

PHILIPPINE ENGINEER'S SYNDICATE, INC., PETITIONER, VS. FLORA S. MARTIN AND WORKMEN'S COMPENSATION COMMISSION, RESPONDENTS.

G.R. No. L-17533. January 31, 1962

Ponente: CONCEPCION, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/63d415b857c0/>

CONCEPCION, J.:

Appeal by certiorari from a decision of the Workmen's Compensation Commission awarding compensation or death benefits to claimant Flora S. Martin.

The facts are set forth in said decision, from which we quote:

"Aurelio Martin, the deceased husband of the claimant was employed by the respondent as a hatching plant operator at the Biñga-Hydro Electric Project, at Tublay, Benguet, Mt. Province, on or about November, 1957, with an average weekly wage of P56.00. On December 2, 1957, at around 6:10 o'clock in the afternoon, the decedent, after coming from his work, was standing together with some other workers of the respondent at a certain point by the roadside near their place of work, waiting for the truck of the company that would convey them home. As the truck they were waiting for was approaching, the group signaled the driver to stop, but the latter did not heed their sign and continued on his way. As the service truck passed by, the decedent, with some others from the group ran after the truck, and upon overtaking it, attempted to ride on its platform. The decedent was able to cling at something at the right side of the truck and tried to leap into the platform, but in doing so, he slipped and fell to the ground and was ran over by the right rear wheel of the truck, causing his death. He was survived by his wife, the claimant herein and 2 minor children who were totally dependent upon him for support. Burial expenses in the amount of P200.00 were paid by the respondent's insurance carrier. The respondent controverted the claim on time."

Petitioner maintains: (1) that the injuries sustained in the accident, causing Martin's death, did not arise out of or in the course of his employment; and (2) that said injuries were due to his notorious negligence.

It appears, however, that the truck involved in the accident was a service truck of petitioner, furnished by the latter to convey its employees or workers back home from work. It is clear, therefore, that the accident arose out of or in the course of employment.

"* * * Off-promise injuries to or from work, in both liberal and narrow states, are compensable (1) if the employee is on the way to or from work in a vehicle owned or supplied by the employer, whether in a public (e.g., the employer's street car) or private conveyance. * * *." (Workmen's Compensation Laws by Horovitz, p. 162.)

Petitioner's allegation of notorious negligence on the part of Martin is predicated upon the fact that the service truck was in motion when he boarded it; but this fact, alone, is insufficient to justify the conclusion that he had been notoriously negligent. It does not appear that the truck was running at a great speed. On the contrary, the record shows that it was going up grade, thus suggesting that it must have been running slowly. Neither do the

records show the conditions of the road or any other circumstance that may indicate clearly that the aforementioned laborers could not possibly or probably achieve their purpose. In fact, several men succeeded in boarding the truck in motion. Again, even if there had been some negligence on the part of the deceased, such negligence was not notorious in nature.

"Negligence to be a successful defense in a compensation case, must be more than simple or contributory. (Irineo Banaag vs. Virginia Tanghuping, et al., G. R. No. L-7209, December 2, 1953.)"

* * * * *

"Notorious negligence is something more than simple or contributory negligence. As a result, failure to avoid a known danger by a laborer engrossed in his work who momentarily forgets it is not negligence. Also, failure to exercise incessant vigilance in avoiding a known danger is not negligence. The reason for such holdings is the very obvious deduction that no man in his senses would deliberately court death. (Flores vs. Mindanao Lumber Co., G. R. No. 43096, dated May 28, 1935.)"

Wherefore, the decision appealed from is hereby affirmed, with costs against petitioner, Philippine Engineer's Syndicate, Inc. It is so ordered.

Padilla, Bautista Angelo, Labrador, Reyes, J. B. L., Barrera, Paredes, Dizon, and De Leon, JJ., concur.

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.