

**MATILDE ALAVADO, IN HER OWN RIGHT AND AS NATURAL
GUARDIAN OF IDA, VILMA, IMELDA AND ROLANDO, ALL SURNAMED
ALAVADO, PETITIONER, VS. CITY GOVERNMENT OF TACLOBAN
(ENGINEER'S OFFICE...**

G.R. No. L-49084. October 10, 1985

Ponente: CUEVAS, J.

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CUEVAS, J.:

Assailed in the instant petition is the decision[1] dated November 29, 1975 of the defunct Workmen's Compensation Commission which dismissed petitioner's death benefits claim for the death of her husband, Ricardo Alavado, a former employee of the City Engineer's Office in Tacloban City.

The evidence on record discloses that the late Ricardo A. Alavado was employed as a carpenter-foreman by the City Engineer's Office, Tacloban City with a daily wage of P13.12. His last day of service was on April 19, 1974 since he was on leave from April 23, 1974 to May 23, 1974. On August 6, 1974 when he reported for work, he was no longer under the supervision of respondent city. He suffered severe headache when he was supervising laborers on a construction project in Tolosa, Leyte. He died the following day of CVA-Cerebral Hemorrhage.

Petitioner, the surviving spouse, filed a claim for death benefits in her own behalf and in behalf of her minor children. Respondent city filed a notice of controversion of the claimant's right to compensation on December 10, 1974. On March 31, 1975, the hearing officer of Regional Office No. 9 in Tacloban City issued an award granting petitioner the sum of P5,200.00 as death benefits and P200.00 as reimbursement of burial expenses.

Respondent city appealed. On November 29, 1975, a decision was rendered by the Commission dismissing petitioner's death benefits claim, holding that —

"x x x x x x x x x"

While it is true that the deceased has suffered from the ailment which resulted in his death while he was in the performance of his work as a Carpenter-Foreman, this case must be denied on the ground of lack of filiation between the herein claimant and the deceased. It is a settled rule that the status of dependency of a spouse arises from the fact that a marriage exists. A showing of marital status is essential. In this case the herein claimant Matilde Alavado presented a marriage certificate issued by the Sto. Niño Parish of Tacloban City as Proof of her marriage to the deceased. This certification is not an authentic proof of marital status. To prove filiation as a spouse and, therefore claim as a dependent within the meaning of the Act, the surviving spouse-claimant must show either the original of the marriage contract or the marriage certificate duly issued by the Local Civil Registrar of the place where the marriage was solemnized. In the absence thereof, as when the records are destroyed or not available due to fire or other causes, secondary evidence may be presented consisting of an affidavit of the claimant and at least three witnesses to the marriage cohabitation. As to the filiation of the children the same is establish by the presentation of the birth certificate. In this case only the baptismal certificates of all the children were presented in evidence by the claimant. A baptismal certificate is not sufficient because it merely proves the fact that originated its execution, and the date of the same, namely

the administration of the sacrament of baptism on the date specified. It is not an authentic proof as to the statements made therein respecting kinsfolk of the person baptized and the presentation of such baptismal certificate does not prove filiation for the purpose of establishing the status of dependency."

Dissatisfied with respondent Commission's decision, claimant spouse filed the instant petition raising the following issues:

I

May a marriage certificate attesting to the fact that claimant and deceased were in fact married be considered satisfactory proof of marital status in the absence of any evidence to the contrary? and

II

Whether or not the respondent commission committed a grave abuse of discretion amounting to lack of jurisdiction on the matter.

The petition is impressed with merit. Its grant is therefore in order.

While admitting the compensability of the claim, respondent Commission nevertheless dismissed the same due to the alleged failure of petitioner claimant to prove that she was legally married to the deceased. In making the said pronouncement, respondent Commission relied solely on the absence of a copy, or a certified copy of petitioner's marriage contract with the deceased Alavado. What was submitted by her is a mere copy issued by the church authorities where the questioned marriage was solemnized.[2] The said document shows that petitioner claimant and the deceased were married on August 9, 1939. Since then, they lived together as man and wife continuously for a period of 35 years in their conjugal abode up to the time of Alavado's death.

