

The Workmen's Compensation Act Revisited

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SUBJECT(S): LABOR LAW

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The Workmen's Compensation Act provides for the compensation to be paid to an industrial employee in case of personal injuries, death or illness acquired in the performance of their duties. In the same manner, the New Civil Code provides for a similar compensation, but with differences such as the inclusion of the death, injury and illness caused by a fellow-employee as a ground for the compensation to accrue. Considering these similarities, an issue arises as to the preference in application of the two cited laws.

The Article, through an analysis of relevant cases as well as the development of jurisprudence on the matter, seeks to resolve such legal controversy. In the process, the Article presents both the history as well as the legislative intent of the Workmen's Compensation Act and the New Civil Code insofar as the treatment of subject compensation is involved. Nevertheless, the direction of the discussions on the matter gears toward affirming the suppletory character of the New Civil Code.

Ultimately, the existence of a provision that makes the liability of the employers whose enterprises are made up of less capital and are less hazardous to the health of the employee more onerous than their counterparts having more capital and enterprises more likely to threaten the health of the employees makes the Author suggest that a reform be made at either of both enactments.