

**[ REPUBLIC ACT NO. 772, June 20, 1952 ]**

**AN ACT TO FURTHER AMEND ACT NUMBERED THREE THOUSAND FOUR HUNDRED AND TWENTY-EIGHT, "AN ACT. PRESCRIBING THE COMPENSATION TO BE RECEIVED BY EMPLOYEES FOR PERSONAL INJURIES, DEATH OR ILLNESS CONTRACTED IN THE PERFORMANCE OF THEIR DUTIES", AS AMENDED BY ACT NUMBERED THREE THOUSAND EIGHT HUNDRED AND TWELVE AND BY COMMONWEALTH ACT NUMBERED TWO HUNDRED AND TEN PROVIDING FOR ITS ADMINISTRATION BY A WORKMEN'S COMPENSATION COMMISSIONER; AND PRESCRIBING HIS POWERS AND DUTIES.**

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

SECTION 1. Section two of Act Numbered Three thousand four hundred and twenty-eight as amended by section one of Act Numbered Three thousand eight hundred and twelve is hereby further amended to read as follows:

"SEC. 2. *Grounds for compensation.*—When an employee suffers personal injury from any accident arising out of and in the course of his employment, or contracts tuberculosis or other illness directly caused by such employment, or either aggravated by or the result of the nature of such employment, his employer shall pay compensation in the sums and to the person hereinafter specified. The right to compensation as provided in this Act shall not be defeated or impaired on the ground that the death, injury or disease was due to the negligence of a fellow servant or employee, without prejudice to the right of the employer to proceed against the negligent party."

SEC. 2. Section three of Act Numbered Three thousand four hundred and twenty-eight as amended by section two of Act Numbered Three thousand eight hundred and twelve is hereby further amended to read as follows:

"SEC. 3. *Applicable to Government.*—This Act shall also be applicable to mounted messengers in the service of the National Government and all its political subdivisions and to the employees and laborers employed in public works and in the industrial concerns of the Government and to all other persons performing manual labor in the service of the National Government and its political subdivisions and instrumentalities: Provided, however, That laborers and employees insured with the Government Service Insurance System, and their dependents when entitled to the

benefits of the said Insurance System shall, in addition to the same be entitled to the benefits granted by this Act."

SEC. 3. Section four of Act Numbered Three thousand four hundred and twenty-eight is hereby amended to read as follows:

"SEC. 4. *Injuries not covered.*—Compensation shall not be allowed for injuries caused: (1) by the voluntary intent of the employee to inflict such injury upon himself or another person; (2.) by drunkenness on the part of the laborer who had the accident; and (3) by notorious negligence of the same."

SEC. 4. A new section, four-A, is added to Act Numbered Three thousand four hundred and twenty-eight, to read:

"SEC. 4-A. *Right to additional compensation.*—In case of the employee's death, injury or sickness due to the failure of the employer to comply with any law, or with any order, rule or regulation of the Workmen's Compensation Commissioner or the Industrial Safety Bureau, or should the employer violate the provisions of Act Numbered Three thousand seventy-one or fail to install and maintain safety appliances, or take other precautions for the prevention of accident or occupational disease, he shall be liable to pay an additional compensation equal to fifty per centum of the compensation fixed in this Act."

SEC. 5. Section five of Act Numbered Three thousand four hundred and twenty-eight is hereby amended to read as follows:

"SEC. 5. *Exclusive right to compensation.*—The rights and remedies granted by this Act to an employee by reason of a personal injury entitling him to compensation shall exclude all other rights and remedies accruing to the employee, his personal representatives, dependents or nearest of kin against the employer under the Civil Code and other , because of said injury.

"Employers contracting laborers in the Philippine Islands for work outside the same shall stipulate with such laborers that the remedies prescribed by this Act shall apply to injuries received outside the Islands through accidents happening in and during the performance of the duties of the employment. Such stipulation shall not prejudice the right of the laborers to the benefits of the Workmen's Compensation Law of the place where the accident occurs should such law be more favorable to them."

SEC. 6. A new section, 7-A, is added to Act Numbered Three thousand four hundred and twenty-eight, to read:

"SEC. 7-A. *Workmen's Compensation Commissioner, appointment.*— There is hereby created in the Department of Labor the Office of the Workmen's Compensation Commissioner, hereinafter designated the Commissioner, who shall be assisted by a Deputy Workmen's Compensation Commissioner. The Commissioner and Deputy Commissioner shall be appointed by the President of the Philippines with the consent of the Commission on Appointments and shall receive compensation at the rate of eight thousand four hundred pesos and seven thousand and two hundred pesos *per annum*, respectively.

"Upon the organization of the Office of the Commissioner, the existing Workmen's Compensation Division in the Bureau of Labor shall be abolished, and all its files, records, equipment, appropriation, and all the officials and employees of said division shall thereupon be placed under the control and management of the Commissioner."

