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not only her employment with the respondent Bureau of Public Schools but also her disability for work on account of her illness since April 13, 1971 to November 21, 1971. Having established that petitioner's illness supervened in the course of employment, there arises in her favor the rebuttable presumption that the said illness either arose out of, or at least aggravated by, the nature of her employment, and that consequently, the burden to show by substantial evidence to the contrary lies with the employer.[10] We noted that respondent employer failed to discharge this burden of proof.

ACCORDINGLY, the decision dated January 30, 1976 of the Workmen's Compensation Commission is hereby set aside, and the award dated November 5, 1975 of the Hearing Officer is hereby reinstated *in toto.*

No costs.

SO ORDERED.

Teehankee (Chairman), Makasiar, Fernandez, Guerrero, and *Melencio Herrera, JJ.*, concur.

FIRST DIVISION

[G.R. No. L-45996. March 26, 1979]

LORENZA D. LANDICHO, *petitioner, vs.* **WORKMEN'S COMPENSATION COMMISSION and CANLUBANG SUGAR ESTATE,** *respondents.*

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[10] *Zafra vs. Workmen's Compensation Commission, supra.*

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SYLLABUS

1. **LEGAL AND SOCIAL LEGISLATION; WORKMEN'S COMPENSATION; DEATH CLAIM; DEATH OCCURRING BEYOND THE TWO-YEAR PERIOD, NOT COMPENSABLE.** — The decision of the Commission that the death claim should not prosper is well-taken since deceased died at the age of 60 on October 12, 1973, more than two years from January 1, 1965, when he was separated from the service still afflicted with peptic ulcer and was granted retirement benefits, or even from 1970 when the medical examination showed that he was still suffering from peptic ulcer. However, the deceased was entitled to disability compensation when he was separated from the service on January 1, 1965 by reason of his peptic ulcer.

2. **ID.; ID.; PROVISIONS OF WORKMEN'S COMPENSATION LAW *APPLICABLE TO EVENTS OCCURRING BEFORE* EFFECTIVITY OF NEW CIVIL CODE.** — Where the illness or death occurred before the effectivity of the New Civil Code, all the provisions of the Workmen's Compensation Law, as amended, as well as the decisions affirming (1) the presumption of compensability, or presumption of work-connection or work-aggravation, (2) waiver of non-jurisdictional defenses due to non-controversion, and (3) the ten-year prescriptive period, will apply.

3. **ID.; ID.; ILLNESS; PEPTIC ULCER, DEFINED.** — The word "peptic" originated from the Greek word "peptikos," meaning "conducive to or pertaining to or "digestion" (Medical Dictionary for Lawyers, Maloy, p. 443). While the word "ulcer" came from the Latin word "ulcus", meaning "an open sore other than a wound that discharges pus. It occurs upon the surface of the skin or any of the mucous membranes" (Medical Dictionary for Lawyers, Maloy, p. 553). Peptic ulcer is a stomach ulcer, an ulcer of the duodenum (the first part of the small intestine), or an ulcer in the lower part of the esophagus (gullet). An ulcer is an erosion in the skin of mucous membrane (moist lining, as of mouth), along with some destruction of the tissue below. A stomach ulcer is such an erosion in the stomach, the inside of the stomach. When the erosion is a little further down, in the duodenum (the first part of the intestine), It is a duodenal ulcer. Both a stomach ulcer and a duodenal ulcer are referred to, loosely, as a peptic ulcer, which means a digestive ulcer. A

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gastric ulcer is the same as stomach ulcer." (Attorney's Dictionary of Medicine, Schmidt, p. 757).

4. ID.; ID.; PRESUMPTION OF COMPENSABILITY; APPLICATION. — When an illness supervened in the course of employment, there is the presumption that the same arose out of or was at least aggravated in the course of the employment. The law presumes, in the absence of substantial evidence to the contrary, that a claim is compensable , and so rigid is the rule that even where the cause of death is unknown the right to compensation subsists.

5. ID.; ID.; DISABILITY; NOT DETRACTED BY THE FACT THAT EMPLOYEE WAS ABLE TO RESUME WORK. — The fact that after his operation, the employee was able to resume his work and continued up to the day prior to his retirement does not detract from the fact that he had by that time been disabled because his ". . . ability to resume work may only have been through his sheer determination to continue earning a living for himself and his family . . ."

