

**PHILIPPINE NATIONAL RAILWAYS, PETITIONER, VS.
WORKMEN'S COMPENSATION COMMISSION AND MARCELA
VDA. DE YAMBOT, RESPONDENTS.***G.R. No. L-30854. November 19, 1982*

Ponente: RELOVA, J.

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This is a claim for death benefits filed by private respondent Marcela Vda. de Yambot, for herself and in behalf of her four (4) minor children, namely: Danilo, Ester, Eloisa and Andrononico, all surnamed Yambot, due to the death of the late Moises Yambot, formerly an employee of herein petitioner, Philippine National Railways, since 1951. He occupied various positions, the last one being that of telegraph operator with a salary of P2,700.00 per annum and which position he held up to the time of his death on May 10, 1963. His official station of work was in the Central Office of the Philippine National Railways at Tutuban, Manila.

It was the finding of the Workmen's Compensation Commission that prior to May 10, 1963, or on May 6, 1963, Yambot's tour of duty was from 11:00 in the evening to 7:00 in the morning of the next day. About 6:30 in the morning of May 7, 1963, Yambot was busy receiving telegram messages from Wire No. 1. Inside the office with him at the time were Rafael Melquiades and Joaquin Andres. A stranger approached Yambot while the latter was busy working. Yambot got mad at the stranger and uttered the following words: "You are always asking questions, I cannot pay attention to my work." The stranger retorted: "Demonyo ka Moises, may araw ka rin sa akin," following which the stranger left.

On May 8 and 9, 1963, Yambot was on vacation leave. About 9:30 in the morning of May 10, 1963, he was in the railroad station in San Miguel, Bulacan, waiting for the train to arrive as he was going to Manila. A certain Inocencio Castillo arrived with a balisong in his hand and approaching Yambot, said: "Ikaw Moises, kung nasa loob ka ng opisina mo ay masyado kang mapagmalaki. Siguro naman sa patalim na ito ay hindi ka na makapagmamalaki." Yambot answered: "Hindi naman Sencio, kaya lamang ay bawal sa aming makipag-usap sa kasalukuyan ng trabaho." Castillo replied: "Hindi, talagang mapagmalaki ka" and at the same time swung his "balisong" at Yambot who, however, was able to run away. But then, Castillo pursued him until he was overtaken and stabbed several times. He died, and the cause of death was "hemorrhage, internal and external and multiple stab wounds."

Acting Referee Pedro P. Pelaez of the Department of Labor dismissed the claim of Mrs. Yambot on the ground that her husband "was assaulted when (he was) on leave near his house and for causes or under circumstances not even remotely related to his work as telegraph operator." However, respondent Workmen's Compensation Commission reversed the decision of Mr. Pelaez, and finding for the widow-private respondent Marcela de Yambot, said:

"From the foregoing recital of facts, it is clear that the immediate cause of the stabbing of Yambot by Inocencio Castillo was due to the former's actuation in not attending to the latter on the morning of May 7,

1963. Even granting for the sake of argument that Yambot was off-duty on May 10, 1963, and, therefore, the employer-employee relationship between the deceased employee and respondent was suspended, the fact remains that the cause of the stabbing was because of Yambot's failure to give due attention to the assailant three days prior thereto. Thus, when Yambot uttered the following words to the assailant on May 7, 1963, 'You are always asking questions, I cannot pay attention to my work,' he (Yambot) acted within the scope of his duty and responsibility not prejudicing the service, and when the fatal assault was made upon him on May 10, 1963, it must be considered that his death resulted from an act which arose out of and in the course of his employment. Moreover, respondent failed to substantiate by evidence its contention that the cause of the stabbing was purely personal. In fact, neither Rafael Melquiades nor Joaquin Andres was presented by the respondent to rebut the altercation between Yambot and the stranger who in all possibility was Castillo, when they were in the same room. Such failure of the respondent lends credence to the happening of the altercation which took place in the course of Yambot's employment. Hence, we find the acting referee to have committed a reversible error in dismissing the instant claim and in not awarding death benefits in favor of the claimants."

and ordered herein petitioner to pay private respondent the sum of FOUR THOUSAND (P4,000.00) PESOS, as death compensation; the sum of FOUR HUNDRED TWENTY (P420.00) PESOS, as attorney's fees; and, the sum of P43.00 as costs.

It is the contention of petitioner that Yambot was killed on May 10, 1963 in front of his house, "due to personal causes" as established in the investigation conducted by the police of San Miguel, Bulacan immediately after the stabbing; that the incident had no connection whatsoever with his work; that the incident occurred in a public place; that the victim was assaulted near his house and for causes or under circumstances not even remotely related to his work as telegraph operator when he was on leave and, therefore, off duty.

Further, one Avelino de Leon, a neighbor of the deceased and whose house was only ten meters away, testified that he saw the assailant in front of the house of Yambot waiting and then pulled his "balisong" when the victim appeared. Yambot ran away but was pursued by the assailant who overtook him and then stabbed him to death.

We find the petition without merit. As stated by the petitioner "the only issue to be resolved in this case is whether or not the death of the late Moises Yambot on May 10, 1963 falls within the ambit of the compensation coverage." Thus, petitioner does not dispute the fact that the assailant Inocencio Castillo is the "stranger" who was in the office of Moises Yambot in the early morning of May 7, 1963. Neither did petitioner dispute the fact that on that occasion Castillo and Yambot had an altercation whereby Castillo warned Yambot "may araw ka rin sa akin." Otherwise stated, the untimely death of Yambot was the consequence of his altercation with Inocencio Castillo which arose out of and in the course of his employment as telegraph operator. Yambot did not want to be disturbed in his work when Castillo was annoying him with too many questions. This irritated Castillo who, on the third day, found the occasion to assault and kill this employee of petitioner.

ACCORDINGLY, the decision dated June 17, 1969 of the Workmen's Compensation Commission is hereby AFFIRMED in toto.

SO ORDERED.

Teehankee, (Chairman), Melencio-Herrera, Plana, Vasquez, and Gutierrez, Jr., JJ., concur.

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