SEC. 7. Section eight of Act Numbered Three thousand four hundred and twenty-eight, as amended by section four of Act Numbered Three thousand eight hundred and twelve and by section two of Commonwealth Act Numbered Two hundred and ten, is hereby amended further to read as follows:

"SEC. 8. *Death benefit.*—If the disease contracted or injury received by the employee as provided in section two hereof causes his death within two years from the date of such injury or sickness, the employer shall pay the compensation to the persons entitled thereto, and in case there shall be none, he shall pay to the person representing the deceased employee the burial expenses not to exceed two hundred pesos, and shall also pay to or for the following persons, in the order of priority and during the periods hereinafter set forth, a weekly compensation equivalent to the following percentages of the average weekly wages of the employee, as determined in section nineteen of this Act:

"(a) To the dependent widow or widower, in case there no dependent children, forty-five *per centum*.

"(b) To the dependent widow or widower in case there one or two dependent children, fifty *per centum*, and if there are three or more dependent children, sixty *per centum*. The compensation to the widow or widower shall for the use or benefit of the widow or widower and of the dependent children, and the Workmen's Compensation Commissioner may from time to time adjust the compensation between them in the most equitable manner possible.

"(c) If there is no dependent widow or widower, but a dependent child or children, such child or children shall be paid forty *per centum*, with ten *per centum* additional for each child in excess of two, up to a maximum of fifty *per centum*, which shall be distributed in equal shares among the children if there be more than one.

"(d) If there are no dependent widow, widower or children, but there is a dependent father or mother, forty *per centum* to the father or mother if totally dependent, or twenty-five *per centum* if partly dependent, and if both parents are dependent, each shall be paid one-half of such compensation. If there is no parent, but dependent grandparents, the same compensation shall be paid as to a father or mother.

"(e) If there are no dependent widow, widower, child, parent, or grandparent, but there is a dependent grandchild, brother or sister or two or more such, then twenty-five *per centum* shall be paid for one dependent and five *per centum* additional for each additional dependent, up to a maximum of forty *per centum*, which shall be distributed share and share alike among the dependents if there be than one.

"(f) If there are no legal dependents, the employer shall pay the amount of one thousand pesos to the Workmen's Compensation Fund: *Provided*, That the said Commissioner shall have direct control and supervision over such funds, subject to general auditing requirements, which shall be spent for the rehabilitation of crippled men in industry.

"When several persons are entitled to compensation and there is disagreement concerning the share of the compensation each should receive, the Workmen's Compensation Commission shall act as referee and designate the share to be allotted to each dependent.

SEC. 8. Section eleven of Act Numbered Three thousand four hundred and twenty-eight is hereby amended to read as follows:

"SEC. 11. *Scope of certain words.*—The words "son" "daughter", or "children", as used in this Act, shall include stepchildren, adopted children, and illegitimate children acknowledged by and dependent upon the deceased before the injury was contracted; but they shall not include married persons, unless the same be dependents, for any reason provided for in law. The words "brother" or "sister" include stepbrothers or stepsisters, halfbrothers or halvesisters, and brothers or sisters by adoption; but it does not include married brothers or married sisters, unless the same are dependents for any reason provided for in law. The words "grandson", "granddaughter", or "grandchild" include children of adopted children and children of stepchildren; but they do not include stepchildren of children, nor stepchildren of stepchildren, nor stepchildren of adopted children, nor married grandchildren, unless the same be dependents in accordance with the law. The word "parents" includes stepfathers and stepmothers and parents by adoption. The word "grandfathers", "grandmothers" or "grandparents" include the parents of parents by adoption; but they do not include parents of step-parents, stepparents of parents, nor step-parents of step-parents."

SEC. 9. Section twelve of Act Numbered Three thousand four hundred and twenty-eight is hereby amended to read as follows:

"SEC. 12. *Sundry provisions regarding death benefits.*— In computing death benefits, the average weekly wages of the deceased employee shall not be reckoned at more than fifty pesos nor less than ten pesos; but the total weekly compensation shall not in any case exceed the average weekly wages computed in accordance with section nineteen of this Act, nor shall the compensation paid in any case exceed in its aggregate the sum of four thousand pesos.

"The *bona fide* payment of a death compensation by an employer to a dependent entitled thereto in the second place after another dependent or dependents shall protect and exonerate the employer, unless and until the dependent or dependents having priority right shall notify him of his or their claim.

"In the event of death occurring after a period of total or partial disability, the period of disability shall be deducted from the respective total periods established in section ten of this Act.

"The compensation of a demented person shall be paid to the guardian of such person."

SEC. 10. Section thirteen of Act Numbered Three thousand four hundred and twenty-eight, as amended by section five of Act Numbered Three thousand eight hundred and twelve and section three of Commonwealth Act Numbered Two hundred and ten, is further amended to read as follows:

"SEC. 13. *Medical attendance.*—Immediately after an employee has suffered an injury or contracted sickness and during the subsequent period of disability, the employer shall provide the employee with such medical, surgical, and hospital services and supplies as the nature of the injury or sickness may require.

"The pecuniary liability of the employer for the necessary medical, surgical, and hospital services and supplies shall be limited to the amount ordinarily paid in the community for such treatment of an injured person of the same standard of living if the treatment had to be paid for by the injured person himself.

"In case the employer cannot furnish medical, surgical, and hospital services and supplies promptly, the injured employee may acquire the same at the expense of the employer.

"If it is shown before the Commissioner that the injured employee voluntarily refused to accept the services of a competent physician or surgeon or voluntarily rejected the surgical, and hospital services and supplies provided by the employer, or voluntarily obstructed the physician