

GERTRUDES I. VDA. DE OLIB, IN HER OWN BEHALF AND IN BEHALF OF HER MINOR CHILDREN, NAMELY, ROLANDO, VIRGILIO, VIRGINIA, CRISTINA, RODOLFO, NUNILON, JR. AND OLIVIA, ALL SURNAMED O...

G.R. No. L-32120. November 12, 1975

Ponente: TEEHANKEE, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/51f41b443836/>

TEEHANKEE, J.:

The Workmen's Compensation Commission's decision of March 20, 1970 under appeal establishes the following facts:

"To enable us, pursuant to Section 49 of the Act, as amended, and in aid of the appellate jurisdiction of this Commission, to determine once and for all the primordial and jurisdictional issue of employer-employee relationship raised by the respondent, we set this case for hearing on March 2, 1970. From the proceedings held before us and before the regional office, we find that the deceased Nunilon Olib was appointed as janitor in 1954 by the Director of the Bureau of Public Schools and had been employed as such up to the year 1961. However, his actual job was that of a watchman permanently assigned at the Mapa High School. His tour of duty was from 6:00 p.m. to 6:00 a.m. of the following day. And although his salary (P1800 per annum) was paid out of the funds of the respondent city, he had, nevertheless, remained under the exclusive control and supervision of the school principal and Assistant Superintendent of City Schools who are themselves considered as employees or officials of the Bureau of Public Schools under the Department of Education or of the National Government.

"In the evening of April 29, 1961, Olib's right leg was accidentally injured (skin was peeled off) when, while rushing upstairs to investigate a very suspicious noise at the second floor of the school building, he slipped and fell to the ground cement. Altho limping because of the incident, Olib continued with his work. Unfortunately, his wound became infected, as a result of which he was brought for treatment to the San Lazaro Hospital on June 15, 1961 where he died of Tetanus on June 22, 1961. He was survived by his common-law wife, Gertrudes Illarato, and seven (7) illegitimate children (Rolando, Virgilio, Virginia, Cristina, Rodolfo, Nunilon, Jr. and Olivia) who, on September 10, 1962, filed a claim for death benefits under the Workmen's Compensation Act, as amended, against the respondent City of Manila with the Department of Labor Regional Office No. 3 (now No. 4) in Manila."[1]

Correctly holding that "employer-employee relationship is the jurisdictional foundation without which no claim for compensation could possibly prosper" and applying the control test,[2] the commission, pursuant to its finding that the deceased Nunilon Olib "remained under the exclusive control and supervision of the school principal and Assistant Superintendent of City Schools who are themselves considered as employees or officials of the Bureau of Public Schools under the Department of Education or of the National Government" set aside the original award of September 9, 1966 by Regional Office No. 3 and dismissed the case "without prejudice to the filing of the same against the real party in interest should the statute of limitations warrant."

The Court finds the commission's decision of non-employer status of the respondent-appellee City of Manila to be in accordance with the law and jurisprudence. In *Genciana vs. WCC*,^[3] the Court reaffirmed that section 28 of the Revised Charter of the City of Manila, Republic Act No. 409, confers upon the Director of Public Schools "the same jurisdiction and powers in the City as elsewhere in the Philippines," (in consonance with section 917 of the Revised Administrative Code), and hence, teachers and employees of city schools (such as the deceased who was employed as janitor) fall under the exclusive right of appointment, control and removal of the National Government through the Director of Public Schools under the Secretary of Education. Thus, the Court held therein that "consequently, notwithstanding the fact that the salary of the petitioner was paid by the city government of Manila, the respondent Republic of the Philippines had the supervision and control of said petitioner, and therefore it is the employer within the purview of the Workmen's Compensation Act. It is settled that the question of who pays the salary is not a controlling element in determining the existence of an employer-employee relationship."

Petitioner's counsel therefore filed the claim for death compensation against the wrong party, the City of Manila (unlike in *Genciana*, *supra*, where the claimant therein filed his claim against both the city and national governments in the alternative because he "was not certain which of them is liable under the law.")

The Court has noted from the record, however, that the compensability of the deceased's death (for tetanus as a result of a wound inflicted during the discharge of his duties as janitor) would appear to be beyond dispute.

Under such special circumstances and in the interest of justice and so as not to unduly delay the final disposition of petitioners' claim, (applying by analogy the Court's action in *Genciana* as per its Resolution of September 12, 1974 therein remanding the case for hearing the side of the national government instead of merely affirming the commission's correct dismissal of the claim against the city "without prejudice on the part of the claimant to file his claim against the Republic of the Philippines (Bureau of Public Schools)" as per the original decision), the Court hereby orders that the Republic of the Philippines, specifically the Bureau of Public Schools and the Department of Education and Culture be impleaded as respondents against the claim and that they state their stand with regard thereto through the Solicitor General.

ACCORDINGLY, the Republic of the Philippines, specifically the Department of Education and Culture and the Bureau of Public Schools, are hereby deemed impleaded as parties respondents. Let this resolution be served to the officials thereof through the Solicitor General who is hereby required to comment on the merit of the claim on their behalf within ten (10) days from receipt hereof.

Castro, (Chairman), Makasiar, Esguerra, Muñoz Palma and Martin, JJ., concur.

[1] Emphasis supplied.

[2] Citing *Iloilo Chinese Comm. School vs. Fabrigar*, 3 SCRA 712.

[3] 57 SCRA 679.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.