

ABAYA PLUMBING, PETITIONER, VS. WORKMEN'S COMPENSATION COMMISSION AND CRESENCIANA VDA. DE DATINGINOO, RESPONDENTS.

G.R. No. L-36244. November 29, 1974

Ponente: MAKALINTAL, C.J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/ffe874cf1908/>

MAKALINTAL, C.J.:

The Workmen's Compensation Commission, reversing a previous order of its Referee who received the evidence concerning the private respondent's claim for compensation benefits in connection with her husband's death, ruled in her favor and ordered the herein petitioner, Abaya Plumbing, to pay her the following amounts: P5,391.60 as death benefits and burial expenses; P539.16 as attorney's fees; and P59.00 as administrative fees and costs. The said decision is before Us for review.

The deceased was Santiago Datinginoo, husband of private respondent Cresenciana Vda. de Datinginoo. On July 1, 1967, while connecting a pipe in one of the floors of the Philippine National Bank building which was then under construction at the Escolta, Datinginoo fell to the ground and sustained a fractured skull. He was immediately taken to the Philippine General Hospital, where he died soon after his arrival.

Herein petitioner was the plumbing sub-contractor for whom the deceased was working at the time of the accident. The defense it put up against the claim was that the deceased was never its employee.

The findings of the Workmen's Compensation Commission upon which it based the award are as follows: Santiago Datinginoo started to work for the Abaya Plumbing at the Philippine National Bank construction site on June 24, 1967, when he was hired as helper by a certain Jose Maravillosa, who represented himself to be a foreman of the petitioner. Maravillosa was a friend and compadre of the deceased. The latter worked continuously until July 1, 1967, when the fatal accident occurred.

The evidence of the existence of employer-employee relationship consists of an affidavit signed by Jose Maravillosa stating that he was indeed a foreman of the Abaya Plumbing when he hired Datinginoo to work with him; of the fact that Datinginoo worked continuously for seven days without anyone stopping him; and of the fact that the widow received from the Abaya Plumbing the sum of P42.00 corresponding to her husband's wages for the week he worked, plus the sum of P50.00 in the form of assistance for her husband's burial expenses.

The herein petitioner relies on the testimony of Cesar Abaya, owner of the Abaya Plumbing, to the effect that Datinginoo was hired without his knowledge and authority and that Maravillosa was not a foreman and therefore was not authorized to hire employees or helpers; the testimony of Maravillosa himself stating that he was indeed not a foreman and that he signed the affidavit which the claimant presented simply because he pitied her; the testimony of Magno Celestino, a foreman of the Abaya Plumbing, as to Maravillosa's non-foreman status; and the social security records of the petitioner's employees which did not include the name of the respondent's deceased husband.

We find in favor of the respondent. The verbal evidence of the petitioner's witnesses are not sufficient to overcome the weight and significance of Maravillosa's affidavit and of the facts that the deceased actually worked continuously for seven days in the petitioner's job site and that his widow received the wages corresponding to him plus another sum to help defray the burial expenses. That the name of the deceased was not yet in the social security records of the petitioner nor even in its payroll at the time is of no decisive importance, considering that the deceased was a newly hired employee and that the inclusion of his name in the employer's records was after all a matter that the latter could attend to even later, at its own choice.

The decision of the Workmen's Compensation Commission and its resolution denying the motion for reconsideration are affirmed, with costs.

Castro, Makasiar, Esguerra, and Munoz Palma, JJ., concur.

Teehankee, J., took no part.

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.