

MARTHA LUMBER MIIX, INC., PETITIONER, VS. ROMANA V. LAGRADANTE, FOR HERSELF AND AS GUARDIAN OF HER MINOR CHILDREN LETICIA AND PEDRO, JR., PALENCIA, AND ERLINA LAGRADANTE AND THE...

G.R. No. 7599. June 27, 1956

Ponente: PARAS, C.J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-7599/>

PARAS, C.J.:

This is a petition for review on certiorari of the decision of the Workmen's Compensation Commission ordering the petitioner, Martha Lumber Mill, Inc., to pay to the respondents Romana V. Lagradante and her minor children Pedro, Jr., Palencia and Erlinda Lagradante, as compensation for the death of Felicito Lagradante, the sum of P2,535.52, plus burial expenses amounting to not more than P100, and to the Commission the sum of P26.

Felicito Lagradante was murdered on the night of March 7, 1951. The petitioner contends that the deceased was an employee of the Bureau of Forestry, duly appointed by the Department of Agriculture and Natural Resources. It appears, however, that the appointment was in virtue of Forestry Administrative Order No. 11 dated September 11, 1934, which provides as follows:

"34 (s) Within thirty (30) days from the date of the issuance of a license, and after the terms and conditions of said license had been duly accepted in their entirety by the licensee concerned, at least one concession guard, if so required in the license, shall be employed by said licensee. The name and address of the concession guard so employed shall be reported to the local forest office under whose jurisdiction the license area falls. The concession guard, whose salary will be paid him direct by the licensee, shall from time to time, report to the herein mentioned forest officer for instruction regarding his duties and obligations to patrol and cooperate with the government in the protection of the area of the licensee employing him. (New subsection added as per section 19, Administrative Order No. 11-7.)"

The petitioner was accordingly required to employ at least one concession guard, whose salary was payable by it; and there is here no pretense that the latter had any such guard other than the deceased Felicito Lagradante. Indeed, in its letter addressed to the Secretary of Labor, dated February 19, 1952, it admitted that the deceased was employed as its concession guard. That the appointment was actually made by the Department of Agriculture and Natural Resources did not affect the status of the deceased as an employee of the petitioner, as the intervention of the Government was a formality undoubtedly designed to insure faithful performance of his duties "to patrol and cooperate with the Government in the protection of the area of the licensee employing him."

We cannot accept petitioner's argument that the death of Felicito Lagradante did not arise out of and in the course of his employment, having been murdered outside of office hours. It appears that the deceased was required to live and sleep in the quarters provided by the petitioner, and obviously by reason of the nature of his duties as a concession guard, with the result that, although he had to observe certain working hours, he nevertheless was compelled to stay in his quarters, thereby in effect making himself available, regardless of time, for the protection

of the rights and interest of the petitioner in its concession.

The petitioner observes that Felicito Lagradante's killers were finally convicted in G. R. No. L-5512 of this Court and his heirs were awarded indemnity,, and cites the decision in *Pascasio vs. Guido*, 38 Off. Gaz., 3156, to the effect that the heirs of the deceased hacienda, manager, murdered by his predecessor who had been dismissed, were not entitled to the benefit of the Workmen's Compensation Act. In the case cited, however, it was held that the deceased manager was not an industrial employee in the sense contemplated by the law, and therefore it is not controlling. Upon the other hand, in *Nava vs. Ynchausti Steamship Co.*, 57 Phil., 751, it was ruled that, although the death of the employee therein involved resulted from a deliberate act of the killer and the latter was convicted of homicide, the said employee died from an accident, and the obligation of the employer to compensate was unaffected by the liability of the killer to indemnify the heirs of the deceased which "is wholly distinct from the obligation imposed by the Workmen's Compensation Act and the latter, is in no sense subsidiary to the former." While in G. R. No. L-5512 it was found that the motive for the killing of Felicito Lagradante was robbery, we cannot overlook the admission of the petitioner, contained in its letter dated March 24, 1951, and addressed to Ramon Lagradante, father of the deceased Felicito Lagradante, that the mastermind stated in his confession that he bore a grudge against Felicito in view of Felicito's having replaced him in his former job, adding that it was Felicito who was responsible for his ousting." .

The petitioner also intimates that the respondents who have been awarded compensation by the Workman's Compensation Commission did not file their claim within three months after the death of Felicito Lagradante, in violation of section 24 of Act No. 8428. In answer, it is sufficient to point out, as the Commission did, that after the receipt of the petitioner's letter of March 24, 1951, respondent Romana Lagradante, as early as April 11, 1951, wrote to the Secretary of Labor appealing for help in securing any gratuity or benefit for the death of her husband; and said respondent was prompted to do so, apparently misled by petitioner's letter stating that the deceased assumed the duties of a concession guard duly appointed by the Director of the Bureau of Forestry thereby being caused to believe that her husband was an employee of the Bureau of Forestry and not by the petitioner. Such request for help from the Secretary of Labor on April 11, 1951, may fairly be held as a substantial compliance with the law or an excuse for the delay in the filing of the formal claim for compensation. Moreover, it appears that the petitioner did not submit the required employer's report of accident or sickness, which would have served as petitioner's answer in the compensation proceedings; and such failure may be deemed as a waiver of the defense that the claim for compensation was not filed within the statutory period.

Apart from what has been said, petitioner's failure to file with the Workmen's Compensation Commission any notice of appeal as required by section 1 of Rule 44 of the Rules of Court which also governs appeals from decisions of the Workmen's Compensation Commission, is necessarily fatal. (Resolution of February 22, 1954, G. R. No. L-7355, *Manila Electric Company vs. Maximo Cruz*.)

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

Bengzon, Padilla, Reyes, A., Bautista Angelo, Labrador, Concepcion, Reyes, J. B. L., and Endencia, 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.