

MANILA RAILROAD COMPANY, PETITIONER, VS. WORKMEN'S COMPENSATION COMMISSION, ET AL., RESPONDENTS.*G.R. No. L-18388. June 28, 1963*

Ponente: BAUTISTA ANGELO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/e3e14ea71ed7/>**BAUTISTA ANGELO, J.:**

Cesarea A. Marcelo, in her behalf and in that of her minor children Estelita, Eduardo, Maria Zenaida and Romeo, filed on September 28, 1959 with the Regional Office No. 4 of the Department of Labor a complaint for compensation arising from the death of Domingo Punzal, their husband and father respectively, who died of pulmonary tuberculosis contracted and aggravated while in the employ of the Manila Railroad Company as assistant train conductor.

The company controverted the claim on several grounds, namely, (1) the deceased contracted tuberculosis not because of the nature of his employment but due to his poor health and lack of care of his body; (2) the company has always provided all means necessary to protect the health of its employees but the deceased failed to avail of them (3) after separation from the service an employee is no longer entitled to medical treatment; (4) an employer is not an insurer of the life and health of its employees; (5) the claim has already prescribed; (6) the company has already settled in full whatever claim may be due the deceased; and (7) the claim states no valid cause of action.

After hearing on the merits, Juan N. Gerardo, hearing officer, rendered decision dismissing the complaint for lack of merit having found that the deceased died of a cause independent of his employment and not arising in the course thereof.

Claimants filed a petition for review with the Workmen's Compensation Commission, and on March 9, 1961, Associate Commissioner Cesareo Perez rendered decision reversing that of the hearing officer, holding that the illness of the deceased was aggravated by the nature of his work as train conductor, and so he ordered the company to pay the claimants the sum of P3,455.71 as death benefits, to reimburse them the sum of P200.00 for burial expenses, to pay the amount of P259.18 as attorney's fees, and pay the Commission the sum of P35.00 as fees pursuant to law. Its motion for reconsideration having been denied, the company interposed the present petition for review.

Domingo Punzal, husband and father respectively of the claimants, was employed by the Manila Railroad Company as brakeman from January 16, 1929 to September 30, 1929. He was dismissed from the service on January 1, 1931. Seven years later, or on January 1, 1936, he was reemployed as assistant train conductor who continued as such up to December 8, 1941. On April 1, 1946, he was reemployed as brakeman until September 15, 1948. From this date up to October 3, 1957, when he died, he was employed as assistant train conductor. As assistant train conductor his duties were to revise passenger tickets, to attend to the signalling of the engine man both while the train is in motion as well as when the train is to depart; to see that the brakes are in good condition; to help the passengers carry their luggages in boarding the train as well as in disembarking; to load and unload baggages and merchandise in the freight train; and to travel by night under all kinds of weather conditions. He

was not given any pre-employment X-ray examination and so he was presumed to be physically fit and free from tuberculosis. On April 1, 1957, he applied for optional retirement on the ground of physical disability alleging that one of his lungs was afflicted with tuberculosis. He was extended medical treatment by the company and in fact he was given leave of absence without pay from June 2 to September 30, 1957. He was treated in the Quezon Institute on October 3, 1957 where he was found suffering moderately from tuberculosis, and on that same date he died.

From the facts found by the Workmen's Compensation Commissioner there is no doubt that the deceased contracted tuberculosis during his employment as train conductor in the Manila Railroad Company and that that sickness was aggravated due to the nature of the work undertaken by him which finally brought him to his grave. The record, however, shows that the deceased died on October 3, 1957, and yet the present complaint was filed by his heirs only on September 28, 1959, or more than 20 months from the death of the deceased. This is contrary to what Section 24 of Act 3428 provides to the effect that no compensation under the law shall prosper unless the claim for compensation, in case of death, is made not later than 3 months after death. In a recent case, this Court said: "This section establishes a condition precedent to the maintenance of any compensation proceeding under the Act. It requires previous notice of the injury or sickness as well as previous claim for compensation within a period fixed in either case. Non-compliance with that requirement bars recovery for compensation" (*Luzon Stevedoring Company vs. Hon. Cesareo de Leon, et al.*, 106 Phil., 562). It is clear, therefore, that the claimants failed to comply with the condition precedent for the filing of their claim, and, hence, non-compliance therewith is a bar to recovery of compensation.

It is, therefore, with regret that we have to reverse the decision of respondent Commission, without pronouncement as to costs.

Padilla, Labrador, Concepcion, Reyes, J. B. L., Paredes, Dizon, Regala and Makalintal, JJ., concur.

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.