

MACLAN, Annabelle C.

Re: Rehabilitation Leave

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RESOLUTION NO. 992452

Tessie L. Gatmaitan, Clerk of Court, Court of Appeals, Manila requests for the authority to restore the leave credits of Annabelle C. Maclan, Record Officer III, Management and Audit Division for the absences she incurred during the period of her disability due to a work related injury which she sustained on January 18, 1996.

In her request, Gatmaitan represented as follows:

"Ms Maclan met an accident inside the Court of Appeals' compound on January 18, 1996 at about 8:30 o'clock in the morning as she was coming in for work, when she tripped over a long water-pipe-3' l the diameter which at the same time of the accident above the ground level cross the main entrance of the court, causing her to fall on her face. As a result of which, she underwent a major bone operation due to severe crack on her cheekbones

The injuries sustained can be considered work related as it happened inside the court premises based on the supporting documents attached herewith.

Pursuant to Section 55, Rule XVI of MC #41 of the Civil Service Commission quoted hereunder as follows:

Sec.55 Rehabilitation leaved for job related injuries-applications of official employees for leave of absence on account on wounds and injuries incurred in the performance of duty must be made on the prescribe form, supported by the proper medical certificate and evidence showing that the department/agency concerned shall direct that absence of an employee during his period of disability thus occasioned shall be on full pay, but not to

exceed six(6) months. He shall also authorize the payment of medical attendance, necessary transportation, subsistence and hospital fees of the injuries person. Absence in the case contemplated shall not be charged against sick leave or vacation leave, if there are any,'

In lieu of the above justification, may we request that Mrs. Maclan's request for the restoration/rehabilitation of her leave credits be considered and approved."

Records shows that the at about eight-thirty in the morning of January 18, 1998, Gatmaitan, while walking towards the main entrance of the court, suddenly tripped over a long water pipe measuring three (3) inches in diameter lying above the ground level which caused her to fall flat on her face. As a result, she suffered a severe crack on her cheek bone necessitating her to undergo a major cheek bone operation as evidenced by the medical certificate issued by Dr. Felipe H. Hernandez on February 12, 1996 and hospital records from the Mary Johnston Hospital.

Based on the records of the case, there is no doubt that Maclan was accidentally injured while at work. Clearly, said accident may be considered to have occurred while she was performance of her work and within the place where her job necessarily required her to be since it occurred during office hours. Such being the case, the injuries suffered by Maclan are compensable as employment accident.

As work-related injury, Maclan is entitled to full pay during the period of her treatment and recuperation, provided that the same shall not exceed six (6) months. She is also entitled to the payment of her medial attendance, necessary transportation, and subsidence and hospital fees. Hence, any absences that were deducted from her leave credits should be restored (**RES. No. 991606, Arsenio, Rhodora C. dated July 20, 1999**).

While it is true that at the time Maclan suffered injuries (January 18, 1998) the law in force is Section 19, Rule XIV of the Omnibus Rules Implementing Book V of the Executive Order No. 292 which requires that an employee must first exhaust his leave credits before he can avail of the rehabilitation leave with pay, **Memorandum Curcular No. 41, s. 1998** (which grants the injured employee rehabilitation leave for a

maximum period of six months (6) without requiring said employee to exhaust leave credits), is the law applicable at the time of Maclan's application. Being in the nature of a social legislation, the benefits therein granted should be given to Maclan.

Thus, Maclan is entitled to full pay during the period of absence due to medical treatment and recuperation. She is also entitled to the payment of medical expenses, necessary transportation, and subsistence and hospital fees. Further, any absence which was deducted from her leave credits should be restored (supra).

WHEREFORE, request of Tessie L. Gatmaitan is hereby granted. Accordingly, Annabelle C. Maclan is entitled to the benefits during the period of her medical treatment and recuperation, provided under **Section 55 of Memorandum Circular No. 41, s. 1998**.

Quezon City **NOV 04 1999**

THELMA P. GAMINDE
Commissioner

CORAZON ALMA G. DE LEON
Chairman

JOSE F. ERESTAIN, JR.
Commissioner

Attested by:

ARIEL G. RONQUILLO
Director III