

**ROSENDO M. MANLAPAT, PETITIONER, VS. WORKMEN'S
COMPENSATION COMMISSION AND REYNALDO PADELARA,
RESPONDENTS.***G.R. No. L-30427. June 28, 1973*

Ponente: FERNANDO, J.

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This Court was persuaded to give due course to this petition for the review of an award of respondent Workmen's Compensation Commission in favor of respondent Reynaldo Padelara primarily because of the contention by petitioner, the employer, that the hearing was vitiated by a failure to observe the command of due process,[1] although two other objections were likewise raised, namely, that the injuries sustained by the employee did not arise out of the course of employment and that he failed to comply with the requirements of Section 24 of the Workmen's Compensation Act providing for the two-month period from the date of the injuries for the filing of the claim for compensation.[2] While respondent Padelara, in his brief, failed to exhibit due sensitivity to the implications of such an alleged failure, a study of the records of the case, not to mention the rather scanty discussion in petitioner's brief, persuades us that outside of the assertion being mainly conjectural, is not only devoid of adequate support in the proceedings thus had but also impressed with the quality of an after-thought, it lacks intrinsic merit. The award must be sustained. We affirm.

According to the facts as found by respondent Workmen's Compensation Commission: "There is no dispute that the claimant, with two other tailors, namely, Gregorio Corpus and Dante Badel, who were employed with the R. M. Manlapat Tailoring Shop located at the corner of Rizal Avenue and Quiricada Sts., Manila, which was owned by the respondent, came out of the shop at around 5:00 p.m. to take their snack at a restaurant at the corner of Alvarez and Oroquieta Sts., about a block away. While actually taking their snack, the claimant was suddenly assaulted by several unidentified persons. The claimant managed to break off from his assailants and ran in the direction of the Manlapat Tailoring Shop but was overtaken on the way by his pursuers who inflicted further injuries upon on him, and left him prostrate and bleeding on the ground. He was picked up in a semi-conscious condition and brought by the driver of the respondent to the North General Hospital and admitted at its emergency ward where his injuries were diagnosed as follows: 1. Depressed fracture, parietal, left. 2. Wound, stabbed, ½", 2", from vertebral line level of 1 lumbar vertebrae, left. 3. Wound, lacerated, T-shaped, supraciliary, left. 4. Hematoma, 2" diameter with lacerated wound, ¼", temporo-parietal, left. 5. Diffused neuronal injury, moderate. '6. Contusion, posterior, ear, left. As a result of his injuries, he was confined at the North General Hospital from April 26, 1962 up to May 24, 1962. During this period, a craniotomy was performed on him on May 12, 1962." [3] It was on the above facts, with the employment relationship shown, the alleged late filing lacking legal relevancy, there being no controversion, and the injury having been inflicted during the coffee-break period recognized by the petitioner, thus negating the objection that it was not in the course of employment, that respondent Padelara prevailed.

Now came this petition for review, but as noted at the outset, there is no legal justification for reversing

respondent Commission.

1. If the assertion as to the absence of due process were grounded in what did actually transpire before respondent Commission, the award must be set aside. As clearly as 1940, it was made clear by Justice Laurel, speaking for a unanimous Court, that there are certain cardinal primary rights implicit in the due process guarantee which must be respected by all administrative tribunals, one of which is that the decision must find support in the evidence presented at the hearing.[4] Less than four months ago, in *Ozaeta vs. Oil Industry Commission*,^[5] this Court cited with approval the *Ang Tibay* case and made mention of twenty-seven other decisions wherein this Court adhered to its pronouncement.^[6] The question then is whether the claim made by respondent can be sustained. The answer must be in the negative. In his memorandum filed with the regional office on January 14, 1964, the objections to the grant of compensation to respondent were based on the non-existence of a contract of employment; on the injury not having arisen in the course thereof, even on the assumption of such relationship; on the claim for compensation having been filed beyond the two-month statutory period; and lastly, on claimant's alleged notorious negligence. The decision was rendered by the chief referee, Atanacio A. Mardo, on September 30, 1965. There was a thirty-six page motion for reconsideration submitted on November 19, 1965, with hardly any mention of a due process question, except for two pages and tangentially at that. The grounds alleged were the failure of the referee to consider and evaluate properly certain indubitable documents, his failure to consider that the claim for compensation was barred for having been filed beyond the period set forth in Section 24 of the Act, for not finding that the conduct of claimant in taking merienda beyond the period allowed cannot be considered an incident of the employment so that the injuries are noncompensable, and lastly, for awarding the total sum of P1,587.10 as compensation contrary to law.

