

**REPUBLIC OF THE PHILIPPINES (PHILIPPINE CONSTABULARY),  
PETITIONER, VS. WORKMEN'S COMPENSATION COMMISSION  
AND FLORA A. VDA. DE ANCHEZ FOR HERSELF AND IN BEHALF OF  
HER MINOR CHILD...**

*G.R. No. L-34352. May 31, 1972*

Ponente: BARREDO, J.

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**BARREDO, J.:**

Petition for review of the resolution en banc dated October 5, 1971 of the respondent Workmen's Compensation Commission denying petitioner's motion for reconsideration of the decision of the said Commission thru Associate (Medical) Commissioner Herminia Castelo-Sotto, M.D., in which respondents-claimants Flora A. Vda. de Anchez, et al., the widow and children of Corporal Marcelo Anchez of the Armed Forces of the Philippines, were granted full compensation of P6,000.00 plus attorney's fees of P600.00, under the Workmen's Compensation Act, without deducting the P3,000.00 as death benefit they had already been paid by virtue of the provisions of Republic Act 610. The prayer of the petition is alternatively for the Court to reverse the respondent Commission by dismissing the subject claim in toto, the death of Corporal Anchez not being compensable according to petitioner, or, should the Court rule otherwise, that the amount of P3,000.00 paid under Republic Act 610 be deducted from the total award in the Commission's decision.

In the words of Commissioner Castelo-Sotto:

"We found the following narration of facts to have been faithfully taken from the evidence on records:

"\* \* \* that the deceased was legally married to the claimant widow, Flora Vda. de Anchez (Exh. A) with whom he had seven (7) minor children, namely: (1) Angelina Anchez, born on February 13, 1954, (2) Angelita Anchez, born on March 17, 1958, (3) Froilan Anchez, born on October 5, 1960, (4) Juanita Anchez, born on November 19, 1965, (5) Erlinda Anchez, born on December 4, 1955, (6) Juanito Anchez, born on July 9, 1964, and (7) Luciano Anchez, born on January 7, 1962, who were all wholly dependent for support upon the deceased; that he was an enlisted man with the Armed Forces of the Philippines, attached to the 137th PC Company, stationed at Imus, Cavite; that on December 7, 1965, he was on guard duty from which he was supposed to be relieved at 11:00 a.m. but he was relieved from guard duty at 11:15 a.m.

"The circumstance surrounding the shooting incident and the official view of the respondent over the death of the late Cpl. Marcelo Anchez are reflected on the report (Exh. 1) of the investigation conducted thereto by the 137th PC Company, Imus, Cavite, the pertinent portions thereof is hereunder reproduced:

**IV. DISCUSSION:**

'12. It can be deduced from the versions of the eye-witnesses in this shooting incident that among the three (3) victims namely: Sgt. MACARIO CABRERA who was wounded as a result of sanem (sic), it appears that only Cpl. ANCHEZ and Sgt. CABRERA were the only ones armed when this shooting occurred. From the testimonies given by Sgt. ORENDAIN and Cpl. FIDEL DEL ROSARIO, Cpl. ANCHEZ started the shooting

near the main gate and directed towards Pfc. FAJARDO, Fsgt. ESPEJO, and Patrolman RUSIT were the only other persons seen in the vicinity. From there it was also established through the statement given by Cpl. RUFINO LABSAN, and Mrs. MATEO, that prior to the death of Cpl. Anchez, the latter left the vicinity of the gate and deployed near a mango tree in the northward direction and there started shooting again. That the last person Cpl. ANCHEZ shot was Sgt. MACARIO CABRERA who in truth and in fact sustained GSW in the thigh. That when the firing ceased inside the camp Cpl. Anchez was seen on that particular spot where he was seen trading shots with Sgt. CABRERA.

'It seems evident that after shooting down Pfc. FAJARDO, Cpl. ANCHEZ ran berserk and began firing at anyone he saw. Sgt. ESPEJO, who was then at the rest house, was thus gunned down. Patrolman RENATO RUSIT could have been shot also had this Patrolman not run for cover when the shooting began. This appeared clear after the witnesses established that nobody was seen firing his gun except Cpl. ANCHEZ.

'Sgt. CABRERA'S reaction when Cpl. ANCHEZ began firing at him was self-preservation. So, if it was Sgt. CABRERA'S bullet that hit and killed Cpl. ANCHEZ, this appears to be a clear case of justifiable killing, Sgt. CABRERA having acted only in self-defense.

