

SECOND DIVISION

[G.R. No. 130339, December 22, 1998]

**OMANFIL INTERNATIONAL MANPOWER DEVELOPMENT
CORPORATION, PETITIONER, VS. NATIONAL LABOR RELATIONS
COMMISSION (THIRD DIVISION) AND LORA FELIPE,
RESPONDENTS.**

D E C I S I O N

PUNO, J.:

This special civil action for certiorari seeks to annul two (2) resolutions^[1] of public respondent NLRC (Third Division) awarding US\$27,902.02 to the private respondent for the death of her husband and 10% of said amount as attorney's fees.

The facts and the issues are accurately stated in the February 11, 1997 Resolution of the public respondent which we quote:

"The bare facts culled from the record show that Eduardo O. Felipe was married to the complainant and the union produced a child, Michelle F. Felipe.

"Eduardo O. Felipe was hired by Hyundai Engineering and Construction Co., Ltd., through its local agent Omanfil International Manpower Development Corporation, as Offshore Rigger sometime on February 7, 1993.

"On or about June 7, 1993, the ferry boat where Eduardo Felipe was on board met an accident, claiming the life of one worker but the body of Eduardo Felipe was never found, despite diligent efforts to locate the same.

"Complainant received from the Melaka Labor Office a certification which reads as follows:

'Sir,

'SUB : DECEASED - EDUARDO O. FELIPE

on 7.6.93

'With reference the money should be paid accordingly to Section 8 of Labour Malaysia, 1952 as follows:-

Income in a month	RM1,655.52 (US620.04)
Interest	RM -

Medical
Food

RM -
RM - (or RM105/90/70
which ever more)

Total claim RM1,655 x 45 month = RM74,498.40 (or RM14,400
which ever less)
= US27,902.02

'If you agreed [sic] to the above calculation please pay the money
RM14,400 (US5,393.29) to PBN/PPB to the next of kin of the deceased.

'Enclosed please find the following form [sic] to fill.

- a) 1 copy Form 'A' - Buruh 32
- b) 3 copy [sic] Agreed Memorandum. Please

empty for the signature of the deceased next of kin.

'Please return all the form [sic] together with the claim and stamp "Hasil"
RM2.70 (US1.011) within 30 days from the date of this letter.

'Thank you.

'Yours faithfully,'

"Likewise, the Melaka Labor Office issued a receipt showing that Hyundai
Engineering deposited RM14,400.00 with the Melaka Labor Office.

"The fact of death of Eduardo O. Felipe was not raised as an issue in this
Office inasmuch as the same was admitted in respondents' pleadings.

"Thus, the issue raised before the Labor Arbiter is the amount of death
benefits due the complainant and whether the deposit made by Hyundai
with the Melaka Labor Office constitutes valid payment.

"Complainant alleges that the amount should be US\$27,902.02 and that
the deposit made by Hyundai Engineering to the Melaka Labor Office did
not constitute payment.

"On the other hand, respondents contend that the complainant is only
entitled to RM14,400.00 or US\$5,393.29 and that their deposit of the
said amount with the Melaka Labor Office extinguished their obligation."

The Labor Arbiter ordered petitioner to pay private respondent US\$27,902.02 as
death benefit and 10% thereof as attorney's fees.^[2]

The public respondent NLRC (Third Division) affirmed the decision of the Labor
Arbiter.^[3] It held:

x x x

"The core of the matter in the case at bar is the interpretation of the

certification issued by the Labor Office of Melaka and the provisions of the Workmen's Compensation Law of Malaysia.

"The Certification of the Melaka Labor Office reads as follows:

'Sir,

'SUB : DECEASED - EDUARDO O. FELIPE

on 7.6.93

'With reference the money should be paid accordingly to Section 8 of Labour Malaysia, 1952 as follows:-

Income in a month	RM1,655.52 (US620.04)
Interest	RM -
Medical	RM -
Food	RM - (or RM105/90/70 which ever more)

Total claim RM1,655 x 45 month	= RM74,498.40 (or RM14,400 which ever less)
	= US27,902.02

'If you agreed [sic] to the above calculation please pay the money RM14,400 (US5,393.29) to PBN/PPB to the next of kin of the deceased.

'Enclosed please find the following form [sic] to fill.

a) 1 copy Form 'A' - Buruh 32

b) 3 copy [sic] Agreed Memorandum. Please empty for the signature of the deceased next of kin.

'Please return all the form [sic] together with the claim and stamp "Hasil" RM2.70 (US1.011) within 30 days from the date of this letter.

'Thank you.

'Yours faithfully,'

"On the other hand, Section 8 of the Workmen's Compensation Act of Malaysia, reads as follows:

'Where death has resulted from the injury, a lump sum equal to forty five months earnings or fourteen thousand four hundred ringgit, whichever is the less;'

"A perusal of the foregoing certification and provision of the Workmen's Compensation Act of Malaysia, as correctly pointed out by the complainant, are [sic] susceptible of two different interpretations.