Again, when the matter was before respondent Commission, the decision now under review did set forth the issues on which petitioner would seek a reversal. Thus: "In his rather lengthy Motion for Reconsideration, the respondent raises several issues which may be summarized as follows: 1. (The) lack of employer-employee relation between the claimant and the respondent; 2. The claim was filed beyond the statutory period of two months; and 3. The injuries sustained by the claimant are not compensable."^[7] The decision of respondent Commission adverse to him he sought to have reconsidered in a pleading filed on June 5, 1968. Only then, with praiseworthy candor acknowledging that certain rulings of this Court which apparently came to his attention would bolster his case, did he, in one sentence, speak of a "violation of the constitutional prescription on due process." That appeared in one of the closing paragraphs of his twelve-page motion for reconsideration. It is difficult to resist the conclusion, therefore, that petitioner himself, by his course of conduct, was not too overly impressed with the decisive character of such a claim. For that matter, neither is this Court.

Nor is the absence of any persuasive force in such a due process objection traceable solely to its apparently being the product of petitioner's ingenuity in resisting the claim of respondent Padelara. As a matter of fact, in the twenty-three page brief of petitioner, less than two pages are devoted to this aspect. There is therein express mention that two decisions of this Court promulgated after the hearing before the chief referee, one rendered on December 17, 1966, *Aboitiz Shipping Corporation vs. Pepito*,^[8] and the other rendered on December 11, 1967, *Magalona vs. Workmen's Compensation Commission*,^[9] were seized upon by him to sustain what inherently is an extremely weak, not to say non-existent defense. He ought to have known better. In *Aboitiz Shipping Corporation vs. Pepito*, this Court, through Justice Sanchez, stated: "The award having been made before petitioner was given an opportunity to be heard on the debatable fact and circumstances of death, that award has no leg to stand on. We nullify that award as a violation of a constitutional prescription."^[10] Much less can he rely on *Magalona vs. Workmen's Compensation Commission*,^[11] for, as Justice J. P. Bengzon stated for this Court, "no evidence [could] be taken into account where the adverse party was not given the opportunity to object to its admissibility."^[12] Certainly, from the statement of facts, there was nothing debatable about the circumstances of

the injury, and likewise clearly, he had all the opportunity before the chief referee to raise the issue that he is now vainly trying to capitalize on. The truth of the matter is, even assuming that there could be a basis for the pretension, these decisions, having been rendered three years and four years after the hearing, certainly were not within his contemplation at that time and could not have been relied upon to weaken the stand of respondent Padelara.

Insofar as he would deny any probative force to what he considers hearsay evidence, thus rendering an award based thereon "void and violative of the constitutional prescription of due process"[13] it suffices, by way of answer, to refer to the opinion of Justice Regala for this Court in *National Development Company vs. Workmen's Compensation Commission*: [14] "Nor is there merit in the claim that Exhibits 'E', 'F' and 'G' were erroneously admitted in evidence. While they may be hearsay by common law rules of evidence, they are nevertheless admissible under Section 49 of the Act. Section 49 is patterned after similar legislation in the United States, especially New York, where the wide - spread adoption of Workmen's Compensation statutes was accompanied by a demand for a more simple and summary method of procedure and proof than those given by the common law. As noted in a leading article: 'Legislatures needed the deep sense of injustice felt by workers that the burden of proof rested always on them and that probative evidence was often kept out because it was hearsay. A growing distrust of our court system had thus grown up among working men and it was essential to the successful operation of the acts that workmen feel they were treated fairly while at the same time duly protecting the interests of industry and the community's interest in economy.'" [15] Moreover, if petitioner had exercised greater care in raising such an argument, he ought to have known that under Section 49 of the Workmen's Compensation Act discussed in the above excerpt, it is expressly provided: "The Commissioner may receive as evidence and use as proof of any fact in dispute the following matters, in addition to sworn testimony presented at open hearing: 1. Reports of attending examining physician. 2. Reports of investigators appointed by the Commissioner. 3. Reports of the employer, including copies of time sheets, book accounts or other records. 4. Hospital records in relation to the case." [16]

There is absolutely no merit, therefore, to the due process objection raised, from whatever angle it may be viewed.

