

## [ Act No. 3428, December 10, 1927 ]

### **AN ACT PRESCRIBING THE COMPENSATION TO BE RECEIVED BY EMPLOYEES FOR PERSONAL INJURIES, DEATH OR ILLNESS CONTRACTED IN THE PERFORMANCE OF THEIR DUTIES.**

*Be it enacted by the Senate and House of Representatives of the Philippines in Legislature assembled and by the authority of the same:*

SECTION 1. *Employees included.*—This Act shall be applicable to all industrial employees hereinafter specified.

SEC. 2. *Grounds for compensation.*—When any employee receives a personal injury from any accident due to and in the pursuance of the employment, or contracts any illness directly caused-by such employment or the result of the nature of such employment, his employer shall pay compensation in the sums and to the persons hereinafter specified.

SEC. 3. *Applicable to Government.*—This Act shall also be applicable to the employees and laborers of the Insular Government and of the governments of the provinces, municipalities and all other political subdivisions of the Philippine Islands, employed in the industrial concerns of the Government and in public works.

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; (3) by notorious negligence of the same.

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 laws, because of said injury.

Employers contracting laborers in the Philippine Islands for work outside the same may stipulate with such laborers that the remedies prescribed by this Act shall apply exclusively to injuries received outside the Islands through accidents happening in and during the performance of the duties of the employment; and all service contracts made in the manner prescribed in this section shall be presumed to include such agreement.

SEC. 6. *Liability of third parties.*—In case an employee suffers an injury for which compensation is due under this Act by any other person besides his employer, it shall be optional with such injured employee either to claim compensation from his employer, under this Act, or sue such other person for damages, in accordance with law; and in case compensation is claimed and allowed in accordance with this Act, the employer who paid such compensation or was found liable to pay the same, shall succeed the injured employee to the right of recovering from such person what he paid: *Provided*, That in case the employer recovers from such third person damages in excess of those paid or allowed under this Act, such excess shall be delivered to the injured employee or any other person entitled thereto, after deduction of the expenses of the

employer and the costs of the proceedings. The sum paid by the employer for compensation or the amount of compensation to which the employee or his dependents are entitled, shall not be admissible as evidence in any damage suit or action.

*SEC. 7. Contract prohibited.*—Any contract, regulation, or device of any sort intended to exempt the employer from all or part of the liability created by this Act shall be null and void.

*SEC. 8. Death benefit.*—If the injury received by the employee causes his death within six months from the date of such injury, the employer shall pay the compensation to the persons entitled thereto, and in case there should be none, he shall pay to the person representing the deceased employee the burial expenses, not to exceed one 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 are no dependent children, forty-five per centum.

(b) To the dependent widow or widower in case there are one or two dependent children, fifty per centum, and if there are three or more dependent children, sixty per centum.

(c) If there is no dependent widow or widower, but a dependent child or children, such child or children shall be paid thirty 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 more than one.

When several persons are entitled to compensation and there is disagreement concerning the share of the compensation each should receive, the Bureau of Labor shall act as referee and designate the share to be allotted to each dependent; but if the good offices of said Bureau do not meet with the approval of all parties concerned, the courts shall be competent to settle the matter in case an action is brought, and the employer may turn the money over to the court, subject to disposal by the same. In case the laborer or employee who had the accident dies and there is no surviving spouse and the dependents or some of them are minors and have no guardian appointed by a court, the employer or concern compelled to pay compensation under this Act shall deposit the money represented by such compensation with the local justice of the peace court if outside the City of Manila, and with the municipal court in said city, and the officers

thereof shall order payment to the minors through the municipal treasurer and the city treasurer, as the case may be, without necessity of appointing a guardian.

*SEC. 9. Dependents of the injured person.*—The following persons, and no others, shall be considered as dependents and entitled to compensation under the provisions of this Act:

A son or daughter, if under eighteen years of age or incapable of supporting him or herself, and unmarried, whether actually dependent on the deceased or not;

The widow, only if she was living with the deceased or was actually dependent upon him, totally or partly;

The widower, only if incapable of supporting himself and actually dependent, totally or partly, upon the deceased on the date of the accident;

A parent of grandparent, only if totally or partly dependent upon the deceased;

A grandchild or brother or sister, only if less than eighteen years of age or incapable of supporting him or herself, and totally dependent upon the deceased. The relation of dependency must exist at the time of the injury.