'Information given by Mrs. OLIVA LAMBOSON y Duminding and PASCUAL ANCHEZ, brother of Cpl. ANCHEZ, had it that Cpl. ANCHEZ was not acting in his normal self several days before the incident occurred, while not too much significance was attached to their observation at the time, yet these seem to indicate that something very serious was going on in the mind of Cpl. ANCHEZ. Bothered by problems that he could not reveal to anyone and aggravated by the anxiety of having to leave his family behind, incident to an impending transfer of his unit, Cpl. ANCHEZ broke down mentally.

## **V. CONCLUSION:**

'13. That Cpl. MARCELO ANCHEZ shot and killed FSgt. POLICARPIO ESPEJO, Pfc. DIOSDADO FAJARDO and wounded SSgt. MACARIO CABRERA in a fit of insanity. That the death of Cpl. MARCELO ANCHEZ was the result of SSgt. CABRERA'S responsive shot or those of others who responded to the aid of SSgt. CABRERA and other personnel and dependents who were being fired at indiscriminately by Cpl. ANCHEZ.

## **VI. RECOMMENDATION:**

'14. Recommend that this case be closed. Recommend further that immediate payment of benefits due to the heirs of FSgt. POLICARPIO ESPEJO and Pfc. DIOSDADO FAJARDO be effected to assuage the losses suffered by these families; and that the family of Cpl. MARCELO ANCHEZ be favorably considered for payment of benefits also in view of the insanity that must have attacked Cpl. ANCHEZ while in the performance of duty.'"

Additionally, it needs be stated that said Corporal Anchez died under the above-narrated circumstances on the date mentioned, December 7, 1965, but it was not until February 20, 1967 that respondents-claimants filed a "Notice and Claim for Compensation in Death Cases" with the Sub-Regional Office No. 4 of the Commission. In connection with said notice and claim, on June 23, 1967, First Assistant Solicitor General Esmeraldo Umali wrote the Chief of the said Sub-Regional Office as follows:

"The Chief  
Workmen's Compensation Section  
Sub-Regional Office No. 4  
Department of Labor  
Quezon City

Re: MARCELO T. ANCHEZ

WCS-R 04

Dear Sir:

In connection with the aforesaid case please be apprised that all the papers relative to the claim for compensation filed by the deceased's widow under Act 3428, as amended, are already transmitted to the employer Philippine Constabulary for his action.

"Please reserve our right to controvert the said claim in pursuance of Section 45 of the Act, until this Office receives the recommendation of the employer."

and followed this later on with a 4th Indorsement dated August 28, 1967 reading thus:

"Respectfully returned to the Chief, Workmen's Compensation Section, Sub-Regional Office No. 4, Department of Labor, Quezon City, the herein papers relative to the claim for compensation (WCS-RO4) filed by Mrs. Flora A. Vda. de Anchez, widow of the late MARCELO T. ANCHEZ, soldier, 137th PC Company at Imus, Cavite, for his action.

"It appearing that the deceased died on December 7, 1965 due to 'multiple gunshot wounds' (Item Nos. 2-4, Notice); that the deceased 'ran berserk and began firing at anyone he saw,' including his comrades Sgt. Espejo and Pfc. Fajardo; that when the deceased shot at Sgt. Cabrera, the latter gunned down the former who ran amuck in a fit of insanity' (Inv. Report dtd. Dec. 18/65); that the personal injuries suffered by the deceased did not arise out of and in the course of the employment; that the death of the deceased was not work-connected; that the claim for death benefit was unseasonably filed; and that the claim for medical benefit was already barred, this Office manifests its intention to controvert the said claim."

This was a transmittal, duly augmented by the appropriate legal purposes, of a 3rd Indorsement of the Acting Chief of the Constabulary stating:

"Respectfully returned to the First Assistant Solicitor General, Department of Justice, Manila, the herein claim for compensation due legal heirs of the late Sgt. Marcelo T. Anchez with the complete supporting papers as required in the preceding indorsement.