6. ID.; ID.; ID.; DETERMINED BY LOSS OF EARNING POWER. — For purposes of the Workmen's Compensation Act, there is disability when there is a loss or diminution of earning power of which is due to an injury arising out of and in the course of employment. It is not the injury which is compensated but rather it is the incapacity to work resulting in the impairment of one's earning capacity.

7. ID.; ID.; DISABILITY BENEFITS; EFFECT OF FILING EARLY RETIREMENT. — When an employee is forced to ask for retirement, not because of old age, but primarily because of his weakened bodily condition due to an illness contracted in the course of his employment, he is to be given compensation for his inability to work during the remaining days before his scheduled compulsory retirement, aside from the retirement benefits due him.

8. ID.; ID.; CLAIM FOR COMPENSATION; CONTINUES EVEN WHEN EMPLOYER-EMPLOYEE RELATIONSHIP CEASES. — So long as the claimant's action had not prescribed, the Commission had jurisdiction to act on a claim even if at the time of the filing thereof the employer-employee relationship had terminated, for what vests jurisdiction is the fact that the illness which caused

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the disability supervened and or aggravated during his employment. In other words, the employment was coeval with the ailment and with the two co-existing, an alleged absence of employer-employee relationship at the time of filing the claim is untenable as a defense.

9. **ID.; ID.; ID.; EFFECT OF FAILURE TO CONTROVERT.** — The failure to controvert a claim generates a waiver of all non-jurisdictional defenses. Controversion filed twenty-four days after the employer received the notice if claim is too late.

APPEARANCES OF COUNSEL

Gladys P. Garcia for petitioner.

Ernesto H. Cruz and *Emelia E. Andrea* for respondent Commission.

Rustico F. de los Reyes for private respondent.

D E C I S I O N

MAKASIAR, *J.*:

This is a petition for review on *certiorari* (pp. 12-16, *rollo*) of the decision of the Workmen's Compensation Commission dated December 26, 1975 in RO5-WC Case No. C-2467 (Annex "F", pp. 27-29, *rollo*).

Claimant-petitioner, Lorenza D. Landicho, is the wife of the deceased Estanislao Landicho, who was employed by respondent Canlubang Sugar Estate first as a centrifugal *cargador* and then as a factory mechanic. He worked seven (7) days a week and was receiving a salary of Two Hundred Twenty-five (₱225.00) Pesos a month. While in the employ of private respondent, he contracted acute peptic ulcer for which he was operated on at the Mary Johnston Hospital sometime in 1964. He was not able to fully recover, for which reason he was separated from the service on January 1, 1965, and was paid his retirement gratuity in the amount of ₱3,386.80. Even after his separation from the service, he was still sick with peptic ulcer. As a matter of fact, in May, 1973, five months before

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his death Dr. Paterno Andaya treated his peptic ulcer. Dr. Andaya remarked in his report that "The patient has gastric hyperacidity while working as centrifugal cargador. The condition was aggravated thereon by the nature of the employment" (Physician's Report, p. 14, WCC rec.). Deceased Estanislao Landicho died on October 12, 1973 of cerebral hemorrhage-hypertension.

On July 19, 1974, petitioner filed a claim for death benefit (p. 17, WCC rec.) dated July 10, 1974, with the Department of Labor, Regional Office No. 5, San Pablo City, for the death of her husband.

On September 30, 1974, private respondent filed its report controverting the claim (p. 9, WCC rec.).

In an order dated June 19, 1975, Acting Referee Salvador C. Guevarra, dismissed the claim because.

"x x x his death occurred beyond the two-year period provided for in Section 8 of the Act, and therefore not actionable, and considering further that the cause of his death is an entirely different disease from the disabling sickness pursuant to Section 2 of the same Act, x x x" (p. 24, WCC rec.).

On appeal by the claimant, who insists on disability compensation benefit pursuant to Section 14 of the Act, the respondent Workmen's Compensation Commission, in a decision dated December 26, 1975, affirmed the decision of the Hearing Officer. The decision of the respondent Commission is hereunder quoted in full:

"This is a review of an Order issued by Acting Referee Salvador C. Guevarra of the Labor Provincial Office of Lucena City attached to the Workmen's Compensation Unit, Regional Office No. 5, San Pablo City, dismissing this claim for lack of merit. Aggrieved by the dismissal of this case, Feliciano Reyes, representative for the claimant, filed a Motion for Reconsideration substantially stating as grounds that the claimant should be entitled to *disability compensation benefits* pursuant to Section 14 of the Act *from period beginning January 1, 1965 up to and until October 12, 1973 when the deceased died* and whatever compensation benefits accrued to him should be

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transmitted to his heirs in accordance with the doctrine laid down in the case of *Adelaida Vda. de Calado, et al, vs. WCC & Acoje Mining Co., Inc.*, G.R. No. L-26149, April 30, 1971.

