

**MARIA D. OBOR, IN HER OWN BEHALF, AND IN REPRESENTATION OF
HER MINOR CHILDREN, PRIMI-TIVA OBOR AND JOSEFINA OBOR,
PETITIONERS, VS. THE WORKMEN'S COMPEN-SATION
COMMISSION, AND RE...**

G.R. No. L-42508. June 29, 1979

Ponente: FERNANDEZ, J.

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FERNANDEZ, J.:

This is a petition to review the order of the Work-men's Compensation Commission in Case No. RO9-WCC-14816 entitled "Maria D. Obor, et al., Claimants, versus, Re-public of the Philippines (Highway Engineering District, Auditor's Office), Respondent" affirming the order of dismissal of the Acting Referee of the Workmen's Compensation Unit, Regional Office No. 8, Tacloban City, dismissing the claim of the petitioners on the ground that the said claim had been filed after the deadline fixed in Section 3 of Presidential Decree No. 662, which amended the Labor Code.[1]

The record shows that Maria D. Obor is the widow and Primitiva Obor and Josefina Obor are the children of Jesus Q. Obor; that Jesus Q. Obor was a supplies-checker of the Office of the Highway Auditor, Bureau of Public Highways at Catbalogan, Samar; that on December 6, 1974, said Jesus Q. Obor was ordered by his immediate superior in the office to check the road right-of-way claims for damages along Kilometer 19, Catbalogan North Road; that while in the performance of his official duties on said date, he was attacked by an assailant from behind with an iron bar resulting in the instantaneous death of Jesus Q. Obor; that allegedly on the advise of the Auditor of the Bureau of Public Highways of Samar, the Notice and Claim for Compensation and supporting papers were filed on January 22, 1975 with the Office of the Engineer's Auditor of Samar; that the claim and support-ing papers were forwarded to the Commission on Audit; that on April 22, 1975, the Acting Chairman of the Commission on Audit returned the claim and supporting papers to the Auditor of the Bureau of Public Highways of Samar with ad-vise that the claimants be informed to file their claim in accordance with the amended Labor Code; that the Highway Auditor transmitted the claim and supporting papers to the petitioner Maria D. Obor; that on June 2, 1975, the peti-tioner, Maria D. Obor, sent the claim and supporting papers to the Workmen's Compensation Unit at Tacloban City by re-gistered mail; and that on October 1, 1975, the Acting Referee and Chief, Workmen's Compensation Unit at Tacloban City, issued an order dismissing the claim for having been filed after the deadline set on March 31, 1975 by Presi-dential Decree No. 662 and declared that the claim is for-ever barred.[2]

The claimants, petitioners herein, filed a motion for reconsideration which was denied for lack of merit. However, the Acting Referee elevated the entire records of the claim to the Workmen's Compensation Commission for review.[3]

The Workmen's Compensation Commission affirmed the order of dismissal on the ground that the claim was filed after March 31, 1975.

It is undisputed that the present petitioners, widow and minor children, respectively, of Jesus Q. Obor, filed a claim for benefits with the Highway District Engineering Auditor at Catbalogan, Samar, on January 22, 1975. The Auditor of said Engineering District submitted the claim to the Acting Chairman of the Commission on Audit at Quezon City. On April 22, 1975, the Commission on Audit returned the claim to the Highway Engineering Auditor, Catbalogan, Samar, advising that office to inform claimant, Maria D. Obor, to file her claim in accordance with the amended Labor Code. Acting on such advice, Maria D. Obor forwarded the claim on June 2, 1975 to the Chief, Workmen's Compensation Unit, Regional Office No. 8, Tacloban City.[4]

The only issue is whether or not the filing of the claim with the Commission on Audit was a substantial compliance with the requirement that claims for compensation should be filed not later than March 31, 1975.

The issue has been resolved by the Supreme Court in the affirmative. Thus, in *Victoriano F. Corales, Petitioner, versus, Employees Compensation Commission and Government Service Insurance System, Respondents*, [5] this Court said:

"The fact that the claim was filed with the GSIS instead of with the appropriate regional office of the Department of Labor, does not militate against the claim. For the filing of a claim in an office that has no authority to act on it can be treated as having been filed with the appropriate agency as long as it is filed within the period allowed by law (*Pobre vs. WCC*, 77 SCRA 315-320, May 31, 1977)"

The claim of the petitioners was filed with the Highway Engineering Auditor on January 22, 1975. The Acting Referee and the Workmen's Compensation Commission both erred in dismissing the claim for having been filed out of time.

WHEREFORE, the decision sought to be reviewed is hereby set aside and the claim for death benefits of the petitioners is hereby referred to the proper office of the Ministry of Labor for hearing on the merits.

SO ORDERED.

Teehankee, (Chairman), Makasiar, Guerrero, De Castro, and Melencio-Herrera, JJ., concur.

[1] Annex "H", Rollo, p. 16.

[2] Memorandum for Respondents, pp. 1-2.

[3] Annex "J", Rollo, pp. 22-23.

[4] Memorandum for Respondents, pp. 1-2.

[5] G. R. No. L-44063, promulgated on February 27, 1979.

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