

PETER PAUL (PHILIPPINES) CORPORATION, VS. WORKMEN'S COMPENSATION COMMISSION, ET AL., RESPONDENTS.*G.R. No. 19612. July 30, 1964*

Ponente: BAUTISTA ANGELO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-19612/>**BAUTISTA ANGELO, J.:**

Lorenzo Castro was employed as sheller in 1947 by Peter Paul (Philippines) Corporation after undergoing the requisite physical examination. His work consisted in removing the meat from the coconut shells by means of a knife. He was paid on the basis of the number of kilos of coconut meat he was able to shell in seven or eight hours work thereby making an average weekly wage of P25.00 to P30.00.

The periodic x-ray examination made of the employee during the succeeding years of his employment showed that he was in good health until February 21, 1954 when he was found to have tuberculous infection in his left lung for which reason he had to stop working on sick leave. He was placed under treatment by the company physician. On April 27, 1954, the employee was x-rayed and again he was found to be suffering from tuberculosis as follows: " PTB, minimal, left, fibroid; Pulmonary scar, right." This time he was treated by a private physician spending therefore P450.00 for medicines and other medical services.

Sometime in March, 1954, he was separated from the service because of his ailment and was given P100.90 as separation pay. Whereupon, on March 11, 1955, he filed a claim for compensation with the Workmen's Compensation Commission against his employer claiming to be entitled to the compensation that the law allows because of the ailment he contracted in the course of his employment.

The claim was referred to hearing officer Atanacio H. Mardo for investigation. After the reception of the evidence, this officer found that claimant's sickness was not caused by the nature of his employment, nor was it aggravated by it, and so he dismissed the claim as without merit. Claimant filed a petition for review, and having found no reason to justify any modification of his decision, the hearing officer forwarded the case to the Commission en banc pursuant to Section 49 of the Workmen's Compensation Act. in relation to Section 5. Rule 23. of the Rules and Regulations of the Commission. And on January 25, 1956, Associate Commissioner Jose Sanchez rendered decision finding that the ailment of the claimant was compensable and adjudicating to him the compensation authorized by law. Employer's counsel filed a motion for reconsideration raising as one of the grounds that the claim cannot be entertained for having been filed beyond the two-month period fixed by Section 24 of the Workmen's Compensation Act, but the Workmen's Compensation Commission denied the motion for lack of merit. Hence the instant petition for review.

One of the issues raised refers to the finding of the Workmen's Compensation Commission that the ailment of the claimant is compensable because it was contracted in the course of his employment which, it is contended, is contrary to the evidence on record. Petitioner contends that the decision of the hearing officer deserves more credence because of the opportunity he had to evaluate the mass of evidence adduced before him which should not be brushed aside by a mere review by the respondent Commission.

On the question of whether the illness contracted by the claimant can be considered as a consequence of the nature of his employment as this phrase is used in the law, respondent Commission made the following comment:

"The order of the Hearing Officer dismissing the claim is based on the theory that the work of a shelter is not strenuous. At first blush, it may appear that the work of a shelter is not necessarily a hard one. Considering, however, that shelters are paid on piece-work or 'Pakiao' basis, said work would appear to be taxing to the worker's strength and vitality. The following description of the shelling operation made by a referee of the former Workmen's Compensation Commission who conducted an ocular inspection of the Franklin Baker Company, is considered sufficiently accurate:

**** A shelter starts his work by pulling an iron plate (3ft square and 164 inch thick) supporting some 800 coconuts and which are released into his bin. As the work progresses, additional coconuts are dropped into his bin. With a knife about 9 inches long in his right hand, he strikes breaking its shell. The shell which is thus cracked into several pieces is removed and separated from the meat by means of a knife and then thrown into a conveyor which runs below the working compartment. At the end of the shift, a shelter closes his bin and clears his compartment

'We had occasion to observe during our ocular inspection, with close and long scrutiny, shelters in actual work.

'Shelling coconuts impresses us as one of hard work. Considering that shelters (in order to qualify as such) have to shell at least 11,500 nuts during the 8-hours work, which means, shelling 187 nuts in an hour or 3 nuts in a minute, with such rapidity of motion and continuous exertion, we find that on the whole, the work is one requiring strenuous effort. Especially so, when observing them perspiring profusely (they had only their undershirts and pants on) we inquired into the reason for the hurried movements and found that shelters work on a "Pakiao" basis, and in their desire to earn more, must, therefore, work as fast as their strength and stamina can tolerate.' (Antonio Dungo vs. Franklin Baker Co., February 26, 1956).

