

**LA MALLORCA (OPERATOR OF LA MALLORCA TAXI), PETITIONER,  
VS. WORKMEN'S COMPENSATION COMMISSION AND  
BALBINO ZUÑIGA, RESPONDENTS.***G.R. No. L-29315. November 28, 1969*

Ponente: FERNANDO, J.

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This Court has not been reticent in its expression of sympathy that must be accorded to claims by injured employees or by his heirs in case of death under the Workmen's Compensation Act.[1] Thereby, in this sphere, the constitutional principle of social justice and the mandate of protection to labor is further vitalized.[2] Every once in a while, then, there is a reminder to management that fidelity to such a policy embodied in the fundamental law as well as to its statutory implementation requires a minimum of resistance to such efforts on the part of labor to have its rights respected, except in the event of course of a defense justified and well-founded. It seems there is a need for a reiteration of such an admonition, if this case were typical. It is to be hoped that it is not.

In this appeal from a decision of respondent Workmen's Compensation Commission, petitioner La Mallorca, notwithstanding the explicit doctrine announced by us in at least two cases to which its attention was called in the decision now on appeal,[3] would still seek to escape from its liability. We are far from impressed. Neither apparently was respondent Workmen's Compensation Commission, in according to claimant Balbino Zuñiga the award to which he was entitled under the law. We affirm.

In the decision of May 31, 1968 of the Workmen's Compensation Commission, the facts, as noted therein, "duly proved by the claimant", and what is equally decisive "uncontroverted by respondent", now petitioner before us, are summarized thus: "Balbino Zuñiga was employed as a driver in the respondent company and was paid on commission basis. He entered the latter's employment in 1960 and he worked seven days a week with an average commission of P8.00 for a day's work. On February 10, 1964, while the claimant was driving La Mallorca Taxi No. 223 with two passengers, along the corner of Quitanlad and Cordillera streets in Quezon City, said taxi was bumped by a jeep driven by a certain Jesus Pinto. As a consequence, the taxi turned turtle thrice and the claimant was rendered unconscious. The claimant was taken by the driver of the jeep and the two passengers to the Labor Hospital for treatment. After the first treatment on the day of the accident and after taking the medicine prescribed by the Labor Hospital, claimant felt that the medicine did not cure his suffering. On the third day, he went back to the Labor Hospital for consultation and he was given another prescription with the instruction that he would undergo x-ray examination. On February 18, 1964, the claimant had himself x-rayed at the National Orthopedic Hospital and the attending physician informed him that he has a fracture in his spinal column (first lumbar vertebra). He was advised to lay low back flat on the floor after taking the medicine. However, the physical suffering of the claimant became worse. He went back to the National Orthopedic Hospital and he was placed in a plaster cast to immobilize his injury. After one month of medical treatment and care at the National Orthopedic Hospital, he was discharged with the instruction to report to said hospital for further observation or to get a private doctor. Aside from the medical treatment at the Labor Hospital and the National Orthopedic Hospital, the

claimant was also treated by private physicians. On account of his injury, the claimant spent P1,670.00 for medical expenses."[4]

1. On the above facts, it would appear fairly obvious that the right to compensation on the part of claimant Balbino Zuñiga was more than fully established. How did petitioner seek to avoid compliance with the plain statutory duty? It would rely on section 6 of the Workmen's Compensation Act to the effect that an employee could elect to proceed against a third party whom he would hold responsible for the injuries sustained, in view of a criminal action filed against the owner of the jeep responsible for the accident.[5] Petitioner would advance such an argument un-deterred by previous explicit pronouncements of this Court to the contrary.

It was not surprising at all then why respondent Workmen's Compensation Commission could not yield assent to such a plea. According to the appealed decision: "The contention of respondent that when claimant filed the physical injury case against Jesus Pinto, with whom he had an accident, claimant had elected to claim against Jesus Pinto and the monetary settlement between them has the effect of releasing the respondent from liability, cannot be sustained. Nowhere in the above-quoted section can we find or deduce that the filing of a criminal action arising out of the injury caused by a third person as well as the settlement of the same as an incident thereof would bar the recovery of compensation against the employer. It is our considered view that the settlement between Jesus Pinto and the claimant cannot be deemed an election within the meaning of Sec. 6. Thus, in one case the Supreme Court ruled that the filing of a criminal action does not bar recovery of a workmen's compensation claim, and we quote: 'As to the alleged "amicable settlement", it consists of an affidavit wherein, for the sum of 150 pesos, Mamador's widow promised "to forgive Macunat for the wrong committed and not to bring him before the authorities for prosecution". Upon making such promise - petitioner argues - she elected one of the remedies, (against the third person) and is barred from the other remedy (against the employer). The contention may not be sustained, inasmuch as all the widow promised was to forego the offender's criminal prosecution. She did not promise to waive the civil action for damages.'"[6]

In this appeal, petitioner, still unconvinced, would expect us to reverse respondent Commission precisely for obedience to and compliance with what we held. That is optimism carried to excess. It is far from warranted. The matter has been fully considered by us, and we have reached the conclusion that the filing of a criminal complaint is not such an election as would suffice to exempt an employer from his liability. We adhere to it.

