

**REPUBLIC OF THE PHILIPPINES (PHILIPPINE AIR FORCE),
PETITIONER, VS. WORKMEN'S COMPENSATION COMMISSION
AND ERLINDA L. DOYON, RESPONDENTS.**

G.R. No. L-30320. March 29, 1972

Ponente: VILLAMOR, J.

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VILLAMOR, J.:

This is a petition for review by certiorari of the decision and resolution of the Workmen's Compensation Commission in R04-WC Case No. 1199 (Sub-Region, PC).

The facts of the case are simple and uncontroverted. Cpl. Ludovico Doyon of the Philippine Air Force died on October 13, 1966, of an injury sustained while undergoing authorized physical training. The injury was not the result of, nor aggravated by, his intentional misconduct or gross negligence. The Philippine Air Force paid the sum of P3,000.00 to the heirs of the deceased pursuant to Republic Act No. 610 ("Armed Forces Death Gratuity and Disability Pension Act of 1951"), and the sum of P250.00 for burial expenses pursuant to Section 699 of the Revised Administrative Code. Subsequently, Erlinda L. Doyon, widow of the deceased soldier, filed a claim for compensation with the Workmen's Compensation Commission. Both the Philippine Air Force and the Office of the Solicitor General wrote the Commission that they were not controverting the widow's claim, the death of Cpl. Doyon being, in their opinion, compensable under the Workmen's Compensation Act. They requested, however, that the sum of P3,000.00 already paid under Republic Act No. 610 be deducted from whatever award would be given to the widow; and that there be no adjudication for burial expenses, payment thereof having been already made. On July 11, 1967, the Chief of the Workmen's Compensation Section rendered an award directing the Republic of the Philippines (PAF) to pay the claimant widow the sum of P4,449.12 as compensation. The Republic filed a motion for reconsideration praying that the sum of P3,000.00 be ordered deducted from the award. The motion was denied. On February 25, 1969, the Chairman of the Workmen's Compensation Commission rendered a decision affirming the award. The Republic moved for a reconsideration, but on March 7, 1969, the Commission en banc rendered a resolution denying the motion.

The issue presented here is whether beneficiaries of military personnel entitled to death gratuity under Republic Act No. 610, who have received payment thereunder, may, in addition to said gratuity, be paid death compensation under the Workmen's Compensation Act (Act 3428, as amended).

Republic Act No. 610 took effect on May 4, 1951, and its pertinent provision is as follows:

"SEC. 3. Hereinafter upon the death of any officer or enlisted man as the proximate result of wounds or injuries received or sickness or disease incurred in the active service and in line of duty, the surviving widow and/or children not emancipated shall receive a gratuity of three thousand pesos to be paid in lump sum. * * *."

Thus, even as early as 1951, army personnel were already entitled to death benefit. The civilian employees in government were, however, not entitled to such benefit, for the Workmen's Compensation Act was not then applicable to government employees, except "to mounted messengers in the service of the National Government

and to employees and laborers of said Government and of the governments of the provinces, municipalities and all other political subdivisions of the Philippine Islands, employed in the industrial concerns of the Government and in public works." Under this quoted provision, army personnel were, like civilian employees in government in general, not covered by the Workmen's Compensation Act. On June 20, 1952, Republic Act No. 772 took effect, making the Workmen's Compensation Act applicable to "all other persons performing manual labor in the service of the National Government and its political subdivisions and instrumentalities." Army personnel and civilian employees in government in general were still not entitled to the benefits of the Workmen's Compensation Act even under such an amendment.

On June 20, 1964, however, Republic Act No. 4119, further amending the Workmen's Compensation Act, took effect, providing, among others, as follows:

"SEC. 2. Grounds for Compensation. – When an employee suffers personal injury from any accident arising out of and in the course of his employment or contracts tuberculosis or other illness directly caused by such employment, his employer shall pay compensation in the sums and to the persons hereinafter specified. * * *.

"SEC. 3. Applicable to Government. — This Act shall also be applicable to all officials, employees and laborers in the service of the National Government and its political subdivisions and instrumentalities: Provided, however, That officials, 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."

Consequently, as the Workmen's Compensation Act now stands, the benefits thereunder are applicable to all officials, employees and laborers in the service of the government, including, apparently, members of the armed forces. Does this mean, then, that if an army officer or enlisted man, or his beneficiary, accepts benefits under Republic Act No. 610, he may still be entitled to the full benefits of the Workmen's Compensation Act and vice versa? The answer is in the negative.