"As gleaned from the records of the case, the Acting Referee observed that *death occurred more than two (2) years from the time deceased retired from the service* of respondent, hence, the death claim pursuant to Section 8 of the Act cannot prosper. We also observed that the cause of death was a different illness which disabled the deceased allegedly. We cannot invoke the case of *Calado vs. Acoje Mining* in this claim for we observed that there is *no showing that deceased was still ill of the same illness of ulcer at the time of his death* which illness was allegedly the cause of his having been disabled from continuing with his work. The *deceased died due to illness of cerebral hemorrhage secondary to hypertension.* During his lifetime, as the records further show, the *deceased, as factory mechanic of the respondent allegedly contracted acute peptic ulcer.* This is the illness *mentioned in the claim and to which a physician's report has been submitted* in support thereof where the attending physician categorically stated that the same was due to and in pursuance of employment, a result of the nature of employment was likely aggravated by the employment.

"The deceased, Estanislao Landicho, *stopped working on January 1, 1965.* This *claim was filed on July 19, 1974* as appearing in the notice. The *respondent filed a controversion of the claim on the ground that it is barred by prescription and that death occurred eight (8) years after separation from the service. The deceased died on October 12, 1973.*

"We do not find merit in the contention of the herein representative of the claimant, for there is no showing that it was also the said illness which caused the separation of the deceased from the service because *after his operation* at the Mary Johnston Hospital sometime *in 1964, he still continued working up to January 1, 1965.* Although the illness apparently surfaced at the time when the deceased was still employed by the respondent, the same has been treated and after which he returned to work. *He retired on January 1, 1965 and was given the corresponding retirement benefits in the amount of ₱3,386.80.* The physician's report of the attending physician of the deceased was apparently issued on May *15, 1973.* We further observed that, if at all there was a relapse in the illness of the deceased of peptic ulcer, it surfaced long after his retirement for the same was

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discovered only by the attending physician *in 1970* and he retired on January 1, 1965. *He died on October 12, 1973 due to an illness diagnosed as cerebral hemorrhage secondary to hypertension*, not known to have existed while still an employee of the respondent and which surfaced long after his retirement.

"x x x (pp. 33-35, WCC rec., italics supplied).

From the decision of the Workmen's Compensation Commission, herein claimant filed with this Court the instant petition for review on June 30, 1977.

In denying the claim of claimant, the position of respondent is that the dismissal by the Workmen's Compensation Commission of the claim of petitioner was primarily based on its findings that the death of the deceased Estanislao Landicho occurred beyond the two-year period from the date of retirement provided for in Section 8 of the Compensation Act, thus:

"If the disease contracted or injury received by the employee as provided in section two hereof causes his death within two years from the date of such injury or sickness, the employer shall pay the compensation to the persons entitled thereto x x x"

and therefore not actionable and that the cause of his death, which is cerebral hemorrhage, secondary to hypertension, is an entirely different disease from the disabling sickness pursuant to Section 2 of the same Act.

In other words, it is the contention of respondent that insofar as a death claim is concerned, the illness contracted by the employee in the course of his employment should cause his death within two years from the date of such sickness in order that the (deceased) defendant could be entitled to compensation, and since he stopped working with the respondent Canlubang Sugar Estate on January 1, 1965 and he died on October 12, 1973 — or eight years, nine months and eleven days thereafter — due to "cerebral hemorrhage-hypertension," petitioner's claim for death benefits must necessarily fall.

On the other hand, it is claimed by the petitioner-claimant that Section 8 of the Workmen's Compensation Act does not

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provide that if death occurred after two years from retirement, the next of kin is barred from filing any claim.

