

AN ACT TO FURTHER AMEND ACT NUMBERED THREE THOUSAND FOUR HUNDRED AND TWENTY-EIGHT, “AN ACT. PRESCRIBING THE COMPENSATION TO BE RECEIVED BY EMPLOYEES FOR PERSONAL INJURIES, DEATH...

REPUBLIC ACT NO. 772, June 20, 1952

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/a159561aee11/>

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. Section two of Act Numbered Three thousand four hundred and twenty-eight as amended by section one of Act Numbered Three thousand eight hundred and twelve is hereby further amended to read 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, or either aggravated by or the result of the nature of such employment, his employer shall pay compensation in the sums and to the person hereinafter specified. The right to compensation as provided in this Act shall not be defeated or impaired on the ground that the death, injury or disease was due to the negligence of a fellow servant or employee, without prejudice to the right of the employer to proceed against the negligent party."

SEC. 2. Section three of Act Numbered Three thousand four hundred and twenty-eight as amended by section two of Act Numbered Three thousand eight hundred and twelve is hereby further amended to read as follows:

"SEC. 3. Applicable to Government.—This Act shall also be applicable to mounted messengers 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."

SEC. 3. Section four of Act Numbered Three thousand four hundred and twenty-eight is hereby amended to read as follows:

"SEC. 4. Injuries not covered.—Compensation shall not be allowed for injuries caused: (1) by the voluntary intent of the employee to inflict such injury upon himself or another person; (2.) by drunkenness on the part of the laborer who had the accident; and (3) by notorious negligence of the same."

SEC. 4. A new section, four-A, is added to Act Numbered Three thousand four hundred and twenty-eight, to read:

"SEC. 4-A. Right to additional compensation.—In case of the employee's death, injury or sickness due to the failure of the employer to comply with any law, or with any order, rule or regulation of the Workmen's Compensation Commissioner or the Industrial Safety Bureau, or should the employer violate the provisions of Act Numbered Three thousand seventy-one or fail to install and maintain safety appliances, or take other precautions for the prevention of accident or occupational disease, he shall be liable to pay an additional compensation equal to fifty per centum of the compensation fixed in this Act."

SEC. 5. Section five of Act Numbered Three thousand four hundred and twenty-eight is hereby amended to read as follows:

"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 , because of said injury.

"Employers contracting laborers in the Philippine Islands for work outside the same shall stipulate with such laborers that the remedies prescribed by this Act shall apply to injuries received outside the Islands through accidents happening in and during the performance of the duties of the employment. Such stipulation shall not prejudice the right of the laborers to the benefits of the Workmen's Compensation Law of the place where the accident occurs should such law be more favorable to them."

SEC. 6. A new section, 7-A, is added to Act Numbered Three thousand four hundred and twenty-eight, to read:

"SEC. 7-A. Workmen's Compensation Commissioner, appointment.—There is hereby created in the Department of Labor the Office of the Workmen's Compensation Commissioner, hereinafter designated the Commissioner, who shall be assisted by a Deputy Workmen's Compensation Commissioner. The Commissioner and Deputy Commissioner shall be appointed by the President of the Philippines with the consent of the Commission on Appointments and shall receive compensation at the rate of eight thousand four hundred pesos and seven thousand and two hundred pesos per annum, respectively.

"Upon the organization of the Office of the Commissioner, the existing Workmen's Compensation Division in the Bureau of Labor shall be abolished, and all its files, records, equipment, appropriation, and all the officials and employees of said division shall thereupon be placed under the control and management of the Commissioner."

SEC. 7. Section eight of Act Numbered Three thousand four hundred and twenty-eight, as amended by section four of Act Numbered Three thousand eight hundred and twelve and by section two of Commonwealth Act Numbered Two hundred and ten, is hereby amended further to read as follows:

"SEC. 8. Death benefit.—If the disease contracted or injury received by the employee as provided in section two hereof causes his death within two years from the date of such injury or sickness, the employer shall pay the compensation to the persons entitled thereto, and in case there shall be none, he shall pay to the person representing the deceased employee the burial expenses not to exceed two hundred pesos, and shall also pay to or for the following persons, in the order of priority and during the periods hereinafter set forth, a weekly compensation equivalent to the following percentages of the average weekly wages of the employee, as determined in section nineteen of this Act:

"(a) To the dependent widow or widower, in case there no dependent children, forty-five per centum.

