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benefits; P600.00 as attorney's fees and P61.00 as administrative fees pursuant to the provisions of the Workmen's Compensation Act. To this extent, the Commission's decision is modified.

WHEREFORE, the Workmen's Compensation Commission's decision is MODIFIED to the effect that the petitioner is hereby ordered to pay the private respondent:

1. The sum of TWELVE THOUSAND PESOS (P12,000.00) as death benefits minus SEVEN HUNDRED PESOS (P700.00) already paid;

2. The sum of ONE THOUSAND TWO HUNDRED PESOS (P1,200.00) as attorney's fees; and

3. The sum of ONE HUNDRED TWENTY TWO PESOS (P122.00) as administrative fees to the Ministry of Labor and Employment.

SO ORDERED.

*Teehankee (Chairman), Melencio-Herrera, Plana, Relova, de la Fuente,* and *Alampay, JJ.*, concur.

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**FIRST DIVISION**

**[G.R. No. L-46096. April 15, 1985]**

## EMELITA ENAO, *petitioner, vs.* THE EMPLOYEES COMPENSATION COMMISSION, *respondent.*

### SYLLABUS

1. **LABOR AND SOCIAL LEGISLATION; LABOR LAW; CLAIM FOR COMPENSATION INCOME BENEFITS; ALLEGED SELF-SERVING STATEMENTS OF CLAIMANT AND WITNESSES NOT REFUTED BY ANY EVIDENCE; INJURIES SUSTAINED CONSIDERED WORK-CONNECTED.**— We find no basis at all for the findings

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made by the Employees' Compensation Commission in its decision that the statements of Petitioner and her witnesses are merely self-serving declarations because We can discern no circumstance that would indicate or support such a conclusion. As a matter of fact, the decision appealed from accepts the fact that the statements given by Petitioner-Appellant's witnesses constitute prima facie evidence of the matter sought to be established. Uncontroverted and unrefuted by any evidence, then such statements of appellant's witnesses would suffice to establish that the multiple gunshot wounds and injuries sustained by appellant and which caused her confinement at the Zamboanga del Norte Provincial Hospital from August 1 to 6, 1975 for removal of shrapnels from her left arm and later at the Dipolog Medical Center from September 1 to 12, 1975, are definitely work-connected.

2. **ID.; ID.; ID.; CLAIMANT ENTITLED TO THE AWARD; INJURIES SUSTAINED DEEMED TO HAVE ARISEN OUT OF AND IN THE COURSE OF EMPLOYMENT IN CASE AT BAR.**— As it can be rightfully ruled that the Claimant-Petitioner was actually then performing her official functions, it hardly matters then whether such task which Petitioner was then engaged in or discharging, happened outside the regular working hours and not in the Petitioner's place of work. It is rather obvious that in proceeding to purchase school materials in Dipolog City, Petitioner would necessarily have to leave the school premises and her travel need not be during her usual working hours. What is significant and controlling is that the injuries she sustained are work-connected, which the Court finds to be so. The environmental facts in this case are even more compelling than the earlier case of Vda. de Torbela *vs.* Employees' Compensation Commission, L-42627, February 21, 1980, 96 SCRA 260, where, by a significant majority vote of this Court, it was held that a claim arising from a vehicular accident sustained by a school principal on his way from Bacolod City where he lived to his school at Hinigaran, Negros Occidental, where he was the school principal of, is compensable. It was therein ruled that "where an employee is accidentally injured at a point reasonably proximate to the place of work, while she is going to and from her work, such injury is deemed to have arisen out of and in the course of her employment."

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## APPEARANCES OF COUNSEL

*Vivencio M. Carpio, Jr.* for petitioner.
*Jose G. De Vera* for respondent ECC.

## DECISION

**ALAMPAY, *J.*:**

This is a petition for review of the decision of the Employees' Compensation Commission (E.C.C.), dated October 26, 1976, affirming the decision of the Government Service Insurance System, denying petitioner's claim for Compensation of income benefits due to the injuries sustained by her when on August 1, 1975, while on her way to Dipolog City for the purpose of purchasing supplies and other training and school aids for her office, she, together with others, were ambushed by unidentified men believed to be communist insurgents.

The antecedent facts of this case are not disputed and are well stated in the appealed decision rendered by the Employees' Compensation Commission, subject of the petition in this case.

