

VICTORINO MANALO, PLAINTIFF AND APPELLANT, VS. FOSTER WHEELER CORPORATION AND CAPITAL INSURANCE AND SURETY COMPANY, INC, DEFENDANTS AND APPELLEES.

G.R. No. L-8379. April 24, 1956

Ponente: BENGZON, J.

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BENGZON, J.:

This is an appeal from the order of Hon. Manuel P. Barcelona, Judge, Batangas court of first instance, dismissing plaintiff's complaint whereby demand was made against defendants for damages amounting to two thousand eight hundred pesos (P2,800).

The complaint alleged that while in the employ of defendant Foster Wheeler Corporation as a steel man, Victorino Manalo was accidentally struck by a steel plate and suffered injuries, for which he accordingly asked compensation in the sum above-mentioned.

Upon motion of defendants, His Honor dismissed the case on the ground that the court had no jurisdiction to entertain it. He cited section 46 of the Workmen's Compensation Act, which read as follows:

"Sec. 46. Jurisdiction. The Workmen's Compensation Commissioner shall have exclusive jurisdiction to hear and decide claims for compensation under the Workmen's Compensation Act, subject to appeal to the Supreme Court, in the same manner and, in the same period as provided by law and by Rules of Court for appeal from the Court of Industrial Relations to the Supreme Court (See 24, Republic Act No. 772). (*Italics ours.*)

Answering plaintiff's contention that the damages could be demanded and assessed under the Civil Code, (not under the Workmen's Compensation Law), His Honor quoted section 5 of the latter statute which is of the following tenor:

"Sec. 5. Exclusive right to compensation.—The rights and remedies granted by this Act to an employee by reason of a personal injury entitling him to compensation shall exclude all other rights and remedies accruing to the employee, his personal representatives, dependents or nearest of tins against the employer under the Civil Code, and other laws, because of said injury" (*Italics ours.*)

We are of the opinion that the law has been properly applied. It being quite clear, there is no possibility of interpreting it—as appellant has tried to do—in the sense that "where claims for compensation have already been filed with the Workmen's Compensation Commission, no further claims for the same injury may be filed under either the New Civil Code or other laws."

The Legislature evidently deemed it best, in the interest of expediency and uniformity, that all claims of workmen against their employers for damages due to accidents suffered in the course of employment shall be investigated and adjudicated by the Workmen's Compensation Commission, subject to the appeal in the law provided.

This exclusive remedy and jurisdiction has been observed in two decisions of this Tribunal^[1] which the trial

judge correctly followed.

Judgment affirmed, without costs, this being a pauper's appeal. So ordered.

Paras, C J., Padilla, Montemayor, Reyes, A., Jugo, Bautista Angelo, Labrador, Concepcion and Endencia, JJ., concur.

[1]Castro vs. Sagales, 50 off. Gaz., p. 94; Abueg vs. San Diego 44 off. Gaz., p. 80..

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