What former Justice, later Chief Justice Bengzon, said in *Marinduque Iron Mines Agents, Inc. v. Workmen's Compensation Commission*[7] still carry conviction: "It is the petitioner's contention that Criminal Case No. 1491 and its outcome constituted an election by the employee (or his heirs) to sue the third person, such election having the effect of releasing the employer. However, Criminal Case No. 1491 was not a suit for damages against the third person, it being alleged, without contradiction that the heirs did not intervene therein and have not so far received the indemnity ordered by the court. At any rate, we have already decided in *Nava vs. Inchausti Co.* that the indemnity granted the heirs in a criminal prosecution of the 'other person' does not affect the liability of the employer to pay compensation."

As a matter of fact, earlier that same year, in *Martha Lumber Mill v. Lagradante*, this Court, speaking through the then Chief Justice Paras, had committed itself to such a view. Thus: "The petitioner observes that Felicito Lagradante's killers were finally convicted in G. R. No. L-5512 of this Court and his heirs were awarded indemnity, and cites the decision in *Pascasio vs. Guido*, 38 Off. Gaz., 3156, to the effect that the heirs of the deceased hacienda manager, murdered by his pre-decessor who had been dismissed, were not entitled to the benefit of the Workmen's Compensation Act. In the case cited, however, it was held that the deceased manager was not an industrial employee in the sense contemplated by the law, and therefore it is not controlling. Upon the other hand, in *Nava vs. Ynchausti Steamship Co.*, 67 Phil. 751, it was ruled that, although the death of the

employee therein involved resulted from a deliberate act of the killer and the latter was convicted of homicide, the said employee died from an accident, and the obligation of the employer to compensate was unaffected by the liability of the killer to indemnify the heirs of the deceased which 'is wholly distinct from the obligation imposed by the Workmen's Compensation Act and the latter is in no sense subsidiary to former.' While in G.R. No. L-5512 it was found that the motive for the killing of Felicito Lagradante was robbery, we cannot overlook the admission of the petitioner, contained in its letter dated March 24, 1951, and addressed to Ramon Lagradante, father of the deceased Felicito Lagradante, that 'the mastermind stated in his confession that he bore a grudge against Felicito in view of Felicito's having re placed him in his former job, adding that it was Felicito who was responsible for his ousting.'"[8]

A decisive consideration, much more compelling in character precludes acceptance of the view now pressed by petitioner. Time and time again, we have stressed that statutes intended to benefit labor should be accorded the most hospitable scope to attain their dominant purpose. Thereby, fidelity is manifested to the constitutional policy embodied in the principle of social justice and the mandate of protection to labor. They cannot be made to yield a meaning that would emasculate their terms or allow evasion. To do so could even give rise to serious constitutional questions, for the legislative body would then be deemed to have enacted measures which, rather than trans-late into reality such worthy constitutional objective would frustrate it. Such an approach certainly cannot find any favor with courts, if the oft-repeated doctrine that no interpretation is allowable that would bring doubts as to the validity of any statutory provision for repugnancy to the fundamental law were to be, as it should be, respected.[9]

2. There is an even more formidable obstacle to the success of this petition to set aside the decision of the Workmen's Compensation Commission. As noted therein: "Considering therefore that the injury sustained by the claimant arose out of and in the course of his employment and respondent company having failed to controvert the right of the claimant within the ten-day period prescribed in Section 45 of the Act, the compensability of the present claim, its reasonableness and validity, is now beyond challenge."[10]

The absence of controversion is fatal to any defense that peti-tioner could interpose. So we have held in a host of decisions[11] in compliance with the clear and express language of the Work-men's Compensation Act.[12] Any assertion to the contrary is doomed to futility.

WHEREFORE, the decision of the Workmen's Compensation Commission of May 31, 1968 is affirmed. With costs against petitioner.

Concepcion, C.J., Reyes, J.B.L., Dizon, Makalintal, Zaldivar, Sanchez, Ruiz Castro, Teehankee, and Barredo, JJ., concur.

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[1] Cf. *Francisco v. Consing*, 63 Phil. 354 (1936); *Murillo v. Mendoza*, 66 Phil. 689 (1938); *Ramos v. Poblete*, 73 Phil. 241 (1941); *Caro v. Rilloraza*, 102 Phil. 61 (1957); *Liwanag v. Workmen's Compensation Com.*, 105 Phil. 741 (1959); *De Leon v. Abbas*, 1 SCRA 1268 (1961); *Bautista v. Murillo*, 4 SCRA 175 (1962); *Iloilo Dock and Engineering Co. v. Workmen's Compensation Com.*, 5 SCRA 765 (1962); *Agustin v. Workmen's Compensation Com.*, 12 SCRA 55 (1964); *Industrial Textile Mfg. Co. v. Florzo*, 17 SCRA 1104 (1966); *Manila Pest Control Inc. v. Workmen's Compensation Com.*, 25 SCRA 700 (1968); *Iloilo Dock and Engineering Co. v. Workmen's Compensation Com.*, 26 SCRA 102 (1968); *Victorias Milling Co. v. Workmen's Compensation Com.*, 28 SCRA 285 (1969); and *Operators, Inc. v. Cacatian*, L-26173, Oct. 31, 1969.