"Please be informed also that claims for death gratuity and burial expenses were already paid to the widow." [1]

Upon the foregoing premises, the first alternative prayer of the petitioner must be denied. The incident that resulted in the death of Corporal Anchez took place within the premises of the 137th PC Company in Imus, Cavite. It is to be presumed that report thereof was immediately made to the corresponding higher army authorities upon whom, under Memorandum Circular No. 210, dated October 29, 1968 of the Executive Office, devolved "the duty to file the notice of controversion of claims for compensation of government employees" as "heads of the Departments, Bureaus or Offices concerned," but no such notice of controversion appears to have been filed by them. What is in the record is nothing but the aforequoted 3rd Indorsement of the Acting Chief of Constabulary which, as already stated, was subsequently endorsed by the First Assistant Solicitor General on August 28, 1967 in the manner already indicated. Certainly, these communications do not amount to the controversion required by the law. Our Acting Chief Justice, Mr. Justice J. B. L. Reyes, ruled under similar circumstances in *Republic vs. Workmen's Compensation Commission, et al.*, G.R. No. L-22650, April 28, 1967, 19 SCRA 1022, this wise:

"The next issue tendered is which party has the right to controvert the laborer's claim, the Philippine Air Force or the Solicitor General. This is a question between said parties inter se and its resolution does not affect the rights of the claimant. At any rate, the question is irrelevant in the present case, even in an incidental manner, because neither of the said parties complied with the requirements for valid controversion — the Philippine Air Force, which knew of the accident on the day of its occurrence on 24 February 1959, controverted the claim

only on 11 August 1959, much beyond the period prescribed in Section 24 of the Workmen's Compensation Act, while the Solicitor General failed to file an employer's report, as required by Section 45 of the Act. It may well be pointed out, also that any report by the latter would be essentially hearsay, without actual knowledge of the facts." (At pp. 1025-1026)

With respect to the second alternative prayer, however, We take a different view. If only from the standpoint of adhering to precedent, petitioner's contention that the P3,000 paid to respondents-claimants under Republic Act 610 should be deducted from the total amount of the award under the Workmen's Compensation Act is well taken. Only two months ago, in Republic of the Philippines (Philippine Air Force) vs. Workmen's Compensation Commission, et al., G.R. No. L-30320, March 29, 1972, Mr. Justice Julio Villamor held for the Court thus:

"Consequently, as the Workmen's Compensation Act now stands, the benefits thereunder are applicable to all officials, employees and laborers in the service of the government, including, apparently, members of the armed forces. Does this mean, then, that if an army officer or enlisted man, or his beneficiary, accepts benefits under Republic Act No. 610, he may still be entitled to the full benefits of the Workmen's Compensation Act and vice versa? The answer is in the negative.

"The following legal provisions are pertinent to the issue:

'SEC. 9. Repeal or modification of laws. Except as hereinafter provided, any gratuity or pension received under the provisions of this Act shall be in addition to any retirement pay payable under existing laws: Provided, That no person who has received the death or disability benefits under Republic Act Numbered Five hundred seventy-three shall be entitled to the benefits of this Act. No payment shall hereafter be made to the beneficiaries of deceased officers and enlisted men of the Armed Forces of the Philippines or the Philippine Constabulary under the provisions of Republic Act Numbered Thirty or any other law granting similar benefits to officers and employees, generally, of the National, provincial, or municipal government. \* \* \*.' (Republic Act No. 610.)

'SEC. 5. Exclusive right to compensation. The rights and remedies granted by this Act to an employee by reason of a personal injury entitling him to compensation shall exclude all other rights and remedies accruing to, the employee, his personal representatives, dependents or nearest of kin against the employer under the Civil Code and other laws, because of said injury.' (Workmen's Compensation Act.)

"It will thus be seen that Republic Act No. 610 bars payment, under other laws; so does the Workmen's Compensation Act. Hence, if one is paid under Republic Act No. 610, he may not again be paid under the Workmen's Compensation Act, unless, as in the case at bar, what was received under the first law is less than what can be received under the Workmen's Compensation Act, in which event, considering that both laws are social legislations designed to provide a system whereby dependents are awarded benefits to prevent them from being destitute and a charge upon society, the difference in amount may still be ordered paid by the Workmen's Compensation Commission in a proper case brought to it."

In reiterating this view now, We are not overlooking the well-reasoned observation of the respondent Commission in its decision that:

"There is no merit in second ground relied upon by the respondent. The amount received by the claimants under R.A. No. 610 should not be charged against the compensation due under Act No. 3428, as amended, because although they are both benefits granted to the deceased employee yet it springs from an entirely separate and distinct sources. The death benefits given under R.A. 610 is given in recognition of the added risks peculiar to Armed Forces personnel as our guardian of our national security; while the benefits granted under Act No. 3428, as amended, as part substitute for lost earnings of the workmen ,who are victims of work-connected accidents, sickness or death. In other words, while the origin of the employer's obligation emanates from only one reason, namely, the employee's injury, illness or death, the former law is given as a

gratuity in appreciation of said employee's past services, while the latter law is a social legislation which has for its purpose the amelioration of service connected injuries or illnesses of the victims and their dependents in case of death so that they will not become a social outcast.

