

BOLINAO ELECTRONICS CORPORATION, PETITIONER, VS. WORKMEN'S COMPENSATION COMMISSION AND LUIS GARCIA, RESPONDENTS.

G.R. No. L-23104. April 30, 1970

Ponente: DIZON, J.

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DIZON, J.:

This is a petition for the review of a decision rendered by the Chairman of the Workmen's Compensation Commission on April 16, 1964, affirmed by said Commission en banc in a resolution dated May 20, 1964. The former sustained the decision rendered on December 17, 1962 by the Regional Office No. 4 of the Department of Labor awarding compensation to respondent Luis Garcia, as follows:

"Under Section 14 of the Workmen's Compensation Act, as amended, as reflected in the award dated April 27, 1962 issued by the Acting Regional Administrator, claimant is entitled to the amount of P245.00 as compensation for his temporary and total disability for labor for seven (7) weeks, which is a correct computation and hence for the purpose of his decision it is reiterated herein. It appears, however, from the record and as admitted by the claimant when he testified that he was paid his full salary during the period of his total disability for labor, he is, therefore, to be considered as having been paid under this Section.

"Under Section 18 of the Act in relation to Section 17, he is entitled to 50% of his average weekly wage for a period of 83.2 weeks which is 40% of 208 weeks non-scheduled disability. Fifty percentum of his average weekly wage which was P300.00 equals P150.00 and multiplying it by 83.2 weeks, the result will be P12,480.00. Considering that the maximum compensation benefit the claimant is entitled under the Act is only P4,000.00, and in view of the fact that he was paid his full salary during the period of his incapacity for labor which was for seven (7) weeks or P2,100.00 (P300.00 average weekly wage x 7 weeks). P245.00 of which as indicated above is the only amount he is entitled under the Act, this sum he received during said period of disability should be deducted from the maximum compensation benefit of P4,000.00 or P1,900.00.

"Under Sections 14, 17 and 18, claimant is entitled to the full compensation amount of P4,000.00 minus P2,100.00 or the balance of P1,900.00.

"Under Section 13 of the Act, claimant is entitled to be reimbursed the full amount of medical, hospital and surgical expenses including the fee for the surgeon's services, he expended. In this case he should be reimbursed the full amount of P5,669.15.

"WHEREFORE, respondent is hereby ordered to pay claimant, through this Office; the balance of compensation benefit of expenses and pay this Office the amount of P41.00 as fee, pursuant to Section 55 of the Act."

The material facts involved in this case are covered by the following stipulation of facts submitted by the parties to the abovementioned Regional Office:

"1. That on December 8, 1961 at about 3:00 P.M., the claimant visited a client, Mr. Cabby Cabarrubia, on

Ayala Avenue, Ma-kati, Rizal, who had just opened his advertising agency which had acquired the Liberty Milk Account from the Ace Advertising Agency which had pending accounts with claimant's office;

"2. That upon returning to his car which was parked in the parking area, he discovered that the rear right tire was flat and as claimant had no driver, he proceeded to change the tire himself;

"3. That while claimant was lifting the car with the use of a car jack, the jack lever suddenly snapped and claimant felt a sudden pain in his back around the waistline;

"4. That as the pain continued for the next few days, he consulted Dr. Romeo H. Gustilo who took preliminary X-rays and subjected the claimant to the myelo-gram test, which indicated that an operation was needed;

"5. That the claimant was confined at the Manila Doctor's Hospital from December 8, 1961 to December 29, 1961 and was operated on by Dr. Gustilo on December 19, 1961;

"6 That as a result of the injury he sustained, he was disabled for work from December 8, 1961 to January 28, 1962;

"7. That at the time of the alleged accident on December 8, 1961, claimant was the Manager of the Manila T.V. Division of the respondent Bolinao Electronics Corporation, with a salary of P15,600.00 per annum or an average weekly wage of P300.00;

"8. That as Manager of the Manila T.V. Division, the nature of claimant's duties include the execution of policies handed down by management and the Board of Directors; supervision of the various departments of the Manila T.V. Division; direct responsibility to the General Manager; and negotiation of sales contracts for television airtime;

"9. That the parties reserved the right to present additional evidence pertinent to the claim and which are not included in the above stipulation."