2. There are two other errors assigned. Neither one calls for any extended discussion. Much is made of the alleged non-compensability of the injury. Petitioner seems to be unaware of the host of cases attesting to the liberality with which this Court looks upon the requirement that the injury or death arises out of or in the course of employment. It is thus well-nigh futile to rely on such a defense, especially so, where as here, the facts argue against the employer. [17] It cannot be otherwise for the findings of fact by respondent Commission, with evidential support assumes to all intents and purposes an aspect of finality. [18] It is equally futile to make much of, as petitioner is minded to, the late filing of the claim. All that is necessary is to refer to the relatively recent case, *National Development Company vs. Galamgam*, [19] which cited with approval this excerpt from *Operators, Incorporated vs. Cacatian*: [20] "It is much too late in the day to complain about the long delay in instituting the claim here of seven years. This Court in 1965 categorically declared that the failure to file a claim within the statutory period does not affect the jurisdiction of the Workmen's Compensation Commission. Such a doctrine found mention in a 1968 decision, *Pampanga Sugar Mills vs. Vda. de Espeleta*, citing two cases decided the year before. In the first, it took the claimant eight years and in the second, nine years before the right to compensation was sought to be enforced. Its non-jurisdictional character was stressed anew in *Victorias Milling Co., Inc. vs. Workmen's Compensation Commission*, announced less than two months later. To the same effect are later cases likewise of 1968 vintage. We have had occasion this year to rule similarly." [21]

WHEREFORE, the decision of respondent Workmen's Compensation Commission of May 9, 1968 is affirmed. With costs against petitioner.

Makalintal, Acting C.J., Zaldivar, Ruiz Castro, Teehankee, Barredo, Makasiar, and Esguerra, JJ., concur. Antonio, J., took no part.

[1] According to the constitutional provision in force at the time the hearing took place: "No person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws." Article III, Section 1, paragraph 1. Such a provision, identically worded, is now found in Section 1 of Article IV of the Revised Constitution.

[2] According to Section 24 of the Workmen's Compensation Act (Act No. 3428 [1927] as amended by Commonwealth Act. No. 210 [1936]: "Notice of the injury and claim for compensation. - No compensation proceeding under this Act shall prosper unless the employer has been given notice of the injury or sickness as soon as possible after the same was received or contracted, and unless a claim for compensation was made not later than two months after the date of the injury or sickness, or in case of death, not later than three months after death, regardless of whether or not compensation was claimed by the employee himself. Such notice may be given and such claim made by any person considering himself entitled to the compensation or by any other person in his behalf. In case medical, surgical, and hospital services and supplies have been furnished voluntarily by the employer, notice of the injury or sickness within the time limit above mentioned shall not be necessary and if the employer has voluntarily made the compensation payments, the claim for compensation to be made within the time limits above established shall no longer be necessary."

[3] Decision of Respondent Commission, Annex A, Brief for Petitioner, 25-26.

[4] Cf. *Ang Tibay vs. Court of Industrial Relations*, 69 Phil. 635.

[5] L-35812, February 23, 1973, 49 SCRA 409.

[6] The *Ang Tibay* was followed in the subsequent cases of *Antamok Goldfields Mining Co. vs. CIR*, 70 Phil. 340 (1940); *Manila Trading & Supply Co. vs. PLU*, 71 Phil. 124 (1940); *Mindanao Bus Co. vs. MBC Empls. Asso.*, 71 Phil. 168 (1940); *Manila Trading & Supply Co. vs. PLU*, 71 Phil. 578 (1941); *Leyte Land Trans. Co. vs. Leyte Farmers' and Laborers' Union*, 80 Phil. 842 (1948); *Shell Co. vs. NLU*, 81 Phil. 315 (1948); *Philippine Education Co. vs. CIR*, 94 Phil. 73 (1953); *Lakas ng Pagkakaisa sa Peter Paul vs. CIR*, 96 Phil. 63 (1954); *Dimayuga vs. CIR*, 101 Phil. 590 (1957); *NLU vs. Sta. Ana*, 102 Phil. 302 (1957); *Ormoc Sugar Co., Inc. vs. OSCO Workers Fraternity Labor Union*, L-15826, Jan. 23, 1961, 1 SCRA 21; *NDC vs. Collector of Customs*, L-19180, Oct. 31, 1963, 9 SCRA 429; *Timbancaya vs. Vicente*, L-19100, Dec. 27, 1963, 9 SCRA 852; *Vigan Electric Light Co., Inc. vs. PSC*, L-19850, Jan. 30, 1964, 10 SCRA 46; *Lustre vs. CAR*, L-19654, March 31, 1964, 10 SCRA 659; *Commissioner of Immigration vs. Hon. Fernandez*, L-22696, May 29, 1964, 11 SCRA 184; *Borja vs. Moreno*, L-16487, July 31, 1964, 11 SCRA 568; *Santos vs. Secretary of Public Works*, L-16949, March 18, 1967, 19 SCRA 637; *Philippine Airlines, Inc. vs. CAB*, L-24321, July 21, 1967, 20 SCRA 727; *Ermita-Malate Hotel & Motel Operators Asso. vs. City Mayor*, L-24693, July 31, 1967, 20 SCRA 849; *Caltex (Phil.), Inc. vs. Castillo*, L-24657, Nov. 27, 1967, 21 SCRA 1071; *Palanan Lumber & Plywood Co., Inc. vs. Hon. Arranz*, L-27106, March 20, 1968, 22 SCRA 1186; *Caltex Filipino Mgrs. & Supvs. Asso. vs. CIR*, L-28472, April 30, 1968, 23 SCRA 492; *Philippine Air Lines vs. CAB*, L-24219, June 13, 1968, 23 SCRA 992; *Alalayan vs. NPC*, L-24396, July 29, 1968, 24 SCRA 172; *Serrano vs. PSC*, L-24165, August 30, 1968, 24 SCRA 867; and *Gracilla vs. CIR*, L-24489, Sept. 28, 1968, 25 SCRA 242.

