

**LEONORA TANTOY VDA. DE MACABENTA, FOR HERSELF AND IN
BEHALF OF HER MINOR CHILD, RAQUEL MACABENTA,
CLAIMANTS-APPELLEES, VS. DAVAO STEVEDORE TERMINAL
COMPANY, RESPONDENT-APPELLANT.**

G.R. No. L-27489. April 30, 1970

Ponente: FERNANDO, J.

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FERNANDO, J.:

The success of the employer Davao Stevedore Terminal Company in imparting plausibility to the novel question raised as to whether or not the widow of a deceased employee whose marriage occurred after the accident as well as the posthumous child could be considered dependents within the meaning of the Workmen's Compensation Act may be gauged by the fact that we gave due course to the petition for the review of a decision of the Workmen's Compensation Commission answering the question in the affirmative and sustaining the right to compensation of the claimant Leonora Tantoy Vda. de Macabenta for herself and in behalf of her minor child, Raquel Macabenta. After hearing the parties and in the light of the language of the law, its manifest purpose, and the constitutional provisions on social justice and protection to labor, we answer the question similarly. We affirm the appealed decision of the Workmen's Compensation Commission.

In the decision rendered by the then Chairman of the Commission, Nieves Baens del Rosario, dated September 27, 1966, it is stated that there is no dispute "that at the time that the decedent met the vehicular accident on September 13, 1961 which led to his death on September 29, 1961, the claimant-widow was not yet married to the decedent although they had already been living together as husband and wife for the past three months. However, on the day following the accident, they were lawfully wedded in a marriage ceremony solemnized at the San Pedro Hospital in Davao City where the deceased was hospitalized up to his death. It is noteworthy that the marriage was facilitated through the intercession of the general manager of the respondent company." [1] The decision likewise noted that the claimant widow gave birth on April 8, 1962 to the posthumous daughter of the deceased who was given the name Raquel Tantoy Macabenta.

As to how the deceased Conrado Macabenta met his accident, the decision, after stating that the deceased was a laborer in the sawmill of the Davao Stevedore Terminal Company at Manay, Panabo, Davao, about 48 kilometers from his residence in Davao City, went on as follows: "Although some sort of quarters were provided by the respondent to its employees at the sawmill, many of them apparently preferred to commute, and the deceased in particular went home about three times a week. While the respondent, through its lone witness and at the same time production manager, Sergio Dalisay, disclaimed the claimant's declarations that the company provided a service pick-up to transport its employees to and from work, the synthesis of the very same testimonial evidence does not support this denial, but on the contrary tends to bring out the fact that the respondent did furnish transportation." [2] As a result, it reversed the finding of the then acting referee of its regional office in Davao City and awarded to the claimant widow for herself and in behalf of her minor child the amount of P2,708.00 as compensation and the sum of P270.80 as attorney's fees.

Hence, this petition for review, which, as noted, was given due course primarily due to the question raised being one of first impression. As announced at the opening of this opinion, we uphold the Workmen's Compensation Commission.

1. From the express language of the Workmen's Compensation Act, a widow living with the deceased or actually dependent upon him totally or partly as well as her daughter, if under 18 years of age or incapable of supporting him or herself, and unmarried, whether or not actually dependent upon the deceased, are considered dependents.[3] Claimant here is clearly the widow of the deceased Conrado Macabenta. It is true that the marriage took place after the fatal accident but there was no question that at the time of his death she was married to him. She, therefore, comes entirely within the letter of the law. Nor can there be any doubt that the child, Raquel Macabenta, also falls within the words the Act employs. As set forth in the decision, while the marriage took place on Sept. 14, 1961, the widow and the deceased had already been living together as husband and wife the preceding three months. The child born, of such relationship, later legalized, is, as made clear in the decision, the posthumous daughter of the deceased. What the employer Davao Stevedore Terminal Company seems bent on ignoring is that our Civil Code, in no uncertain terms, considers a conceived child born for all purposes that are favorable to her provided the birth is attended with the conditions specified, namely, that she is alive at the time she is completely delivered from the mother's womb.[4] Here, fortunately, the child has survived the ordeal of the loss of the one called upon to support her, her father, who, unfortunately however, met his death before her birth.

Time and time again, we have stressed that where the law is clear, our duty is equally plain. We must apply it to the facts as found.[5] What is more, we have taken pains to defeat any evasion of its literal language by rejecting an interpretation, even if not totally devoid of plausibility, but likely to attach to it a significance different from that intended by the lawmakers. A paraphrase of an aphorism from Holmes is not inappropriate. There can always occur to an intelligence hostile to a piece of legislation a mis-interpretation that may, without due reflection, be considered not too far-fetched. The employer in this case, without impugning its motives, must have succumbed to such a temptation, quite understandable but certainly far from justifiable. It is quite obvious then why we find its stand devoid of merit.

2. Our conclusion likewise finds support in the fundamental principle that once the policy of purpose of the law has been ascertained, effect should be given to it by the judiciary.[6] Even if honest doubts could be entertained, therefore, as to the meaning of the statutory provisions, still respect for such a basic doctrine calls for a rejection of the plea of the Davao Stevedore Terminal Company. We have never deviated from our constant hold-ing from *Ty Sue v. Hord*,[7] a 1909 decision, that, assuming a choice is necessary between conflicting theories, that which best conforms to the language of the statute and its purpose should prevail. Again, as far back as *United States v. Toribio*,[8] decided the next year, we made unmistakable our view that no construction is to be adopted that would tend "to defeat the purpose and object of the legislator." We made use of an expression almost identical in *Riera v. Palmaroli*[9] with our warning against so narrowly interpreting a statute "as to defeat, the manifest purpose of the legislator." The employer in this case should have been well advised to take into consideration the teachings of the above cases before it sought to press upon us the desirability of imparting to the applicable statutory language a meaning that would render fruitless the purpose so clearly evident on the face of the Workmen's Compensation Act.