A foreigner shall not be considered as a dependent within the meaning of this Act if he is not at the time a resident of the Philippine Islands, and any dependent foreigner leaving the Islands shall automatically forfeit all right to any benefit under this Act.

*SEC. 10. Periods of compensation.*—The compensation provided for by this Act shall be payable during the following periods:

To a widow, until her death or remarriage; but in no case for more than two hundred and eight weeks;

To a widower, during his incapacity; but in no case for more than two hundred and eight weeks;

To a son or daughter, until he or she has completed eighteen years of age; but in case a son is unable to support himself and is not married, while such incapacity lasts, but in no case for more than two hundred and eight weeks;

To a parent or grandparent during the continuance of their actual condition of dependency; but in no case for more than two hundred and eight weeks;

To a grandchild, brother, or sister, during their condition of dependency, as defined in section nine hereof; but in no case for more than two hundred and eight weeks;

Upon the expiration of the compensation under this section to any person, the compensation payable to the remaining persons entitled to compensation because the entire period during which they must be paid compensation has not expired, shall be that which such persons would receive if they alone had been entitled to compensation at the time the deceased died.

*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 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 word "brother" or "sister" includes stepbrothers or stepsisters, half brothers or half sisters, 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 words "grandfather," "grandmother" or "grandparents" include the parents of parents by adoption; but they do not include parents of step-parents, step-parents of parents, nor stepparents of step-parents.

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 thirty pesos nor less than four 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 three 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 case an employer is doubtful regarding the rights or rival claimants, he may apply to the Bureau of Labor which, acting as referee, shall determine the persons who under this Act are entitled to compensation. If the decision of the Bureau of Labor in this case is not satisfactory to any of the claimants, it shall be incumbent upon the competent court to decide the matter, on the petition of an interested party.

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. 13. *Medical attendance.*—Immediately after an employee has suffered an injury 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 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, in case of litigation, it is shown before a competent court that the injured employee voluntarily refused to accept the services of a competent physician or surgeon or voluntarily rejected the medical, surgical, and hospital

services and supplies provided by the employer, or voluntarily obstructed the physician or surgeon or the medical, surgical or hospital services, such refusal on the part of the employee shall be construed as a waiver of all or part of his rights to the medical, surgical, and hospital services paid for by the employer, and in this case the employer shall be liable only for the injury or for the disability of any nature that would have ensued if the injured man had accepted the medical, surgical, and hospital services and supplies tendered by the employer: *Provided, however,* That the refusal as well as the kind of disability that would have been the result of the injury if the injured person had accepted such services, shall be set forth in an affidavit made within twenty-four hours after the accident by the physician called to attend to the injured person.

SEC. 14. *Total disability.*—In case the injury causes total disability for labor, the employer, during such disability, but exclusive of the first seven days, shall pay to the injured employee a weekly compensation equivalent to sixty per centum of his average weekly wages; but not more than eighteen pesos nor less than four pesos per week, except in the case provided for in the next following paragraph. Such weekly payments shall in no case continue after the disability has ceased, nor shall they extend over more than two hundred and eight weeks, nor shall the aggregate sum paid as compensation exceed in any case three thousand pesos. But no award of permanent disability shall take effect until after two weeks have elapsed from the date of the injury.

In the case of an employee whose average weekly wages are less than four pesos per week, the weekly compensation shall be the entire amount of such average weekly wages; but if the disability is permanent, the compensation shall be four pesos in such cases. In the event that the total disability begins after a period of partial disability, the latter shall be deducted from said total period of two hundred and eight weeks.

SEC. 15. *Total and, permanent disability.*—The disability shall be considered total and permanent if it is the result of the following injuries:

- (a) The total and permanent loss of the sight of both eyes;
- (b) The loss of both feet at or above the ankle;
- (c) The loss of both hands at or above the wrist;
- (d) The loss of one hand and one foot;
- (e) An injury to the spine resulting in complete and permanent paralysis of both legs or both arms or one leg and one arm;
- (f) An injury to the brain resulting in incurable imbecility or insanity.

The enumeration above made shall not be considered as exclusive.

SEC. 16. *Partial disability.*—In case the injury causes partial disability for labor, the employer, during such disability and except as hereinafter provided, shall pay to the injured employee for a period of two hundred and eight weeks, beginning with the first day of disability, a weekly compensation equal to fifty per centum of the difference between his average weekly wages before the accident and the weekly wages which he could probably earn thereafter; but not more than ten pesos per week. The weekly payments shall not in any case continue after the disability has ceased, and in case partial disability sets in after a period of total disability, such period of total disability

shall be deducted from the total period of two hundred and eight weeks and the amount of the compensation paid shall not in any case be in excess of the total sum of three thousand pesos. No award for disability shall be made before a lapse of two weeks counted from the date of the injury.

