

**JOSE C. AQUINO, ET AL., PETITIONERS, VS. PILAR CHAVEZ***G.R. No. L-18333. December 29, 1965*

Ponente: DIZON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/8b50eb22eb44/>**DIZON, J.:**

Appeal by certiorari taken by Jose C Aquino, and Jose C. Aquino Lumber & General Merchandise, from the decision of the Workmen's Compensation Commission in WCC Case No. R-804 ordering them to pay respondent Pilar Chaves Conato the sum of P848.64 as unpaid balance of the compensation due for the death of her son, Pablo Conato, plus an additional amount of P26.00 as fees under Section 55 of Act No. 3428.

It is not disputed that petitioners employed the deceased Pablo Conato as a laborer at a salary of P4.00 a day. At about 2:00 o'clock in the morning of April 6, 1959, while he was rendering overtime work and performing his routinary duties as a rigger at the petitioner's logging area in Lobao, Esperanza, Agusan, he was accidentally hit on the breast by a steel cable tied to a log. The impact threw him seven meters away, his head landing against the logs below thus dying instantaneously of a broken head and breast injuries, single and childless, he was buried in Buenavista, Agusan, the amount of P250.00 having spent for this purpose.

On May 24, 1959 Conato's mother, herein respondent pilar Chaves Conato, filed with the Department of Labor, Regional Office No. 6, Cebu City, a claim for compensation under Act 3428 against petitioners. The latter moved to dismiss the claim on the ground that the claimant had already received from them on May 5, 1959 the sum of P1,148.16 in payment of any and all sums due her either as workmen's compensation benefit or damages arising out of the death of her son, and had waived her claim for damages filed with the Bureau of Labor.

After due hearing, the chief hearing officer found the claim compensable under Act 3428 and ordered petitioners to pay the sum of P1,048.64 as unpaid balance of the total sum due to the claimant, including P200.00 for burial expenses, and to pay P20.00 as administrative costs.

On February 20, 1960 petitioners filed a petition for review with the Regional Office, alleging that the decision was contrary to law and not supported by the evidence and that the hearing officer erred in holding that the claimant was totally dependent on her deceased son. The hearing officer denied said petition for lack of merit. Thereupon, the petitioners filed a petition for review of the above decision and resolution with the Workmen's Compensation Commission, claiming that the hearing officer erred in (1) adjudging them liable for funeral expenses when it had been established that, aside from P1,148.16 paid to claimant, they had paid the funeral parlor P250.00; and (2) not declaring claimant to be partially dependent person, and petitioners to have fully satisfied her claim under the Workmen's Compensation Law.

On December 22, 1960, the Commission, modifying the decision of the hearing officer, rendered the appealed decision which sentenced petitioners to pay the amount of P848.64, plus P26.00 as fees under Sec. 55 of Act 3428. The Principal amount awarded to the claimant was the result of the following computation made by the Commission:

"Under Sections 8 (d), 9 and 10 of Act 3428, as amended, the claimant is entitled to 40% of the average

weekly wage of the deceased, which was P24.00 for a period of 208 weeks or P1,996.80. After deducting therefrom the amount of P1,148.16 paid on May 5, 1959, the claimant should receive the balance of P848.64."

As petitioners' motion for reconsideration of the above decision was denied by the Commission, they took the instant appeal.

Two issues are to be resolved in the present appeal, namely: Whether respondent Pilar Chaves Conato was totally, or only partially dependent upon her deceased son, Pablo; and whether or not the alleged waiver made by her bars her right to recover the unpaid balance of the compensation due to her in accordance with law. Petitioners maintain the affirmative in connection with both.

As regards the first question, the weight of authority supports the view that total dependency is not inconsistent with the receipt of some nominal gift or help from another son or relative, or that the claimant works or receives sporadically a minor income from her own effort or property (*Ky Blue Diamond Coal Co. vs. Frager*, 229 Ky. 450; *Ky Blue Diamond, etc. vs. Spradlin's Guardian*, 222 Ky. 432).

In this case, the reasons advanced by petitioners to support their claim that the respondent Pilar Chaves Conato was only partially dependent upon her deceased son are that she receives, from time to time, small amounts from another son, and that she owns real property in Rizal, Maasin, Leyte, with improvements consisting of a house and a few fruit-bearing coconut trees. Even granting this to be true, we do not consider it sufficient to show that she was only partially dependent upon her deceased son from whom she regularly received support.

Upon the other hand, petitioners' contention that, upon receiving from them the sum of P1,148.16, respondent Pilar Chaves Conato waived any and all further claims for compensation or damages against petitioners cannot—even if the waiver was made—exempt petitioners from liability in connection with what appears to be the unpaid balance of the compensation due to her in accordance with law, in view of the provisions of Section 7 of Act 3428, as amended, which considers as null and void any contract or devise of any sort intended to exempt the employer from all or part of the liability created, by said act.

Wherefore, the decision appealed from is hereby affirmed, with costs.

Bengzon, C. J., Concepcion, Reyes, J. B. L., Regala, Makalintal, Bengzon, J. P. and Zaldivar, JJ., concur.

Decision affirmed.

**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.