[2] Art. II, Sec. 5 and Art. XIV, Sec. 6, Constitution.

[3] *Marinduque Iron Mines v. Workmen's Compensation Commission*, 99 Phil. 480 (1956); *Nava v. Inchausti*, 57 Phil. 751 (1932).

[4] Appendix, Brief for the Petitioner, pp. 26-28.

[5] Sec. 6 of the Workmen's Compensation Act reads as follows: "In case an employee suffers an injury for which compensation is due under this Act by any other person besides his employer, it shall be optional with such injured employee either to claim compensation from his employer, under this Act, or sue such other person for damages, in accordance with law; and in case compensation is claimed and allowed in accordance with this Act, the employer who paid such compensation or was found liable to pay the same, shall succeed the injured employee to the right of recovering from such person what he paid: \* \* \*."

[6] *Ibid*, pp. 29-30. Citing *Marinduque Iron Mines v. Workmen's Compensation Commission*, 99 Phil. 480 (1956).

[7] 99 Phil. 480, 483 (1956). The *Nava* decision was reported in 67 Phil. 751 (1932).

[8] 99 Phil. 435, 437-438.

[9] *Automotive Parts and Equipment Co. v. Lingad*, L-26406, Oct. 31, 1969.

[10] Appendix, Brief for the Petitioner, pp. 30-31.

[11] *Bachrach Motor Co. v. Workmen's Compensation Com.*, 99 Phil. 238 (1956); *Martha Lumber Mill v. Lagradante*, 99 Phil. 434 (1956); *Tan Lim Te v. Workmen's Compensation Com.*, 104 Phil. 522 (1958); *Central Azucarera Don Pedro v. De Leon*, 105 Phil. 1141 (1959); *Victory Shipping Lines Inc. v. Workmen's Compensation Com.*, 106 Phil. 550 (1959); *Dangue v. Franklin Baker Co.*, 107 Phil. 1083 (1960); *General Shipping Co. v. Workmen's Compensation Com.*, L-14936, July 30, 1960; *Caltex (Philippines) Inc. v. Villanueva*, 2 SCRA 995 (1961); *Carlos v. De la Rosa*, 5 SCRA 262 (1962); *Iloilo Dock and Engineering Co. v. Workmen's Compensation Com.*, 5 SCRA 765 (1962); *Nat. Dev. Co. v. Workmen's Compensation Com.*, 10 SCRA 696 (1964); *Manila Railroad Co. v. Workmen's Compensation Com.*, 11 SCRA 305 (1964); *Agustin v. Workmen's Compensation Com.*, 12 SCRA 55 (1964); *Manila Railroad Co. v. Vda. de Chavez*, 12 SCRA 142 (1964); *National Power Corp. v. Workmen's Compensation Com.*, 13 SCRA 116 (1965); *Nat. Dev. Co. v. Workmen's Compensation Com.*, 13 SCRA 544 (1965); *Industrial Textile Mfg. Co. v. Florzo*, 17 SCRA 1104 (1966); *Aboitiz Shipping Corp. v. Pepito*, 18 SCRA 1028 (1966); *Republic v. Workmen's Compensation Com.*, 19 SCRA 1022 (1967); *National Development Co. v. Ayson*, 20 SCRA 192 (1967); *Manila Railroad Co. v. Workmen's Compensation Com.*, 20 SCRA 976 (1967); *Talisay-Silay Milling Co. v. Workmen's Compensation Com.*, 21 SCRA 366 (1967); *Magalona v. Workmen's Compensation Com.*, 21 SCRA 1199 (1967); *Pampanga Sugar Mills v. Vda. de Espeleta*, 22 SCRA 325 (1968); *Victorias Milling Co. v. Workmen's Compensation Com.*, 22 SCRA 1215 (1968); *Apolega v. Hizon*, 25 SCRA 336 (1968); *Victorias Milling Co. v. Daduas*, 27 SCRA 413 (1969); *National Mirror Factory v. Vda. de Anure*, 27 SCRA 719 (1969); *Victories Milling Co. v. Workmen's Compensation Com.*, 28 SCRA 285 (1969); and *Northwest Orient Airlines Inc. v. Workmen's Compensation Com.*, 28 SCRA 877 (1969).

[12] Sec. 45, Act No. 3428 as amended (1927).

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