"(b) To the dependent widow or widower in case there one or two dependent children, fifty per centum, and if there are three or more dependent children, sixty per centum. The compensation to the widow or widower shall for the use or benefit of the widow or widower and of the dependent children, and the Workmen's Compensation Commissioner may from time to time adjust the compensation between them in the most equitable manner possible.

"(c) If there is no dependent widow or widower, but a dependent child or children, such child or children shall be paid forty per centum, with ten per centum additional for each child in excess of two, up to a maximum of fifty per centum, which shall be distributed in equal shares among the children if there be more than one.

"(d) If there are no dependent widow, widower or children, but there is a dependent father or mother, forty per centum to the father or mother if totally dependent, or twenty-five per centum if partly dependent, and if both

parents are dependent, each shall be paid one-half of such compensation. If there is no parent, but dependent grandparents, the same compensation shall be paid as to a father or mother.

"(e) If there are no dependent widow, widower, child, parent, or grandparent, but there is a dependent grandchild, brother or sister or two or more such, then twenty-five per centum shall be paid for one dependent and five per centum additional for each additional dependent, up to a maximum of forty per centum, which shall be distributed share and share alike among the dependents if there be than one.

"(f) If there are no legal dependents, the employer shall pay the amount of one thousand pesos to the Workmen's Compensation Fund: Provided, That the said Commissioner shall have direct control and supervision over such funds, subject to general auditing requirements, which shall be spent for the rehabilitation of crippled men in industry.

"When several persons are entitled to compensation and there is disagreement concerning the share of the compensation each should receive, the Workmen's Compensation Commission shall act as referee and designate the share to be allotted to each dependent.

SEC. 8. Section eleven of Act Numbered Three thousand four hundred and twenty-eight is hereby amended to read as follows:

"SEC. 11. Scope of certain words.—The words "son" "daughter", or "children", as used in this Act, shall include stepchildren, adopted children, and illegitimate children acknowledged by and dependent upon the deceased before the injury was contracted; but they shall not include married persons, unless the same be dependents, for any reason provided for in law. The words "brother" or "sister" include stepbrothers or stepsisters, halfbrothers or halvesisters, and brothers or sisters by adoption; but it does not include married brothers or married sisters, unless the same are dependents for any reason provided for in law. The words "grandson", "granddaughter", or "grandchild" include children of adopted children and children of stepchildren; but they do not include stepchildren of children, nor stepchildren of stepchildren, nor stepchildren of adopted children, nor married grandchildren, unless the same be dependents in accordance with the law. The word "parents" includes stepfathers and stepmothers and parents by adoption. The word "grandfathers", "grandmothers" or "grandparents" include the parents of parents by adoption; but they do not include parents of step-parents, stepparents of parents, nor step-parents of step-parents."

SEC. 9. Section twelve of Act Numbered Three thousand four hundred and twenty-eight is hereby amended to read as follows:

"SEC. 12. Sundry provisions regarding death benefits.— In computing death benefits, the average weekly wages of the deceased employee shall not be reckoned at more than fifty pesos nor less than ten pesos; but the total weekly compensation shall not in any case exceed the average weekly wages computed in accordance with section nineteen of this Act, nor shall the compensation paid in any case exceed in its aggregate the sum of four thousand pesos.

"The bona fide payment of a death compensation by an employer to a dependent entitled thereto in the second place after another dependent or dependents shall protect and exonerate the employer, unless and until the dependent or dependents having priority right shall notify him of his or their claim.

"In the event of death occurring after a period of total or partial disability, the period of disability shall be deducted from the respective total periods established in section ten of this Act.

"The compensation of a demented person shall be paid to the guardian of such person."

SEC. 10. Section thirteen of Act Numbered Three thousand four hundred and twenty-eight, as amended by section five of Act Numbered Three thousand eight hundred and twelve and section three of Commonwealth Act

Numbered Two hundred and ten, is further amended to read as follows:

"SEC. 13. Medical attendance.—Immediately after an employee has suffered an injury or contracted sickness and during the subsequent period of disability, the employer shall provide the employee with such medical, surgical, and hospital services and supplies as the nature of the injury or sickness may require.

"The pecuniary liability of the employer for the necessary medical, surgical, and hospital services and supplies shall be limited to the amount ordinarily paid in the community for such treatment of an injured person of the same standard of living if the treatment had to be paid for by the injured person himself.

"In case the employer cannot furnish medical, surgical, and hospital services and supplies promptly, the injured employee may acquire the same at the expense of the employer.