Sometime in January 1962 Garcia filed with Regional Office No. 4 of the Department of Labor a notice of injury or sickness, and claim for compensation. On May 10 of the same year petitioner received a letter computation from said Regional Office computing its liability at P5,669.15 for medical and hospital expenses and for the further sum of P245.00 for disability compensation. On May 23 of the same year, petitioner formally moved for a reconsideration of the computation, praying further that he be accorded an opportunity to controvert the claim and for a formal hearing to determine whether or not the claim was compensable. Pursuant to this motion the Regional Office set aside the afore-mentioned letter computation, reinstated petitioner's right to controvert the claim and referred the case to its Hearing Section for proper determination.

On August 16, 1962, the parties submitted the stipulation of facts reproduced above.

On December 17, 1962 the Regional Office No. 4 rendered decision holding that Garcia's injury was compensable. Thereafter, upon refusal of the Regional Office to reconsider its decision, the case was elevated to the Wage Compensation Commission for review and on April 16, 1964, said Commission, through its Chairman, affirmed the decision of the Regional Office, which decision, in turn, was upheld by the Commission en banc. Hence the present petition for review.

The first issue now raised by petitioner is that the respondent Commission erred in not holding that Garcia was not an "industrial employee" and that, not being one, he was not entitled to the benefits granted under the Workmen's Compensation Act. In support of this view it is claimed that the Workmen's Compensation Act is applicable only to persons performing manual labor in accordance with the provisions of Section 3 of the Act. This contention is untenable. A careful reading and understanding of the provision relied upon will not fail to show that it is applicable to employees and laborers in public works and 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. It does not refer at all to employees and laborers in private industrial firms. While, on the one hand, it is clear that petitioner is not a political subdivision nor an instrumentality of the National Government and is not, therefore, entitled to invoke the provisions of Section 3 of the Workmen's Compensation Act, on the other hand, it is not disputed that it is a private corporation doing business in the Philippines with a capital in excess of P10,000. As such it is covered by the Workmen's Compensation Act.

It is not denied that at the time of the accident respondent Garcia was the Manager of the Manila TV Division of petitioner, his duties as such including the execution of policies laid down by the Board of Directors and the Management, supervision of the various departments composing his division, direct responsibility to the General Manager and the negotiation of sales contracts for television, and for all these he received a monthly salary from petitioner. This shows clearly that there existed employer and employee relationship between them. In this connection, it is worthy to note that under the Workmen's Compensation Act, the word "laborer" is used as synonymous to "employee" and means "every person who has entered the employment of, or works under a service or apprenticeship contract from an employer". That respondent Garcia was petitioner's employee can not, therefore, be doubted, and that his employment was "industrial employment" is clearly shown by subsection (d), Section 39 of the Workmen's Compensation Act, according to which, "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".

The second assignment of error, in our opinion, raises, more or less, a question purely of fact, namely, whether or not the injuries suffered by respondent Garcia arose out of and in the course of his employment. All the decisions rendered below (by the Hearing Officer, the Chairman of the Commission, and the Commission en banc) held in the affirmative, and we have not found anything in the record justifying a reversal thereof. Indeed the record fully supports said decisions. According to the stipulation of facts, in the afternoon of December 8, 1961 respondent Garcia visited a client (Mr. Cabby Cabarrubia) on Ayala Avenue, Makati, Rizal, who had just opened his advertising agency which had acquired the Liberty account from the Ace Advertising Agency which had pending accounts with said respondent's office. It is clear from this that the matter that took Garcia to the office of Cabarrubia that afternoon was directly connected with the business and transactions of his office as Manager of petitioner's Manila TV division.

IN VIEW OF ALL THE FOREGOING, the decision and resolution of the respondent Workmen's Compensation Commission appealed from are hereby affirmed, with costs.

Concepcion, C.J., Reyes, JBL, Makalintal, Ruiz Castro, Fernando, Teehankee, and Villamor, JJ., concur.

Zaldivar, J., took no part.

Barredo, J., on official leave.

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