

ROSALINDA GODIZANO, PETITIONER, VS. EMPLOYEES' COMPENSATION COMMISSION AND GOVERNMENT SERVICE INSURANCE SYSTEM (PHILIPPINE NAVY), RESPONDENTS.

G.R. No. 62354. May 09, 1985

Ponente: MAKASIAR, J.

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MAKASIAR, J.:

On March 22, 1984, WE rendered a decision in this case, the dispositive portion of which is as follows:

"WHEREFORE, THE DECISION APPEALED FROM IS HEREBY REVERSED AND THE RESPONDENT GOVERNMENT SERVICE INSURANCE SYSTEM IS HEREBY ORDERED.

'1. TO PAY HEREIN PETITIONER AND HER TWO CHILDREN THE SUM OF SIXTEEN THOUSAND SIX HUNDRED EIGHTY PESOS AND NINETY- FIVE CENTAVOS (P16,680.95) FOR DEATH BENEFITS FROM AUGUST 19, 1978 TO MARCH 19, 1984; AND THEREAFTER A MONTHLY PENSION OF P224.82 FOR THE PETITIONER AND FOR EACH OF THE TWO DEPENDENTS' A MONTHLY PENSION OF TWENTY TWO PESOS AND FORTY-EIGHT CENTAVOS P22.48 — UNTIL EACH REACHES THE AGE OF 21 YEARS;

'2. TO PAY ONE THOUSAND PESOS (P1,000.00) FOR FUNERAL EXPENSES;

'3 . TO REFUND PETITIONER'S MEDICAL AND HOSPITAL EXPENSES DULY SUPPORTED BY PROPER RECEIPTS; AND

'4. TO PAY ONE THOUSAND SIX HUNDRED PESOS (P1,600.00) FOR ATTORNEY'S FEES.'

"SO ORDERED" (pp. 10 and 11, rec).

On April 26, 1984, respondent GSIS filed a motion for partial reconsideration, which motion grants the petitioner bigger benefits under the present law in the amount of P27,525.90 death benefits and P428.96 as monthly income benefits.

The GSIS further requests however, for reconsideration and/or modification of the P1,600.00 attorney's fees "in the light of Article 203 of the Labor Code, or in the alternative, in the light of the previous holding by this Honorable Court of awarding 5% merely of the principal sum as and for attorney's fees" (p. 85, rec.) citing *Calvero v. ECC & GSIS*, G. R. No. 52059, September 30, 1982 (p. 86, rec).

It is most gratifying that the GSIS increased the claim for death benefits and monthly income benefits against it. WE applaud and encourage such fidelity to the law shown in the case at bar by the GSIS for the claimant's benefit.

However, WE, cannot give assent to the prayer of the GSIS to reduce the attorney's fees.

The reason behind the grant of attorney's fees equivalent to 10% of the death benefits notwithstanding the

prohibition in Article 203 of the Labor Code was already explained and made clear by US in the 1981 case of *Cristobal v. Employees' Compensation Commission* (L-49280. February 26, 1981; 103 SCRA339), to wit:

"A close examination of the aforequoted provision reveals that the intent of the law is to free the award from any liability or charge so that the claimant may enjoy and use it to the fullest. It is the claimant who is exempt from liability for attorney's fees. The defaulting employer or government agency remains liable for attorney's fees; because it compelled the claimant to employ the services of counsel by unjustly refusing to recognize the validity of the claim of petitioner. This actually is the rationale behind the prohibition. Nothing is wrong with the court's award of attorney's fees which is separate and distinct from the other benefits awarded. Besides, in the instant case, the participation of petitioner's counsel was not limited to the preparation or filing of the claim but in appealing petitioner's case before this Court necessitating submission of pleadings to establish his cause of action and to rebut or refute the arguments of herein respondents. Fairness dictates that the counsel should receive compensation for his services; otherwise, it would be entirely difficult for claimants, majority of whom are not learned in the intricacies of the law, to get good legal service. To deny counsel compensation for his professional services, would amount to deprivation of property without due process of law."

While WE granted at first a mere 5% as attorney's fees in the case of Calvero; said amount was increased to 10% in a later resolution in the consolidated cases of Corales, Villones, Cañeja, Barga, Duran, Cahero, Defegente, Cenita v. ECC and GSIS (November 29, 1983, I26SCRA 136). The dispositive portion referring to the case of Calvero reads as follows:

"WHEREFORE. THE DECISION OF THE EMPLOYEES' COMPENSATION COMMISSION IS HEREBY SET ASIDE AND THE MINISTRY OF EDUCATION AND CULTURE: IS HEREBY ORDERED

'1. TO PAY PETITIONER THE SUM OF SIX THOUSAND (P6,000.00) PESOS AS DISABILITY COMPENSATION BENEFITS;

'2. TO REIMBURSE PETITIONER HER MEDICAL AND HOSPITAL EXPENSES DULY SUPPORTED BY PROPER RECEIPTS;

'3. TO PAY PETITIONER THE SUM OF SIX HUNDRED (P600.00) PESOS AS ATTORNEY'S FEES; AND

4. TO PAY ADMINISTRATIVE COSTS.'

"SO ORDERED."

Issues already resolved by US in very similar cases as the case herein should not be repeatedly raised. Time is most essential for the claimants and their counsel. The currency has repeatedly suffered depreciation and may depreciate again as time passes. Its purchasing power has tremendously diminished.

WHEREFORE, THE DECISION APPEALED FROM IS HEREBY AMENDED AND THE RESPONDENT GOVERNMENT SERVICE INSURANCE SYSTEM IS HEREBY ORDERED

1. TO PAY HEREIN PETITIONER AND HER TWO CHILDREN THE SUM OF TWENTY-SEVEN THOUSAND FIVE HUNDRED TWENTY-FIVE PESOS AND NINETY CENTAVOS (P27,525.90) FROM AUGUST 19, 1978 TO MARCH, 1984 FOR DEATH BENEFITS; AND THEREAFTER A MONTHLY INCOME BENEFIT OF P357.46 FOR THE PETITIONER, AND FOR EACH OF THE TWO DEPENDENTS, A MONTHLY INCOME BENEFIT OF THIRTY-FIVE PESOS AND SEVENTY-FIVE CENTAVOS (P35.75) UNTIL EACH REACHES THE AGE OF 21 YEARS;

2. TO PAY ONE THOUSAND (P1,000.00) PESOS FOR FUNERAL EXPENSES;

3. TO REFUND PETITIONER'S MEDICAL AND HOSPITAL EXPENSES DULY SUPPORTED BY PROPER RECEIPTS; AND

4. TO PA Y TWO THOUSAND SEVEN HUNDRED FIFTY-TWO PESOS AND 59/100 (P2,752.59) FOR ATTORNEY'S FEES.

SO ORDERED.

Teehankee (Actg. C.J.), Abad Santos, Plana, EscoLin, ReLova, Gutierrez, Jr., Dela Fuente, Cuevas, and Alampay, .JJ., concur.

Melencio-Herrera, J., I concur, the cause of death herein being work connected.

Aquino, J., took no part.

Fernando, C.J. and Concepcion, Jr., J., on leave.

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