

The case was elevated to the Workmen's Compensation Commission, and in his decision of May 19, 1967 Associate Commissioner Cesareo Perez affirmed the decision of the Referee, "with the modification that the respondent Pineda Furniture Store be ordered to pay the sum of Five Pesos (P5.00) as postponement fee, per order dated July 8, 1966 of the Acting Referee and Chief, Workmen's Compensation Unit, and the respondent Manila Surety & Fidelity Co., Inc. is hereby further ordered to pay to this Commission the sum of Five Pesos (P5.00) as costs for this review, pursuant to section 55 of Act 3428, as amended." The motion for reconsideration of the intervenor surety company was denied by the banc.

In this appeal, the petitioner company poses two issues, namely, (1) Was the death of Simeon Mallari compensable, "it having been proved by competent evidence that he met his death because of a personal quarrel between him and another employee?" and (2) Was the death of Simeon Mallari covered by the terms of the policy it issued to the Pineda Furniture Store?

Resolution of these two issues presents no special difficulty.

1. Simeon Mallari was stabbed to death between one o'clock and two o'clock in the afternoon of May 3, 1965 by a co-employee, Fortunato Reyes. The killing took place inside the shop of the furniture store. The reason for the stabbing which caused his death was not brought out by the claimant, but neither the employer nor the petitioner-company proved that the killing was the result of a quarrel purely personal in character and completely unrelated to the work of the deceased. In the absence of evidence to the contrary, the death of Mallari must be presumed to have arisen out of and in the course of his employment.

2. To resolve the second issue, we need merely quote from the decision of the Workmen's Compensation Commission. Thus:

"x x x Was Simeon Mallari among the seven (7) co-employees covered by Workmen's Compensation Commission Policy No. DG-WC-312 dated May 1, 1965? In contending that the late Mallari was not covered by the policy the insurance carrier insisted that since Mallari was an employee of the Insured assigned to the Holy Ghost Subdivision Shop and not one of those assigned at its Abanao St. Shop, he is not among those covered by the policy. This contention is a law [sic] attempt to exculpate the insurance carrier from its accepted liability under the workmen's compensation policy issued in favor of the Pineda Furniture Shop where Mallari was admittedly employed. Under the provisions of Section 30 of the Workmen's Compensation Act, as further amended by Rep. Act No. 4119 effective June 20, 1964, which introduced into our country the new concept of 'compulsory insurance' in our workmen's compensation System, the insurance company which issued a workmen's compensation policy is liable for compensation payments regardless of conditions incorporated in the insurance policy limiting its coverage to certain named locations, classes of employees, or specified operations, in view of the fact that we follow the 'full coverage' rule in compulsory insurance. For instance, if the policy enumerates the names or number of employees covered by it, the Bureau will disregard such enumeration or limitation when an employee, not within the list, meets with an accident, and the bureau will require the insurance carrier to pay compensation benefits to him as if his name were included in the list. Similarly, defenses such as non-payment of premiums, breach of policy conditions, or even assignment and transfer of interests which the insurer might have against the employer, are not available against the employee. (Cf. Larson, Workmen's Compensation Law, Vol. 2, Sec. 92.00, p. 443). The philosophy underlying compulsory insurance of workmen's compensation liabilities is to allow the injured or sick worker to receive prompt payment of his full compensation benefits with a minimum of legal formality. Besides, it appears in the insurance carrier's 'Schedule' that the policy apparently covers 'Any person in the Insured's immediate service x x x' which necessarily includes the late Mallari. Any other interpretation will tend to defeat the very purpose for which compulsory insurance system was introduced into the country."

We need only add, in refutation of the petitioner-appellant's contention that the deceased Mallari exceeded the number of employees (seven in all) covered by the insurance policy, that since the policy itself nowhere specifies

the names of the persons covered, it is obvious that Simeon Mallari can-not by any reason or rule of logic be considered as excluded from the coverage thereof.

ACCORDINGLY, the judgment appealed from is affirmed, at petitioner's cost.

Concepcion, C.J., Reyes, J.B.L., Dizon, Makalintal, Zaldivar, Fernando, Teehankee, Barredo, and Villamor, JJ., concur.

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