Supreme Court E-Library

FIRST DIVISION

[G.R. No. L-42390. February 28, 1978]

EUNILA MARAPO, for herself and for and in behalf of her minor children, namely, Samuel, Elizabeth, Bernadette, Carmelita, William, Lydia, Myrna, Leopoldo and Mercedita, all surnamed Marapo, *petitioners*, *vs.* **PHILIPPINE PACKING CORPORATION and the WORKMEN'S COMPENSATION COMMISSION,** *respondents*.

SYLLABUS

LABOR AND SOCIAL LEGISLATION; WORKMEN'S COMPENSATION ACT; DEATH COMPENSATION BENEFITS; AWARD OF ATTORNEY'S FEES TO BE BASED ON PRINCIPAL AWARD OF DEATH COMPENSATION. — Where the judgment in a death compensation case overlooked the award of 10% attorney's fees provided for under the Workmen's Compensation Act, the same may be awarded upon motion and the dispositive portion amended accordingly. The award of 10% attorney's fees provided for under the Workmen's Compensation Act may solely be based on the principal amount of death compensation benefit exclusive of the burial expenses, paid or reimbursed.

AMENDATORY RESOLUTION

TEEHANKEE, *J.*:

Before the Court is the Manifestation and Motion for Attorney's Fee of petitioners' counsel Francisco D. Alas, praying that the Court's decision of January 31, 1977 sentencing respondent corporation to pay the petitioners the amount of ₱6,000.00 as death compensation benefit plus ₱200.00 as burial expenses for the deceased with costs, be amended so as to include the amount of ₱620.00 or 10% of the total award by way of attorney's fee, pursuant to section 31 of the Workmen's Compensation Act, as amended.

Supreme Court E-Library

The Court finds the motion meritorious insofar as it prays for the award of 10% attorney's fee as provided for by the Act. The said award, however, may solely be based on the principal amount adjudged of ₱6,000.00 as death compensation benefit excluding the amount of ₱200.00 provided by law by way of payment or reimbursement of burial expenses.

The dispositive portion of the Court's decision of January 31, 1977 is, therefore, hereby amended to read as follows:

"**IN VIEW OF THE FOREGOING**, the judgment of the respondent Commission denying the claim of petitioners is hereby reversed and set aside and another one rendered ordering the respondent corporation to pay the petitioners the amount of ₱6,000.00 as death compensation benefit plus the amount of ₱200.00 as burial expenses for the deceased, *and the further amount of ₱600.00 as attorney's fee*, with costs against respondent corporation.

"**SO ORDERED.**"

Makasiar, Muñoz Palma, Fernandez, and *Guerrero, JJ.*, concur.

FIRST DIVISION

[G.R. No. L-42507. February 28, 1978]

CARLITA C. TRINIDAD, for herself and in behalf of her minor children ZENIA, CAROLINA, CARINA, RONALDO and LEANDRO JR., all surnamed TRINIDAD, *petitioners, vs.* **WORKMEN'S COMPENSATION COMMISSION and BATANGAS LAGUNA TAYABAS BUS CO.,** *respondents.*