-home arrangement to protect its employees from COVID19 transmissions;

WHEREAS, employees who are in the performance of their duties or specific tasks while at their residences or dwelling places are not exempt from the possible occurrence of work-connected disabilities or deaths due to injury-related incidents;

WHEREAS, in the case of *Perlita Lopez vs. Employees' Compensation Commission, et al.* (G.R. No. 90267, 21 December 1993), the Supreme Court declared as compensable the death of a public school teacher, Pedro Lopez, who died of electrocution at his home during summer vacation while constructing an improvised electric micro-dam pursuant to a memorandum issued to him by the Science Department Head of the school he worked at. In declaring the compensability of his death, the Supreme Court made the following pronouncements:

"While the death of Pedro Lopez took place in his house and not in his official work station, which is the school, he was still discharging his function as the one in-charge of the project. He was constrained to finish the project within a specific period of time and he could only do so if he worked overtime in his house.

"xxx if the injury is sustained elsewhere, the employee must have been executing an order from his superior. Inasmuch as Lopez had to finish the project on the time for the contest scheduled on October 5 and 9, 1987, it can be implied that Lopez was given permission, if not direction, to perform his work at his house.

"xxx To claim that he should have been in school at the time he died in order to entitle his widow any compensation benefits, is to strain good sense and logic."

WHEREAS, in accordance with the said jurisprudence in correlation with R.A. No. 11165 (“Telecommuting Act”), this Commission finds the need to issue a policy that extends disability or death benefits due to a work-connected injury or death to employees in the private and public sectors and/or their qualified beneficiaries while in the performance of their duties or specific tasks at their residences or dwelling places;

WHEREAS, Article 183 (c) of P.D. No. 626, as amended, empowers this Commission to approve rules and regulations governing the processing of claims;

NOW, THEREFORE, this Commission has **RESOLVED**, as it hereby **RESOLVES** to issue a policy on the compensability of disability or death due to injuries sustained by employees in the public and private sectors while in the performance of their duties or assigned tasks in their residences or dwelling places subject to the following conditions:

- a. There must be a written directive or order from the employer requiring a work-from-home arrangement or the performance of a specific task within a specified period at the residence or in the dwelling place of an employee;
- b. The death occurred or the injury was sustained while the employee was discharging his or her duties or assigned tasks within the said specified period.

RESOLVED, FINALLY, that this Resolution shall take effect immediately upon its publication of a newspaper of general circulation.

DONE and APPROVED in the City of Makati this 11th day of March 2021.


SILVESTRE H. BELLO III

Chairperson

Department of Labor and Employment

Dept. of Labor & Employment
Office of the Secretary



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RIZALDY T. CAPULONG

Member-Alternate
Social Security System


NORA M. MALUBAY

Member-Designate
Government Service Insurance System


CARLITO P. ROBLE

Member
Employees' Sector

VACANT

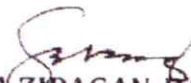
Member
Employers' Sector



ELI DINO D. SANTOS

Member-Alternate

Philippine Health Insurance Corporation



STELLA ZIPAGAN-BANAWIS

Member

Employees' Compensation Commission