



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated December 9, 2020 which reads as follows:

“G.R. No. 253843 (DOHLE Seafront Crewing (Manila), Inc., DOHLE (IOM) Limited and Atty. Iris V. Baguilat, Petitioners, v. Rodrigo Garay Enero, Respondent). - The Court resolves to DENY this petition for review on *certiorari* for failure of petitioners to show any reversible error in the assailed Decision dated 22 January 2020¹ and Resolution dated 06 October 2020² promulgated by the Court of Appeals in CA-G.R. SP No. 158383, affirming with modification the Decision dated 16 August 2018 of the National Labor Relations Commission and granting respondent total and permanent disability benefits.

However, the Court awards attorney’s fees equivalent to ten percent (10%) of the monetary awards respondent is entitled to pursuant to Art. 2208³ of the Civil Code of the Philippines. "Where an employee is forced to litigate and incur expenses to protect his right and interest, he is entitled to an award of attorney's fees equivalent to [ten percent] of the award."⁴

WHEREFORE, the instant Petition is hereby **DENIED**. Accordingly, the Decision dated 22 January 2020 and Resolution dated 6 October 2020 promulgated by the Court of Appeals in CA-

- over – two (2) pages ...

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¹ *Rollo*, pp.58-75A; penned by Associate Justice Priscilla J. Baltazar-Padilla (a retired Member of this Court) and concurred in by Associate Justices Jhosep Y. Lopez and Ruben Reynaldo G. Roxas.

² *Id.* at pp. 77-79.

³ Article 2208. In the absence of stipulation, attorney's fees and expenses of litigation, other than judicial costs, cannot be recovered, except:

x x x x

(8) In actions for indemnity under workmen's compensation and employer's liability laws;

x x x x

In all cases, the attorney's fees and expenses of litigation must be reasonable.

⁴ *Marlow Navigation Phils., Inc. v. Quijano*, G.R. No. 234346, 14 August 2019 [Per J. Bernabe].

G.R. SP No. 158383 are **AFFIRMED** with **MODIFICATION**. Respondent Rodrigo Garay Enero is awarded attorney's fees equivalent to ten percent (10%) of the total monetary awards.

SO ORDERED."

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court
in trial

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court
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Court of Appeals (x)
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(CA-G.R. SP No. 158383)

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(NLRC NCR Case No. [M] 11-13964-16)

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