SEC. 17. *Permanent partial disability.*—In the case of disability which is partial in its nature but permanent in its duration, the compensation shall be fifty per centum of the average weekly wages and shall be paid to the employee for the periods designated in the following schedule:

For the loss of the thumb, forty weeks;

For the loss of the first finger, commonly called the index finger, thirty weeks;

For the loss of the second finger, twenty-five weeks;

For the loss of the third finger, twenty weeks;

For the loss of the fourth finger, commonly called the little finger, ten weeks;

The loss of the first joint of the thumb or any other finger shall be considered as equal to the loss of one-half of the thumb or finger and the compensation shall be one-half of the compensation above specified for the loss of the thumb or finger.

The loss of more than one joint of the thumb or of a finger shall be considered as loss of the entire thumb or finger: *Provided, however,* That the sum paid for the loss of more than one finger shall in no case exceed the sum provided for in this list for the loss of a hand.

For the loss of a big toe, twenty-five weeks;

For the loss of a toe other than the big toe, ten weeks;

The loss of the first joint of any toe shall be considered as equal to the loss of half the toe and the compensation shall be one-half of the sum specified for the loss of the toe. The loss of more than one joint of any toe shall be considered as equal to the loss of the entire toe.

For the loss of a hand, one hundred and sixty weeks;

For the loss of an arm, two hundred and eight weeks;

For the loss of a foot, one hundred and thirty weeks;

For the loss of a leg, one hundred and ninety weeks;

For the loss of an eye, eighty-four weeks;

For the complete and permanent loss of the sense of hearing on both ears, two hundred and eight weeks.

For the complete and permanent loss of the sense of hearing on one, ear, forty weeks. For the loss of both ears, eighty-four weeks. For the loss of one ear, forty weeks.

The permanent loss of the use of a hand, an arm, a foot, a leg, an eye, a thumb, a finger, a toe or a joint shall be considered as equivalent to and be compensated at the same rate as the loss of a hand, arm, foot, leg, eye, thumb, finger, toe or joint.

In cases of permanent partial disability due to the injury of any of the members specified in this schedule, less than the total loss of the member or less than the total loss of its use, and in case the disability is not otherwise compensated in this schedule, the compensation shall be paid in the proportion prescribed in this schedule for the total loss of the member or the total loss of the use thereof, and for the period of time hereinafter specified. The proportion which the permanent partial disability bears to the total disability of the same member, as specified in the schedule, shall be determined, and the compensation above prescribed shall be paid for a portion of the period above established for the total loss of the member or for the total loss of the use thereof, in accordance with the proportion which the disability bears to the total disability of the member.

SEC. 18. *Amputation.*—Amputation between elbow and wrist shall be considered as equivalent to the loss of a hand. Amputation between knee and ankle shall be considered as loss of a foot. Amputation at or above the elbow shall be considered as equivalent to the loss of an arm. Amputation at or above the knee shall be considered as equivalent to the loss of a leg.

Compensation for the injuries above specified shall exclude all other compensation except the benefits provided for in sections thirteen, fourteen, and fifteen.

In case of an injury producing a serious disfigurement of the face or head, the proper court may, at the request of an interested party, determine and award such compensation as may seem fair and proper in view of the nature of the disfigurement, but which shall not exceed three thousand pesos.

In all other cases of this kind of disability, the compensation shall be fifty per centum of the difference between the average weekly wages of the injured person and his subsequent earning capacity in the same or some other employment, payable while the partial disability lasts; but subject to reconsideration of the degree or impairment by a competent court, at the request of an interested party: *Provided, however,* That the weekly payments shall in no case be continued for a period longer than two hundred and eight weeks.

The total compensation prescribed in this and the next preceding section and the total compensation prescribed in sections fourteen and fifteen of this Act shall, together, not exceed the sum of three thousand pesos.