Section 5(bb) of Rule 31 of the Rules of Court provides:

"Sec. 5. Disputable Presumptions. — The following presumptions are satisfactory if uncontradicted, but may be contradicted and overcome by other evidence.

x x x x x x x x

(bb) That a man and a woman deporting themselves as husband and wife have entered into a lawful contract of marriage.

x x x x x x x x"

Courts look upon this presumption with great favor and it could not be lightly repelled. It may be rebutted only by cogent proof to the contrary or by evidence of a higher than ordinary quality. The rationale behind this presumption could be found in the case of *Adong vs. Cheong Seng Gee*,[3] which runs this wise —

"The basis of human society throughout the civilized world is that of marriage. Marriage in this jurisdiction is not only a civil contract, but it is a new relation, an institution in the maintenance of which the public is deeply interested. Consequently, every intendment of the law leans toward legalizing matrimony. Persons dwelling together in apparent matrimony are presumed, in the absence of any counter-presumption or evidence special to the case, to be in fact married. The reason is that such is the common order of society, and if the parties were not what they thus hold themselves out as being, they would be living in the constant violation of decency and of law. A presumption established by our Code of Civil Procedure is 'that a man and a woman deporting themselves as husband and wife have entered into a lawful contract of marriage.' (Sec. 334, No. 28) *Semper praesumitur pro matrimonio* — Always presume marriage."

So much so that once a man and a woman have lived as husband and wife and such relationship is not denied nor contradicted, the presumption of their being married must be admitted as a fact.[4]

Likewise, the declaration of the husband is competent evidence to show the fact of marriage. Similarly, a witness

who was present at the time the marriage was solemnized, is a competent witness to establish the existence of said marriage.[5] Indeed, public and open cohabitation as husband and wife, birth and baptismal certificates of children born unto them after the celebration of the questioned marriage, and a statement of such marriage in subsequent document were held to be competent evidence as proof of said marriage.[6]

A review of the records of this case failed to disclose any evidence whatsoever which will overthrow the aforementioned presumption in favor of claimant's marriage to the deceased Alavado. But what wrote finis to this issue — legality of the claimant's marriage to the deceased — is the marriage certificate submitted later by the claimant.[7] In the said document, the contracting parties appeared to be Ricardo Alavado and Matilde Valdesco. The marriage was solemnized on August 19, 1939 by Fr. Ignacio Mora, priest of Tacloban, Leyte. It is certified to be a true copy of the original issued by the Local Civil Registrar of the City of Tacloban. The said document indubitably establishes claimant's marriage to the deceased Alavado.

In the answer filed by City Fiscal Pedroza for respondent City, he averred that Alavado was no longer an employee of respondent city government at the time of his death, hence the city is not liable to pay compensation benefits.

We find respondent city's contention untenable. Such a defense should have been raised before the Commission within the period prescribed by the Workmen's Compensation Act[8] within fourteen (14) days from death or within ten (10) days from knowledge thereof. Having failed to controvert the said claim within the prescribed reglementary period, its compensability is now beyond challenge. Respondent city's failure to controvert the claim within the aforesaid period is a waiver of its right to do so.[9]

The Workmen's Compensation Act, being a social legislation, aimed at protecting the rights of the workingmen in consonance with the social justice guarantee of the Constitution, its provision must be interpreted liberally in favor of laborers or workers. This basic mandate should guide all tribunals and agencies in the resolution of cases of this nature more specially those involving poor claimants who have come to court as pauper litigants.

WHEREFORE, the decision dated November 29, 1979 of the defunct Workmen's Compensation Commission is hereby SET ASIDE. The award of the Hearing Officer of Regional Office No. 9 of Tacloban City is REINSTATED.

SO ORDERED.

Makasiar, C.J., Concepcion, Jr., Abad Santos, Plana, Escolin, Relova, Gutierrez, Jr., De la Fuente, Alampay, and Patajo, JJ., concur.

Teehankee, J., in the result.

Aquino, J., no part.

Melencio-Herrera, J., on leave.

[1] Decision in WCC Case No. R09-14107, "Matilde Alavado, claimant vs. City Government of Tacloban (City Engineer's Office), respondent.

[2] Page 28, Rollo.

[3] 43 Phil. 43, 56.

[4] US vs. Villafuerte, 4 Phil. 476; People vs. Borromeo, 133 SCRA 106; Labuca vs. WCC, 77 SCRA 331; Perido

vs. Perido, 63 SCRA 97.

[5] US vs. Memoracion, et al., 34 Phil. 63.

[6] Pugeda vs. Trias, 4 SCRA 849.

[7] Page 28, Rollo.

[8] Act No. 3428.

[9] Security Service Unlimited, Inc. vs. WCC, 29 SCRA 274; La Mallorca vs. WCC, 30 SCRA 691; Blanco vs. WCC, 29 SCRA 12; Fuentes vs. Dinamira, 2 SCRA 1133.

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