

ROYAL MANUFACTURING COMPANY, PETITIONER, VS. ROSARIO GONZALES AND THE WORKMEN'S COMPENSATION COMMISSION, RESPONDENTS.

G.R. No. L-34097. November 21, 1979

Ponente: DE CASTRO, J.

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DE CASTRO, J.:

Petitioner Royal Manufacturing Company, hereinafter referred to as the Company, seeks a review by certiorari of a resolution dated August 17, 1971 of the Workmen's Compensation Commission affirming the decision dated July 7, 1971 of its Chairman ordering the Company to pay (1) to respondent Rosario Gonzales and her five minor children, the sum of P4,992.00 as death benefit, plus P200.00 as burial expenses; (2) to respondent's counsel, the sum of P499.00 as attorney's fees; and (3) to the Commission, the amount of P50.00 as costs of the proceedings, pursuant to Section 55 of the Act.

Respondent Rosario Gonzales is the widow of Perfecto Bilbao who worked for the Company as a laborer, whose job was to shovel copra cake and to sew sacks occasionally.

Records disclose that on July 17, 1966, the deceased, despite his headache, reported for work, and on his way home, while passing along the bridge near the Company's compound, together with his friend Francisco Aguda, the deceased swerved, then fell into the river and drowned. As his companion does not know how to swim, he (Aguda) summoned other persons for help but it was too late.

A claim for compensation was filed by respondent with the Regional Office in San Pablo City. The Company filed an answer and a petition to reinstate right to controvert alleging that it had no knowledge of the death of the deceased not until August 18, 1967 when it received a notice of claim.

The Acting Referee without resolving the petition to reinstate right to controvert, dismissed the claim for compensation for lack of merit. Respondent's motion for reconsideration having been denied, the case was elevated for review by the Commission, which reversed the referee's decision.

Unable to secure reconsideration of such reversal, the Company filed the instant petition. The Company maintains that (1) the questioned decision and resolution are contrary to law and not supported by evidence; (2) the accidental drowning of Perfecto Bilbao did not arise out of and in the course of employment; and (3) that the claim was not filed within the period provided for under Section 24 of the Act and therefore, is barred by the statute of limitations of action.

We find no merit in the contentions of the Company. On July 18, 1966, the widow of Bilbao notified Tomas Tan, the Manager of the Company regarding the death of the deceased.^[1] However, it was only on August 28, 1967 when the Company filed its notice of controversion alleging lack of official knowledge of the accident there being no formal claim or notice within the statutory period of 3 months after death. The purpose of giving notice of injury and claim for compensation is to apprise said employer of the injury or disease. Where the employer is

already aware of such occurrence or where circumstances are shown from which such awareness or knowledge may be reasonably inferred, the purpose of the notice has already been served and want of a notice or a delay in giving it, is deemed excusable, as what happened in the case at bar. It is true that a formal notice of claim for compensation was made by the widow only on August 2, 1967, a period of more than one (1) year from death of her husband, but the Company's disclaimer that it had no knowledge of the accident prior to its notification is not tenable. It may be pointed out that the law does not speak of "formal notice"; it specifies only "knowledge of the accident." [2] For petitioner to say that it had no actual knowledge of the incident would run counter to the ordinary course of human behaviour. The Company's cashier who was presented as witness testified that the death of Bilbao was the talk of the people. [3] Hence, the defense of the Company that the claim of the widow is barred by prescription will not lie. The fact remains that the Company failed to seasonably controvert the right of claimant to compensation as required by the Act. It is a settled rule that failure or delay in giving notice shall not be a bar to the proceedings in the claim for compensation if it is shown that the employer, his agent or representative has knowledge of the injury or death or that the employer did not suffer by such delay or failure. [4] Even if the claim was filed beyond the period of 3 months after death, the defense of prescription may be also rejected on the ground of the employer's failure to controvert the claim within ten days after the Company had knowledge of the accident. [5] Such failure of the employer to controvert the claim constitutes a waiver (or a forfeiture by law) of its right to question the validity and reasonableness of the claim and precludes the setting up of all non-jurisdictional defenses such as non-compensability of injuries, prescription and the like. [6]

It is insisted by the Company that the death of Bilbao did not arise out of and in the course of the employment, since the deceased died on July 17, 1966, which is a Sunday and not a working day, and the cause why the deceased swerved while passing the bridge cannot by any stretch of imagination be considered a work-connected cause. In this regards, Associate Commissioner Priscilla A. Medina, concurring in the result, said:

"At any rate, in the case at bar, even without the favorable effect of respondent's failure to controvert, the compensability of the worker's death could stand the test. It is not disputed that in the morning of the fatal day of July 17, 1966, Bilbao was complaining of headache. That this could be the symptom of an ailment such as hypertension is not far fetched. The fact remains however, that his conditions of work - the heat emanating from a ceiling-less iron roofing and the strenuous job of shovelling coconut meat must have tolled heavily on his physical resistance to the point of aggravating whatever ailment he had been suffering all along. The circumstances of reeling on the bridge because of dizziness and falling down to his death (by drowning) was the clear and continuing effect of an ailment the worsening of which was caused by and occurred while at work. We are convinced that the claimant had sufficiently made out her case." [7]

Suffice it to note that the findings of respondent commission are supported by substantial evidence, and such findings cannot be disturbed by the Court, and are no longer subject to review, unless there is patent showings of failure of the Commission to properly evaluate the evidence on the record or to consider the clear logical relationship in the evidence. [8]

Moreover, even assuming that there exist some doubts as to whether the circumstances surrounding the death of the employee have been aggravated by the conditions of his work, such doubts, for the purpose of carrying out the intent of the Workmen's Compensation Act, as amended should be resolved in favor of claimants. [9]

WHEREFORE, the questioned decision and resolution are hereby affirmed with costs against petitioner.

SO ORDERED.

Teehankee, (Chairman), Makasiar, Fernandez, Guerrero, and Melencio-Herrera, JJ., concur.

- [1] Answer to Petition, p. 58, Rollo.
- [2] Luzon Stevedoring Corp. vs. WCC, 27 SCRA 1140-1141.
- [3] Answer to Petition, p. 60, Rollo.
- [4] Manila Railroad Company vs. WCC, 20 SCRA 981-983.
- [5] Rio y Compañia vs. WCC, 20 SCRA 1203.
- [6] Luzon Stevedoring Corp. vs. WCC, *supra*; Pampanga Sugar Mills vs. De Espeleta, 22 SCRA 325; NDC vs. WCC, 19 SCRA 861, etc.
- [7] Annex "H" to the Petition, p. 38, Rollo.
- [8] Manila Railroad Co. vs. WCC, et al., 15 SCRA 413-414; Vda. de Macabenta vs. Davao Stevedore Terminal Co., 32 SCRA 553.
- [9] C. A. Shiong Shipping Co. vs. WCC, 25 SCRA 76, 79.

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