SEC. 19. *Computation of wages.*—The average weekly wages shall be computed in such manner that it shall be the best computation that can be made of the weekly earnings of the laborer during the twelve weeks next preceding his injury; *Provided,* That if, on account of the shortness of the time during which the laborer was so employed or of the cessation of the employment, it is impracticable to compute the remuneration, consideration may be had of the average weekly wages earned during the last twelve months preceding the injury by a person employed in the same grade and same work by the employer of the injured laborer, or if there is no person so employed, of the average weekly wages earned by a person employed in the same grade in the same kind of employment in the same district or locality.

SEC. 20. *Voluntary payments.*—Payments made by the employer or his insurer to the injured laborer during the period of his disability or to his dependents, which under the provisions hereof were not due or payable when they were made, shall, upon being duly established, by agreement between the parties concerned, a certified copy of which shall be sent to the Bureau of Labor, or subject to the decision of the court in case of litigation, be deducted from the sum to be paid as compensation: *Provided*, That in case of disability, the deduction shall be made by reducing the period of time during which the compensation is to be paid, and not by reducing the weekly payment to be made in accordance with sections fourteen, fifteen, sixteen, and seventeen of this Act.

SEC. 21. *Periodical payments.*—Upon agreement by the parties concerned, or through the good offices of the Bureau of Labor, or by decision of the courts in case of litigation, the compensation may be paid monthly or semimonthly instead of weekly, as may be most convenient to the employer and the laborer.

SEC. 22. *Payments in a lump sum.*—Whenever the parties consider it most advantageous and convenient, the liability of the employer as regards the compensation may be discharged totally or in part by payment in a lump sum or sums: *Provided, however*, That any agreement or contract made for this purpose between the parties shall not be valid unless it be in the form of a public document acknowledged before the justice of the peace of the locality and attested by two witnesses, one of whom shall be the municipal treasurer or the person acting in his stead if the accident occurred outside the City of Manila; and if in the City of Manila, before a duly authorized notary public, attested likewise by two witnesses, one of whom shall be the Director of the Bureau of Labor or his representative. Before the acknowledgment of the instrument, the justice of the peace or notary public, as the case may be, shall fully inform the injured laborer or dependent persons or persons executing the instrument in his stead, of all their rights and privileges under this Act, reading and translating to them into the vernacular dialect they know, in case they do not understand English or Spanish, the provisions of this Act establishing the amounts and periods of compensation and other privileges to which they are entitled by reason of the accident, and shall certify in the acknowledgment clause that all these requisites have been complied with. The expense of the acknowledgment of the contract shall be borne by the employer. The justice of the peace or notary public, as the case may be, shall forward a certified copy of the contract to the Bureau of Labor in Manila for file.

Any failure on the part of the employer to comply with his obligation to pay any of the sums due to the injured laborer or his dependents in accordance with this Act, shall entitle the beneficiary to claim the entire balance of the compensation at one time.

SEC. 23. *Medical examination.*—After receiving an injury and during the period of his disability, the laborer shall at reasonable times and places submit to examination by a duly qualified physician or surgeon designated and paid by the employer. The laborer shall be entitled to have a physician or surgeon designated and paid by himself at such examination; but this right shall not be construed as denying to the physician or surgeon of the employer the right to visit the injured laborer at any reasonable time and under any reasonable conditions during his total disability. In case a laborer refuses to submit to, or does in any manner obstruct the examination mentioned, his right to proceed under this Act shall be suspended until such refusal or obstruction shall cease, and no compensation shall be payable for the entire time of such obstruction.

SEC. 24. *Notice of the injury and claim for compensation.*—No compensation proceeding under this Act shall prosper unless the employer has been given notice of



the injury as soon as possible after the same was received, and unless a claim for compensation was made not later than two months after the date of the injury, or in case of death, not later than three months after death, regardless of whether or not compensation was claimed by the employee himself. Such notice may be given and such claim made by any person considering himself entitled to the compensation or by any other person in his behalf. In case medical, surgical, and hospital services and supplies have been furnished voluntarily by the employer, notice of the injury within the time limit above mentioned shall not be necessary, and if the employer has voluntarily made the compensation payments, the claim for compensation to be made within the time limits above established shall no longer be necessary.

SEC. 25. *Form of notice and claim.*—The notice and claim shall be in writing and the notice shall contain the name and address of the employee and shall establish in plain and clear language the time, place, nature, and cause of the injury and shall be signed by the employee or any other person in his behalf, or in case of his death, by a person or persons dependent upon him, or by any other person in their behalf. The notice may include the claim.