The following legal provisions are pertinent to the issue:

"SEC. 9. Repeal or modification of laws. —Except as hereinafter provided, any gratuity or pension received under the provisions of this Act shall be in addition to any retirement pay payable under existing laws: Provided, That no person who has received the death or disability benefits under Republic Act Numbered Five hundred seventy-three shall be entitled to the benefits of this Act. No payment shall hereafter be made to the beneficiaries of deceased officers and enlisted men of the Armed Forces of the Philippines or the Philippine Constabulary under the provisions of Republic Act Numbered Thirty or any other law granting similar benefits to officers and employees, generally, of the National, provincial, or municipal government. * * *." (Republic Act No. 610.)

"SEC. 5. Exclusive right to compensation. — The rights and remedies granted by this Act to an employee by reason of a personal injury entitling him to compensation shall exclude all other rights and remedies accruing to the employee, his personal representatives, dependents or nearest of kin against the employer under the Civil Code and other laws, because of said injury." (Workmen's Compensation Act.)

It will thus be seen that Republic Act No. 610 bars payment under other laws; so does the Workmen's Compensation Act. Hence, if one is paid under Republic Act No. 610, he may not again be paid under the Workmen's Compensation Act, unless, as in the case at bar, what was received under the first law is less than what can be received under the Workmen's Compensation Act, in which event, considering that both laws are social legislations designed to provide a system whereby dependents are awarded benefits to prevent them from being destitute and a charge upon society, the difference in amount may still be ordered paid by the Workmen's Compensation Commission in a proper case brought to it.

The use of the words "gratuity" and "disability" in Republic Act No. 610 does not in the least detract from its character as a compensation law, for, regardless of its phraseology, the said law is clearly intended to compensate an army officer or enlisted man or his beneficiaries under the circumstances contemplated therein. It will be noted that Republic Act No. 610 and the Workmen's Compensation Act prescribe more or less similar grounds, although worded differently, to entitle one to benefits. Thus, for benefits to accrue under Republic Act No. 610, death or disability must be the "proximate result of wounds or injuries received or sickness or disease incurred in the active service and in line of duty." (Sections 3 and 5.) And under the Workmen's Compensation Act, the employer is required to pay compensation to an employee who "suffers personal injury from any accident arising out of and in the course of his employment, or contracts tuberculosis or other illness directly caused by such employment, or either aggravated by or the result of the nature of such employment." (Section 2.)

While it is true that Section 9 of Republic Act No. 610 does not expressly state that receipt of benefits thereunder shall preclude recovery of benefits under the Workmen's Compensation Act, it must be borne in mind that when Republic Act No. 610 was enacted, government employees in general were not yet covered by the Workmen's Compensation Act; coverage was extended to them only in 1964, when Republic Act No. 4119 took effect. There was, therefore, neither need nor occasion to mention the Workmen's Compensation Act specifically, together with other laws, in Section 9, insofar as prohibition of other payments is concerned. In any event, the phrase "or any other law granting similar benefits to officers and employees, generally, of the National, provincial or municipal government," appearing in Section 9, is highly indicative of legislative intent to preclude further recovery of compensation benefits under other laws.

That the legislature recognizes the exclusive character of the benefits under Republic Act No. 610, is also deducible from the fact that it increased the death gratuity for beneficiaries of army officers and enlisted men from P3,000.00 to P6,000.00 thru Republic Act No. 5859, which took effect on June 21, 1969, unfortunately after the death of Cpl. Doyon. The purpose is obviously to place military personnel on an equal footing with civilian employees in the government and private sectors, whose maximum allowable death compensation is P6,000.00, but certainly not to make the beneficiaries of military personnel recipients of twice the benefit allowable to beneficiaries of civilian employees in government. The equalization of death benefits under Republic Act No. 610 and the Workmen's Compensation Act also does away with the practice of shifting claims for benefits by military personnel or their beneficiaries from one law to the other.

WHEREFORE , the decision and resolution of the Workmen's Compensation Commission appealed from are modified in the sense that the sum of P3,000.00 received by the heirs of Cpl. Ludovico Doyon under Republic Act No. 610 should be, as the same is hereby, ordered deducted from the award of P4,449.12 to respondent Erlinda L. Doyon. No pronouncement as to costs.

Concepcion, C.J., Reyes, J.B.L., Makalintal, Zaldivar, Castro, Fernando, Teehankee, Barredo, and Makasiar, JJ., concur.

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