

## THIRD DIVISION

[ G.R. No. 117572, January 29, 1998 ]

**GOVERNMENT SERVICE INSURANCE SYSTEM (GSIS),  
PETITIONER, VS. THE HON. COURT OF APPEALS AND ROSA  
BALAIS, RESPONDENTS.**

### D E C I S I O N

**ROMERO, J.:**

This is a petition for review on certiorari seeking to annul and set aside the decision<sup>[1]</sup> rendered by the Court of Appeals dated October 17, 1994 which reversed the decision issued by the Employees Compensation Commission (ECC) in ECC Case No. 6462 dated November 17, 1993, affirming the decision of petitioner Government Service Insurance System (GSIS) that private respondent Rosa Balais is not entitled to conversion of compensation benefits from partial disability for a 9-month period after retirement to total disability.

Private respondent started working as an emergency employee of the National Housing Authority (NHA) in 1952. She then rose from the ranks until she was promoted to Chief Paying Cashier in 1984.<sup>[2]</sup>

Medical records disclose that on December 17, 1989, private respondent suddenly experienced chills, followed by loss of consciousness. She was brought to the Capitol Medical Center where she was sedated but allowed to go home after three hours. Later, on the same day, however, she vomited several times and suffered from parie-occipital pains. She was again rushed to U.E.R.M. Medical Center where she underwent a thorough medical examination. She was diagnosed to be suffering from Subarachnoid Hemorrhage Secondary to Ruptured Aneurysm. After undergoing craniotomy, she was finally discharged from the hospital on January 20, 1990.<sup>[3]</sup>

Despite her operation, private respondent could not perform her duties as efficiently as she had done prior to her illness. This forced her to retire early from the government service on March 1, 1990 at the age of sixty-two (62) years.<sup>[4]</sup>

On March 13, 1990, private respondent filed a claim for disability benefits with the GSIS for the above-described ailment. Her illness was evaluated as compensable by the GSIS Medical Evaluation and Underwriting Group. Accordingly, the GSIS granted her temporary total disability (TTD) benefits for the period starting from December 17, 1989 to January 31, 1990 and subsequently, permanent partial disability (PPD) benefits for nine months starting on March 2, 1990.<sup>[5]</sup>

In a letter dated November 17, 1992, private respondent requested the GSIS for the conversion of the classification of her disability benefits from permanent partial disability (PPD) to permanent total disability (PTD).<sup>[6]</sup>

Such plea, however, was denied by the GSIS in a letter dated December 8, 1992 on the ground that the GSIS Medical Evaluation and Underwriting Department which evaluated her claim found no basis to alter its findings. She was informed that the results of the physical examination conducted on June 5, 1990 did not satisfy the criteria for permanent total disability. Moreover, she was told that the pension granted to her was the maximum benefit due her under the Rating Schedule established by the ECC.<sup>[7]</sup>

The denial of her request then prompted private respondent to file on May 4, 1993 a request for reconsideration of the earlier denial of her application for the conversion of her disability benefits from permanent partial disability to permanent total disability, explaining that since the time of her operation she continued to suffer from dizziness, headaches, loss of memory and inability to properly sleep. Moreover, she contended that there were instances when she felt extremely weak and could not walk without support. She further stated that she was required to take medication for life.<sup>[8]</sup>

The GSIS, however, denied reconsideration which denial was later affirmed on appeal by the ECC in its decision dated November 17, 1993.<sup>[9]</sup>

Undaunted, private respondent filed a petition for review with the Court of Appeals, which promulgated a decision favorable to her on October 17, 1994, the dispositive portion of which reads:

"WHEREFORE, this petition for review is granted and the decision of the Employees Compensation Commission in ECC Case 6462 dated 17 November 1993 should be, as it is hereby REVERSED."<sup>[10]</sup>

Petitioner GSIS now comes to this Court by way of a petition for review on certiorari alleging that the Court of Appeals erred:

"1. In reversing and setting aside the decision of the Employees' Compensation Commission which affirmed the decision of herein petitioner GSIS."

"2. In considering the ailment of Subarachnoid Hemorrhage Secondary to Ruptured Aneurysm as permanent total disability."<sup>[11]</sup>

The sole issue to be resolved here is whether private respondent is entitled to conversion of her benefits from permanent partial disability to permanent total disability.

Both petitioner and the Solicitor General argue against private respondent's request for the conversion of her disability benefits on the ground that she had already been awarded the benefits commensurate to the degree of her physical condition at the time of her retirement. They contend that her ailment Subarachnoid Hemorrhage Secondary to Ruptured Aneurysm only entitled her to receive benefits for permanent partial disability and such illness does not satisfy the criteria for permanent total disability. Furthermore, they aver that private respondent's request for conversion cannot be granted because other than alleging abnormalities and non-improvement