

MARCIANO MADUEÑO, RECURRENTE, CONTRA CABANATUAN LUMBER COMPANY, RECURRIDA.

G.R. No. 47978. October 31, 1941

Ponente: DIAZ, J.

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DIAZ, J.:

El recurrente que alega ser hijo natural reconocido de Ignacio Madueño que habia muerto de resultas de un accidente sufrido mientras se hallaba al servicio de la recurrida como obrero cuyo especial trabajo consistia en ir en el camidn de carga de la misma, en sus viajes de costumbre, para las faenas que fueren necesarias, promovid este proceso para pedir la revision de la decision del Tribunal de Apelaciones que le fue adversa, dictada en la causa R. G. No. 6634 de dicho Tribunal. Alega que este erro al declarar que el no era hijo natural reconocido del fallecido Ignacio Madueno, en el sentido del articulo 11 de la Ley No. 3428 que provee al pago de una compensacion a los hijos ilegítimos reconocidos de aquellos obreros o empleados que sufrieren lesion o perdieren la vida por causa de accidentes que les sobrevienen mientras se hallan trabajando en el desempeño de su empleo; y que erro tambien al dejar de declarar que el pago de la compensacion que ahora reclama para si, a la madre de su fallecido padre natural Ignacio Madueño, no es obice para que se le pague dicha compensacion, toda vez que le da ese derecho con preferencia a aquella, el articulo 8 de la citada Ley, segun quedo enmendado por el articulo 2 de la Ley No. 210 del Commonwealth.

Abad Santos, Moran, Horrilleno y Ozaeta, MM., estan conformes.

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