SUPREME COURT
EN BANC

SERVANDO'S INCORPORATED,
***Petitioner*,**

-versus-

G.R. No. 85840
June 5, 1991

THE SECRETARY OF LABOR AND EMPLOYMENT AND THE REGIONAL DIRECTOR REGION VI' DEPARTMENT OF LABOR AND EMPLOYMENT,
Respondents.
x----------x

R E S O L U T I O N

PADILLA, *J.*:

This is a Motion filed by the respondents seeking Reconsideration of the 26 April 1990 DECISION of the Court, which ordered the referral to the appropriate Labor Arbiter of the case earlier decided by the respondents, as said case was declared to be within the exclusive jurisdiction of the Labor Arbiter, since the aggregate claims of each of the fifty four (54) employees involved exceed the amount of P5,000.00.

Respondents invoke the visitorial and enforcement power of the Secretary of Labor under Art. 128(b) of the Labor Code[*] which,

according to them, is entirely separate and distinct from the Regional Director s power to adjudicate simple money claims under Art. 129 of the same Code; and that Art. 217 (a) (6) of the Labor Code granting original and exclusive jurisdiction to Labor Arbiters over all money claims arising from employer-employee relations involving an amount exceeding P5,000.00, whether or not accompanied with a claim for reinstatement, should not be interpreted as an amendment to Art. 128(b), i.e. as providing an additional exception to the visitorial and enforcement power of the Secretary of Labor.

There are actually three (3) provisions of the Labor Code that are determinative of the instant issue of jurisdiction. They are:

1. Article 217 (a) (6) which provides:

> "Art. 217. Jurisdiction of Labor Arbiters and the Commission. — (a) Except as otherwise provided under this Code, the Labor Arbiters shall have original and exclusive jurisdiction to hear and decide, within thirty (30) calendar days after the submission of the case by the parties for decision without extension, even in the absence of stenographic notes, the following cases involving all workers, whether agricultural or non-agricultural:
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> x x x
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> (6) Except claims for employees compensation, social security, medicare and maternity benefits, all other claims arising from employer-employee relations, including those of persons in domestic or household service, involving an amount exceeding Five thousand pesos (P5,000.00), whether or not accompanied with a claim for reinstatement.
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> x x x" (emphasis supplied).

2. Article 129 which provides:

> "Art. 129. Recovery of wages, simple money claims and other benefits. — Upon complaint of any interested party, the Regional Director of the Department of Labor and Employment

or any of the duly authorized hearing officers of the Department is empowered, through summary proceeding and after due notice, to hear and decide any matter involving the recovery of wages and other monetary claims and benefits, including legal interest, owing to an employee or person employed in domestic or household service or househelper under this Code, arising from employer-employee relations: Provided, That such complaint does not include a claim for reinstatement: Provided, further, That the aggregate money claims of each employee or househelper do not exceed Five thousand pesos (P5,000.00)." (Emphasis supplied).

3. Article 128(b) which provides:

"Art. 128(b) The provisions of Article 217 of this Code to the contrary notwithstanding and in cases where the relationship of employer-employee still exists, the Minister of Labor and Employment or his duly authorized representatives shall have the power to order and administer, after due notice and hearing, compliance with the labor standards provisions of this Code and other labor legislation based on the findings of labor regulation officers or industrial safety engineers made in the course of inspection, and to issue writs of execution to the appropriate authority for the enforcement of their orders, except in cases where the employer contests the findings of the labor regulation officer and raises issues which cannot be resolved without considering evidentiary matters that are not verifiable in the normal course of inspection." (Emphasis supplied).

A careful consideration of the above-quoted three (3) provisions of the Labor Code leads the Court to reiterate its ruling that the exclusive jurisdiction to hear and decide employees' claims arising from employer-employee relations, exceeding the aggregate amount of P5,000.00 for each employee, is vested in the Labor Arbiter (Article 217 (a) (6)). This exclusive jurisdiction of the Labor Arbiter is confirmed by the provisions of Article 129 which excludes from the jurisdiction of the Regional Director or any hearing officer of the Department of Labor the power to hear and decide claims of

employees arising from employer-employee relations exceeding the amount of P5,000.00 for each employee.

To construe the visitorial power of the Secretary of Labor to order and enforce compliance with labor laws as including the power to hear and decide cases involving employees' claims for wages, arising from employer-employee relations, even if the amount of said claims exceed P5,000.00 for each employee, would, in our considered opinion, emasculate and render meaningless, if not useless, the provisions of Article 217(a) (6) and Article 129 of the Labor Code which, as above-pointed out, confer exclusive jurisdiction on the Labor Arbiter to hear and decide such employees' claims (exceeding P5,000.00 for each employee). To sustain the respondents' position would, in effect, sanction a situation where all employees' claims, regardless of amount, can be heard and determined by the Secretary of Labor under his visitorial power. This does not, however, appear to be the legislative intent.

We further hold that to harmonize the above-quoted three (3) provisions of the Labor Code, the Secretary of Labor should be held as possessed of his plenary visitorial powers to order the inspection of all establishments where labor is employed, to look into all possible violations of labor laws and regulations but the power to hear and decide employees' claims exceeding P5,000.00 for each employee should be left to the Labor Arbiter as the exclusive repository of the power to hear and decide such claims. In other words, the inspection conducted by the Secretary of Labor, through labor regulation officers or industrial safety engineers, may yield findings of violations of labor standards under labor laws; the Secretary of Labor may order compliance with said labor standards, if necessary, through appropriate writs of execution but when the findings disclose an employee claim of over P5,000.00, the matter should be referred to the Labor Arbiter in recognition of his exclusive jurisdiction over such claims.

