

REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. FRANCISCO AMIL AND WORKMEN'S COMPENSATION COMMISSION, RESPONDENTS.

G.R. No. L-20137. March 31, 1964

Ponente: REYES, J.B.L., J.

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REYES, J.B.L., J.:

Petition for certiorari for the review of an award of the Workmen's Compensation Commission (R04-WC Case No. 800) requiring the petitioner, Republic of the Philippines, to pay P370.85 compensation to Francisco Amil, injured employee, plus P878.00 due to the National Orthopedic Hospital for expenses in treating the injury, and P14.00 as costs.

The claim was originally filed with Regional office No. 4 of the Department of Labor, Manila, where the case was tried and heard. The regional office found the injury compensable, and made an award in favor of the claimant. On review, its findings were affirmed, first by Commissioner De Leon and subsequently by the Commission en banc, but reducing the original award of the hearing officer by discarding the amounts charged by the private doctor who treated the claimant at the same time that he was being treated in the Orthopedic Hospital.

The facts, as found by the Compensation Commission, were as follows:

"Francisco Amil entered the services of the respondent on June 1, 1955. He worked as a mechanic in the North Harbor Equipment Depot one of the branch offices of the Bureau of Public Highways, at the rate of P30.00 a week. The bureau in 1959, thru the initiative of the Newsette, its official publication, promoted a summer basketball tournament which was participated in by the "bonafide employees of the division or units of the Bureau whose headquarters of station is in the central office, Manila". The basketball league was under the control and supervision of a three-man committee which prescribed the rules and regulations governing the games. In one of the games played, particularly in April 16, 1959 between the Equipment Division and the Auditing Division, Francisco Amil, a member of the first mentioned basketball quintet, sustained an injury of the left knee when his attempt to shoot the ball in the basket was foiled by one of the players of the opposing team. The game was played inside the respondent's premises during office hours. The following day he was brought to the National Orthopedic Hospital, where he was given medical treatment, including physical therapy, three times a week until he was confined at the same hospital on August 18, 1959. He reported for work for five days after the accident, performing light duties, but he received his daily wage up to August 17, 1959. Almost during the same period of his confinement at the National Orthopedic Hospital — from April 19 to August 15, 1959 — he was also treated by Dr. Agripino Malimban who charged him the amount of P895.00 for consultations, medicine electro-massage and services. On August 19, 1959, a day after he entered the hospital, a surgery was performed for the removal of a torn cartilage upon finding the physical therapy that was being applied on the claimant, ineffective. For this treatment, he incurred P678.00 which up to now has not yet been paid by him. On July 5, 1960, claimant was examined by Dr. Crisini R. Santos medical rating officer of the Regional Office No. 4, she evaluated his disability as 15% loss of the use of the left leg. On October 16, 1959, two days after he was discharged from the hospital, he returned to work."

The Commission was of the opinion that the injury was incurred in the course of a game under the control and supervision of a management committee, approved by the head of the office, who had issued rules for the award of the trophies and because the games "boosted the morale and increased the efficiency" of participating and witnessing employees. For this reason, it held the injury compensable.

From the decision, the Government appealed, disputing both the compensability of the injury and amount of the award.

The first point of the appellant is that the injury suffered by the claimant while playing basketball in the premises of the office can not be considered as an injury that arose out of, and in the course of, the employment, and that it was an error on the part of the Commission to so hold.

The Commission found, and it is fairly deducible from the evidence, that in 1959 the Bureau of Public Highways, where the claimant was employed, promoted a basketball tournament participated in by bonafide employees of the Manila units; that the games were managed by a three-man committee; that the Bureau Commissioner himself approved the championship game and the rules for the award of the trophies, so that the official character of the games (in one of which claimant was injured) appears clear. That the organization of the games was a matter of policy adopted by the Bureau officials also appears from the editorial in the January-February, 1959 issue of the Bureau's official publications, and from the fact that the games were played during office hours and in the premises of the Bureau.

This is not a case of an employer possibly permitting the use of space or equipment by his employees, on their own time and for their own purposes and amusement, but of an employer actively promoting competitive games during Working hours, as a matter of policy, thereby voluntarily increasing the chances of injury to the employees, in order to improve labor relations, build up good will or common benefit, lessen friction, and avoid excessive labor turnover. Consequently, the participation in the games could legitimately be regarded as an incident in claimant's employment, and his injury in the course thereof becomes compensable (Larson, Workmen's Compensation, section 22.00; Horowitz, Workmen's Compensation, 37 Phil. Law Journal (1962), p. 509; Jewel Tea Co. vs. Industrial Comm. (1955), 128 N. E. 2d, 699, reviewing cases; Ott v. Ind. Comm. (1948), 82 N.E. 2d, 137 and cases cited, Thomas vs. Procter & Gamble Mfg. Co., 6 ALE, 1145; Turner vs. Willard (1956), 154 Fed. Supp. 352).

Larsen (Workmen's Compensation Law, Vol. 1, section 22.30) summarizes the prevailing rule thus:

"x x x to be within the course of employment, the activity must either take place on the premises at a time closely related to working hours, or involve some element of compulsion or concurrent benefit to the employer which marks it a an incident of employment."

In the present case, as we have seen, the games were played in the office premises at 2:00 and 3:00 p.m.; and these we're working hours on April 16, 1959, since only the people in the central office (and claimant was not one of them) who observed the half-day session (t.s.n., p. 4, Rec, p. 104). The playing hours were set in a circular (Exhibit G, Rec. p. 96) approved by Commissioner Cuenca (whose signature appears on the circular), and who was scheduled to award the trophies (Exhibit C). These circumstances refute the appellant's charge that the games were not authorized.

Appellant next questions the award for 15% permanent disability (based on the examination of Dr. Crisini Santos of the Department of Labor) on the ground that claimant was discharged from the Orthopedic Hospital as cured. We see no irreconcilable conflict. The claimant was deemed cured in the sense of requiring no further hospitalization or treatment, since the 15% loss of leg activity was permanent and could not be improved by further medication.

We see no reversible error in the Commission's decision, and, therefore, the same is affirmed. No pronouncement as to costs.

Bengzon, C. J., Bautista Angelo, Labrador, Concepcion, Barrera, Paredes, Dizon, Regala and Makalintal, JJ., concur.

Padilla, J., took no part.

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