"If it is shown before the Commissioner that the injured employee voluntarily refused to accept the services of a competent physician or surgeon or voluntarily rejected the surgical, and hospital services and supplies provided by the employer, or voluntarily obstructed the physician or surgeon or the medical, surgical or hospital services, such refusal on the part of the employee shall be construed as a waiver of all or part of his rights to the medical, surgical, and hospital services paid for by the employer, and in this case the employer shall be liable only for the injury or for the disability of any nature that would have ensued if the injured man had accepted the medical, surgical, and hospital services and supplies tendered by the employer: Provided, however, That the refusal as well as the kind of disability that would have been the result of the injury if the injured person had accepted such services, shall be set forth in an affidavit made within twenty-four hours after such refusal by the physician called to attend the injured person."

SEC. 11. Section fourteen of Act Numbered Three thousand four hundred and twenty-eight, as amended by section four of Commonwealth Act Numbered Two hundred and ten, is further amended to read as follows:

"SEC. 14. Total disability.—In case the injury or sickness causes total disability for labor, the employer, during such disability but exclusive of the first three days shall pay to the injured employee a weekly compensation equivalent to sixty per centum of his average weekly wages; but not more than thirty-five pesos nor less than ten pesos per week, except in the case provided for in the next following paragraph. Such weekly payments shall in no case continue after the disability has ceased, nor shall they extend over more than two hundred and eight weeks, nor shall the aggregate sum paid as compensation exceed in any case four thousand pesos. But no award of permanent disability shall take effect until after two weeks have elapsed from the date of injury.

"In the case of an employee whose average weekly wages are less than ten pesos per week, the weekly compensation shall be the entire amount of such average weekly wages; but if the disability is permanent, the compensation shall be ten pesos in such case. In the event that the total disability, begins after a period of partial disability, the latter shall be deducted from said total period of two hundred and eight weeks."

SEC. 12. Section sixteen of Act Numbered Three thousand four hundred and twenty-eight, as amended by section six of Act Numbered Three thousand eight hundred and twelve and by section five of Commonwealth Act Numbered Two hundred and ten, is hereby further amended to read as follows:

"SEC. 16. Partial disability.—In case the injury or sickness causes partial disability for labor, the employer, during such disability and except as hereinafter provided, shall pay to the injured or sick employee for a period of not to exceed two hundred and eight weeks, beginning with the first day of disability, a weekly compensation equal to, fifty per centum of the difference between his average weekly wages before the accident and the weekly wages which he could probably earn thereafter; but not more than eighteen pesos per week. The weekly payments shall not in any case continue after the disability has ceased, and in case partial disability sets in after a period of total disability, such period of total disability, shall be deducted from the total period of two hundred and eight weeks and the amount of the compensation paid shall not in any case be in excess of the total sum of four thousand pesos. No award for disability shall be made before a lapse of two

weeks counted from the date of the injury."

SEC. 13. Section eighteen of Act Numbered Three thousand four hundred and twenty-eight is hereby amended to read as follows:

"SEC. 18. Amputation.—Amputation between elbow and wrist shall be considered as equivalent to the loss of a hand. Amputation between knee and ankle shall be considered as loss of a foot. Amputation at or above the elbow shall be considered as equivalent to the loss of an arm. Amputation at or above the knee shall be considered as equivalent to the loss of a leg.

"Compensation for the injuries above specified shall delude all other compensation except the benefits provided Or in sections thirteen, fourteen, and fifteen.

"In case of an injury producing a serious disfigurement of the face or head, the Commissioner may, at the request of an interested party, determine and award such compensation as may seem fair and proper in view of the nature of the disfigurement, but which shall not exceed four thousand pesos.

"In all other cases of this kind of disability not mentioned in other sections of this Act, the compensation shall be fifty per centum of the difference between the average weekly wages of the injured person and his subsequent earning capacity in the same or some other employment, payable while the partial disability lasts; but subject to reconsideration of the degree of impairment by the Commissioner at the request of an interested party: Provided, however, That the weekly payments shall in no case be continued for a period longer than two hundred and eight weeks.

"The total compensation prescribed in this and the next preceding section and the total compensation prescribed in sections fourteen and fifteen of this Act shall, together, not exceed the sum of four thousand pesos: Provided, however, That after the payment has been made for the period specified by the Act in each case, the Workmen's Compensation Commissioner may from time to time cause the examination of the condition of the disabled laborer, with a view to extending, if necessary, the period of compensation which shall not, however, exceed the said amount of four thousand pesos."

