

# [ Act No. 3812, December 08, 1930 ]

## **AN ACT TO AMEND CERTAIN PROVISIONS OF THE WORKMEN'S COMPENSATION ACT, BEING ACT NUMBERED THIRTY-FOUR HUNDRED AND TWENTY-EIGHT, AND FOR OTHER PURPOSES.**

*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. Section two of Act Numbered Thirty-four hundred and twenty-eight is hereby amended to read as follows:

"SEC. 2. *Grounds for compensation.*—When any employee receives a personal injury from any accident arising out of and in the course 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. 2. Section three of Act Numbered Thirty-four hundred and twenty-eight is hereby amended to read as follows:

"SEC. 3. *Applicable to Government.*—This Act shall also be applicable to mounted messengers in the service of the Insular Government and to the employees and laborers of said 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. 3. The last sentence of section six of Act Numbered Thirty-four hundred and twenty-eight is hereby amended to read as follows:

"The sum paid by the employer for compensation or the amount of compensation to which the employee or his dependents are entitled under the provisions of this Act, shall not be admissible as evidence in any damage suit or action."

SEC. 4. The first paragraph and subsection (b) of section eight of Act Numbered Thirty-four hundred and twenty-eight are hereby amended 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 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:

"(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. The compensation to the widow or widower shall be for the use or benefit of the widow or widower and of the dependent children, and the Bureau of Labor may from time to time adjust the compensation between them in the most suitable manner possible."

SEC. 5. The proviso in the last paragraph of section thirteen of Act Numbered Thirty-four hundred and twenty-eight is hereby amended to read as follows:

"*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 such refusal by the physician called to attend the injured person."

SEC. 6. Section sixteen of Act Numbered Thirty-four hundred and twenty-eight is hereby amended to read as follows:

"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 not to exceed 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. 7. The sixteenth paragraph of section seventeen of Act Numbered Thirty-four hundred and twenty-eight is hereby amended to read as follows:

"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 an eye, one hundred weeks."

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

"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 as may be the case, under the condition that if the sum or sums to be paid are less than that fixed by the law, the reduction shall not be more than twenty per centum: *Provided, however,* That any agreement or contract made for this purpose between the parties shall not be valid unless it be in conformity with the provision of this section in so far as the amount of compensation is concerned, and be

made 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 agreement is entered into 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 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 person 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 expenses 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. 9. Section twenty-nine of Act Numbered Thirty-four hundred and twenty-eight is hereby amended to read as follows:

"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