

GENERAL SHIPPING CO., INC., PETITIONER, VS. WORKMEN'S COMPENSATION COMMISSION AND MARINA VDA. DE RICARDO, RESPONDENTS.

G.R. No. 14936. July 30, 1960

Ponente: LABRADOR, J.

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LABRADOR, J.:

Appeal by certiorari against a resolution of the Workmen's Compensation Commission en banc, signed by two Commissioners, affirming the decision of Associate Commissioner Nieves Baens del Rosario in Case No. R03-WCC No. 169, entitled Marina Vda. de Ricardo, claimant, vs. General Shipping Co., Inc., respondent. Chairman of the Commission Cesareo de Leon dissented on the ground that there is no substantial evidence to sustain the award. The decision of Associate Commissioner del Rosario affirms that of the Chief Hearing Officer of the Commission, awarding to the claimant the sum of P1,686.01, as balance of death compensation, and P200.00, as burial expenses, for the death of Ruperto Ricardo, and ordering payment by the company to the Commission the sum of P41.00 as fees.

The following facts found by the Hearing Officer are not controverted:

"Claimant Marina S. Vda. de Ricardo filed on June 11, 1956 a claim for compensation under Act No. 3428, as amended, otherwise known as the Workmen's Compensation Act, for the death of her husband Ruperto Ricardo aboard M/S 'General Roxas' on March 16, 1956 while in the course of his employment.

'The claim alleges that Ruperto Ricardo was employed as a ship engineer of the M/S General Roxas, a vessel belonging to the respondent, at the rate of P168.75 a week; that he died of heart failure at about 1:00 o'clock in the afternoon of March 16, 1956 on board said vessel; that prior to his death he had been serving the respondent as such ship engineer in the latter's various boats for eight (8) years; that prior to his death, he was physically fit for duty and that he had never been before stricken with heart disease or any disease associated with the heart; that he had strenuous work on the boat and had exposed himself to the hazards of his employment at sea; and that the claiming widow expended the total amount of P380.00 for the interment of the cadaver of the deceased.'

'The employer submitted its Employer's Report of Accident or Sickness on September 27, 1956. This employers' report avers that the respondent is engaged in the business of shipping with more than P10,000.00 capital and about 389 employees and men; that respondent employed the deceased Ruperto Ricardo as ship engineer from March 1, 1948 to the time of his death at the rate of P675.00 a month; that on March 16, 1956, at about 1:30 o'clock in the afternoon, Ruperto Ricardo died of heart attack while sleeping in his cabin; and that respondent has already made voluntary payment of compensation in the amount of P2,313.99."

The case was referred to the Evaluation Division of the Commission for medical opinion, and the doctors of said division found that there is no causal relationship between the heart attack which resulted in Ricardo's death and his employment as chief engineer.

In this appeal, the sole question for resolution is, Is there evidence to sustain the finding of the Commission that the widow's claim is compensable?

The notice and claims for compensation describes the factors or events that led to or contributed to the death as follows:

"At the time of his employment (original employment) he was physically fit for duty, as never before was he stricken with heart disease or any disease associated with this ailment. Having worked and lived for eight years in the various boats of the General Shipping Company, the deceased, being exposed to the hazards of life and health in the strenuous life on boat and the bearing of burden of responsibility which his job entails, developed heart defects which in due time resulted in death." (Annex A).

The notice is dated June 9, 1956 and the statement therein as to how the sickness that caused the employee's death, as above quoted, was not controverted until the employer, petitioner herein, filed its report, Annex "C", on September 27, 1957, wherein it is explained that the death is not accidental but was caused by a natural disease. Assuming without admitting that the heart attack or disease which caused the death is not accidental but is a natural disease, the claim alleges that said disease (heart disease) developed from the strenuous life that the deceased employee had on the boat for seven years, which strenuous life developed the heart defects that resulted in the employee's death and was not disputed or controverted either in the employer's report or in the findings of the Evaluation Division. The claim that the work of the deceased employee developed the disease which was the direct cause of the death not being contradicted, we find that the conclusion of the Commission that the claim is compensable is sufficiently established.

But there are other reasons why the claim may not now be contested. Although the death of Ruperto Ricardo took place on March 16, 1956, it was reported to the Commission by the company only on September 27, 1956, over 6 months after the death took place. Pursuant to section 45 of Act No. 3428, as amended, the company's failure to report the death to the Commission within the statutory period of 14 days after the death or 10 days after notice thereof, constitutes a renunciation of its right to controvert the claim, thereby constructively admitting that it is compensable (*Victorias Milling Co., Inc. vs. Compensation Commissioner, et al.*, G. R. No. L-10533, May 13, 1957; *Tan Lim Te vs. Workmen's Compensation Commission, et al.*,[*] 55 Off. Gaz., [9] 1570). The record also shows that the company has voluntarily paid a part of the compensation, which circumstance likewise indicates admission of the compensability of the claim, (*Bachrach Motor Co. Inc. vs. Domingo Panaligan*, 99 Phil., 288; 52 Off. Gaz., [7] 3583). The above facts are admissions against interest and admissible in evidence against the respondent company (Sec. 7, Rule 123, Rules of Court).

There may be no other evidence presented by the claimant but the admissions of the company as above-indicated together with the causes stated in the claim, are sufficient evidence to sustain the decision sought herein to be set aside. The finding that the claim is compensable involves an exercise of discretion by the Workmen's Compensation Commission and the same should not be disturbed on appeal because there is no abuse thereof.

It may also be stated here that it was not incumbent upon the widow to prove the compensability of her claim, because the Company had by its failure to deny the claim promptly admitted it, and by paying the claims acquiesced therein.

"One is, however, under no obligation to prove that which is not made an issue in the case by the pleadings. It is not necessary for one to prove affirmative allegations which are admitted or confessed by the pleadings of the adverse party. * * *". (20 Am. Jur. pp. 139-140).

"Courts of equity may act on the admissions of an answer without other proof. *Cavender vs. Cavender*, 114 U. S. 464, 29 L. ed. 212, 5 S. Ct. 955." (Id)

Wherefore, the resolution of the Workmen's Compensation Commission should be, as it is hereby, affirmed. With costs against petitioner.

Paras, C. J., Bengzon, Padilla, Bautista Angelo, Concepcion, Reyes, J. B. L., Barrera, and Gutierrez David, JJ., concur.

[*] 104 Phil., 622.

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