

PLACIDA PASCASIO AND FELICIDAD KINILAT GASPAR, PLAINTIFFS AND APPELLANTS, VS. BENITO GUIDO, DEFENDANT AND APPELLEE.

G.R. No. 45696. April 03, 1939

Ponente: DIAZ, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-45696/>

DIAZ, J.:

This is a case appealed from the Court of First Instance of Rizal. The main question before us is whether or not the appellants' complaint states sufficient facts to constitute a cause of action. The lower court held that it did not, and, in consequence, sustained the demurrer interposed by the defendant to the complaint. As the plaintiffs did not amend their complaint, the court dismissed the case. From this dismissal the plaintiffs appeal alleging that the lower court committed three errors, namely:

- In holding as a necessary inference that the deceased Angeles Gaspar was not an industrial employee of the defendant;
- In likewise holding that the death of the deceased was not due to any accident arising from his employment; and
- In holding that the plaintiffs' action had already long prescribed when they filed their complaint.

The pertinent facts alleged in the complaint are those appearing in paragraphs 2, 3, 4 and 5, which read as follows:

"2. That the plaintiffs were mother and daughter respectively of the deceased Angeles Gaspar and depended entirely for subsistence on the deceased when he was living, that his mother Placida Pascasio is a widow and his daughter Felicidad Kinilat Gaspar is less than eight years old.

"3. That on or about March 28, 1936, Angeles Gaspar entered the defendant's employ as manager of the latter's hacienda in the municipality of Angono, Province of Rizal, with a salary of P30 a month and free food equivalent to P15 monthly, or a total of P45 a month, and in that capacity had served the defendant until the day he was murdered.

"4 That on or about April 8, 1936, Angeles Gaspar was murdered in the barrio of Angono, Province of Rizal, by Perfecto Picones, former manager of the hacienda, the motive of the crime being the hatred he bore the deceased when he was discharged from the hacienda by the defendant and his position given to the deceased.

"5. That the defendant knew of the murder of his employee or the deceased Angeles Gaspar on or about April 17, 1936, that is, the ninth day after the murder."

In support of their action, the plaintiffs invoke the provisions of Act No. 3428, as amended by Act No. 3812 of the Philippine Legislature, and Act No. 210 of the Commonwealth. Section 1 of said law, however, expressly provides that the application of its provisions is limited to cases of industrial employees who, in the performance of their work, contract an illness or suffer an accident not imputable to them; and, by "industrial employment", in the case of private employers as the present one, is meant, according to subsection (d) of section 39 of the said law, "* * * all employment or work at a trade, occupation or profession exercised by an employer for the purpose

of gain, the gross income of which in the year immediately preceding the one during which the accident occurred was not less than forty thousand pesos, except agriculture, charitable institutions, and domestic service," which shows that the plaintiffs' action cannot prosper, because the facts upon which it is based, granting that they are true, are not those which create a right of action, nor do they constitute such right. The lower court was correct in sustaining the defendant's demurrer inasmuch as the deceased Angeles Gaspar, at the time of the mishap mentioned in the complaint, was not an industrial employee of the defendant in the sense contemplated by the aforesaid law, nor was it caused by an accident arising from, or in the course of, the performance of his work. Having reached this conclusion it is scarcely necessary to consider the third question raised, for whether the action had been filed within or after the period prescribed by law, the same could not have prospered anyway, for the reasons already stated.

Wherefore, the appealed order is affirmed, and, as the appellants are paupers, costs of the proceedings are de oficio. So ordered.

Avancena, C. J., Villa-Real, Imperial, Laurel, Concepcion, and Moran, 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.