SEC. 14. Section twenty of Act Numbered Three thousand four hundred and twenty-eight is hereby amended to read as follows:

"SEC. 20. Voluntary payments.—Payments made by the employer or his insurer to the injured laborer during the period of his disability or to his dependents, which under the provisions hereof were not due or payable when they were made, shall, upon being duly established, by agreement between the parties concerned, a certified copy of which shall be sent to the Workmen's Compensation Commissioner, or subject to the decision of the Commissioner, be deducted from the sum to be paid as compensation: Provided, That in case of disability, the deduction shall be made by reducing the period of time during which the compensation is to be paid, and not by reducing the weekly payment to be made in accordance with sections fourteen, fifteen, sixteen, and seventeen of this Act."

SEC. 15. Section twenty-one of Act Numbered Three thousand four hundred and twenty-eight is hereby amended to read as follows:

"SEC. 21. Periodical payments.—Upon agreement by the parties concerned, subject to the approval of the Workmen's Compensation Commissioner, the compensation may be paid monthly or semi-monthly instead of weekly."

SEC. 16. Section twenty-two of Act Numbered Three thousand four hundred and twenty-eight as amended by section eight of Act Numbered Three thousand eight hundred and twelve, is hereby further Amended to read as follows:

"SEC. 22. Payments in a lump sum.—Whenever the Commissioner considers it most advantageous and convenient, the liability of the employer as regards the compensation may be discharged totally or in part by payment in a lump sum or sums as may be the case, under the condition that if the sum or sums to be paid are less than that fixed by the law, the reduction shall not be more than eight per centum: Provided, however, That any agreement or contract made for this purpose between the parties shall not be valid unless it be in conformity with the provisions of this section in so far as the amount of compensation is concerned, and be made in the form of a public document acknowledged before the justice of the Peace of the locality and attested by two witnesses, one of whom shall be the municipal treasurer or the person acting in his stead if the agreement is entered into outside the City of Manila, subject to the approval of the Workmen's Compensation Commissioner, and if in the City of Manila, before the Workmen's Compensation Commissioner or any of his authorized representative. Before the acknowledgment of the instrument, the justice of the peace shall fully inform the injured laborer or dependent person or persons executing the instrument in his of all their rights and privileges under this Act reading and translating to them into the vernacular dialect they know in case they do not understand English or Spanish the provisions of this Act establishing the amounts' and period of compensation and other privileges to which they are entitled by reason of the accident, and shall certify in the acknowledgment clause that all these requisites have been complied with. The expenses of the acknowledgment of the contract shall be borne by the employer.

"Any failure on the part of the employer to comply with his obligation to pay any of the sums due to the injured laborer or his dependents in accordance with this Act shall entitle the beneficiary to claim the entire balance of the compensation at one time."

SEC. 17. Section twenty-nine of Act Numbered Three thousand four hundred and twenty-eight as amended by section nine of Act Numbered Three thousand eight hundred and twelve is hereby further amended to read as follows:

"SEC. 29. Agreement on compensation.—In case the employer and the injured laborer or the dependents entitled to compensation arrive at an agreement concerning the compensation provided for by this Act, such agreement in order to be valid, shall provide, at least, the same amount of compensation as that prescribed by this Act and must be approved by the Workmen's Compensation Commissioner, or any of his authorized representatives: Provided, however, That the employer shall be exempt from all liability under this Act as soon as the compensation has been paid in accordance with this section, saving- the provisions of section six of this Act."

SEC. 18. Section thirty-one of Act Numbered Three thousand four hundred and twenty-eight as amended by section ten of Act Numbered Three thousand eight hundred and twelve is hereby further amended to read as follows:.

"SEC. 31. Intervention of the Workmen's Compensation Commissioner.—In case a laborer who suffers an accident or contracts an illness comprised within the provisions section two of this Act, or his dependents, contracts the services of a lawyer or other persons to help him or direct him in his claim for compensation against his employer before the office of the Workmen's Compensation Commissioner, the fees of said lawyer or person shall not be more than five per cent of the total sum which said injured or sick laborer or his dependent in case of his death shall receive by way of compensation; but if his services shall take place in an appealed case, his fees shall not be in excess of ten per centum of said sum, and any person who, in violation of this proviso, makes an excessive charge, shall be punished by a fine of not more than two hundred pesos."

SEC 19. Section thirty-two of Act Numbered Three thousand four hundred and twenty-eight is hereby repealed.

SEC. 20. Section thirty-six of Act Numbered Three thousand four hundred and twenty-eight is amended to read as follows:

"SEC. 36. Cooperation of other officials.—In connection with his duties, the Workmen's Compensation Commissioner may, if necessary, require the cooperation of any city or provincial fiscal, city or provincial health officer; any justice of the peace or any other national, provincial or municipal official in order to secure proper compliance with this Act or any part thereof."