The contention of the claimant is that Section 8 of the Workmen's Compensation Act merely provided for the amount of compensation due the heirs in cases where the death of an employee occurred within two years from the date of injury or sickness, hence, said section is not applicable to the instant case. Furthermore, claimant, answering the argument of the respondents that the deceased Estanislao Landicho had already recovered from his illness when he was separated from the service and that he died of cerebral hemorrhage, an illness different from the one he suffered while still an employee of Canlubang Sugar Estate, maintained that it is an undisputed fact that the illness of the petitioner had set in during the course of his employment and that the weight of authority is to the effect that once it is shown that the illness supervened during employment, there is the legal presumption that the illness arose out of or was at least aggravated in the course of his employment and the burden shifts to the employer to overthrow by substantial evidence such presumption, and the claimant is relieved from proving causation.

The decision of the Commission that the death claim should not prosper is well-taken since deceased died at the age of 60 on October 12, 1973, more than two years from January 1, 1965 when the deceased was separated from the service still afflicted with peptic ulcer and was granted ₱3,386.80 as retirement benefits, or even from 1970 when the medical examination showed that he was still suffering from peptic ulcer.

However, the deceased was entitled to disability compensation when he was separated from the service on January 1, 1966 by reason of his peptic ulcer. It will be noted that the deceased was treated by the doctors of private respondent, was hospitalized and operated on for peptic ulcer in the Mary Johnston Hospital in 1964, and retired on January 1, 1965, when he was still below 60 years of age, because of his peptic ulcer, from which he had not fully recovered despite the operation. The physician's report of Dr. Paterno Andaya dated May 15, 1973 stated that

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his diagnosis is that the deceased had peptic ulcer (sometimes called stress ulcer); that "due to the nature of his employment (mechanic), patient developed gastric hyperacidity," which resulted in total permanent disability from his work; and that the patient had gastric hyperacidity while working as centrifugal *cargador* and aggravated by his employment (p. 14, WCC rec.). In 1970, he still had peptic ulcer according to the medical examination. The claim was filed on July 19, 1974.

Since all the aforesaid events occurred before the effectivity of the New Labor Code, all the provisions of the Workmen's Compensation Law, as amended, as well as the decisions affirming (1) the presumption of compensability, or presumption of work-connection or work-aggravation, (2) waiver of non-jurisdictional defenses due to non-controversion, and (3) the ten-year prescriptive period, still apply to the case at bar.

The word "peptic" originated from the Greek word "*peptikos,*" meaning "conducive to or pertaining to or promoting digestion" (Medical Dictionary for Lawyers by Maloy, p. 443). While the word "ulcer" came from the Latin word "ulcus," meaning "an open sore other than a wound that discharges pus. It occurs upon the surface of the skin or any of the mucous membranes" (Medical Dictionary for Lawyers by Maloy, p. 553). "Peptic ulcer is a stomach ulcer, an ulcer of the duodenum (the first part of the small intestine), or an ulcer in the lower part of the esophagus (gullet). An ulcer is an erosion in the skin or mucous membrane (moist lining, as of mouth), along with some destruction of the tissue below. A stomach ulcer is such an erosion in the stomach, the inside of the stomach. When the erosion is a little farther down, in the duodenum (the first part of the intestine), it is a duodenal ulcer. Both a stomach ulcer and a duodenal ulcer are referred to, loosely, as a peptic ulcer, which means a digestive ulcer. A gastric ulcer is the same as a stomach ulcer" (Attorney's Dictionary of Medicine by Schmidt, p. 757).

It is undisputed from the facts of this case that the illness of peptic ulcer of Estanislao Landicho occurred while he was still under the employ of private respondent. When an illness supervened in the course of employment, there is the presumption

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that the same arose out of or was at least aggravated in the course of the employment. It is a settled rule in our jurisprudence that the law presumes, in the absence of substantial evidence to the contrary, that a claim is compensable, and so rigid is the rule that even where the cause of death is unknown the right to compensation subsists. (*Industrial Textile Mfg. Co. of the Phil. vs. Florzo, et al.*, 17 SCRA 1104, reiterated in *Vallo vs. WCC, et al.*, 73 SCRA 623; see also *Trinidad vs. WCC*, 81 SCRA 668; *Vda. de Torres vs. Warner Barnes & Co., Inc.*, 81 SCRA 681; *Gonzales vs. WCC*, 81 SCRA 703; *Cañonero vs. WCC*, 81 SCRA 712; *Mercado vs. WCC*, 81 SCRA 730; *Romero vs. WCC, et al.*, 77 SCRA 483 and *Buenaventura vs. WCC, et al.*, 76 SCRA 485).