SEC. 26. *Delivery of notice and claim.*—The notice provided for in this Act shall be served on the employer, or in case the employer is a company, on any of the-partners. If the employer is a corporation, the notice may be served on any agent of the corporation on whom it can be served or on any officer of the corporation or any agent in charge of its business at the place where the injury was received. The notice shall be served by personal delivery or by sending it by registered letter addressed to the employer at his last known residence or at his place of business. The foregoing provisions shall be applicable to the procedure in connection with the claim.

SEC. 27. *Sufficient notice.*—Any notice given in accordance with the provisions of section twenty-five of this Act shall not be considered as invalid or insufficient by reason of any incorrectness in the statement of time, place, nature or cause of the injury or of anything else, unless it be shown that the employer has been actually misinformed respecting the injury. Failure to or delay in giving notice shall not be a bar to the proceeding herein provided for, if it is shown that the employer, his agent or representative had knowledge of the accident or that the employer did not suffer by such delay or failure.

SEC. 28. *Limitation as regards minors and insane persons.*—None of the time limits provided for in this Act shall apply to a person mentally incapacitated or to a dependent minor so long as he has no guardian or next friend.

SEC. 29. *Agreement on compensation.*—In case the employer and the injured laborer or the dependent or dependents entitled to compensation arrive at an agreement concerning the compensation provided for by this Act, such agreement, in order to be valid, shall be in the form of a public instrument acknowledged before the justice of the peace of the locality and attested by two witnesses, one of whom shall be the municipal treasurer or the person acting in his stead if the accident occurred outside the City of Manila; and in the City of Manila before a duly authorized notary public, attested likewise by two witnesses one of whom shall be the Director of the Bureau of Labor or his representative. Before receiving the acknowledgment of the instrument, the justice of the peace or notary public, as the case may be, shall fully inform the injured laborer or dependent or dependents executing the instrument in his stead, of all their rights and privileges under this Act, reading and translating to them into the vernacular dialect they know, in case they do not understand English or Spanish, the provisions of this Act

establishing the amounts and periods of compensation and other privileges to which they are entitled by reason of the accident, and shall certify in the acknowledgment clause that all these requisites have been complied with. The expense of the acknowledgment of the contract shall be borne by the employer. The justice of the peace or notary public, as the case may be, shall forward a certified copy of the contract to the Bureau of Labor in Manila, for file: *Provided, however*, That the employer shall be exempt from all liability under this Act as soon as the compensation has been paid in accordance with this section, saving the provisions of section six of this Act.

SEC. 30. *Insurance of payment of compensation.*—Employers may guarantee the payment of compensation under this Act to their employees and laborers by insuring the same in an insurance company. However, the premiums on the policy shall be paid in their entirety by the employer and any contract providing for deductions from the wages of the employee or laborer shall be null and void.

SEC. 31. *Intervention of the Bureau of Labor.*—At the request of an interested party, the Bureau of Labor shall act as referee in all claims and disagreement arising under this Act. In case its efforts in this respect fail, it shall take the necessary steps to have the claim submitted to the proper courts, and it may require the provincial fiscals to represent in such proceedings the injured laborer or employee or person or persons entitled to compensation in their respective provinces, except where the claim is against the government or any political subdivision of the same, in which case the court, at the request of the laborer or employee, shall designate an attorney to act as his counsel free of charge. But nothing contained in this section shall be construed to prevent the injured laborer or person or persons entitled to compensation to take the case directly into court, without previous intervention by the Bureau of Labor.

SEC. 32. *Priority of action for compensation.*—All actions for compensation brought in justice of the peace courts and courts of first instance under this Act shall have priority in the dockets of said courts over all other cases, except *habeas corpus* proceedings, election contests, and criminal cases in which the accused are not at liberty on bail. The defendant in court in compensation proceedings brought under the provisions of this Act shall reply to the complaint within the time established by law and the rules of the courts of justice, after being summoned.

SEC. 33. *Injuries received outside the Islands.*—When a laborer contracted in the Philippine Islands receives a personal injury through an accident occurring in and during his employment, he shall be entitled to compensation under the law of the Islands, though the injury was received outside the same.

When a laborer contracted outside the Philippine Islands is injured while engaged in the business of his employer and is entitled to compensation for such injury under the law of the territory or country where he was contracted, he may recover from his employer in these Islands if his rights are such that they can be reasonably determined and granted by the courts.

SEC. 34. *Priority of compensation.*—All rights to compensation provided for by this Act shall have the same priority over other credits against the employer that the law gives to due and unpaid wages.

