

LUZON BROKERAGE COMPANY, INC., PETITIONER, VS. ESTEUTA DAYAO, ET AL., RESPONDENTS.

G.R. No. L-10362. November 27, 1959

Ponente: PADILLA, J.

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PADILLA, J.:

The respondents Estelita, Teresita, Norma and Ramon, all minors surnamed Dayao, are children of the deceased Antonio Dayao who from 1949 up to his death on 28 July 1952 was a laborer-carpenter of the petitioner Luzon Brokerage Company, Inc. The respondents children claim compensation against the Company for the death of their father.

At 8:00 o'clock in the morning of 28 July 1952 Antonio Dayao together with nine other laborers of the Luzon Brokerage Company, Inc. rode on the firm's truck proceeding to Paranaque, Rizal, to perform a company's work of moving the household effects of one Karning or Cummins to a new residence, about 200 meters from his former, on the same Street. The effects which the workmen moved down were refrigerator, electric range, freezer, beds, tables and other furnitures. A mechanical lifter "was used to load them on the truck. The household effects were brought to the new dwelling and were unloaded from the truck by the lifter and carried upstairs by Dayao and his companions. During the hauling of that day, Dayao appeared normal. The group proceeded to Plaza Militar, Malate, Manila, where they ate their lunch. Afterwards, Dayao took a nap. At 12:55 o'clock p.m., as Epitacio Aguirre, the supervising foreman, was waking the laborers for the afternoon work, he noticed several of his men agog over Dayao who apparently in deep slumber suddenly stood up gasping for air and wanted to jump. After having been examined by a doctor who was called to render immediate aid, Dayao was taken in a taxicab to the Philippine General Hospital, but before arrival he died.

On 29 July 1952 the Luzon Brokerage Company, Inc. filed with the Workmen's Compensation Commission the employer's report of accident on Dayao's death (Annex A). Likewise on 11 August 1952 the Dayao children, assisted by Arsenio Mariano, a relative, filed with the Commission a formal notice of injury and claim for compensation (Annex B). The case was assigned to a referee of the Workmen's Compensation Commission who, after hearing, rendered an opinion holding untenable the claim of the surviving children, on the ground that their father's death was not an accident arising out of and in the course of his employment but due to natural causes (Annex C). After receipt of a copy of the opinion on 16 February 1954, on 31 March 1954 the claimants filed with the Workmen's Compensation Commission a petition for review thereof (Annex G). On the last mentioned day, the referee forwarded the entire record of the case to the Commissioner (Annex H). On 13 April the Company moved for the dismissal of the petition for review, it having been filed out of time according to the Company (Annex I). The motion to dismiss the petition was denied, so also its motion for reconsideration (Annex K), for the reason that it had been filed "within the extensions granted for the filing thereof." (Annexes J and L.) The Company filed an answer and objection to the petition for review (Annex M). On 18 February 1956 the Workman's Compensation Commissioner rendered a decision reversing that of the referee and awarding death compensation to the Dayao children in the sum of P3,900 and the further sum of P200 for burial expenses? He

also ordered the respondent Company to pay to the Commission P40 as fees (Annex N).

From the Commissioner's decision, the respondent Company has appealed.

The four errors assigned by the Company raise only two issues, namely: the petition for review of the referee's opinion was filed out of time and the death of Dayao was caused not by overexertion in the hauling work but by a natural disease known among Filipinos as "bangungot." Hence—the Company argues—no compensation may be granted.

The claimants received a copy of the referee's decision on 16 February 1954. Pursuant to and under section 3 of Rule 10 of the Rules of the Workmen's Compensation Commission, which provides that—

All petitions for review must be filed within fifteen (15) days from the receipt of notice of any referee's order or award of the Commissioner unless further time is granted by the referee or the Commissioner within said fifteen days (*Italics supplied*).

the claimants could seek review of the referee's opinion until 3 March 1954. On claimants' motion, the Commission extended the period to 17 March (Annex E). On 16 March or one day before the expiration date, the claimants moved for a second extension of time to file the petition for review (Annex D); on 27 March they filed a third motion for a 4-day extension or until 31 March (Annex F); and finally, on 31 March 1954 the petition for review was filed (Annex G).