SEC. 21. Section thirty-seven of Act Numbered Three thousand four hundred and twenty-eight, as amended by section eleven of Act Numbered Three thousand eight hundred and twelve, is hereby further amended to read as follows:

"SEC. 37. Notice of accidents by employer.—Each employer shall hereafter keep a record of all injuries, whether fatal, or not, received by his¹ employees in the course of their employment, when the same come to his knowledge or attention. As soon as possible after the occurrence of an injury resulting in absence from work for a day or more, the employer shall give written notice thereof to the Workmen's Compensation Commissioner on blank forms specially prepared by said Commissioner for which the employer shall make requisition in due time, or in case of necessity or emergency, or for lack of forms, on any other paper, containing the information hereinafter prescribed.

"The notice shall set forth the style and nature of the business of the employer, the location of the establishment the name, age, sex, wages, and occupation of the injured employee, the date and hour of the accident resulting in the injury, the nature and cause of the injury, whether liability is admitted or controverted, and such other information as may be required by the Workmen's Compensation Commissioner.

"Not later than sixty days after the termination of the disability of the injured employee, the employer or other person liable for the payment of the compensation provided for in this Act shall file with the Workmen's Compensation Commissioner a statement of the total payments made or to be made for compensation and for medical services to the injured person.

"Any employer refusing or neglecting to give the notice or information required by this section shall be punished by a fine of not more than two hundred fifty pesos for each offense: Provided, That in the case of firms or corporations, the president, directors or managers thereof, shall be criminally liable for each violation, or in default thereof, the person who directly or indirectly take their place in the management, direction or administration of the business."

SEC. 22. Section thirty-nine of Act Numbered Three thousand four hundred and twenty-eight, as amended by section thirteen of Act Numbered Three thousand eight hundred and twelve and by section nine of Commonwealth Act Numbered Two hundred and ten, is hereby amended further to read as follows:

"SEC. 39. Definition of various words.—In this Act, unless the context indicates otherwise, the definition of various words used therein shall be as follows:

"(a) 'Employer' includes every person or association of persons, incorporated or not, public or private, and the legal representative of the deceased employer. It includes the owner or lessee of a factory or establishment or place of work or any other person who is virtually the owner manager of the business carried on in the establishment or place of work but who, for the reason that there is an independent contractor in the same, or for any other reason, is not the direct employer of laborers employed there.

"(b) 'Laborer' is used as a synonym of 'Employee and means every person who has entered the employment of or works under a service or apprenticeship contract for an employer. It does not include a person whose employment is purely casual and is not for the purposes of the occupation or business of the employer. Any reference to the person dependent on him, as denned in this Act, if the context so requires, or, if the employee is a minor or incapacitated, to his guardian or nearest of kin.

"(c) 'Injury' or 'personal injuries' includes sickness, 'injury' or 'personal injuries' or 'sickness' includes death

produced by the injury or sickness.

"(d) 'Industrial employment' in case of private employers includes all employment or work at a trade, occupation or profession exercised by an employer for the purpose of gain, except domestic service.

"(e) 'Public employment' signifies employment in the service of the National Government or the government of any province, municipality or other political subdivision of the Islands. It does not include employment as public officer elected by the popular vote nor persons paid more than four thousand eight hundred pesos per annum.

"(f) 'Partial disability', diminished capacity for securing employment due to disfigurement produced by an injury, can be considered as partial disability.

"(g) 'Wages' includes the commercial value of the board and lodging, subsistence, fuel and other amounts which the employee receives from the employer as part of his compensation.

"(h) A word in the singular shall also imply to the plural and vice versa, and one in the masculine gender shall also apply to the feminine."

SEC. 23. Section forty-two of Act Numbered Three thousand four hundred and twenty-eight as amended by section fourteen of Act Numbered Three thousand eight hundred and twelve is hereby amended further to read as follows:

"SEC. 42. Law applicable to small industries.—All claims for compensation by reason of an accident in an enterprise, industry, or business carried on or in a trade occupation or profession exercised by an employer for the purpose of gain, whose capital amounts to less than ten thousand pesos and is not hazardous or deleterious to employees, shall be governed by the provisions of Act Numbered Eighteen hundred and seventy-four and its amendments: Provided, however, That the following enterprises or establishments shall be among those considered hazardous or deleterious to employees:

"(1) Any business for the transportation of persons or goods, or both;

"(2) Any factory, establishment, or shop where machinery is used;

"(3) Any factory, establishment, or shop where the employee is exposed to dust or other particles or matter, fumes, cases, and other chemical substances;

"(4) Plants or establishments for the making or manufacture of fireworks, dynamite, munitions, and similar things or articles;

"(5) Employment for circus, boxing, football, basketball, wrestling, racing, and similar sports; and

"(6) Fishing, lumbering, and mining."

