

JOVITA QUISMUNDO, FOR AND IN BEHALF OF HER MINOR CHILDREN, PACIENCIA AND VIRGINIA, BOTH SURNAMED VENTA, PETITIONER, VS. THE HONORABLE WORKMEN'S COMPENSATION COMMISSION AND ATLAN...

G.R. No. L-33442. October 23, 1984

Ponente: ABAD SANTOS, J.

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ABAD SANTOS, J.:

This is a petition to review a decision of the Workmen's Compensation Commission. A subsequent resolution denied a motion for reconsideration.

Paciencia and Virginia Venta were minors when their mother, Jovita Quismundo, filed on their behalf a claim for benefits due to the death of Francisco Venta. They alleged that the deceased was their natural father.

Francisco Venta was employed by the private respondent Atlantic Gulf and Pacific Co., Inc. (AG&P) as an Installation Foreman for air-conditioning units. On May 17, 1967, Francisco died due to chronic hemorrhagic ulcerative enteritis.

Paciencia and Virginia, represented by their mother entered into an "Extra-Judicial Settlement and Release" with AG&P on October 17, 1967, wherein they received the sum of P1,500.00 as death benefits presumably on account of the Disability, Death and Retirement Plan of said entity.

Earlier, on August 15, 1967, Paciencia and Virginia filed a claim for death benefits under the Workmen's Compensation Law (Act No. 3428, as amended by Act No. 3812 and C.A. No. 210). However, the Workmen's Compensation Commission denied the claim even as it admitted "that the illness of Francisco Venta which culminated on his death on May 17, 1967, was contracted in the course of his employment." The denial was based on the ground that although Paciencia and Virginia were dependent on the deceased, they failed to show that they had been acknowledged by him as his illegitimate children.

The petition prays that Paciencia and Virginia be adjudged as having been acknowledged and, therefore, entitled to be paid benefits under the Workmen's Compensation Law.

Citing Article 278 of the Civil Code, the Workmen's Compensation Commission held that the deceased had not recognized the two claimants absent recognition in a record of birth, in a will, a statement before a court of record, or in any authentic documents. The petitioners agree but cite instead Art. 283 of the same Code which provides, inter alia, that:

"Art. 283. In any of the following cases, the father is obliged to recognize the child as his natural child:

x x x x x x x x

(2) When the child is in continuous possession of status of a child of the alleged father by the direct acts of the latter or of his family;

x x x x x x x x"

The reliance by the petitioners on Art. 283 of the Civil Code is misplaced. This provision contemplates compulsory recognition as distinguished from voluntary recognition provided in Art. 278. The possession of status of a child does not in itself constitute an acknowledgment; it is only a ground for a child to compel recognition by his assumed parent. The provision provides the grounds for compulsory recognition in an action which may be brought by the child. Neither the proceedings before the Commission nor in this Court can be regarded as the appropriate action to compel recognition.

WHEREFORE, the petition is hereby dismissed for lack of merit. No costs.

SO ORDERED.

Aquino, Concepcion, Jr., Guerrero, Escolin, and Cuevas, JJ., concur.

Makasiar, J., (Chairman), reserves his vote.

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