

ILOILO DOCK & ENGINEERING CO., PETITIONER, VS. THE WORKMEN'S COMPENSATION COMMISSION, ET AL., RESPONDENTS.

G. R. No. 16202. June 29, 1962

Ponente: BENGZON, C.J.

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BENGZON, C.J.:

This is a review of the decision of the above mentioned Commission awarding death compensation to respondent Florentino Visitacion, as heir of the deceased Salvador Visitacion.

The facts, as stipulated by the parties at the hearing before the investigating officer of the Workmen's Compensation Commission, and as adopted by the Commission itself,

are these:

"that during his lifetime Salvador Visitacion was a regular employee of the respondent earning one hundred and thirty pesos a month. The nature of his work was a clerk in the office of the IDECO (Iloilo Dock & Engineering Co.) situated at Lapuz, Lapaz, City of Iloilo. The IDECO is a department of the respondent, Visayan Stevedore Transportation Company; that Salvador Visitacion was the president of a Labor union, the membership of which was also employed by the respondent in its branch named IDECO with establishment and offices at Lapuz, Lapaz, Iloilo City; that about 2:15 in the afternoon of June 23, 1953, Salvador Visitacion left his office where he was working, went outside of the building afiad while he was in front of the office building, he was shot by a person named Cerson Espinosa. Cerson Espinosa is also one of the leaders of another labor union with membership also in the IDECO who are employees of the respondent company. Cerson Espinosa is not an employee of the company and he entered the company compound without the knowledge and permission of the company; that before this incident took place, there was pending before the Court of Industrial Relations a petition for Certification Election in the IDECO among its employees to determine what union should represent the employees of the IDECO and among the labor unions who were claiming majority representation of the employees of the IDECO are the unions headed by Salvador Visitacion and Cerson Espinosa respectively; that lately, certification election took place and the union formerly headed by Salvador Visitacion, came out elected to represent the employees of the respondent working in the IDECO."

Upon consideration of these facts, the Commission approved "the hearing officer's finding that the fatal assault upon the person of Salvador Visitacion, which occurred within the period of his hours of duty and in a place within the premises of his employer where he had a right to be, arose 'in the course' of his employment." Consequently, it awarded death benefits to said employees' relatives. Wherefore, above petitioner appealed to this Court imputing error to the respondent Commission for" holding the death to be compensable under the provisions of the Workmen's Compensation Law.

Petitioner maintains that, from the facts cited in the decision, it is safe to assume that the cause of the death was the personal quarrel and rivalry between the deceased and his assailant, both of them being labor leaders; that given such cause of the shooting, the death is not compensable because the law intends to grant compensation only

for injury or death suffered in connection with the employee's duties—not necessarily for all injuries or death suffered during the hours of work and neither for injuries or death suffered as a result of an act or incident entirely disconnected with or alien to the duties or work performed by him.

Petitioner's assumption that Visitacion's death resulted from the personal quarrel and rivalry between him and his assailant, is groundless. As respondent points out, no evidence was ever presented to show such motive, and neither has it been shown that personal enmity existed between them. Even the findings of the hearing officer did not touch on such assertion of assumed fact. In the said findings, the proximate cause of the accident was attributed to the security guard's failure to "frisk" private individuals, and take their firearms for deposit; indeed "all insinuations of prior antecedents and/or motives" were found of no importance warranting further discussion.

We think the respondent Commission committed no error in its interpretation of said Sec. 2 of Act No. 3428 as amended. We sustain its ruling that "the absence of specific evidence of a work-connection cause of the assault is not necessarily fatal to a claim for compensation under the Act, if, as in the case at bar death occurred in the course of the employment," because it merely applied our ratio decidendi in the case of *Batangas Transportation Co. vs. Josefin M. Vda. de Rivera, et al.* (99 Phil. 1025) wherein we held:

"Many decisions in the United States awarded compensation to the employee's family where he was found dead under circumstances indicating that death took place within the time and space limits of the employment. In the absence of any evidence of what caused the death most court will indulge in a presumption or inference that the death arose out of the employment' (p. 10, *Larsons*) Mark well, compensation is granted ever in the absence of any evidence of the cause of death provided there is proof that the death probably occurred in the course of employment."

Here the deceased died in the course of his employment; so there is a presumption that his death arose out of it.[1]

Wherefore, the appealed decision is affirmed, with costs against petitioner.

Padilla, Bautista Angelo, Labrador, Concepcion, Barrera, Paredes, Dizon, Regala, and Makalintal, JJ., concur.

[1] See *Santiago vs. Reyes* L-13115, Feb. 29, 1960. See also *Bureau of Public Works vs. Workmen's Compensation*, 104 Phil., 1002.

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