SEC. 24. Sections forty-three to fifty-five are hereby added to the Act to read as follows:

"SEC. 43. Presumption.—In any proceeding for the enforcement of the claim for compensation under this Act, it shall be presumed in the absence of substantial evidence to the contrary—

"1. That the claim comes within the provisions of this Act;

"2. That sufficient notice thereof was given;

"3. That the injury was not occasioned by the willful intention of the injured employee to bring about the injury or death of himself or of another;

"4. That the injury did not result solely from the intoxication of the injured employee while on duty; and

"5. That the contents of verified medical and surgical reports introduced in evidence by claimants for compensation are correct.

"SEC. 44. Compensation, how payable.—The compensation herein provided for shall be paid periodically and promptly in like manner as wages, and as it accrues, and directly to the person or persons entitled thereto without the necessity of a formal award by the Commissioner, except in those cases in which the right to compensation is controverted by the employer. If the employer or insurance carrier does not controvert the injured workmen's right to compensation, such employer or insurance carrier shall, either on or before the fourteenth day after disability or within five days after the employer first has knowledge of the accident, begin paying compensation and shall immediately notify the Commissioner in accordance with a form to be prescribed by him, that the payment of compensation has begun, accompanied by the further statement that the employer or insurance carrier, as the case may be, will notify the Commissioner when the payment or compensation has been stopped, and immediately upon the stoppage or suspension or payment of compensation the employer or insurance carrier shall notify the Commissioner of such act on a form to be inscribed by him. After the first payment of compensation has been made, subsequent payments shall be made weekly thereafter; but the Commissioner may determine that any payments may be made monthly or at any other period, as he may deem advisable.

"In case the employer decides to controvert the right to compensation, he shall, either on or before the fourteenth day of disability or within ten days after he has knowledge of the alleged accident, file a notice with the Commissioner, on a form prescribed by him, that compensation is not being paid, giving the name of the claimant, name of the employer, date of the accident and the reason why compensation is not being paid. Failure on the part of the employer or the insurance carrier to comply with this requirement shall constitute a renunciation of his right to controvert the claim unless he submits reasonable ground for the failure to make the necessary reports, on the basis of which grounds the Commissioner may reinstate his right to controvert the claim.

"Whenever for any reason compensation payments cease the employer or his insurance carrier shall, within sixteen days thereafter, send to the Commissioner a notice on a form prescribed by the Commissioner that such payment has been stopped. Such notice shall contain the name of the injured employee or his principal dependent, the date of the accident, the date up to which compensation has been paid, and the whole amount of compensation paid. In case the employer or his insurance carrier fails so to notify the Commissioner of the cessation of payments within twelve days after the date on which compensation has been paid, the Commissioner may, after a hearing, fine such employer or his insurance carrier in an amount not exceeding one hundred pesos, which shall be paid into the Workmen's Compensation Administration Fund. Such penalty shall be collected in like manner as an award of compensation. Whenever the Commissioner shall deem it advisable, he may require any employer or insurance carrier to make a deposit with the Commissioner to secure prompt and convenient payment of such compensation, from which deposit may be deducted such fine as shall be imposed by the Commissioner.

"All awards of compensation required to be made to minors under this Act shall be paid to or for the benefit of such minors under such rules as may be adopted by the Commissioner. Where such awards exceed four hundred pesos, the Commissioner may, in his discretion, require the appointment of a guardian before making payment. The Commissioner may also require a guardian to submit to him reports on the use of money paid to minors.

"SEC. 46. Jurisdiction.—The Workmen's Compensation Commissioner shall have exclusive jurisdiction to hear and decide claims for compensation under the Workmen's Compensation Act, subject to appeal to the Supreme Court, in the same manner and in the same period as provided by law and by Rules of Court for appeal from the Court of Industrial Relations to the Supreme Court.

"SEC. 47. General powers and duties.—The Commissioner shall have full power and authority:

"(a) To take charge of the administration of the Workmen's Compensation Act.

