

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 SURN...

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

Ponente: TEEHANKEE, J.

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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 P6,000.00 as death compensation benefit plus P200.00 as burial expenses for the deceased with costs, be amended so as to include the amount of P620.00 or 10% of the total award by way of attorney's fee pursuant to section 31 of the Workmen's Compensation Act, as amended.

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 P6,000.00 as death compensation benefit excluding the amount of P200.00 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 P6,000.00 as death compensation benefit plus the amount of P200.00 as burial expenses for the deceased, and the further amount of P600.00 as attorney's fee, with costs against respondent corporation.

"SO ORDERED."

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

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