

**SAN MIGUEL BREWERY CARLATAN COCA-COLA PLANT BRANCH,
PETITIONER, VS. GENEROSA S. VDA. DE JOVES, ET AL.,
RESPONDENTS.***G.R. No. L-24258. June 26, 1968*

Ponente: ANGELES, J.

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Petition for certiorari to review the resolution of the Workmen's Compensation Commission, en banc, dated January 28, 1965, in B.W.C. Case No. 1792-R9, denying petitioner's motion for reconsideration of the decision in the same case awarding compensation benefits to the widow of one Cresenciano Joves, a deceased worker.

The late Cresenciano Joves had worked as loader in the San Miguel Brewery, Carlatan Coca-Cola Plant Branch, since 1947, with an average weekly wage of P30.00. On June 6, 1961, on his way home, and very shortly after quitting work at the warehouse of the company at Dagupan City, Joves was bumped and run over by a speeding car. He was rushed to the Pangasinan Provincial Hospital where he expired on that same day. The records show that the company came to know of the mishap thru the deceased's capataz and supervisor who allegedly promised to the widow that the company would render aid in the amount of P200.00 for funeral expenses. Despite this knowledge, however, the employer did not notify the Workmen's Compensation Commission of the said accident, nor did it controvert the widow's right to death benefits under the Workmen's Compensation Act.

The claim for compensation was actually filed by the widow on January 31, 1962, before the Department of Labor Regional Office No. 1 at Dagupan City. Upon hearing the cause, the chief hearing officer therein rendered judgment for the claimant and against the San Miguel Brewery as employer of the deceased.

After a reconsideration of the award at the instance of the company, due to a clerical error in the computation of the amount of compensation adjudged to be awarded to the widow, the record was elevated to the Workmen's Compensation Commission for review. As stated in the beginning, the Commission also decided in favor of the claimant. Hence, this petition filed by the employer company.

The first point raised by the petitioner is the laches incurred by the claimant when she filed her claim for compensation only on January 31, 1962, about seven months after the vehicular accident that caused the death of her husband on June 6, 1961. It is contended that filing of the claim for compensation within the periods specified in section 24 of the Workmen's Compensation Act, three months in case of death, is a condition precedent to the recovery of compensation benefits. Our jurisprudence abound with cases that refute this contention.

Mainly, the doctrine is that failure on the part of the employee or claimant to comply with the requirements of section 24 of Act 3428 is non-jurisdictional.[1] Thus, it has been held that failure or delay in giving said notice is not a bar to the proceeding in the claim for compensation, if it is shown that the employer, his agent or representative has knowledge of the injury, sickness, or death, or that the employer did not suffer by such delay or failure.[2] There is no denying here that the company had knowledge of the accident at which Joves met his death,

and there is no showing either that said company did suffer or was prejudiced by the widow's failure to file her claim on time; consequently, said de-lay incurred by the widow is not fatal to her right to recover death benefits under the Workmen's Compensation Act.

On the other hand, authorities are quite strict with the requirement regarding the employer's giving notice of accident, injury or sickness of his employee to the Workmen's Compensation Commission, and its intention to controvert the right of the claimant to compensation. It has been held repeatedly that failure of said employer to comply with this requirement constitutes a renunciation of the right to controvert a claim, unless it submits reasonable grounds therefor,[3] so that even if a claim for compensation is filed beyond the period prescribed in Section 24 of Act 3428, when it is shown that the employer has not manifested to the Commission his intention to controvert the right to compensation, the Commission can proceed to determine and decide the claim for compensation.[4] The company's failure in this case to comply with such requirement is not disputed. Guilty itself of delay, petitioner cannot now avoid the widow's claim for compensation by invoking a similar delay on the part of the latter.[5]

We are unable to entertain petitioner's second ground for review, directing our attention to an alleged case filed against the negligent party responsible for the death of the deceased whereat said party was supposed to have been convicted and ordered to indemnify the heirs of the deceased in the amount of P6,000.00 which indemnification, it is claimed, would preclude re-recovery of death benefits under the Workmen's Compensation Act. Firstly, this issue was never raised by the herein petitioner in any of the previous stages of the case until presently in this appeal. Secondly, it involves a verification of the factual basis of the allegation, which is beyond our province to do so.

As it appears from the foregoing, the petitioner has failed to show justifiable cause for a reversal of the conclusions reached by the respondent Commission.

WHEREFORE, the resolution under review is hereby affirmed, with costs against the petitioner.

Concepcion, C.J., Reyes, J.B.L., Dizon, Makalintal, Zaldivar, Sanchez, Castro and Fernando, JJ., concur.

[1] Victorias Milling Co., Inc. vs. Villanueva, et al., G. R. No. L-10533, May 13, 1957; Century Ins. Co., Inc. vs. Fuentes, et al., G. R. No. L-16039, August 31, 1961; Manila Railroad Co. vs. Workmen's Compensation Commission, G. R. No. L-21002, August 10, 1967.

[2] Paez vs. Workmen's Compensation Commission, et al., G. R. No. L-18438, March 30, 1963; Pangasinan Transportation Co., Inc. vs. Workmen's Compensation, et al., G. R. L-16490, June 29, 1963.

[3] National Development Co. vs. Rongavilla, G. R. L-21963, August 30, 1967; Manila Railroad Co. vs. Workmen's Compensation Commission, et al., G. R. L-21502, Sept. 15, 1967; Manila Railroad Co. vs. Workmen's Compensation Commission, G. R. L-21902, August 10, 1967.

[4] National Development Co. et al. vs. WCC, et al. G. R. L-20502, Mar. 31, 1965; MRR vs. WCC, supra.

[5] Manila Railroad Co. vs. Workmen's Compensation Commission, G. R. L-21502, Sept. 15, 1967.

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