"Shelters of respondent company also work on pakiao basis, and required to shell at least 1,000 coconuts in 8 hours.

"Moreover, claimant was assigned to night duty every 15 days, as stated above. The debilitating effect of a night work on one's health cannot be gainsaid. The Supreme Court in the case of Manila Railroad Company vs. CIR, et al., G.R. No. 3862, August 28, 1951. held:

'Night work has almost invariably been looked upon with disfavor by students of this problem because of the excessive strain involved, especially for women and young persons, the large amount of lost time consequent upon exhaustion of the worker.'

And after making the foregoing comment, respondent Commission concluded; "Under the circumstances, above narrated, we find that claimant's illness of PTB, which flared up or has activated as a result of the nature and condition of his work, is compensable under the law. The fact that his illness of PTB receded to the fibrotic stage when he stopped working and underwent medication lends support to the conclusion that the nature of his work had something to do, or was instrumental, in the flaring up of his tuberculosis."

This conclusion, being supported by substantial evidence, cannot now be looked into. We are satisfied that considering the nature of the work of the claimant which is to open the shells of coconut and separate the meat therefrom by means of a knife and the way his wage is fixed which is depending on the number of kites of coconut meat he could shell within his regular hours of employment, for which he has to exert more effort than a laborer who is not paid on "pakiao" basis if he wants to increase his daily income, the conclusion that the work of claimant was taxing and as such it heavily worked against his strength and vitality is fair and reasonable. Such inroad into his physical strength and vitality must have contributed to the deterioration of his resistance thereby sapping his strength to the point of contracting tuberculosis. No amount of argument can justify a contrary

conclusion. We find, therefore, correct respondent Commission's conclusion that claimant's ailment is compensable.

The other issue raised refers to the alleged late filing by the claimant of his claim for compensation. It is alleged that since claimant was separated from the service because of his ailment on March 24, 1954 he should have filed his claim within 60 days from said date as required by law, which he did not do, because as the record shows he only filed his claim on March 11, 1955, or almost one year after his disability or separation from the service. Hence, it is claimed, the claim is now barred and cannot be entertained.

We find this contention correct in the light of our ruling interpreting the vague provision of the law now in dispute, a portion of which we quote:

"It is petitioner's theory that the two-year period mentioned in the law should be reckoned with from the date the injury is caused or the illness is contracted resulting in death in order that the employee may be entitled to compensation, or that the wording of the law should be interpreted literally in order that the illness or death may be compensable. To this we cannot agree for that would render the law nugatory and ineffective. A reasonable interpretation would be that the two-year period be counted from the date the disease or illness becomes compensable, or from the date the employee's sickness renders him physically disabled to do the work, which interpretation is in keeping with the general rule in compensation cases that the injuries or diseases that are compensable are only those which produce disability and thereby affect the earning power of the employee. In other words, as long as the employee is able to work and receives his pay even if he is suffering from illness, he is not entitled to compensation.

"In the instant case, it appears, Garin contracted pulmonary tuberculosis much prior to September 28, 1950, when his treatment by petitioner's physician began, although the same did not prevent him from working until December 5, 1951, when he applied for retirement because of the aggravation of his illness. He therefore became incapacitated for work only beginning December 5, 1951, and only from that time on his ailment became compensable within the meaning of the law, and so the counting of the two-year period should start from that time. The period of two years cannot be counted from September 28, 1950 when Garin was placed under treatment by petitioner's physician, as petitioner would like us to apply, because even if Garin were then treated he was not yet completely incapacitated for labor until December 6, 1951, when he applied for retirement. Petitioner's contention that the claim for compensation should have been dismissed is therefore without merit." (Central Azucarera Don Pedro vs. De Leon, et al., 105 Phil., 141)

It thus appears that the two-month period within which a claim for injury or sickness is required to be filed should be counted from the date the disease or illness becomes compensable, or from the date the employee becomes physically disabled to work. This happened on March 24, 1954, when the employee was separated from the service, but the employee filed his claim nearly a year thereafter. Verily, his claim was filed beyond the legal limit prescribed by law.

But this claim is not entirely lost. It appears that the employer paid the employee the sum of P91.21 by way of compensation, aside from a separation pay of P100.90. This payment places this case within the exception of the law which makes the filing of the claim within the legal limit unnecessary. The claim, therefore, can still be entertained.

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

Bengzon, C. J., Padilla, Concepcion, Reyes, J. B. L., Paredes, Regala and Makalintal, JJ., concur.

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.