

HELEN GENIO DE CHAVEZ, ET AL., PETITIONERS AND APPELLANTS, VS. A. L. AMMEN TRANSPORTATION CO., INC., AND COURT OF APPEALS, RESPONDENTS AND APPELLEES.

G.R. No. L-7318. April 20, 1955

Ponente: MONTEMAYOR, J.

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MONTEMAYOR, J.:

This is an appeal from a decision of the Court of Appeals reversing the judgment of the Court of First Instance of Camarines Sur in a case involving the application of the Workmen's Compensation Act. We allowed the appeal, involving as it does, a fundamental question of law as regards the responsibility of an employer for an act committed by its agent supposedly in violation of rules and regulations promulgated and enforced by the employer, which act of the agent resulted in the death of another agent or laborer whose heirs now claim compensation against the employer under the Workmen's Compensation Act.

Under the law, in appeals from decisions of the Court of Appeals, we may not review the evidence but must accept the findings of fact of said court. We are therefore, reproducing the pertinent portions of the decision appealed from which contain the facts and set forth the issue involved.

"This is a case of claim for compensation under the Workmen's Compensation Act, with Helen Genio de Chavez and Vida Chavez, as plaintiffs, and A. L. Ammen Transportation Co., Inc., as defendant. Belen Genio de Chavez is the widow of Felipe Chavez and Vida Chavez a child born from their wedlock. After hearing the Court of First Instance of Camarines Sur rendered decision, the dispositive part of which is as follows:

"Wherefore, judgment is rendered in favor of the plaintiff and against the defendant, ordering the defendant to pay to the plaintiff a weekly compensation of P12.25 for a period of 208 weeks, to pay attorney's fees in the sum of P300, and the costs of the suit."

A. L. Ammen Transportation Co., Inc. now comes on appeal assigning the following error:

"The trial court erred in holding that the accident which resulted in the death of Felipe Chavez "arises out of and in the course of the employment of the defendant."

"Appellant is a company engaged in land transportation, operating buses therefor. It had a subsidiary station in the municipality of Tigaon, Albay, provided with a shop for the repair of the company's buses. Felipe Chavez, by occupation a mechanic, was employed as such in this subsidiary station, which was under management of Emilio Esperida. At between half past five and six o'clock on the afternoon of September 10, 1951, mechanic Chavez was examining an automobile placed in the grease-rack of the shop when its spring broke loose, the pieces scattering, some of which hit Chavez. Shortly thereafter, the car fell off the grease-rack and caught Chavez under it. Later, he was removed dead from underneath.

"The contention of the appellant is that it had express ban to repair in the shop any machine not belonging to the company. And conformably thereto, it is further contended, Esperida, who was in the shop when the car was brought, had it removed therefrom. But, despite his express prohibition, Chavez brought the car again to

the shop, placed it in the grease rack and started repairing it until it fell off and caught him under it.

In rebuttal Helen Genio Vda. de Chavez stated that her husband was already at home from his duty that afternoon when Esperida came to fetch him, telling him that there was something to do in the shop. Thus, Chavez rode in the car in which Esperida came, and the two left, seemingly, for the station.

"The issue, therefore,, is whether Chavez died in line of duty. On this point, the trial Judge remarked:

'It is contended, however, that the accident which resulted in the death of Felipe Chavez did not arise out of and in the course of the employment of Felipe Chavez as required by section 2 of the Workmen's Compensation Law. The court has already come to the conclusion that the accident which resulted in the death of Felipe Chavez took place while he was repairing the car of now Governor Trivino at the orders of defendant's managing agent, Emilio Esperida. It is, however, contended that even if this be true, still it did not arise out of and in the course of the employment of Felipe Chavez because the repair was not in the furtherance of the business of the defendant. The Court cannot accept this theory. While, according to the testimony of Emilio Esperida defendant's shop in Tigaon does not accept outside jobs, this is immaterial in-so-far as Felipe Chavez was concerned. Felipe Chavez was an auto mechanic and was under the immediate control and supervision and orders of defendant's managing agent Emilio Esperida. As such auto mechanic, he had no choice but to obey the orders of its managing agent. Any work performed by Felipe Chavez in pursuance to the orders of defendant's managing agent, necessarily arise out of and in the course of the employment of the defendant. Felipe Chavez had no discretion to choose the work which he must perform for the company. His duty was to perform such work as was required of him by defendant's managing agent. To refuse the order of the managing agent may result in the loss of his employment. If defendant's managing agent had violated any company rule prohibiting the performance of outside jobs, then he alone must be held responsible to the company. But certainly the defendant company cannot relieve itself of its obligation under the Workmen's Compensation Act on the theory that its agent had violated the company regulation. Defendant, as a corporation, necessarily must rely on its agents, and it is from these agents that the employees receive their orders. To accept defendant's theory would enable it to evade its responsibility in many cases under the Workmen's Compensation Law on the ground that its agents had exceeded, or acted beyond their authority. Such certainly could not have been the intention of the law. (Pp. 18-19, appellant's brief)

"Granting that Chavez tried to repair Governor Trivino's car upon order of Esperida, the latter cannot bind his principal by such act, for it was clearly outside the scope of his employment. There was express prohibition to repair motor cars not belonging to the company in the shop. Such prohibition must have been known to all employees working in the shop, specially the mechanics. Taking this into consideration, the most liberal interpretation of the Workmen's Compensation Act cannot justify a conclusion that Chavez died in line of duty.