It is also undisputed that Estanislao Landicho retired at the age of 60 years by reason of his ailment. It may be true that after his operation at the Mary Johnston Hospital, he was able to resume his work and continued up to the day prior to his retirement, but this does not detract from the fact that he had by that time been disabled because his "x x x ability to resume work may only have been through his sheer determination to continue earning a living for himself and his family x x x" (*Gonzales vs. WCC*, 81 SCRA 703, 709).

The Court ruled in *Bello vs. WCC* (80 SCRA 153) that for purposes of the Workmen's Compensation Act, there is disability when there is a loss or diminution of earning power which is due to an injury arising out of and in the course of employment. It is not the injury which is compensated but rather it is the incapacity to work resulting in the impairment of one's earning capacity (see also *Roma vs. WCC*, 80 SCRA 170; *National Development Co. vs. WCC*, 12 SCRA 381).

When an employee is forced to ask for retirement, not because of old age, but primarily because of his weakened bodily condition due to an illness contracted in the course of his employment, he is to be given compensation for his inability to work during the remaining days before his scheduled compulsory retirement, aside from the retirement benefits due him. (*Roma vs. WCC, 80 SCRA 170; Hernandez vs. WCC*, 14 SCRA 219).

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In *Bautista vs. WCC* (80 SCRA 313), so long as the claimant's action had not prescribed, the Commission had jurisdiction to act on her claim even if at the time of the filing thereof the employer-employee relationship had terminated, for what vests jurisdiction is the fact that the illness which caused the disability supervened and/or was aggravated during his employment. In other words, the employment was coeval with the ailment, and with the two co-existing, an alleged absence of employer-employee relationship at the time of filing the claim is untenable as a defense.

As stated in *Romero vs. WCC* (p. 489, *supra*), cited in *Gonzales vs. WCC* (p. 709, *supra*), quoting Inton and Morabe's the Workmen's Compensation Act (1955 ed., p. 76) —

"Disability, as a basis for compensation, is the combination of partial or total physical incapacity and of inability to work, or inability to work with the same ease and competency as before the injury, or the loss, total or partial, of earning power from the injury (Corpus Juris, Sec. 535, p. 813).

"Disability is used either in the *medical or physical sense,* as evidenced by obvious loss of members or by medical testimony that the claimant simply cannot make the necessary muscular movements and exertions; it is also used to mean *de facto inability to earn wages,* as evidenced by proof that claimant has not in fact earned anything.

"These medical and wage-loss aspects of disability may be more clearly illustrated as follows: A claimant may be, in a medical sense, utterly shattered and ruined, but by mere sheer determination and ingenuity contrive to make a living for himself; conversely, a claimant may be able to work, in both his and the doctor's opinion, but awareness of his injury may lead employers to refuse him employment.

"The problem of the administrators of the Act is the proper balancing of these medical and wage-loss factors. An absolute insistence on medical disability in the abstract would produce a denial of compensation in the latter case, although the wage-loss is as real and as directly traceable to the injury as in any other instance. At the other extreme, an insistence on wage-loss as the test would deprive the claimant in the former illustration of an award, thus not only penalizing his laudable efforts to make the best of his misfortune but also fostering the absurdity of pronouncing a man non-disabled

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in spite of the unanimous contrary evidence of medical experts and of common observation (Larson, p. 3, Vol. II)."

In *Galang vs. WCC* (72 SCRA 454, 458), the Court's ruling that since the petitioner was forced to retire from the service due to his disability to continue with his work with private respondent, he should be entitled to disability compensation benefits authorized by the Workmen's Compensation Act for persons suffering from permanent disability (Sec. 14, WCA).

Other authoritative comments on the coverage of the term "permanent total disability" as used in the Workmen's Compensation Act, are (a) Comments and Annotations on the Workmen's Compensation Act by Severo M. Pucan and Cornelio R. Besinga, that "total disability does not mean a state of absolute helplessness, but means disablement of an employee to earn wages in the same kind of work, or a work of similar nature, that he was trained for or accustomed to perform, or any kind of work which a person of his mentality and attainments could do"; (b) Philippine Labor and Social Legislation by Justice Ruperto Martin, that "permanent total disability means disablement of an employee to earn wages in the same kind of work, or work of a similar nature that he was trained for, or accustomed to perform, or any other kind of work which a person of his mentality and attainment could do x x x"; and (c) Labor Standards and Welfare Legislation by Perfecto Fernandez and Camilo Quiason that "permanent total disability means an incapacity to perform gainful work which is expected to be permanent. This status does not require condition of complete helplessness. Nor is it affected by the performance of occasional odd jobs" (cited in *Marcelino vs. Seven-Up Bottling Co. of the Philippines*, 47 SCRA 343).