"x x x On August 1, 1975, appellant (Emelita Enao), a Public School Teacher, together with others, was on her way from her official station at Sergio Osmeña, Sr., Zamboanga del Norte to Dipolog City. According to the Acting Administrative Officer of her employer, 'Having held classes on July 26, in lieu of August 1, 1975, as per District Memorandum hereto attached, Miss Enao was on her way home from station when their group was ambushed and fired upon by armed men hitting her on her forearm and abdomen necessitating operation' (Part II, Income Benefits Claim for Payment), and according to appellant's witnesses, who were members of the ambushed party, she was on her way to Dipolog City for the purpose of 'securing supplies and other training and school aids necessary for furthering (our) services as a school teacher' (Affidavits of Francisco L. Podol and Juanita Adanza, respectively). When the appellant and her group were at barrio de Venta Perla, Polanco, Zamboanga del Norte, they were upon by a band of armed men believed to be communist insurgents. As a result of the ambush, the appellant sustained gunshot wounds on her left forearm and abdomen

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which compelled her confinement at the Zamboanga del Norte Provincial Hospital from August 1 to 6, 1975, for surgical removal of foreign bodies (shrapnel) from her left arm and later at the Dipolog Medical Center from September 10 to 12, 1975 for definitive treatment. She also developed interstitial pneumonia as a result." (Decision of the Employees' Compensation Commission, Annex "B", Rollo, pp. 8-9).

On August 5, 1975, petitioner sent a notice of claim of injury to the Secretary of Education and Culture, through the Division Superintendent of Schools, Zamboanga City. It is said that this claim was not controverted.

On the same date, a claim for income benefits for disability was filed by the herein petitioner with the Government Service Insurance System but this claim was denied by the System in its letter-decision, dated February 27, 1976, on its reasoning that:

"It appears that on your way to Dipolog City for the purpose of purchasing your needs, you were ambushed by unidentified men believed to be NPAs. Though this happened on August 1, 1975, a regular working day, this was considered your off day, having held classes in its stead on July 26, 1975, a Saturday, per District Memorandum No. 1, s. 1975, dated June 2, 1975. Under such situation, for purposes of the Employees' Compensation, said accident happened outside your time and place of work, not to mention the fact that you were not in the performance of your official functions when it happened.

"In view of the foregoing, your claim is hereby denied." (Annex "A", *Rollo*, p. 7)

Not satisfied with the above ruling of the GSIS and upon denial of petitioner's motion for reconsideration thereof, the latter appealed to the Employees' Compensation Commission. On October 26, 1976, the ECC affirmed the decision of the GSIS appealed from and dismissed the Petitioner's claim, on the grounds that:

"x x x *First*, the day when the accident occurred, more particularly August 1, 1975, was an off-day. Perusal of the District

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Memorandum No. 1, series of 1975 and dated June 2, 1975, will show that August 1, 1975, is not just an isolated off-day, but one of those dates fixed and set in lieu of Saturday. Hence, the injury was incurred not during office hours. *Second*, appellant incurred injury while en route to Dipolog City; more aptly put, while outside the school premises where she normally discharges her official functions. The sworn statement of the Acting Administrative Officer and the appellant's witnesses all point to the same circumstance. *Third*, while appellant's witnesses testified in an affidavit that appellant left her official station for Dipolog City on the day in question for the purpose of procuring school supplies and training aids to enhance her teaching efficiency, we find the version of the Acting Administrative Officer more credible that is, the appellant was on her way home from station — for there is nothing which indicates that it is false, misleading or fabricated. On the other hand, the preponderance of legal opinion holds that affidavits, as those of appellant's witnesses, are only prima facie evidence of weak probative force and are in themselves self-serving declarations where the same have been made in anticipation of a future litigation. It has been said that 'perhaps the most subtle and prolific of all the fallacies of testimony arises out of unconscious partisanship.' In the case at bar, upon the happening of the accident, the companions of the appellant perhaps still sympathetic to her for what befall her, and testifying in an affidavit, are apt to side with her." (Annex "B", *Rollo*, pp. 9-10)

In the petition for review presented to this Court, Petitioner contends that the Respondent ECC has decided the claim in a way not in accordance with law and applicable decision of the Supreme Court.

At the time of the incident in question, the pertinent and governing provisions of law are to be found in Section 1, Rule II, of the Amended Rules on Employees' Compensation which, provides:

"SECTION 1, Grounds.— (a) For the injury and the resulting disability or death to be compensable, the injury must be the result of an employment accident satisfying all of the following conditions:

"(1) The employee must have sustained the injury during his working hours;

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"(2) The employee must have been injured at the place where his work requires him to be; and

"(3) The employee must have been performing his official function."

