

A.D. SANTOS, INC., DOING BUSINESS UNDER THE NAME AND STYLE OF "CITY CAB", PETITIONER, VS. ZOSIMO DABOCOL, RESPONDENT.*G. R. No. L-19051. November 23, 1966*

Ponente: MAKALINTAL, J.

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On March 22, 1960 respondent Zosimo Dabocol was stabbed by his unidentified passengers while driving a taxicab owned and operated by petitioner A.D. Santos, Inc., doing business under the name "City Cab." For the injuries he sustained Dabocol was hospitalized and subsequently, upon a claim duly filed in Regional Office No. 4 of the Department of Labor, was awarded compensation in the sum of P2,207.53. Petitioner's motion to set aside the award was denied by the Regional Administrator, and from the order of denial the matter was appealed to the Workmen's Compensation Commission, which rendered a decision of affirmance on September 13, 1961, with slight modifications, to wit: P2,814.17 as compensation; provision for necessary medical and hospital services; P211.06 as attorney's fees; and P34.00 as costs. A motion to reconsider was filed with the Commission en banc, and upon its denial petitioner filed the instant petition for review.

The only ground invoked here, which was also invoked below, first in the motion to set aside the original award by the Regional Administrator and then in the appeal to the Commission itself, is that petitioner was not given the "opportunity to exercise his constitutional right to confront and cross-examine respondent's witnesses, and present its evidence in support of its defense of no employer-employee relationship." Reliance is placed on Rule 21, Section 5 and Rule 22, Section 3 (of the Rules of the Workmen's Compensation Commission), which state:

"SEC. 5. Right to a hearing. -Each party in interest shall have the right to appear at any hearing in person or by counsel, present such testimony or evidence as may be pertinent and material to the controversy, cross-examine the witnesses against him and rebut contrary evidence." (Rule 21)

"SEC. 3. Admissibility of evidence. -No evidence shall be taken into account where the adverse party was not given an opportunity to object thereto on grounds referring to admissibility." (Rule 22)

Respondent Dabocol disputes petitioner's allegation that it was denied its "day in court" and cites the order of the Regional Administrator of January 4, 1961, which turned down petitioner's motion to set aside the award of compensation. The pertinent recitals in said order, the truth of which is not challenged, are as follows:

"With respect to the first ground, uncontrovertible evidences have been submitted by the claimant showing that he was a driver of the respondent City Cab, which consist of the driver's Identification Card. The City Cab Damage Slips and the Affidavit of claimant's co-drivers namely Sixto Oledan and Pablo Sacdu who are still employed as such drivers of the City Cab until the present. To satisfy this Office of the existence of employer-employee relationship between the claimant and the respondent, the parties were called for conference first on September 13, 1960, at which date, however, neither the respondent's representative nor counsel appeared, but only the claimant appeared. Claimant admitted that he was given P800.00 by the Capital Insurance Company, which is the

insurance carrier of the respondent, less advances made to him by the company. For the purpose of confirming this statement from the respondent, this case was again set for conference on September 25, 1960. On this date, however, only the representative of Atty. E.S. Samson, counsel for the respondent appeared who requested for the postponement of the conference. The last conference was set for October 5, 1960 at 9:00 A.M. Counsel for respondent presented the Release signed by the claimant and the Capital Insurance Company and/or A.D. Santos, Inc. (City Cab) showing that the sum of P800.00 was paid to the claimant. Unfortunately, this document, which is now in the possession of counsel for respondent, was not submitted to this Office. Counsel for respondent also requested for the computation of the benefits due the claimant in this informal conference. On all these occasions, counsel for respondent, perhaps by reason of the array of proofs that the claimant was really a driver of the respondent, never reiterated his stand that the claimant was not an employee of the respondent. Obviously, the circumstances leading to the preparation and release of the award do not jibe with the allegations of counsel in his aforesaid Motion. It can even be inferred that the Motion is merely interposed for delay."

From the foregoing it is quite clear that petitioner was afforded reasonable opportunity to present evidence in its own behalf and prove its claim that respondent was not its employee. On the face of it such claim is frivolous, and justifies the conclusion of the Regional Administrator that the steps taken by petitioner to have the award reviewed are merely for purposes of delay. It is precisely to expedite the disposition of compensation cases, without sacrificing due process, that the Workmen's Compensation Commission is not bound by technical or formal rules of procedure, as provided in Section 2, Rule 7, of the said body. This principle has been applied by this Court in a number of cases. What is important here is that petitioner appeared by counsel in the conferences called by the Regional Office which originally heard respondent's claim, and did not press its defense that the latter was not in its employ or otherwise present evidence to disprove such claim.

WHEREFORE, the decision appealed from is affirmed in toto, with double costs against petitioner.

Concepcion, C.J., Reyes, J. B. L., Barrera, Dizon, Regala, Bengzon, J. P., Zaldivar, Sanchez and Ruiz Castro, JJ., concur.

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