In *Jacob vs. WCC, et al.* (72 SCRA 575), the illness of petitioner caused her to apply for retirement a year before her retirement age and the gravity of her illness was such that it totally disabled her from work. The Court ruled that she was entitled to the maximum amount of Six Thousand (₱6,000.00) Pesos as disability compensation under Section 14 of the Workmen's Compensation Act.

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Private respondent should have controverted the claim from the time it had knowledge of the illness of Estanislao Landicho. Private respondent cannot deny having knowledge thereof (a) since deceased was examined by its company physicians, (b) it knew of deceased's operation at the Mary Johnston Hospital in 1964, and (c) it allowed the deceased to retire at the age of 60 years when the deceased was permanently disabled by reason of his peptic ulcer. Private respondent had only ten (10) or fourteen (14) days from knowledge of the ailment or from the occurrence of the injury, within which to controvert the claim (Sec. 45, Act No. 3428, as amended). This it failed to do, which failure generates a waiver of all non-jurisdictional defenses (*Sebastian vs. WCC*, 81 SCRA 675; *Mercado vs. WCC,* 81 SCRA 730; *Roma vs. WCC*, 80 SCRA 170; *Galindez vs. WCC*, 79 SCRA 332; *Ilingan vs. WCC,* 79 SCRA 345; *Development Bank of the Philippines vs. WCC,* 49 SCRA 365; *Guardian Security and Investigation Agency vs. WCC,* 34 SCRA 29; *Carlos vs. De la Rosa, et al.*, 5 SCRA 262).

Moreover, the Employer's Report was filed only on *September 30, 1974* (p. 9, WCC rec.), twenty-four days after the respondent employer received the notice of the claim on *September 6, 1974* (p. 7, WCC rec.). Controversion was too late.

Furthermore, the cause of the death of the deceased which is cerebral hemorrhage secondary to *hypertension* is NOT an "entirely different disease from the disabling sickness' which is *peptic ulcer*. Hypertension and peptic ulcer are related to each other as to CAUSE. *Stress or tension* is one of the causes of these two ailments. From Harrison's Principles of Internal Medicine, p. 1445, it is stated that "emotional factors may alter gastric function profoundly. However, studies of patients with gastric fistulas have shown that different types of stimuli affect the stomach in varying ways which differ from one individual to another. Patients with duodenal ulcers themselves can often clearly point to an emotional upset which may have triggered the onset or exacerbation of their ulcer. Experimentally, ulcers can be produced in monkeys under the *stress* of being placed in an executive capacity, or it can be produced in rats by *physical restraints*. x x x."

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And quoting again from the physician's report of Dr. Paterno Andaya (p. 14, WCC rec.). "The patient has *gastric hyperacidity* while working as centrifugal *cargador. The condition was aggravated due to the nature of the employment.*"

WHEREFORE, THE APPEALED DECISION IS HEREBY REVERSED AND SET ASIDE, AND RESPONDENT CANLUBANG SUGAR ESTATE IS HEREBY ORDERED

1. TO PAY CLAIMANT-PETITIONER THE AMOUNT OF SIX THOUSAND (₱6,000.00) PESOS AS DISABILITY COMPENSATION BENEFIT;
2. TO REIMBURSE CLAIMANT-PETITIONER EXPENSES INCURRED FOR MEDICAL SERVICES, HOSPITALIZATION, MEDICINES, APPLIANCES AND OTHER SUPPLIES, OF THE DECEASED, DULY SUPPORTED BY PROPER RECEIPTS:
3. TO PAY CLAIMANT'S COUNSEL THE AMOUNT OF SIX HUNDRED (₱600.00) PESOS AS ATTORNEY'S FEES; AND
4. TO PAY ADMINISTRATIVE FEES.

SO ORDERED.

Teehankee (Chairman), Fernandez, Guerrero, De Castro, and *Melencio Herrera, JJ.*, concur.