"(b) To hear and determine all claims for compensation under this Act in the manner herein provided; to require and order medical service for injured employees as provided herein; to approve and fix attorney's fees and claims for medical services; to excuse failure to give notice either of injury, sickness or death of an employee; to approve agreements, make, modify or rescind awards, and make findings of fact and rulings of law; to determine the time for payment of compensation and order reimbursements of employers for amounts advanced; to assess penalties, compute awards, and compromise actions for the collection of awards; to require and order physical examinations of injured employees; and to exercise such other powers as may be necessary to carry out the purposes of this Act. For every agreement approved, a fee of one peso for every hundred pesos of the entire amount of compensation to be paid shall be collected from the employer for administration costs: Provided however, That none of these amounts shall be charged against the compensation due the employee. The Commissioner shall have a seal for the authentication of his orders, awards, and proceedings.

"(c) To make, amend, and rescind, subject to the approval of the Secretary of Labor, such rules and regulations as may be necessary to carry out the purposes of this Act.

"(d) To appoint, employ and maintain, subject to existing civil service rules and regulations, such referees, agents, Physicians, nurses, lawyers, accountants, actuarians, inspectors, and such other technicians and clerical personnel as may be necessary to carry out the purposes of this Act, or to perform the duties and exercise the powers conferred by law upon the Commissioner.

"SEC. 48. Referees—Duties and powers.—A referee shall devote his entire time to the duties of his office and shall receive compensation of not less than three thousand six hundred pesos per annum. It shall be the duty of a referee under the rules and regulations of the Commissioner, to hear and determine claims for workmen's compensation to conduct such hearings and investigations and to make such orders, decisions, rules and determinations as may be required by any order of the Commissioner.

"SEC. 49. Procedure.—Any dispute or controversy concerning compensation under this Act shall be submitted to the Commissioner as provided herein.

"Hearing shall be held by the Commissioner upon his own motion or upon the application of any party interested therein. He shall cause reasonable notice of such hearing to be given to each party interested, in service upon him personally or mailing a copy thereof to him at his last known post office address. Such hearing may be adjourned from time to time in the discretion of the Commissioner and may be heard at such place or places as he shall designate. All parties in interest shall have the right to represent at any hearing in person or by counsel or by any other agent or representative, to present such testimony as may be pertinent to the controversy before the Commissioner and to cross-examine the witnesses against them. 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.

"The Commissioner may also cause an examination to be made of the person of the injured laborer, or without notice take testimony or inspect the premises where the injury occurred. All ex parte evidence received by the Commissioner shall be reduced to writing and any party in interest shall have the opportunity to examine and rebut the same by further evidence.

"Hearing arising under this Act may be held before the Commissioner or any of the referees.

"Any party in interest who is dissatisfied with the order entered by the referee may petition to review the same and the referee may re-open said case, or may amend or modify said order, and such amended or modified order shall be a final award unless objection be made thereto by petition for review. In case said referee does not amend or modify said order, he shall refer the entire case to the Commissioner, who shall thereupon review the entire record in said case, and, in his discretion, may take or order the taking of additional testimony, and shall make his findings of facts and enter his award thereon. The award of the Commissioner shall be final unless a petition to review same shall be filed by an interested party. Every petition for review shall be in writing and shall specify in detail the particular errors and objections. Such petition must be filed within fifteen days after the entry of any referee's order or award of the Commissioner unless further time is granted by the referee or the Commissioner within said fifteen days. All parties in interest shall be given due notice of the entry of any referee's order or any award of the Commissioner, and said period of fifteen days shall begin to run only after such notice, and the mailing of a copy of said order or award addressed to the last known address of any party in interest shall be sufficient notice.

"The Commissioner, or any agent, deputy or referee designated by him shall have power and authority to issue subpoenas, to compel the attendance of witnesses or parties, and the production of books, papers or records, and to administer oaths.

"The Commissioner may, in his discretion, assess the cost of attendance and mileage of witnesses subpoenaed by either party to any proceeding, against the other party to such proceeding, when in his judgment the necessity of subpoenaing such witness arises out of the raising of any incompetent, irrelevant or sham issue by such other party.

"A full and complete record shall be kept of all proceedings had before the Commissioner, his deputy or any referee on any hearing and all testimony shall be taken down and transcribed by a stenographer appointed by the Commissioner.

"A transcribed copy of the evidence and proceedings any specific part thereof, of any investigation or hearing taken by a stenographer appointed by the Commissioner being certified by such stenographer to be a true and correct transcript of the testimony on the investigation or hearing of a particular witness, or of a specific part thereof, carefully compared by him from his original notes, and to be a correct statement of evidence and proceedings had on such investigation or hearing so purporting to be taken and subscribed, may be received as evidence by the Commissioner and by any court with the same effect as if such stenographer were present and testified to the facts so certified. Copy of such transcript shall be furnished on demand to any party upon the payment of fifty centavos per folio to the stenographer so furnishing such transcript.

