

A. D. SANTOS, INC., PETITIONER, VS. VENTURA VASQUEZ, RESPONDENT.

G.R. No. L-23586. March 20, 1968

Ponente: SANCHEZ, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/fa36a11976c3/>

SANCHEZ, J.:

Respondent Ventura Vasquez was petitioner's taxi driver. Sometime on December 22 or 23, 1961, at about 11:00 a.m., while driving petitioner's taxicab, he vomitted blood. Aside from his hemoptysis, he suffered back pains, fever and headache. He re-ported to petitioner the fact of his having vomitted blood. He was sent to petitioner company's physician, Dr. Roman, who treated him and sent him to Sto. Tomas Hospital where he was confined for six days. Thereafter, he was admitted at the Quezon Institute. There he stayed until March 19, 1962 under the medical care of Dr. Mario Lirag. Dr. Lirag diagnosed his ailment as pulmonary tuberculosis, moderately advanced in both lungs. Upon his discharge on March 19, 1962, he was clinically improved. His X-ray examination, however, showed the same finding, i.e., PTB, moderately advanced. He has not resumed work.

Offshoot of the foregoing is respondent's claim filed on May 9, 1962 with the Workmen's Compensation Commission.[1] In affirming the decision of the Hearing Officer, the Commission ordered petitioner:

- "1. To pay the claimant, thru this Commission, the sum of THREE THOUSAND SEVEN HUNDRED THIRTY-TWO and 30/100 (P3,732.30) PESOS as compensation as of August 11, 1964, and P27.30 thereafter up to, a period of 208 weeks, but in no case said amount of compensation exceeds P4,000.00;
2. To reimburse the claimant, thru this Com-mission, the sum of P53.60 which he had actually spent for his treatment;
3. To provide claimant continuous medical, surgical and hospital services and supplies as his illness may warrant;
4. To pay the claimant, also thru this Com-mission, the sum of P277.92 as Attorney's fees; and
5. To pay the Commission the sum of P43.00 as costs based on the amount of compensation already due the claimant as of August 11, 1964, and P1.00 for every hundred pesos which may accrue in his favor as weekly compensation pursuant to Section 55 of the Act."

The case is now before us on review.

Two questions are raised by petitioner: (1) respondent's claim should have been dismissed for his failure to file the notice of injury and claim for compensation required by Section 24 of the Workmen's Compensation Act; and (2) the claim for compensation is directed against Amador Santos, not against petitioner.

1. Sickness manifested itself on December 22 or 23, 1961. Claim was filed on May 9, 1962. Petitioner argues that by Section 24 of the Workmen's Compensation Act, the claims should be thrown out of court. Because, according to petitioner, such claim was not filed within two months following illness.

Petitioner's case must fail. Stabilized jurisprudence is that failure of the employer to file with the Commission notice of controversion set forth in the second paragraph of Section 45 of the Workmen's Compensation Act is a waiver of the defense that the claim for compensation was not filed within the statutory period and a forfeiture of the employer's right to controvert the claim. Petitioner here knew of respondent's illness. Yet, it did not controvert respondent's right to compensation. Constructively, such failure is an admission that the claim is compensable.[2]

2. Petitioner's averment that respondent driver had no cause of action against petitioner is equally without merit. Respondent's claim for compensation herein is directed against petitioner A.D. Santos, Inc. Petitioner, in answer to the claim, categorically admitted that claimant was its taxi driver. Add to this the fact that the claimant contracted pulmonary tuberculosis by reason of his said employment. And respondent's cause of action against petitioner is complete.

But petitioner cites the fact that respondent driver, in the course of his testimony, mentioned that he worked for the City Cab operated by Amador Santos. This will not detract from the validity of respondent's right to compensation. For, the truth is that really at one time Amador Santos was the sole owner and operator of the City Cab. It was subsequently transferred to petitioner A.D. Santos, Inc. in which Amador Santos was an officer. The mention by respondent of Amador Santos as his employer in the course of his testimony, in the words of this Court in *Sugay vs. Reyes*, G.R. No. L-20451, December 28, 1964, "should not be allowed to confuse the facts relating to employer-employee relationship," for "when the veil of corporate fiction is made as a shield to perpetrate a fraud and/or confuse legitimate issues (here, the relation of employer-employee), the same should be pierced."

For the reasons given, the decision under review is hereby affirmed.

Costs against petitioner.

SO ORDERED.

Reyes, Acting C.J., Dizon, Makalintal, Bengzon, Zaldivar, Castro, Angeles, and Fernando, JJ., concur.

[1] RO4-WC Case 2066, entitled "Ventura Vasquez, Claimant, vs. A. D. Santos, Inc., Respondent."

[2] *A.D. Santos, Inc. vs. De Sapon*, G.R. No. L-22220, April 29, 1966; *Itemcop vs. Florzo*, G.R. No. L-21969, August 31, 1966; *Nadeco vs. Rongavilla*, G.R. No. L-21963, August 30, 1967; *Rio y Compañia vs. Workmen's Compensation Commission*, G.R. No. L-21467, August 30, 1967; *Pampanga Sugar Mills vs. Espeleta*, G.R. No. L-24073, January 30, 1968.

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.