

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

THIRTEENTH CONGRESS
First Regular Session

House Bill No. 4303

Introduced by **Honorable PEDRO M. PANCHO**

EXPLANATORY NOTE

Under the previous law on Health, Safety and Welfare benefits, particularly the Workmen's Compensation Act (ACT No. 3428), in case of sickness, and disability or death of an employee arising therefrom, he or his heirs may file a claim for compensation benefits under the law, and once it is shown that the illness arose out of or in the course of employment, they are entitled to the legal presumption that the claim for compensation falls within the provisions of the law, that is, that the sickness is compensable, or that the risk of contracting the same was increased by the working conditions of the employment. In other words, the claimants NEED NOT PRESENT PROOF OF CAUSATION for their claim to be granted. These presumptions are called the presumptions of compensability and aggravation under the said law.

However, both presumptions have been abrogated by the adoption of the present Labor Code. Under the new law (P.D. No. 626), the rule is that in order for an employee or his heirs to claim for sickness, disability or death benefits, the sickness must either be among the occupational diseases specifically listed under Annex A of the Rules on Employees' Compensation; or if not so listed, that the claimants prove

by substantial evidence, that the risk of contracting the disease was aggravated by the conditions of employments. Falling in these two, then claim would be denied.

This rule is clearly contrary to the policy of the state ordained in the 1987 Constitution to afford full protection to labor. Under this rule, the employees are burdened to prove that they are entitled to the benefits sought, to which they are really entitled to in the first place under the law, being legitimate employees of the employer and members of the SSS or GSIS, as the case may be. A "BENEFIT" is an act of gratuity to which the grantor gives WITH NO STRINGS ATTACHED. Its purpose under our labor laws is TO GIVE AID to the workers and their dependents in case of unfortunate events like sickness, disability or death of the former. The abolition of the presumptions of compensability and aggravation is thus to the clear prejudice of the welfare of the employees. The employee or his heirs, who are already suffering on account of the sickness or disability of the worker, or who are aggrieved by his death, are even given by the law an additional burden of proving that they are entitled to the benefits claimed. **The purpose then of the labor legislation of giving aid to the lowly workers and their dependents is defeated** with the adoption of this rule. There is no more reason for giving the term "BENEFITS" to the compensation claims of the claimants because they would have to go an extra mile in order for such claim to be granted them. The protection of the welfare of the employees is such more imaginary in this case than actual. This is a clear case of "adding insult to injury."

Accordingly, approval of the attached bill is hereby requested.


PEDRO M. PANCHITO
Congressman
2nd District of Bulacan

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"AN ACT AMENDING PRESIDENTIAL DECREE NO. 626 TO THE EFFECT THAT THE PRESUMPTIONS OF COMPENSABILITY AND AGGRAVATION UNDER THE PREVIOUS WORKMEN'S COMPENSATION ACT BE REVIVED."

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. The amendment of Presidential Decree No. 626 to the effect that the presumptions of Compensability and Aggravation under the previous Workmen's Compensation Act (Act No. 3428) is hereby authorized.

SEC. 2. The Department of Labor and Employment shall formulate, promulgate the necessary rules for the proper dissemination and implementation of the Act.

APPROVED,