"SEC. 50. Decision.—After the hearing of a case by the Commissioner, his deputy or any of the referees, the same shall be decided according to its merits and the decision be promulgated and signed by the Commissioner or his deputy. Fifteen (15) days after the promulgation of the decision the same shall become final unless previously appealed.

"SEC. 51. Enforcement of award.—Any party in interest may file in any court of record in the jurisdiction of which the accident occurred a certified copy of a decision of any referee or the Commissioner, from which no petition for review or appeal has been taken within the time allowed therefor, as the case may be, or a certified copy of a memorandum of agreement duly approved by the Commissioner, whereupon the Court shall render a decree or judgment in accordance therewith and notify the parties thereof.

"The decree or judgment shall have the same effect, and all proceedings in relation thereto shall thereafter be the same as though the decree or judgment had been rendered in a suit duly heard and tried by the Court, except that there shall be no appeal therefrom.

"The Commissioner shall, upon application by the proper party or the Court before which such action is instituted, issue a certification that no petition for review or appeal within the time prescribed by section forty-nine hereof has been taken by the respondent.

"SEC. 52. Appropriation.—The sum of two hundred ninety-eight thousand pesos not otherwise appropriated is hereby set aside for the proper enforcement of this Act: Provided, however, That monies paid into the Workmen's Compensation Fund shall be made immediately available to defray the expenses for the enforcement of this Act as provided in section fifty-five thereof.

"SEC. 53. Deposits of government entities to guarantee payment of compensation.—The National, provincial and municipal governments, as well as government-owned or controlled corporations employing laborers and employees comprised within the provisions of this Act, shall deposit with the office of the Workmen's Compensation Commissioner an amount to be determined by said Commissioner to guarantee payment of compensation. The said deposits shall be received by the Commissioner and disbursed, thru the authority of the Commissioner or his deputy, as compensation payments to injured laborers of the government entities making the contribution or the laborers dependents in cases of death whenever the said laborers or their dependents are entitled to compensation under the provisions of this Act.

"SEC. 54. Contribution of insurance carriers.—The Commissioner shall also be authorized to collect from insurance carriers one per centum of their gross receipts on premiums collected from insurance of workmen's compensation liabilities to cover administration costs: Provided, however, That nothing contained in this Act shall prevent the Government from requiring employees from obtaining insurance policies from the Government for the purposes of this Act.

"SEC. 55. Expenses of administration.—There is hereby created a special fund to be known as the Workmen's Compensation Fund, which shall be under the custody and control of the Workmen's Compensation Commissioner, and shall be used exclusively for the payment of the expenses Of the administration of this Act. All monies collected under section forty-four and under paragraph (4) of section forty-seven and under section fifty-six of this Act shall be paid into said fund: Provided, however, That the expenses of the Workmen's Compensation Commission shall be included in the annual budget of the Department of Labor: And provided, further, That the surplus amounts of the Workmen's Compensation Fund shall revert to the general funds of the National Treasury.

"For every final decision awarding compensation, the un-insured employer or insurance carrier against whom the decision is made shall pay into the Fund the sum of one peso and an additional charge of one peso for every one hundred pesos of the entire amount of compensation to be paid.

""For every adjourned hearing, and for every decision of a referee affirmed by the Commissioner on review, the un-insured employer or insurance carrier making the request for adjournment or seeking such review shall pay into the Fund the sum of five pesos.

"If the monies in the Fund are not sufficient to cover the expenses of administration in any fiscal year, the Commissioner shall determine as soon as possible the amount of the deficiency. The Commissioner shall then assess upon and collect from each insurance carrier and each uninsured employer where capital exceeds ten thousand pesos the proportion of such deficiency that the total compensation or payments made by such uninsured

employer or insurance carrier bore to the total compensation or payments made by all uninsured employers and insurance carriers. The amounts so collected shall be used to reimburse the National Treasury for the appropriations therefor made by the Government for the payment in the first instance of the expenses for administering this Act.

"There is hereby created a committee composed of Workmen's Compensation Commissioner as chairman two representatives of insurance carriers who shall be appointed by the Secretary of Labor upon recommendation of the uninsured employers and insurance carriers, which shall have the duty of advising the Workmen's Compensation Commissioner in carrying out the purposes of this section."

SEC 25. This Act shall take effect upon its approval.

Approved, June 20, 1952.

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.