"In like effect and in the same manner, the situation may be likened to that of private establishments which create gratuity or pension plans for their employees in addition to workmen's compensation benefits, or to civil service employees who, in case of injury, sickness or death, may receive benefits from both the Workmen's Compensation Law and Article 699 of the Revised Administrative Code. (See *City of Zamboanga vs. Apostol*, G.R. No. L-27256, April 20, 1967)."

Actually, what delayed somehow the arrival at a consensus among the members of the Court in the case aforesaid was the stand taken by the writer of this opinion along the same line of thinking as the Commission's. What finally convinced him to give his assent to the view of the majority was the consideration that, unlike previous laws of similar nature,[2] Republic Act 610 does not appear to be expressly intended to grant the benefits therein provided for "in recognition of the added risks peculiar to Armed Forces personnel as our guardian of our national security" and all that such thought implies. While, as noted on the margin hereof, the previous legislations on the matter were explicit in that sense, Republic Act 610 may be considered as nothing more than a law purporting to extend to the members of the Armed Forces before the Workmen's Compensation Act was amended by Republic Act 4119 on June 20, 1964 death benefits not granted to them under said Act. This amendment made the Act applicable to "all officials, employees and laborers in the service of the National Government and its political subdivisions and instrumentalities." After the passage of Republic Act 4119, the two legislations became no more than parallel dealing with the same matter, and, accordingly, the Workmen's Compensation Act as so amended has become suppletory to Republic Act 610, such that whatever benefits cannot be granted under the latter may be completed by an award under the former. Under this construction, the beneficiaries concerned may avail of either of these laws at their convenience, provided that a full recovery under the Compensation Law would naturally bar any benefit under the other law, whereas any recovery under the latter, if less than that authorized under the former, may be augmented up to the full amount provided for in the former. And with respect to the approval of Republic Act 5859 increasing the death benefit under Republic Act 610 from P3,000 to P6,000, the same cannot be considered as indicative of any intent to vary neither the concept nor the purpose of the benefits therein provided for, hence such amendment must be viewed in the same light as the original Act itself. In other words, the only objective of Republic Act 5859 is to enable the beneficiaries under it to have the opportunity to receive the bigger amount therein specified should they wish to avail of its provisions before filing their claim under the Workmen's Compensation Act.

It may not be amiss to add here that although the Court does not feel the need of passing on the contention of the Solicitor General that to sustain the theory of the Commission would, in effect, be violative of the constitutional injunction against double compensation, We are satisfied that viewing the matter at issue even in the most favorable light from the social standpoint, it is difficult to conclude that the legislature intends by the two legislations here being construed to actually double the death and disability benefits of members of the Armed Forces, considering that at the times the said laws were approved the finances of the government could not have conceivably permitted the outlays needed for the purpose.

IN CONCLUSION, the resolution of the Workmen's Compensation Commission appealed from is modified in the sense that the P3,000.00 previously received by respondents-claimants under Republic Act 610 should be deducted from the total award made to them under the Compensation Law. No costs.

Reyes, J.B.L., Acting C.J., Makalintal, Zaldivar, and Teehankee, JJ., concur.

Fernando, J., concurs in the result.

Concepcion, C.J., on official leave.

Castro and Antonio, JJ., took no part.

Makasiar, J., reserves his vote.

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[1] The reference to payment is under Republic Act 610.

[2] a) Section 1 of Republic Act 30 provided thus:

"In addition to any right or benefit which, by operation of law, accrues to the widow and/or children of a deceased officer or member of any police force or similar governmental organization, whether national, provincial, city or municipal, engaged in the maintenance of peace and order, there is authorized to be paid to such widow and/or children a gratuity equivalent to one year salary, but in no case less than the sum of one thousand pesos, if the deceased officer or member of the force shall have been killed while engaged in the performance of his duties in connection with the campaign for the maintenance of peace and order, or as a direct consequence of his participation therein. If such deceased has no surviving widow or children, such gratuity shall be paid to his other heirs in the order of succession established by the Civil Code."

b) Sections 6 and 7 of Republic Act 573, entitled "The Philippine Aid to the United Nations Act" and related to Philippine Participation in the Korean War effort, granted death and disability benefits in the event of "death of an officer or enlisted man as the proximate result of wounds or injuries received or sickness or disease contracted or aggravated in line of duty while serving overseas."

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## CONCURRING

### **FERNANDO, J.:**

An overruling of a decision rendered barely two months ago being hardly conducive to the stability of the law, although I feel a reexamination of the doctrine announced in some future date is in order.

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