[7] Decision of respondent Commission, Annex A, Brief for Petitioner, 25.

[8] L-21335, 18 SCRA 1028.

[9] L-21849, 21 SCRA 1199.

[10] L-21335, 18 SCRA 1028, 1032.

[11] L-21849, 21 SCRA 1199.

[12] *Ibid.*, 1202.

[13] Brief for Petitioner, 22.

[14] L-21724, April 27, 1967, 19 SCRA 861.

[15] *Ibid.*, 866.

[16] Section 49 of the Workmen's Compensation Act (Act No. 3428 [1927]).

[17] *Enciso vs. Dy-Liaco*, 57 Phil. 446 (1932); *Afable vs. Singer Sewing Machine Co.*, 58 Phil. 39 (1933); *Amedo vs. Rio y Olabarrieta, Inc.*, 95 Phil. 33 (1954); *Blue Bar Coconut Co. vs. Boo*, 95 Phil. 867 (1954); *Chavez vs. A.L. Ammen Trans. Co., Inc.*, 96 Phil. 823 (1955); *Mansal vs. P.P. Gocheco Lumber Co.*, 96 Phil. 941 (1955); *Buenafior vs. de Leon & Olaguer*, 97 Phil. 78 (1955); *Hawaiian-Philippine Co. vs. Workmen's Compensation Commission*, 97 Phil. 87 (1955); *Martha Lumber Mill, Inc. vs. Lagradante*, 99 Phil. 434 (1956); *La Mallorca Taxi vs. Guaniao*, 100 Phil. 792 (1957); *Caro vs. Rilloraza*, 102 Phil. 61 (1957); *Blue Bar Cocomut Co. vs. Lugod*, 105 Phil. 513 (1959); *Luzon Brokerage Co., Inc. vs. Dayao*, 106 Phil. 525 (1959); *De los Reyes Vda. de Santiago vs. Reyes*, 107 Phil. 210 (1960); *Compañia Maritima vs. Cabagnet Vda. de Hio*, 107 Phil. 873 (1960); *Dangue vs. Franklin Baker Co. of the Phil.*, 107 Phil. 1083 (1960); *Laguna Tayabas Bus Co. vs. Consunto*, 108 Phil. 62 (1960); *Pacific Line Inc. vs. Workmen's Compensation Commission*, 108 Phil. 382 (1960); *Batangas Trans. Co. vs. Rivera*, 109 Phil. 175 (1960); *Koppel vs. Darlucio*, 109 Phil. 191 (1960); *Manila Railroad Co. vs. Ferrer*, 109 Phil. 716 (1960); *Chua Yeng vs. Roma*, 109 Phil. 1022 (1960); *Davao Gulf Lumber Corp. vs. Hon. Del Rosario*, 110 Phil. 532 (1960); *Iloilo Dock & Engineering Co. vs. Workmen's Compensation Commission*, L-16202, June 29, 1962, 5 SCRA 394; *Naira vs. Workmen's Compensation Commission*, L-18066, Oct. 30, 1962, 6 SCRA 361; *Lambino vs. Del Roario*, L-18434, Dec. 29, 1962, 6 SCRA 1017; *Paez vs. Workmen's Compensation Commission*, L-18438, March 30, 1963, 7 SCRA 588; *Republic vs. Workmen's Compensation Commission*, L-17813, April 30, 1963, 7 SCRA 984; *Manila Railroad Co. vs. Workmen's Compensation Commission*, L-18388, June 28, 1963, 8 SCRA 293; *De Cruz vs. Mendoza*, L-18663, July 31, 1963, 8 SCRA 638; *Itogon-Suyoc Mines, Inc. vs. Dulay*, L-18974, Sept. 30, 1963, 9 SCRA 199; *Vicente vs. Workmen's Compensation Commission*, L-18241, Dec. 27, 1963, 9 SCRA 825; *National Development Co. vs. Workmen's Compensation Commission*, L-19854, Dec. 27, 1963, 9 SCRA 865; *Manila Railroad Company vs. Workmen's Compensation Commission*, L-19377, Jan. 30, 1964, 10 SCRA 41; *Republic vs. Amil*, L-20137, March 31, 1964, 10 SCRA 669; *Batangas Transportation Co. vs. Perez*, L-19522, Aug. 31, 1964, 11 SCRA 793; *A.L. Ammen Trans. Co., Inc. vs. Workmen's Compensation Commission*, L-20219, Sept. 28, 1964, 12 SCRA 27; *Agustin vs. Workmen's Compensation Commission*, L-19957, Sept. 29, 1964, 12 SCRA 55; *National Development Co. vs. Galamgam*, L-29634, April, 29, 1971, 38 SCRA 495; *Republic vs. Workmen's Compensation Commission*, L-30320, March 29, 1972, 44 SCRA 191.

