

SURIGAO CONSOLIDATED MINING COMPANY INC., PETITIONER, VS. WORKMEN'S COMPENSATION COMMISSION AND CLETO TUIBUEN, RESPONDENTS.

G.R. No. L-26077. May 27, 1968

Ponente: ZALDIVAR, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/cec8e6b47525/>

ZALDIVAR, J.:

This is a petition for review of the decision of the Workmen's Compensation Commission, rendered on March 16, 1966, in the case of "Cleto Tuibuen vs. Surigao Consolidated Mining Co., Inc.," RO4-WC-Case No. 3372, and the resolution of said Commission en banc, dated April 15, 1966, denying the motion for reconsideration of said decision and at the same time affirming the decision.

Respondent Cleto Tuibuen started to work for petitioner Surigao Consolidated Mining Company, Inc. on April 7, 1952 as rustler jigger in its mines at Siena, Mainit, Surtgao, earning P4.75 a day and working 7 days week. On March 6, 1954, while respondent was going down the stope in the course of his job inside tunnel North S-555, in D-553-N, a blast went off just above his head and he was hit by a wooden splinter at his right clavicle. The accident was found to be due to the failure of petitioner's repairmen to guard all possible exits when blasting work was in progress. Petitioner's safety engineer T. B. Fuderanan knew of the accident. Respondent was treated by Dr. Isidro Risma at the Grace Christian Clinic where he was later on found suffering from impaired hearing as a result of the said accident. On March 11, 12 and 29, and on May 10 and 11, 1954, respondent was treated at the Grace Christian Clinic. Despite respondent's condition, petitioner allowed him to continue working until May 18, 1954 when he was laid off due to his impaired hearing caused by the accident of March 6, 1954. Again on July 26 and November 23, 1954, respondent was treated at the Grace Christian Clinic.

On November 23, 1960, respondent filed a claim for compensation with the Department of Labor Regional Office at Davao City, and later on he transferred his claim to the Regional Office at Cagayan de Oro City. The petitioner answered and controverted the claim on February 3, 1961, invoking the provisions of Section 24 of Act 3428, as amended. It was agreed by the parties that the case be refiled in Davao City, but was dismissed on January 24, 1964 without prejudice to filing another claim for compensation. Because respondent Tuibuen transferred his residence to Manila he filed a claim for compensation with Regional Office No. 4 at Manila on May 13, 1964. On June 3, 1964, petitioner filed an answer denying the material allegations of the claim and averring at the same time that the claim was filed out of time and had long prescribed.

On July 14, 1964, at the hearing of the case, before the evidence of the parties could be presented, counsel for the petitioner moved for the dismissal of the claim upon the ground that the claim states no cause of action and that the claim had prescribed. The acting referee required counsel to file a formal motion to dismiss. On August 18, 1964, the acting referee entered an order dismissing the claim. Counsel for respondent then filed a motion for reconsideration, which motion the acting referee denied in an order dated September 24, 1964. Thus, pursuant to the rules of the Commission the entire record of the case was elevated to the respondent Commission for review.

On March 16, 1966, the Chairman of the Commissions Hon. N. Baens del Rosario, rendered a decision reversing the order of the acting referee and ordering the petitioner to pay respondent P2,243.70 as compensation under Section 17 of Act 3428, as amended, P224.37 as attorney's fees, and P23.00 as fees under Section 55 of Act 3428, as amended. On April 11, 1966, petitioner filed a motion for reconsideration of the aforementioned decision before the Commission en banc, which motion was denied by resolution dated April 15, 1966 of said Commission en banc.

On May 24, 1966, petitioner filed the instant petition before this Court.

The decisive issue which has to be resolved in this case is whether or not respondent's claim had been timely filed as provided for by law. The resolution of this issue will determine the validity or invalidity of the decision of respondent Workmen's Compensation Commission of March 16, 1966 which reversed the order of the acting referee dismissing the claim and which granted compensation to respondent.

