

MARCOPPER MINING CORPORATION, PETITIONER, VS. HON. JESUS V. ABELEDA, PRESIDING JUDGE, COURT OF FIRST INSTANCE OF MARINDUQUE, EUFROCINO IGNACIO; URSULA MINAY AND JUANITA ALMARIO ...

G.R. No. L-33851. August 15, 1988

Ponente: CRUZ, J.

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CRUZ, J.:

Several issues have been raised in this petition for certiorari and prohibition with preliminary injunction but we need to resolve only one of them. This is the basic question of whether a widow already fully compensated under the Workmen's Compensation Law for the death of her husband may still file a separate action for damages arising from the same death under the Civil Code.

The employee in this case was Alfonso Ignacio, who was killed in an accident on October 9, 1970, while working in the petitioner's plant. His widow, Juanita A. Ignacio, one of the private respondents herein, thereafter claimed and was on December 18, 1970, paid the sum of P6,423.95 as full compensation for her husband's death under the Workmen's Compensation Act.[1] She executed on the same day a "Satisfaction of Claim" for herself and her minor child, Alanie Ignacio, in which they waived all other claims under the said law against the petitioner.[2] It is not denied that, in addition, the petitioner voluntarily paid the sum of P10,00000, which was accepted by the widow.[3]

All this notwithstanding, the private respondents, including not only the widow and her minor child but also the father and mother of the deceased employee, later filed a complaint against the petitioner for actual, moral, temperate and exemplary damages in the then Court of First instance of Marinduque. They alleged that Ignacio's death was the result of the petitioner's gross negligence in failing to provide safety measures prior to the repair of the defective disposal pipe that had exploded and killed him. The petitioner moved to dismiss on the principal ground that full compensation had already been paid to and received by the widow and her minor child under the Workmen's Compensation Act and that this barred the institution of another action under the Civil Code for the recovery of any further sum based on the said incident. The respondent judge[4] denied the motion, holding that the ground invoked was not indubitable,[5] prompting the petitioner to come to this Court for relief.

It is understandable that the parties could not reach any agreement then on the effect of the acceptance of death benefits under the Workmen's Compensation Act by the heirs of the deceased employee on their right to sue for additional amounts in the concept of damages under the Civil Code. Jurisprudence on this matter was at that time rather confused and indecisive. Fortunately, however, the conflict in the past decisions has since been clarified with the adoption by the Court of the categorical rule first announced in the case of *Floresca v. Philex Mining Corporation*,[6] which abandoned the earlier doctrine embodied in *Robles v. Yap Wing*. [7]

In the *Robles* case, it was held that claims for damages sustained by workers in the course of their employment could be filed only under the Workmen's Compensation Law, to the exclusion of all further claims under other

laws. In *Floresca*, this doctrine was abrogated in favor of the new rule that the claimants may invoke either the Workmen's Compensation Act or the provisions of the Civil Code, subject to the consequence that the choice of one remedy will exclude the other and that the acceptance of compensation under the remedy chosen will preclude a claim for additional benefits under the other remedy. The exception is where a claimant who has already been paid under the Workmen's Compensation Act may still sue for damages under the Civil Code on the basis of supervening facts or developments occurring after he opted for the first remedy.

The rule was recently reaffirmed in the case of *Ysmael Maritime Corporation v. Avelino*,^[8] where the present Chief Justice declared:

"As thus applied to the case at bar, respondent Lim spouses cannot be allowed to maintain their present action to recover additional damages against petitioner under the Civil Code. In open court, respondent Consorcia Geveia admitted that they had previously filed a claim for death benefits with the WCC and had received the compensation payable to them under the WCA (Rollo, pp. 22-23, 29-30). It is therefore clear that respondents had not only opted to recover under the Act but they had also been duly paid. At the very least, a sense of fair play would demand that if a person entitled to a choice of remedies made a first election and accepted the benefits thereof, he should no longer be allowed to exercise the second option. 'Having staked his fortunes on a particular remedy, (he) is precluded from pursuing the alternate course, at least until the prior claim is rejected by the Compensation Commission.'"

It follows that having received full benefits under the Workmen's Compensation Act (plus the voluntary grant of another P10,000.00 from the petitioner), and there being no showing that they come under the exception, Juanita Ignacio and her minor child may no longer maintain their complaint in the respondent court for recovery of additional damages as a result of the death of Alfonso Ignacio.

The other issues raised, viz., the capacity to sue of the minor child and the right to compensation of the other respondents who are the parents of the deceased worker, do not have to be decided any more in view of this resolution of the basic issue.

WHEREFORE, the petition is GRANTED. The respondent court is directed to DISMISS Civil Case No. 1519.

SO ORDERED.

Narvasa, (Chairman), Griño-Aquino, and Medialdea, JJ., concur.
Gancayco, J., on leave.

[1] Annex "B," Rollo, p. 12.

[2] Annex "A," Rollo, p. 19.

[3] Rollo, p. 63.

[4] Judge Jesus Abeleda, CFI of Marinduque, 11th Judicial District.

[5] Annex "L," Rollo p. 99.

[6] 136 SCRA 141.

[7] 41 SCRA 269.

[8] 151 SCRA 333.

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