The Petitioner, in proceeding to Dipolog City on August 1, 1975, which is a Friday, from her station at the Municipality of Sergio Osmeña, Sr., Zamboanga del Norte, intended to procure supplies and other training aids which are needed facilities in connection with her services as a school teacher at the Wilbon Primary School, cannot be at all disputed. The companions of the Petitioner at the time of the ambush and who appear to be co-teachers of the Petitioner, namely: Francisco L. Podol and Juanita Adanza, have attested in their respective affidavits that they and the Petitioner were at that time on their way to Dipolog City "for the purpose of securing supplies and other training and school aids necessary for the furtherance of their service as school teachers." There is no mention at all in the decision of the Employees' Compensation Commission that this particular assertion has been at all contradicted or controverted by any evidence whatsoever submitted to the Commission by the GSIS.

We find no basis at all for the findings made by the Employees' Compensation Commission in its decision that the statements of Petitioner and her witnesses are merely self-serving declarations because We can discern no circumstance that would indicate or support such a conclusion. As a matter of fact, the decision appealed from accepts the fact that the statements given by Petitioner-Appellant's witnesses constitute prima facie evidence of the matter sought to be established. Uncontroverted and unrefuted by any evidence, then such statements of appellant's witnesses would suffice to establish that the multiple gunshot wounds and injuries sustained by appellant and which caused her confinement at the Zamboanga del Norte Provincial Hospital from August 1 to 6, 1975 for removal of shrapnels from her left arm and later at the Dipolog Medical Center from September 1 to 12, 1975, are definitely work-connected.

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The conjecture expressed in the decision of the ECC that appellant obtained the referred self-serving declaration of her witnesses "in anticipation of a future litigation" is unfair and untenable. Petitioner could not have even expected that respondent GSIS would resist her claim. Notice of the same claim for the injuries she sustained is said to have been presented to the Secretary of Education and Culture, through the Division Superintendent of Schools, Division of Zamboanga del Norte at Dipolog City, promptly on August 5, 1975, or four (4) days after the ambush incident and such claim was not controverted by said public school officials. These submissions of Petitioner-Appellant have not at all been contradicted by Respondent. No cause has, therefore, been shown why petitioner would have need to obtain false affidavits from her co-teachers whose sense and probity and righteousness must be presumed until otherwise disproved.

Furthermore, the fact that Dipolog City is also the residence of the Petitioner does not at all, by this singular circumstance, render untrue or false the clear evidence submitted in this case that Petitioner and her co-teachers were proceeding to Dipolog City at the time to purchase needed supplies and other training and school aids. That Dipolog City happened to be also the Petitioner's place of residence, in this instance, becomes simply incidental and/or purely coincidental.

As it can be rightfully ruled that the Claimant-Petitioner was actually then performing her official functions, it hardly matters then whether such task which Petitioner was then engaged in or discharging, happened outside the regular working hours and not in the Petitioner's place of work. It is rather obvious that in proceeding to purchase school materials in Dipolog City, Petitioner would necessarily have to leave the school premises and her travel need not be during her usual working hours. What is significant and controlling is that the injuries she sustained are work-connected, which the Court finds to be so.

The environmental facts in this case are even more compelling than the earlier case of Vda. de Torbela *vs.* Employees'

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Compensation Commission, L-42627, February 21, 1980, 96 SCRA 260, where, by a significant majority vote of this Court, it was held that a claim arising from a vehicular accident sustained by a school principal on his way from Bacolod City where he lived to his school at Hinigaran, Negros Occidental, where he was the school principal of, is compensable. It was therein ruled that "where an employee is accidentally injured at a point reasonably proximate to the place of work, while she is going to and from her work, such injury is deemed to have arisen out of and in the course of her employment."

WHEREFORE, the decision of the Employees' Compensation Commission appealed from, is hereby SET ASIDE, and the Government Service Insurance System is hereby ordered to grant the Petitioner's claim for loss of income benefits and to process and ascertain the total amount due herein Petitioner and thereafter to pay the same.

SO ORDERED.

*Teehankee (Chairman), Melencio-Herrera, Plana, Relova, Gutierrez, Jr.,* and *de la Fuente, JJ.* concur.

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**EN BANC**

**[G.R. No. 56293. April 15, 1985]**

**LIBERATO T. BACAYO, *petitioner, vs.* HON. MELECIO A. GENATO, Judge of the Court of First Instance of Misamis Occidental, Branch III, and EMIGDIO REGALADO, *respondents.***

**[G.R. No. 64924. April 15, 1985]**

**LIBERATO T. BACAYO, *petitioner, vs.* HONORABLE COMMISSION ON ELECTIONS; HONORABLE MELECIO A. GENATO, in his capacity as Presiding**