Petitioner's main contention is that respondent's claim was filed six years too late, and that respondent did not give notice of the accident or injury to petitioner as required in Section 24 of the Workmen's Compensation Act. Petitioner insists that compliance with the requirements mentioned in Section 24 of the Act is mandatory, and is essential to the right of the claimant to bring an action for compensation.

It is the finding of respondent Workmen's Compensation Commission, however, that the delay in the filing of respondent's claim is excusable, although filed 6 years after the accident, because his employer - petitioner herein - failed to file its controversion to the employee's right to compensation within the time fixed by Section 45 of the Workmen's Compensation Act. Respondent Workmen's Compensation Commission found that petitioner filed its controversion on February 2, 1961 despite its constructive knowledge of the accident thru its safety engineer, which took place on March 6, 1954.

This Court has ruled, in numerous cases, that failure on the part of the employee to comply with the requirements of Section 24 of Act 3428 - that is, the giving of notice of injury and the filing of claim within the time prescribed therein is non-jurisdictional. This Court has also ruled that failure or delay in giving notice, as provided in Section 24 of the law is not a bar to a claim for compensation if it is shown that the employer, his agent or representative, has knowledge of the injury, sickness, or death, or that the employer did not suffer by such delay or failure; and that even if a claim for compensation is filed beyond the period prescribed in Section 24 of Act 3428 if it is shown that the employee has not controverted the employee's right to compensation, either on or before the fourteenth day of disability or within ten days after he has knowledge of the accident, the Workmen's Compensation Commission can proceed to determine and decide the claim for compensation.[1]

The record shows, and respondent Workmen's Compensation Commission has so found, that petitioner, since March 6, 1954, had knowledge of the accident suffered by respondent and in spite of this, petitioner allowed respondent, to continue working and that petitioner never bothered to comply with the law by serving, notice of the injury suffered by respondent, as required under Section 37 of Act 3428, as amended. Respondent Workmen's Compensation Commission also found that respondent Tuibuen continued working for the petitioner until May 18, 1954, when he was laid off due to his impaired hearing caused by the accident of March 6, 1954. Petitioner, therefore, had the opportunity to file a notice of controversion as required by Section 45 of the Act, and this it did not do. It is clear that petitioner failed to comply with the law by its failure to file a timely controversion, and petitioner is thereby deemed to have renounced its right to controvert the compensability of respondent's disability, and it cannot now contest respondent's claim upon the ground that respondent failed to comply with the requirements of Section 24 of the Workmen's Compensation Act.

The fact that the claim for compensation was filed six years after the accident or disability is not a bar to the

action of the respondent to recover compensation. This Court has ruled that the liability of an employer to pay compensation under the Workmen's Compensation Act is an obligation created by law, and under paragraph (2) of Article 1144 of the Civil Code of the Philippines the action to enforce this obligation can be brought within ten years from the time the right of action accrues.[2]

Such being the case, the Workmen's Compensation Commission was justified in making the corresponding award without previous notice and hearing.[3] We are satisfied that the factual findings of respondent Workmen's Compensation Commission in its decision are supported by substantial evidence, as shown in the record.

WHEREFORE, the petition for review is dismissed; and the decision and resolution of the respondent Workmen's Compensation Commission appealed from should be, as they are hereby, affirmed with costs against petitioner Surigao Consolidated Mining Company, Inc.

SO ORDERED.

Concepcion, C.J., Reyes, J.B.L., Dizon, Makalintal, Sanchez, Castro, and Angeles, JJ., concur.

[1] Manila Railroad Company v. Workmen's Compensation Commission, et al., L-21902, August 10, 1967; National Development Co. v. Roberta Rongavilla, et al., L-21963, August 30, 1967. See cases cited in the decisions.

[2] National Development Company v. Roberta Rongavillo et al., L-21963, August 30, 1967.

[3] Aboitiz Shipping Corporation v. Demetria Oqueria, et al., L-20998, August 31, 1965.

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.