

AN ACT TO EXTEND AND REGULATE THE RESPONSIBILITY OF EMPLOYERS FOR PERSONAL INJURIES AND DEATHS SUFFERED BY THEIR EMPLOYEES WHILE AT WORK.

Acts No. 1874, June 19, 1908

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By authority of the United States, be it enacted by the Philippine Legislature, that:

SECTION 1. If personal injury is caused to an employee, who, at time of the injury, is in the exercise of due care, by reason of—

First, a defect in the condition of the ways, works, or machinery connected with or used in the business of the employer, which arose from, or had not been discovered or remedied in consequence of, the negligence of the employer or of a person in his service who had been intrusted by him with the duty of seeing that the ways, works, or machinery were in proper condition; or

Second, the negligence of a person in the service of the employer who was intrusted with and was exercising superintendence and whose sole or principal duty was that of superintendence, or in the absence of such superintendent, of a person acting as superintendent with the authority or consent of such employer; or

Third, the negligence of a person in the service of the employer who was in charge or control of a signal, switch, locomotive engine, or train upon a railroad; the employee, or his legal representatives, shall, subject to the provisions and of action against the employer as if he had not been an employee, nor in the service, nor engaged in the work, of the employer.

A car which is in use by, or which is in possession railroad corporation shall be considered as part of the ways, works, or machinery of the corporation which uses or has it in possession, within the meaning of clause one of this section, whether it is owned by such corporation or by some other company or person. One or more cars which are in motion, whether attached to an engine or not, shall constitute a train within the meaning of clause three of this section, and whoever, as part of his duty for the time being, physically controls or directs the movements of a signal, switch, locomotive engine, or train shall be deemed to be a person in charge or control of a signal, switch, locomotive engine, or train within the meaning of said clause.

SEC 2. If, as the result of the negligence of the employer or that of a person for whose negligence the employer is liable under the provisions of section one, an employee is killed or dies by reason of injuries received, his widow, or legal heirs, or next of kin who at the time of his death were dependent upon his wages for support, shall have a right of action for damages against the employer.

SEC. 3. If under the provision of this Act, damages are awarded for the death, they shall be assessed with reference to the degree of culpability of the employer or of the person for whose negligence the employer is liable.

The amount of damages which may be awarded in an action under the provisions of section one for a personal injury to an employee, in which no damages for his death are awarded under the provisions of section two, shall not exceed two thousand pesos.

The amount of damages which may be awarded in such action, if damages for his death are awarded under the provisions of section two, shall not be less than five hundred pesos nor more than two thousand five hundred pesos for both the injury and the death.

SEC. 4. No action for injuries for injuries or death under this Act shall be maintained if a report thereof is not furnished to the employer within ninety days of the date, place, and cause of the injury or if the action is not brought within one year from the time of the accident causing the injury or death. The report required by this section shall be made in writing and signed by the person injured or by another in his name, or if, on account of physical or mental disability, it is impossible for the person injured to give the notice within the time provided by this section, the same may be given within ten days after such disability shall have been removed, and in case of death without said report having been given and without the person having for ten days at any time after the period above mentioned been able to give such notice, the widow, legal heirs, or next of kin dependent upon his wages for support, may give such notice within thirty days following the death of the laborer. No report given under the provisions of this Act shall be considered void or insufficient by reason only of some inaccuracy as regards the date, place, or cause of the injury, if there was no intention to mislead or the employer has not been misled by reason of such inaccuracy.]

SEC. 5. All actions for damages which may be brought under this Act shall have preference over all other matters save and except criminal cases and habeas corpus matters on the dockets of the Courts of First Instance, and shall be promptly tried by the court and decided within fifteen days after final submission of the case to the court for decision.

On application to the court by the party injured or by his duly authorized representatives, the court may make a proper allowance for food and medical attendance during the pendency of the action and while medical attendance is still necessary by reason of the injury: Provided, however, That the defendant in the action shall be given an opportunity to be heard before any such allowance is made.

SEC. 6. If an employer enters into a contract, written or verbal, with an independent contractor to do part of such employer's work, or if such contractor enters into a contract with a subcontractor to do all or any part of the work comprised in such contractor's contract with the employer, such contract or subcontract shall not bar the liability of the employer for injuries to the employees of such contractor or subcontractor caused by any defect in the condition of the ways, works, machinery, or plant, if they are the property of the employer or are furnished by him and if such defect arose or had not been discovered or remedied through the negligence of the employer or of some person intrusted by him with the duty of seeing that they were in proper condition.

SEC. 7. An employer who shall have contributed to an insurance fund created and maintained for the mutual purpose of indemnifying an employee for personal injuries for which compensation may be recovered under the provisions of this Act or who shall have contributed to any relief society for the same purpose may prove in mitigation of the damages recoverable by an employee under the provisions of this Act such proportion of the pecuniary benefit which has been received by such employee from any fund or society on account of such contribution of said employer as the employer to such fund or society bears to the amount thereto.

SEC. 8. An employee or his legal representatives shall not be entitled under the provisions of this Act to any right of action for damages against his employer if such employee knew of the defect or negligence which caused the injury and failed within a reasonable time to give or cause to be given information thereof to the employer who was intrusted with general superintendence.

SEC. 9. This Act shall not be applicable to domestic servants or agricultural laborer.

SEC. 10. Any agreement to renounce the benefits of this Act made by the laborer prior to the occurrence of any accident resulting in his injury or death shall be null and void.

SEC. 11. this Act shall take effect on its passage.

Enacted, June 19, 1908.

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