The petitioner Company claims that the petition for review was out of time, it having been filed 44 days from the claimants' receipt of the referee's opinion. It contends that a petition for review may be filed only within an extension of time which the referee or Commissioner must grant within the original reglementary period of 15 days and that the referee or Commissioner has no power or jurisdiction to allow any extension beyond the said 15 days. Under the petitioner's theory, only one extension can be granted and such extension must be asked for and granted within the original 15-day period, i.e., if the 15-day reglementary period is extended to 20 days and the first 15 days have already lapsed, no further extension could be granted within the last 5 days. This is an erroneous interpretation of section 3 of Rule 10 of the Rules of the Workmen's Compensation Commission, because any additional period of time allowed or granted forms part of the whole period within which a petition for extension of time or for review of the referee's opinion may be filed; it fails to take into consideration the view that the workmen's compensation law must be liberally. (Construed in favor of the laborer or his dependents to achieve its purpose;[1] such interpretation is too narrow and impractical, for very often not only one or two but three or more extensions of time are necessary, depending upon many factors and grounds which the referee or the Commissioner in the exercise of his discretion may consider valid and justifiable. In the instant case, the ground for the second motion for extension was the death of the father of the claimants' lawyer in Palauan, Occidental Mindoro, the attendance of said counsel at the funeral and the arrangement of family affairs (Annex D). The reason for the third was the fact that counsel himself was sick of influenza, duly supported by a medical certificate. These motions were filed before the extended periods expired. And according to the referee and Commissioner the motions for extension were filed "within the extensions granted for the filing thereof." (Annex J.)

That Antonio Dayao died of heart failure is not disputed. The point of controversy is: what caused such failure? Was it—as the petitioner Company claims—a natural disease locally called "bangungot" where the victim dies in his sleep allegedly due to bad dreams or nightmares? If this be the cause then the death is not compensable. Or, was it—as maintained by the respondents—the overexertion or undue fatigue their deceased father suffered in helping lift, carry and transfer from one place to another the heavy household effects belonging to Mr. Kerning or

Cummins? If this be the cause then the death is compensable.

Two medical expert witnesses testified. Dr. Angelo Singian, assistant chief medical examiner of the Manila Police Department, who autopsied the deceased, stated that the cause of the cardiac failure of Dayao was the strenuous work he did before he died to which a fibrocaceous tuberculosis the late Dayao had been suffering for two years greatly contributed. This is contradicted "by Dr. Juan Z. Santa Cruz, a private practising physician, who, testifying for the petitioner Company, stated that Dayao died of "bangungot." However, both agree that the workman's death was caused by the dilatation of the right ventricle the heart.

There are good and valid grounds and reasons to sustain the conclusion that Dayao's heart failure was due to physical strain or overexertion which the deceased laborer underwent in the Company's hauling work just before he died.

Although the enlightening points that Dr. Santa Cruz brought out about the dreaded disease are worthy of note, still the inescapable conclusion is that "bangungot" is still a theoretical disease—whose remote and immediate cause, pathology and cure have not as yet been accurately determined and scientifically established and confirmed. Whether it is a natural phenomenon that by itself can destroy or snuff the life out of a human being is still a question to which medical science has yet to give a more definite and conclusive answer. That "bangungot" is still veiled in its own mystery is openly admitted by Dr. Santa Cruz who, on the witness stand, declared that "until now, the real cause of 'bangungot' is not known and that its pathology cannot be found in any textbook on medicine." And the referee who denied death compensation to Dayao's surviving children shares the same view when in his opinion he says partly that—

On the other hand, the undersigned (the referee) is more inclined to believe that the opinion, of Dr. Juan Z. Sta. Cruz as explained in detail * * * to the effect that the immediate cause of the acute cardiac failure was the "bangungot", a mysterious disease the cure is which is undiscovered as yet. * * * And since medical science has not up to now discovered the main cause of "bangungot" * * * the undersigned cannot in conscience attribute the death of Antonio Dayao as directly due to the nature of his employment as laborer-carpenter. (Italics supplied.)

On the other hand, the government doctor who autopsied the demised laborer testified on the witness stand that the cause of the heart failure of Dayao was his excessive exertion and undue fatigue in hauling and moving from one place to another the heavy pieces of household effects of Mr. Karning or Cummins; that the tuberculosis from which Dayao was suffering for about two years reduced his bodily resistance; and that his lung condition contributed in no small degree to the fatal aftermath of Dayao's. over-exertion and strain. Upon the above categorical testimony of an expert witness based on facts and not upon mere unconfirmed theories, there is little room for doubt that his death arose out of and in the course of his employment. Such being the case, the victim's surviving heirs, are entitled to receive death compensation from the company for which he was working as laborer-carpenter when he died.

The decision under review is affirmed with costs against the petitioner.

Paras, C. J., Bengzon, Bautista Angelo, Labrador, Reyes, J. B. L., Endencia, Barrera, and Gutierrez David, concur.

[1] *Malate Taxicab & Garage, Inc. vs. Del Villar*, G. R. No. L-7489, 29 February 1956.

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