

FRANCISCA RICO REYES, FOR HERSELF AND ON BEHALF OF HER MINOR CHILDREN, FERNANDO, REBECCA AND IAN, ALL SURNAMED REYES, PETITIONERS, VS. THE OFFICE OF THE MINISTER OF LABOR AND RI...

G.R. No. 50180. December 19, 1981

Ponente: FERNANDEZ, J.

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FERNANDEZ, J.:

This is a petition to review the decision of the Workmen's Compensation Commission affirming the decision of the Acting Referee of Regional Office No. 4, Department of Labor, which held that the death of Edilberto P. Reyes was compensable but no award could be extended to the petitioner and her children on the ground that they are not legal dependents of the deceased.

The petitioner Francisca Rico Reyes was the common-law-wife of Edilberto P. Reyes who was killed in an accident on January 8, 1969 while in the performance of his duties as Assistant Chief Security Officer of Rizal Cement Company, Inc., Surviving the deceased are the petitioner and their three (3) children, namely, Fernando, born on March 5, 1957, Rebecca, born on December 23, 1960 and Ian, born on December 22, 1964. These three (3) children were acknowledged by Edilberto P. Reyes as shown by his Sworn Statement of Financial Condition, Assets, Income and Liabilities, Exhibit "F".[1]

The petitioner filed a claim for death benefits with the Regional Office No. 4 of the Department of Labor on December 18, 1972.

The Acting Referee, Manuel P. Asuncion of Regional Office No. 4 of the Department of Labor, rendered a decision on July 25, 1975 holding that the death of Edilberto P. Reyes was compensable but no award could be extended to the petitioner and her three children on the ground that they are not the legal dependents of the deceased.[2]

The petitioner appealed to the Workmen's Compensation Commission which rendered the decision on January 22, 1976, affirming the appealed decision.[3]

In view of the phasing out of the Workmen's Compensation Commission, the records were transferred to the Office of the Secretary of Labor. It was for this reason that the petitioner did not know what step to take. According to the petitioner she did not learn of the adverse decision of the Workmen's Compensation Commission until sometime in the early part of 1977 through the intercession of the Secretary of Public Information, months after the Workmen's Compensation Commission ceased to exist. In the meantime, the petitioner had lost contact of her counsel who had moved to a new address. When the petitioner finally located her lawyer, the latter denied having received a copy of the decision of the Workmen's Compensation Commission.[4]

On April 25, 1977, the petitioner filed a motion for reconsideration of the decision of the defunct Workmen's

Compensation Commission but her motion was denied by Acting Secretary of Labor Amado Inciong in his order dated May 31, 1977 on the grounds that (1) the appeal was interposed one year from receipt of the decision, hence the said decision had become final; and (2) the appeal was filed with the wrong forum, Section 1, Rule 23 of the Rules of the Workmen's Compensation Commission, providing that the party against whom an adverse decision or order was rendered by the Commission en banc may appeal therefrom direct to the Supreme Court within ten days from receipt of the decision or order sought to be reviewed.[5]

The petitioner subsequently addressed a letter-appeal to the President of the Philippines who referred the same to the Secretary of Labor for appropriate action. In his reply, coursed through the Presidential Assistant for Legal Affairs dated December 6, 1977,[6] the Secretary of Labor explained that under P.D. 954, the Secretary of Labor was empowered to act on workmen's compensation claims left pending upon the abolition of the Workmen's Compensation Commission on March 31, 1976, and that the order, decision or resolution of said official on a compensation claim is appealable directly to the Supreme Court within ten days from receipt of said order or decision but instead of appealing to the Supreme Court, the claimant proceeded to the Office of the President which is not the proper forum in that kind of action.

The principal issues raised in this petition are first, whether the appeal to the Office of the President and not to the Supreme Court rendered the decision of the Workmen's Compensation Commission final and executory, second, whether or not the appeal to this Court was seasonably made, and third, if the petition may still be taken cognizance of by this Court, whether the three (3) children of the petitioner and her late common-law husband, Edilberto P. Reyes may be considered as legal dependents so as to be entitled to the death benefits.

It is a fact that when the Workmen's Compensation Commission was phased out there was a lot of confusion. Many litigants did not know where to locate the records of the defunct Commission. The petitioner and her lawyer denied having received a copy of the decision of the Workmen's Compensation Commission. There is no showing by the respondents that such copy of the decision was in fact received by the counsel of record of the petitioner. Hence it cannot be said that when the petitioner filed a motion for reconsideration of the decision of the Workmen's Compensation Commission with the Department of Labor on April 25, 1977, the decision appealed from had become final and executory.

The fact that the appeal to the President of the Philippines was made to the wrong forum is not fatal. It has been held in *Obor vs. Workmen's Compensation Commission*[7] that the filing of a claim in the wrong forum does not militate against the claim. The filing of the appeal with the President of the Philippines was a substantial compliance of the requirement that the appeal be made within 10 days upon the receipt of the decision of the Workmen's Compensation Commission to the Supreme Court.

The children Fernando Reyes and Rebecca Reyes are specifically mentioned as the son and daughter of Edilberto P. Reyes in his Sworn Statement of Financial Condition, Assets and Liabilities dated March 9, 1962,[8] Said sworn statement is an authentic document which is a sufficient acknowledgment under Article 278 of the Civil Code of the Philippines. The recognition of Fernando and Rebecca redounded to the benefit of their brother, Ian Reyes, in accordance with Article 271 of the Civil Code of the Philippines.

In view of the foregoing, the three (3) children, Fernando Reyes, Rebecca Reyes and Ian Reyes are legal dependents of the deceased Edilberto P. Reyes and are entitled to the death benefits by reason of their father's death.

WHEREFORE, the decision of the Workmen's Compensation Commission sought to be reviewed is hereby set aside and the private respondent Rizal Cement Company, Inc., is ordered to pay the petitioner for the benefit of the three children, Fernando, Rebecca and Ian, all surnamed Reyes, the amount of P6,000.00 as death

com-pensation, and the amount of P600.00 as attorney's fees and to pay the amount of P61.00 as administrative fee to the Ministry of Labor.

SO ORDERED.

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

[1] Annex "A", Rollo, pp. 22-26.

[2] Annex "C", Rollo, pp. 28-33.

[3] Annex "D", Rollo, pp. 34-36.

[4] Petition, Rollo, pp. 12-13.

[5] Annex "E", Rollo, pp. 37-38.

[6] Annex "F", Rollo, pp. 39-40.

[7] 91 SCRA 240.

[8] Annex A", Rollo, pp. 22-24.

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