[18] Cf. *Plywood Industries, Inc. vs. Workmen's Compensation Commission*, L-18165, May 30, 1962, 5 SCRA 276; *Rebodos vs. Workmen's Compensation Commission*, L-18737, Nov. 29, 1962, 6 SCRA 717; *Batangas Transportation Co. vs. Valenzuela*, L-18532, Aug. 31, 1963, 8 SCRA 840; *Manila Railroad Co. vs. Workmen's*

Compensation Commission, L-19773, May 30, 1964, 11 SCRA 305; Batangas Transportation Co. vs. Perez, L-19522, Aug. 31, 1964, 11 SCRA 793; Manila Railroad Co. vs. Manalang, L-20845, Nov. 29, 1965, 15 SCRA 409; Rio y Compañia vs. Workmen's Compensation Commission, L-21467, Aug. 30, 1967, 20 SCRA 1196; Victorias Milling Co, Inc. vs. Workmen's Compensation Commission, L-25640, March 21, 1968, 22 SCRA 1215; Manila Railroad Company vs. Rivera, L-23021, May 29, 1968, 23 SCRA 922; Seven-Up Bottling Co. of the Philippines vs. Rimerata, L-24349, Dec. 24, 1968, 26 SCRA 449; Victorias Milling Co., Inc. vs. Workmen's Compensation Commission, L-25665, May 22, 1969, 28 SCRA 285; Northwest Orient Airlines, Inc. vs. Mateu, L-25274, July 29, 1969, 28 SCRA 877; Operators, Inc. vs. Cacatian, L-26173, Oct. 31, 1969, 30 SCRA 218; Falcon vs. Mathay, Sr., L-30303, Aug. 31, 1970, 34 SCRA 765; Jordan vs. De Dios Enterprises, Inc., L-28895, Sept. 30, 1970, 35 SCRA 165.

[19] L-29634, April 29, 1971, 39 SCRA 495.

[20] L-26173, October 31, 1969, 30 SCRA 218.

[21] L-29634, 38 SCRA 495, 498. The first case cited in Cacatian is Manila Railroad Company vs. Perez, L-20171, June 29, 1965, 14 SCRA 504. The two cases referred to in the Vda. de Espeleta decision, L-24073, Jan. 30, 1968, 22 SCRA 325 are National Development Co. vs. Ayson, L-23450, May 24, 1967, 20 SCRA 192 and National Development Co. vs. Rongavilla, L-21963, Aug. 30, 1967, 20 SCRA 1172; Victorias Milling Co. vs. Workmen's Compensation Commission, L-25640, March 21, 1968, is reported in 22 SCRA 1215. The other 1968 rulings are found in Surigao Consolidated vs. Workmen's Compensation Commission, L-26077, May 27, 1968, 23 SCRA 820; Manila Railroad vs. Rivera, L-23021, May 29, 1968, 23 SCRA 922 and San Miguel Brewery vs. Vda. de Joves, L-24258, June 26, 1968, 23 SCRA 1093. Such doctrine was reiterated in the 1969 case of Victorias Milling Co. vs. Dadivas, L-24985, March 27, 1969, 27 SCRA 413.

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