Nor is this position devoid of sound reason or purpose, because —

1. The proceedings before the Secretary of Labor (or his agents) exercising his visitorial powers is summary in nature. On the other hand, proceedings before the Labor Arbiters are more

formal and in accord with rules of evidence. When the employee's claim is less than P5,000.00, a summary procedure for its settlement can be justified, but not when a claim is more or less substantial, from the standpoint of both employee and management, for which reason, an employee's claim exceeding P5,000.00 is placed within the exclusive jurisdiction of the Labor Arbiter to hear and decide.

2. Article 129 of the Labor Code expressly provides that "upon complaint of any interested party," the Regional Director (and, consequently, the Secretary of Labor to whom appeals from the Regional Director are taken) is empowered to hear and decide simple money claims, i.e. those that do not exceed P5,000.00 for each employee, employing for this purpose a summary procedure. If Article 128 (b) of the Labor Code were to be construed as empowering the Secretary of Labor, under his visitorial power, to hear and decide all types of employee's claims, including those exceeding P5,000.00 for each employee, employing for this purpose a summary procedure, then, Article 129 (limiting the Regional Director's jurisdiction to a claim not exceeding P5,000.00) becomes a useless surplusage in the Labor Code.

3. Besides, it would seem that as the law (Article 129) limits the jurisdiction of the Regional Director (and, therefore, the Secretary of Labor on appeal from the Regional Director) to "complaints of any interested party" seeking an amount of not more than P5,000.00, for each employee, it cannot be that, because of the absence of any complaint from any interested party, the Secretary of Labor under his visitorial power, is motu proprio empowered to hear and decide employee's claim of more than P5,000.00 for each employee.

In addition to all the foregoing, the Court cannot overlook the fact that petitioner contests the findings of the labor regulation officer, upon which, the respondents based their questioned orders. Nor can it be argued with persuasion that the issues raised by petitioner are not evidentiary in nature and unverifiable in the course of inspection. Moreover, the total amount of the respondents' award against petitioner, is P964,952.50 (with the award for each of the fifty four

(54) employees involved not being less than P5,000.00). The total award of P964,952.50 is a tidy sum sufficient to knock-off any viable enterprise. What is worse is that all this is done through summary proceedings.

The elementary demands of due process upon which the express exception to the visitorial powers of the Secretary of Labor[1] is obviously anchored, would require something more than a summary disposition. As petitioner states in his comment on respondents' motion for reconsideration of the Court's decision:

> " x x x, the petitioner filed its Motion for Reconsideration on July 8, 1987, asking for an opportunity to present its payrolls and records, considering that the computation arrived at by the Regional Director is a straight computation that did not take into account the actual number of days worked, the status of the employees, the absences incurred, the advances obtained, the allowances given, among other factors.

The very fact that the petitioner has come before the Supreme Court in the instant petition for certiorari clearly shows that it contests the findings of the Regional Director. Otherwise, everything would have been, if the stand of the Public Respondents were to be believed, an exercise in futility.

Lastly, it is undeniable that the issues involved here are matters that (are) evidentiary in nature, involving as it does matters that cannot be resolved and are not verifiable in the normal course of inspection. Indeed, it is only through a proper hearing before the Labor Arbiter where it may be discovered which workers are entitled to the alleged wage differentials, if any, and for how much. Without this, the petitioner would not be able to prove the correctness of the amounts given to the workers concerned after taking into account extraneous factors such as absences, attendance, advances and so on."

ACCORDINGLY, the motion for reconsideration is **DENIED**. This denial is final.

SO ORDERED.

Melencio-Herrera, Gutierrez, Jr., Paras, Bidin, Sarmiento, Griño-Aquino, Regalado and Davide, Jr., *JJ.*, concur.

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[*] P.D. 442, as amended.

[1] The visitorial power of the Secretary of Labor is subject to this limitation, also provided under Article 128(b) —

"... , except in cases where the employer contests the findings of the labor regulation officer and raises issues which cannot be resolved without considering evidentiary matters that are not verifiable in the normal course of inspection."

SEPARATE OPINIONS

NARVASA, J., dissenting:

I regret to have to dissent.

The facts which gave rise to the special civil action of certiorari at bar are fairly simple. A routine inspection of petitioner's establishment was conducted by officers of the Labor Standards and Welfare Office, DOLE, resulting in the discovery of "violations of labor standards/occupational health and safety measures." The petitioner was apprised thereof, and subsequently required to present its payrolls and daily time records before the Regional Director with the warning that its failure to do so would be deemed a waiver of its right to present evidence.

Petitioner ignored the warning. It did not present its records or any evidence. The Regional Director then issued an Order requiring the petitioner to pay 54 of its employees "differentials in wages and allowances" in the aggregate amount of P964,952.50, as well as to clear the passageway of its warehouse of waste material and to install fire extinguishers in accordance with "occupational safety and health rules." Petitioner appealed to the National Labor Relations Commission, but the latter affirmed the Regional Director's orders. Petitioner filed the special civil action of certiorari at bar, raising the

sole issue of "whether or not the Regional Director has the jurisdiction to hear and decide cases involving recovery of wages and other monetary claims and benefits of workers and employees." By judgment promulgated on April 26, 1990, the Second Division granted the petition, declared the Regional Director to be without jurisdiction over the case and directed that it be referred "to the appropriate Labor Arbiter for proper determination." