

REPUBLIC OF THE PHILIPPINES, (PHILIPPINE NORMAL HALL), VS. WORKMEN'S COMPENSATION COMMISSION AND DALMACIO SONGALIA, RESPONDENTS.*G. R. No. L-17813. April 30, 1963*

Ponente: CONCEPCION, J.

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Appeal by the Government from a resolution of the Workmen's Compensation Commission refusing to reconsider a decision of a member thereof sentencing the Republic of the Philippines to pay P1,385.00 to claimant Dalmacio Songalia, and P14.00 to Regional Office No. 3 of the Department of Labor as fee pursuant to section 55 of the Workmen's Compensation Act.

Said Dalmacio Songalia was on June 6, 1956, and for some time prior thereto, an assistant cook of the Philippine Normal Hall, an adjunct of the Philippine Normal College, which is a public school operated by petitioner herein, the Republic of the Philippines. It appears that on said date, as Songalia uncorked a thermos bottle for Dr. Florencia Herrera, who boarded in said Normal Hall, the hot water in said container splashed in such a way that part of it landed on his left eye, thereby hurting the same. Dr. Herrera then gave him the corresponding emergency medical treatment, but Songalia stopped working from the next day, although he resumed work on June 11, 1956. Subsequently, the injured left eye developed "glaucoma * * * secondary to dislocated lens," which, according to Dr. Salvador Degollacion, a resident physician of the North Philippine General Hospital who treated him on April 21, 1959, was "the result of the nature of (his) employment" and resulted in "permanent total disability" of said eye. On December 7, 1959, Songalia filed the corresponding notice of injury or sickness and claim for compensation with Regional Office No. 3 of the Department of Labor, which, by letter dated February 12, 1960, asked the Solicitor General to submit a report on said injury or sickness. This report was filed on February 26, 1960. Soon thereafter, or on March 17, 1960, the Regional Administrator of said office issued an award directing the Government to pay P 1,387.37 to Songalia as compensation and P14.00 to said Office, as fee under Section 55 of the Workmen's Compensation Act, as amended.

Petitioner herein moved for a reconsideration of said award, which was denied. The matter was forwarded, therefore, to the Workmen's Compensation Commission, a member of which rendered a decision affirming the award, except as to its amount, which was reduced to P1,385.00. On motion for reconsideration of petitioner herein said decision was affirmed by the Workmen's, Compensation Commission sitting en banc. Hence, this appeal by certiorari. The issues therein raised by petitioner appellant may be summed up, as follows: 1) that the Philippine Normal Hall, as an adjunct of the Philippine Normal College, is exempt from the operation of the Workmen's Compensation Act; 2) that the injury sustained by Songalia was not connected with his employment; and 3) that his claim under said Act should have, been deemed controverted by the Government.

With respect to the first issue, section 3 of Act No. 3428, as amended, provides:

"This Act shall also be applicable to mounted passengers in the service of the National Government and all its

political subdivisions and to the" employees and laborers employed in public works and in the industrial concerns of the Government and to all other persons performing manual labor in the service of the National Government and its political subdivisions and instrumentalities: Provided, however, That laborers and employees insured with the Government Service Insurance System, and their dependents when entitled to the benefits of the said insurance system shall, in addition to the same be entitled to the benefits granted by this Act."

As assistant cook in the Philippine Normal Hall, claimant Songalia was "performing manual labor in the service of the National Government," or, at least, of one of its "instrumentalities," and, hence, is entitled to the benefits of the Workmen's Compensation Act.

As regards the second issue, petitioner's communication to the Regional Administrator dated February 26, 1960, gives the following version of the circumstances under which the injury in question was sustained:

"* * * It appears that sometime in the morning of * * * June 6, 1956, the * * * claimant was requested by one Dr. Florencia Herrera, a female boarder of the Normal Hall to get for her a thermos bottle full of hot water which the complainant complied with Instead of merely delivering the thermos bottle with its hot water contents to Dr. Herrera, claimant, perhaps as an uncalled for gesture, of courtesy himself opened the cork stop of the thermos bottle in a negligent manner, by reason of which some of the scalding liquids splashed and landed on his left eye. * * *."

It should be noted that Dr. Herrera was a boarder in the Philippine Normal Hall, and that, as such, she was entitled to avail herself of the services of Songalia, and this is conceded by petitioner. It is apparent, also, from the latter's version, that Songalia's injury was the result of an "accident arising out of and in the course of his employment." The allegation to the effect that Songalia's act, in uncorking the bottle of thermos, was an "uncalled for act of courtesy"-even if we admitted it was. "uncalled for," which we cannot admit, considering that Dr. Herrera was a lady and a boarder of the Normal Hall-does not detract from the fact that the injury was the result of an "accident arising out of and in the course of his employment." Again, petitioner's allegation of the "negligent manner" in which Songalia opened the bottle is not sufficient to relieve the petitioner from liability under the Workmen's Compensation Act, for the same requires therefor a "notorious negligence" (section 4, Act 3428, as amended), which has not been pleaded in the aforementioned communication of petitioner herein.

Referring now to the last issue raised by the latter, the resolution appealed from states;

"* * * the claim for compensation filed by the claimant against the respondent was transmitted by the Regional Office No. 3, Manila, to the respondent on January 8, 1960, together with W.C.C. Forms Nos. 3, 4 & 5 for accomplishment, and return to said office pursuant to the provisions of Section 37 of the Act; and that, upon receipt of the claim, the respondent, instead of accomplishing and submitting said forms, sent to the Regional Office a 1st indorsement dated January 18, 1960, which read as follows"

'Respectfully returned to the Regional Administrator, Department of Labor, R, Hidalgo-Mendoza St., Manila, with the information that the matter is being submitted to the Solicitor General for appropriate action.'

Under these circumstances, it is but logical to conclude that the Office of the Solicitor General must have been duly informed of said claim on or before the Regional Office received said indorsement on January 25, 1960. That being so, and because under Section 45 of the "Workmen's Compensation Act, as amended, an employer is given 10 days from knowledge of the accident within which to controvert the right to the compensation of the claimant, the controversion contained in the letter of respondent's counsel dated February 26, 1960 was filed at least one month from the time the Office of the Solicitor General had acquired knowledge of the claim filed by the claimant."

The truth of the above facts is not contested by petitioner herein. What is more, the Solicitor General admits having received on February 15, 1960, the letter of the Regional Administrator, dated February 12, 1960, asking the submission of the requisite report of accident, and that such report was not filed until February 26, 1960, or eleven (11) days after receipt of said communication. Thus, it is clear that petitioner has not controverted Songalia's claim within the period of ten (10) days prescribed in section 45 of the Workmen's Compensation Act. In pursuance of the provisions thereof, petitioner is deemed, therefore, to have renounced the right to controvert said claim, unless it "submits reasonable grounds for the failure to make the necessary reports, on the basis of which grounds the (Workmen's Compensation) Commissioner may reinstate his right to controvert" the claim. However, petitioner has neither sought a reinstatement of such right, nor submitted "reasonable grounds" for its "failure to make the necessary report" within the statutory period. Accordingly, it may not controvert the aforementioned claim upon the ground, either of prescription or of negligence on claimant's part, these defenses being necessarily deemed waived in consequence of the constructive renunciation of, the right aforementioned,

Wherefore, the decision and resolution appealed from are hereby affirmed, without special pronouncement as to costs. It is so ordered.

Bengzon, C.J., Bautista Angelo, Labrador, Barrera, Paredes, Regala, and Makalintal, JJ., concur.

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