

WILLIAM LINES, INC., PETITIONER, VS. CLARIZA MONDRAGON SAÑOPAL, AND WORKMEN'S COMPENSATION COMMISSION, RESPONDENTS.*G.R. No. L-24778. October 29, 1971*

Ponente: MAKALINTAL, J.

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Appeal from the decision of the Workmen's Compensation Commission requiring petitioner William Lines, Inc., to pay respondent Clariza Mondragon Sañopal compensation benefits, burial expenses, attorney's fees and costs in connection with the death of her husband, Salvador Sañopal.

The deceased was employed as watchman by William Lines, Inc. on its motor vessel Kolambugan, with a monthly salary of P122.00. His duty was from 4:00 to 8:00 in the morning and then from 4:00 to 8:00 in the evening, for a daily total time of eight hours. At about 8:30 o'clock in the evening of August 31, 1962, while on board the vessel, which was then docked at Pier 6, Tondo, Manila, Salvador Sañopal complained of not feeling well. He unfolded a cot on the third class passenger deck and lay down to rest. The ship's physician attended to him, but two hours later he expired, a victim of coronary thrombosis. The undertaking arrangements were made by a funeral parlor engaged by petitioner, after which the body was flown to Iloilo City at petitioner's expense, and thence to San Joaquin, Iloilo, at the widow's personal expense.

On May 10, 1963 respondent Clariza Mondragon Sañopal, the widow, filed a claim for compensation with the Department of Labor, Regional Office No. VII, Iloilo City. Petitioner filed an answer and moved to dismiss the claim on the ground of prescription. After trial, the hearing officer awarded compensation upon a finding that the cause of death arose out of and in the course of the employment. Upon review this decision was affirmed by the Workmen's Compensation Commission in a decision dated April 23, 1965. Petitioner moved to reconsider but the Commission, in a resolution en banc dated June 3, 1965, denied the motion.

Petitioner poses two principal issues, namely: (1) whether or not the cause of Sañopal's death arose out of and in the course of his employment; and (2) whether or not the claim had already prescribed when it was filed some eight (8) months after his death and, hence, beyond the three-month period provided for in Section 24 of the Workmen's Compensation Act.

Petitioner contends that Sañopal's death did not arise out of and in the course of his employment. It is pointed out, first, that when his heart attack came he was not on duty; and second, that as watchman he was not required to lift heavy objects or to exert any kind of physical effort, which according to the Commission was what he was doing at the time he was stricken.

The decision appealed from states:

“x x x There exists un rebutted proof showing that before watchman Salvador S. Sañopal had passed away, he was busy arranging, or at least helping in the loading of cargoes on board the M/V KOLAMBUGAN. We have

learned that on August 31, 1962, there were plenty of cargoes to be loaded to the vessel which contributed to the delayed sailing of the ship. The boat was some four (4) hours behind the schedule when it finally left shore. It would not be unnatural, therefore, nay improbable, for watchman Sañopal, even granting for the sake of argument, that he was not actually obliged to lift heavy cargoes, to have voluntarily helped in the loading of the cargoes, to facilitate loading thereof and thus paved the way for the early departure of the vessel which was already behind schedule. The act of Sañopal in going out of his way, as watchman, in helping the 'stevedores' who were supposed to have loaded the heavy volume of cargoes on that particular day, may be easily construed as an exercise of ordinary discretion to promote the business of the employer.

Is it not but natural for the deceased watchman-sailor Sañopal to have extended an extra hand that expedited the loading of the unusually heavy cargoes on that day, especially bearing in mind that the vessel was already delayed for the regularly scheduled sailing time? Even granting, as we have stated, that the late Sañopal was not duty bound to lift heavy cargoes, which duty belongs to the 'stevedores', there seems to be no logic in entirely excluding or even preventing deceased in freely and voluntarily aiding the said 'stevedores' load the cargoes to the ship. The unwritten duty of the deceased watchman to lend a hand as required by the circumstances was understood and demanded in a working group where a good teamwork should be maintained. It is obvious therefore, that on that fatal date on August 31, 1962, Salvador S. Sañopal actually assisted or helped in the loading and arranging of the cargoes of the M/V KOLAMBUGAN, even far beyond his regular duty as a watchman. And since, Sañopal's coronary thrombosis took place around 10:30 p.m. or immediately after he had exerted some efforts in lifting heavy cargoes of the respondent's vessel, his death, as a consequence thereof, must have been precipitated by the strain."