3. There is still another avenue of approach that similarly calls for the affirmance of the decision of the Workmen's Compensation Commission now on appeal. This is apparent from an excerpt from a recent case of *Automotive Parts & Equipment Company, Incorporated v. Lingad*: [10] "To state the construction sought to be fastened on the clear and explicit language of the statute is to reject it. It comes into collision with the constitutional command pursuant to the social justice principle that the government extend protection to labor."

How could such an intent, then be imputed to the legislative body. No such suspicion ought to be entertained that it was contemplated by our lawmakers that any provision of the Workmen's Compensation Act could be so worded as to deny protection to the laboring elements and their dependents and thus frustrate the constitutional objective of social justice. To quote from the Lingad case anew: "For it is undeniable that every statute, much more so one arising from a legislative implementation of a constitutional mandate, must be so construed that no question as to its conformity with what the fundamental law requires need arise."

4. The basic question in this petition for review thus disposed of, there is nothing to stand in the way of the affirmance of the decision now on appeal. The alleged error that the accident resulting in the death of Conrado Macabenta could not be considered as having arisen out of and in the course of employment is not to be taken too seriously. The facts as set forth in the decision, which must be accepted by us in view of their being based on substantial evidence argue against the contention of the Davao Stevedore Terminal Company. As we had occasion to state only last month in *B. F. Goodrich Philippines, Inc. v. Acebedo*:^[11] "Nor can the conclusion reached by respondent Commission be repudiated unless 'on a clear showing of failure to consider the evidence on record or failure to consider fundamental and patent logical relationships in the evidence, amounting to a clear travesty of justice or grave abuse of discretion. What was said by us in *Basaysay v. Workmen's Compensation Commission*, through the present Chief justice, bears repeating: "The task of ascertaining the credibility and weight of conflicting evidence, is, however, beyond the province of our authority in appeals by certiorari.' Even if the possibility that the Commission's conclusions were erroneous could not be ruled out, still, to borrow the language of Justice Dizon in *Philippine Rabbit Bus Lines, Inc. v. Workmen's Compensation Commission*, 'such errors would constitute mere errors of judgment but do not involve any grave abuse of discretion on its part.'"

WHEREFORE, the decision of the Workmen's Compensation Commission of September 27, 1966 is affirmed. With costs against respondent Davao Stevedore Terminal Company.

Concepcion, C.J., Reyes, JBL, Zaldivar, Ruiz Castro, Teehankee, and Villamor, JJ., concur.

Dizon and Makalintal, JJ., took no part.

Barredo, J., did not take part.

[1] Petition, Decision, Annex A, p. 1.

[2] Ibid, p. 3.

[3] Section 9 of the Workmen's Compensation Act, Republic Act No. 3428 (1927) as amended, reads as follows: "Dependents of the injured person. - The following persons, and no others shall be considered as dependents and entitled to compensation under the provisions of this Act; A son or daughter, if under 18 years of age or incapable of supporting him or herself, and unmarried, whether actually dependent upon the deceased or not. The widow only if she was living with the deceased or was actually dependent upon him, totally or partly."

[4] According to the Civil Code: "[Art.] 40. Birth determines personality; but the conceived child shall be considered born for all purposes that are favorable to it, provided it be born later with the conditions specified in the following article. [Art.] 41. For civil purposes, the fetus is considered born if it is alive at the time it is completely delivered from the mother's womb. However, if the fetus had an intra-uterine life of less than seven months, it is not deemed born if it dies within twenty-four hours after its complete delivery from the maternal womb."

[5] Cf. *People v. Mapa*, L-22301, Aug. 30, 1967, 20 SCRA 1164; *Pacific Oxygen & Acetylene Co. v. Central Bank*, L-21881, March 1, 1968, 22, SCRA 917; *Dequito v. Lopez*, L-27757, March 28, 1968, 22 SCRA 1352;

Padilla v. City of Pasay, L-24039, June 29, 1968, 23 SCRA 1349; Garcia v. Vasquez, L-26808, March 28, 1969, 27 SCRA 505; La Perla Cigar & Cigarette Factory v. Capapas, L-27948 & 28001-11, July 31, 1969, 28 SCRA 1085; Mobil Oil Philippines v. Diocares, L-26371, Sept. 30, 1969, 29 SCRA 656; Luzon Surety Co., Inc. v. Ds Garcia, L-25659, Oct. 31, 1969, 30 SCRA 111.

[6] Cf. Sarcos v. Castillo, L-29755, Jan. 31, 1969, 26 SCRA 853.

[7] 12 Phil. 485.

[8] 15 Phil. 85.

[9] 40 Phil. 105 (1919).

[10] L-26406, Oct. 31, 1969, 30 SCRA 248.

[11] L-29551, March 25, 1970, citing Batangas Transportation Co. v. Rivera, L-14427, Aug. 29, 1960; Basaysay v. Workmen's Compensation Commission, L-16438, NoV. 29, 1961, 3 SCRA 530 and. Philippine Rabbit Bus Lines, Inc. v. Workmen's Compensation Commission, L-20614 and L-21517, May 25, 1964, 11 SCRA 60. Cf. Victorias Milling Co., Inc. v. Workmen's Compensation Commission, L-25640, March 21, 1968, 22 SCRA 1215 and Victorias Milling Co., Inc. v. Workmen's Compensation Commission, L-25665, May 22, 1969, 28 SCRA 285.

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