

Republika ng Pilipines
(Republic of the Philippines)
KAGAWARAN NG EDUKASYON, KULTURA AT ISPORTS
(DEPARTMENT OF EDUCATION, CULTURE AND SPORTS)
Manila

August 31, 1987

DECS O R D E R
No. 90, s. 1987

TEACHERS AFFLICTED WITH PULMONARY TUBERCULOSIS MAY
AVAIL OF DISABILITY AND/OR SICKNESS INCOME
BENEFITS UNDER CERTAIN LIMITATIONS

To: Undersecretaries
Assistant Secretaries
Bureau Directors/Cultural Agency Directors
Regional Directors
School Superintendents
Chief of Service and Heads of Centers/Units
Presidents, State Colleges and Universities
Vocational School Superintendents/Administrators

1. Inclosed is a copy of the letter of the President and General Manager, Government Service Insurance System, dated July 6, 1987, to the effect that public school teachers who suffer from tuberculosis may avail of the disability benefits under either P.D. 626, as amended, when the disease is determined as work-connected, otherwise under P.D. 1146, in both instances subject to the limitations imposed by law.
2. It is desired that this Order be disseminated to all concerned for their information and guidance.

(SGD.) LOURDES R. QUISUMBING
Secretary

Incl.:
As stated

Reference:
DECS Memorandum: No. 107, s. 1987

Allotment: 1-2-3-- (M.O. 1-87)

To be indicated in the Perpetual Index
under the following subjects:

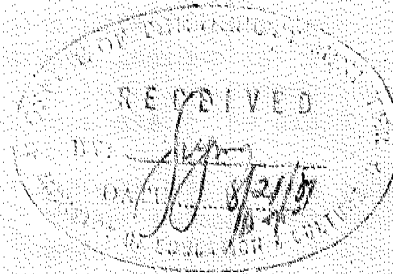
/ BUREAUS & OFFICES
/ LEGISLATION
/ RULES AND REGULATIONS

/ SICKNESS
/ TEACHERS

Republika ng Pilipinas
GOVERNMENT SERVICE INSURANCE SYSTEM
(PASEGURAHAN NG MGA NAGLILINGKOD SA PAMAHALAAN)
Manila

July 6, 1987

The Honorable
Secretary of Education, Culture & Sports
Palacio del Gobernador, Manila



Dear Secretary Quisumbing:

This is in reply to your letter of June 24, 1987, inquiring whether or not teachers who are afflicted with pulmonary tuberculosis are entitled to sickness income benefits or to any other benefits provided for under PD 1146, otherwise known as the Revised GSIS Act of 1977.

For a more comprehensive view on the nature and extent of sickness income benefit under the aforesaid decree, we are quoting herein the pertinent provision of Section 20 of PD 1146.

"Section 20. Sickness Income Benefit. - (a) A member who suffers a non-work connected sickness or injury resulting in temporary total disability, shall be entitled to sixty-five percent of his current daily compensation for each day or fraction thereof of sickness or injury but not exceeding sixty days in one calendar year after exhausting all his sick leave credits but not earlier than the fourth day of his sickness or injury; provided he has paid at least six monthly contributions in the twelve-month period immediately preceding his sickness or injury: Provided however, that, the member cannot enjoy the sickness income benefits and sick leave pay simultaneously."

"(b) The sickness income benefit shall not be less than four nor more than twenty pesos a day."

"x x x

x x x

x x x"

By the foregoing provision, it is necessary that the sickness or injury which is non-work connected must result in the temporary total disability of the teacher. In other words, there must be loss or reduction in his earning capacity by at least 75%. This happens when the teacher, by reason of sickness or injury, must necessarily go on leave without pay. If he goes on leave but receives salary at the same time or he does not go on leave of absence at all, then he would not be entitled to sickness income benefit or temporary total disability benefit.

The other conditions and limitations to the enjoyment of sickness income benefits need not be discussed as they appear to be readily understandable.

Tuberculosis is supposed to be a work-connected disease and therefore compensable under PD 626, as amended, the prevailing Employees Compensation Law. However, while tuberculosis is listed as an occupational disease, the Employees Compensation Commission has prescribed certain limitations to the grant of income benefits to the afflicted employee.

Annex "A" to the Amended Rules on Employees Compensation provides that in the case of tuberculosis, the occupation must involve close and frequent contact with a source or sources of tuberculosis infection such as (a) medical treatment or nursing a person or persons suffering from tuberculosis, or (b) where the occupation involves working with materials which are sources of tuberculosis infection.

These conditions imposed by the Rules are definitely restrictive. A classroom teacher would find it very difficult to meet those conditions. There is however a leeway in the legal provision defining the term sickness. Article 167 (1) of the Employees Compensation Act states thus

"Section (1) "Sickness" means any illness definitely accepted as an occupational disease listed by the Commission, or any illness caused by employment, subject to proof that the risk of contracting the same is increased by working conditions. For this purpose, the Commission is empowered to determine and approve occupational diseases and work-related illnesses that may be considered compensable based on peculiar hazards of employment.

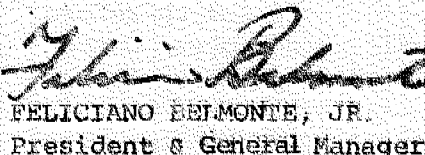
Sickness to be compensable falls under two general categories. First, it includes any illness listed by the Commission as occupational disease. As already discussed compensability of an occupationally-listed disease is limited by certain conditions. Second, sickness covers any illness caused by employment, where the burden of proof that the risk of contracting the disease has been increased by the working conditions is lodged with the employee. In other words, it is incumbent upon the employee to show that his working conditions have, in large measure, contributed to his being afflicted by the disease.

Accordingly, a classroom teacher who has been afflicted with pulmonary tuberculosis and who may not satisfy the conditions for compensability prescribed for an occupationally-listed disease, may still be awarded disability benefits under the second category. Under the prevailing circumstances it could be shown that tuberculosis is one illness caused by employment. The risk of contracting the same is greatly influenced by the working conditions under which the claimant teacher works.

We therefore conclude that under existing laws, a public school teacher who suffers from tuberculosis may avail of disability benefits under either PD 626, as amended, when the disease is determined as work-connected, otherwise under PD 1146, in both instances subject to the limitations imposed by law.

We trust that you would find the foregoing discussion satisfactory for your purpose. Please be assured that we shall view with deep abiding concern the general welfare of our public school teachers.

Very truly yours,


FELICIANO BRIMONTE, JR.
President & General Manager