SEC. 35. *Assignment of rights.*—No claim for compensation under this Act is transferable, and all compensations or rights to compensation shall be exempt from creditor's claims.

SEC. 36. *Cooperation of fiscals.*—In connection with his duties, the Director of Labor may, if necessary, require the cooperation of the provincial fiscal of any province in order to secure proper compliance with this Act or any part thereof.

SEC. 37. *Notice of accidents by employers.*—Each employer shall hereafter keep a record of all injuries, whether fatal or not, received by his employees in the course of their employment, when the same come to his knowledge or attention. As soon as possible after the occurrence of an injury resulting in absence from work for a day or more, the employer shall give written notice thereof to the Bureau of Labor on blank forms especially prepared by said Bureau, for which the employer shall make requisition in due time, or in cases of necessity or emergency, on any other paper, containing the information hereinafter prescribed.

The notices shall set forth the style and nature of the business of the employer, the location of the establishment, the name, age, sex, wages, and occupation of the injured employee, the date and hour of the accident resulting in the injury, the nature and cause of the injury, and such other information as may be required by the Bureau of Labor.

Any employer refusing or neglecting to give the notice required by this section shall be punished by a fine of not more than twenty-five pesos for each offence.

Not later than sixty days after the termination of the disability of the injured employee, the employer or other person liable for the payment of the compensation provided for in this Act shall file with the Bureau of Labor a statement of the total payments made or to be made for compensation and for medical services to the injured person.

SEC. 38. *Interisland trade.*—This Act shall cover the liability of the employers towards employees engaged in the inter-island trade, and also in the foreign trade when such is permissible under the laws of the United States and the Philippine Islands.

SEC. 39. *Definition of various words.*—In this Act, unless the context indicates otherwise, the definition of various words used therein shall be as follows:

(a) "Employer" comprises every association of persons, incorporated or not, public or private, and the legal representative of the deceased employer. It comprises the owner or lessee of a factory or establishment or any other person who is virtually the owner or manager of the business carried on in the establishment but who, for the reason that there is an independent contractor in the same, or for any other reason, is not the direct employer of the laborers employed there.

(b) "Laborer" is used as a synonym of "employee" and means every person who has entered the employment of, or works under a service or apprenticeship contract for an employer. It does not include a person whose employment is purely casual or is not for the purposes of the occupation or business of the employer, or whose remuneration paid by any employer, exclusive of overtime pay, is in excess of forty-two pesos a week. Any reference to a laborer injured shall, in case he dies, include a reference to the persons dependent on him, as defined in this Act, if the context so requires, or, if the employee is a minor or incapacitated, to his guardian or nearest of kin.

(c) "Injure" or "personal injuries" includes death produced by the injury six months.

(d) "Industrial employment" in case of private employers includes 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.

(e) "Public employment" signifies employment in the service of the Insular Government or the government of any province, municipality or other political subdivision of the Islands. It does not include employment as public officer elected by the popular vote nor persons paid more than eight hundred pesos per annum.

(f) "Partial disability," diminished capacity for securing employment due to disfigurement produced by an injury can be considered as partial disability.

(g) "Wages" includes the commercial value of the board and lodging, subsistence, fuel and other things that can be reckoned in money which the employee receives from the employer as part of his compensation.

"Wages" does not include sums paid by the employer to the employee to cover special expenses due him on account of the nature of his employment.

(h) A word in the singular shall also apply to the plural, and vice versa, and one in the masculine gender shall also apply to the feminine.

SEC. 40. *Penalty for misrepresentation.*—Any person who, with the intent of obtaining any benefit or payment under the provisions of this Act, voluntarily makes for himself or for the benefit of another any false statement or representation, shall be guilty of a misdemeanor and shall be punished by a fine of not more than two hundred pesos and by imprisonment in case of insolvency.

SEC. 41. *Title of this Act.*—This Act shall be known as "Workmen's Compensation Act."

SEC. 42. *Law applicable to small industries.*—All claims for accidents occurring in a trade, occupation, or profession exercised by an employer for the purpose of gain, the gross income of which during the year next preceding the one in which the accident occurred was less than forty thousand pesos, shall be governed by the provisions of Act Numbered Eighteen hundred and seventy-four and its amendments.

SEC. 43. *Repealing clause.*—All acts or parts of acts inconsistent with the provisions of this Act are hereby repealed.

SEC. 44. This Act shall take effect six months after its approval.

Effective, December 10, 1927.



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