* * * * *

"We are, therefore, of the opinion that appellant are not entitled to compensation and the judgment appealed from is, consequently, reversed, without costs."

It will be noticed from the decision of the Court of Appeals above reproduced that it makes no definite findings as to whose instance the car of Governor Trivino was received in the shop of the defendant company for purposes of repair, although it says that assuming or granting that the deceased Chavez tried to repair the Governor's car upon the orders of Esperida, the latter could not bind its principal for such act for it was clearly outside the scope of Chavez's employment because of the express prohibition against repairing motor cars not belonging to the company. For this reason, in this decision we must assume as a fact that Esperida as manager of the subsidiary station in Tigaon ordered the repair. Not only this, but considering the circumstances surrounding the case, it was most unlikely that Chavez without the knowledge and consent of Esperida, his immediate superior, much less against his express order, would admit Governor Trivino's car in the shop, place it on the grease rack after it had previously been ordered taken down therefrom by Esperida and proceed to repair the car on his own account. We

believe that it is more probable that because of the prominence and high social position and political standing of Governor Triviño, Esperida, believing that he was furthering the interests of his company, the defendant, accepted the car and ordered Chavez to repair it.

It is not unusual for land transportation companies maintaining big repair shops with adequate facilities to go out of their way and make repairs on cars of prominent citizens and high officials of the Government, especially in places where private repair facilities are not adequate or available, this, to gain and maintain the good will and obtain the help and cooperation of such prominent citizens and high officials, all for the interests of the company itself.

The authorities cited in the decision of the Court of Appeals and by counsel for the company are to the effect that under the Workmen's Compensation Act, where injury is sustained by an employee while performing work outside the scope of his employment and in willful violation of the law, or rules and regulations promulgated by his employer, or where the work being performed was not in furtherance of the interests of his employer but solely of his own, said employee or his heirs may not recover compensation. We have no quarrel with said authorities. They might be applicable in this case if the repair were being done by manager Esperida himself and he were the one who suffered the injury; but such authorities have no application in the case of Chavez. It was not he (Chavez) who accepted the repair job, in violation of the company's regulations. It was Esperida, his superior. Chavez merely obeyed orders. From the standpoint of Chavez, the order of Esperida was the order of the Company, which he was bound to obey unless clearly unlawful and outside the scope of his employment. As far as Chavez was concerned, the Company that promulgated the rules banning the repair of private cars may break them or make exception through its agents and high officials like Esperida. The rule confining repairs to motor vehicles of the company involves a matter of policy, to be enforced, suspended or relaxed by the Company through its officials or managers like Esperida. Chavez a mere mechanic was not concerned with the enforcement or suspension of such policy.

In the present case, the repair work given to Chavez by Esperida was strictly within the scope of his employment as a mechanic. That was the work for which he was being paid. Could he, a mere mechanic, question the propriety of Esperida's action in accepting Governor Triviño's car, and tell his manager that it was in open violation of the company's rules and that, consequently, he (Chavez) refused to make the repairs? If Chavez did that, how long could he have kept his job?

If the repair work attempted by Chavez had been done in a manner contrary to the regular procedure followed in similar cases, that is to say, more dangerous to the mechanic, or where said work had been done outside the premises and facilities of the employer and under circumstances involving more risk to the mechanic, or where the repair work had been done at this instance and on his own account and for his sole exclusive profit, all this, in violation of the rules of the company, if may yet be said that the injury did not occur in line of duty and did not arise out of or in the course of this employment. But in the present case, the violation of the company's rule that only motor vehicles of the "company may be repaired in the shop, was made by Manager Esperida and perhaps in furtherance of the interests of the company whom he represented. The repair job was being done within the premises of the company and with its own facilities. In doing the repair job such as putting the car on the grease rack, Chavez was presumably following the usual and standard procedure. There is no showing that by making the repair job on the car, Chavez was going to receive additional compensation, except perhaps extra pay for overtime work which he was ordinarily entitled to under the law.

It was surely not Chavez's concern whether the rules and regulations of the company in this matter for one reason or another, are relaxed and not strictly enforced. Let us take an example. Supposing that one of the buses or trucks of the defendant company through the negligence of its chauffeur collides with a private car and causes damage.

The car owner is willing to waive compensation if the damage to the engine of his car was repaired by the company or at the company's expense. Could not the company well have the repairs made by its mechanic and in its shop where all the facilities are available, and could Chavez in that case refuse to make the repairs just because the car did not belong to his company? The answer is obvious. If he did refuse, he might be accused of insubordination and lack of cooperation and may have to look for work elsewhere.

In conclusion, we hold that although the repair attempted to be made on the Governor's car was in technical violation of the rules of the Company, such violation was committed not by Chavez but by Esperida himself, who from the standpoint of Chavez acted for the company in ordering the repair, which order Chavez could not well ignore. We, therefore, agree with the trial court and hold that the heirs of Chavez may recover under the Workmen's Compensation Act. Whether the company may recover the amount to be paid by it from Esperida, we do not now attempt to determine.

The decision of the Court of Appeals is hereby reversed, and the decision of the lower court is affirmed, with costs.

Pablo, Acting C. J., Bengzon, Reyes, A., Bautista Angelo, Labrador, Concepcion, and Reyes, J. B. L., JJ., concur.

Judgment reversed.

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