It is a settled rule that findings of fact of an administrative body, such as the Workmen's Compensation Commission, are conclusive as long as they are supported by substantial or credible evidence (*Rio y Compania vs. WCC*, 20 SCRA 1196, and cases cited therein).

The credibility and substantial nature of the evidence presented by the claimant is questioned by petitioner on the ground that it consists solely of the testimony of a certain Serafin Segovre, who had been, up to July 1962 and before Sañopal's death on August 31, 1962, a watchman on another vessel belonging to said petitioner. The evidence he gave is that he went to the M/V Kolambugan in the evening of August 31 to visit Sañopal, who was a friend of his. They took their supper together on board and he, Segovre, was present when Sañopal felt ill and when death overtook him. In fact it was Segovre who, upon the captain's instruction, carried the deceased down the vessel and accompanied him to the funeral parlor. The Commission found his testimony to be credible, and there is no sufficient reason for us to hold otherwise, for the task of ascertaining the credibility and weight of conflicting evidence is beyond the province of the reviewing tribunal in appeals by certiorari (*Basaysay vs. WCC*, 3 SCRA 530, and cases cited therein).

Owing to the nature of the deceased's employment he had to stay on board most of the time, especially when the vessel was at sea or about to sail. Although the deceased suffered the heart attack when he was not supposed to be on duty, the fact that he was actually helping in the loading operations of the vessel, which was then already delayed in its sailing schedule, puts him within the coverage of the law. In *Aboitiz Shipping Corporation vs. Pepito*, 18 SCRA 1028, it was held that the disappearance of a crew member of a vessel during the voyage is an accident arising out of the course of employment, although the crew member might have been off-duty, since he had no choice but to be in the vessel. And in *Del Rosario vs. Del Rosario*, 6 SCRA 1051, 1056, We stated:

"Under the personal doctrine 'injuries occurring on the premises during a regular lunch hour arise in the course of employment, even though the interval is technically outside the regular hours of employment in the sense that the worker receives no pay for that time and is in no degree under the control of the employer, being free to go where he pleases.' (Larson's Workmen's Compensation Law, Vol. I, p. 298). This principle is justified in part 'on a sort of presumption that as long as the employee is on the premises he is subject to all the

environmental hazards associated with the employment, and also that although he may be free to go elsewhere during the interval, he is in some degree subject to the control of the employer if he actually chooses to remain on the pre-mises, merely by virtue of being on the employer's property.' (Larson, op. cit., Vol. I, p. 300)."

The other issue raised by petitioner is that of prescription. It is true that under Section 24 of the Workmen's Compensation Act a claim for compensation should be made not later than three months after death. But the same provision states that "if the employer has voluntarily made the compensation payments, the claim for compensation to be made within the time limit above established shall no longer be necessary." In this case petitioner defrayed the expenses in the transportation of the deceased to Iloilo, where he was buried. Such expenses are considered part of the death benefits due to the heirs of the deceased according to Section 8 of the Workmen's Compensation Act, the same being in the nature of burial expenses, and consequently the voluntary payment thereof by petitioner rendered it unnecessary for the claim to be filed within the three-month period. (Visayan Stevedore Transportation Co. vs. WCC, et al., G.R. No. L-22135, Dec. 27, 1963; A.D. Santos, Inc. vs. De Sapon, et al., 16 SCRA 791, and cases cited.)

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

Concepcion, C.J., Reyes, Zaldivar, Castro, Fernando, Teehankee, Barredo, Villamor, and Makasiar, JJ., concur.

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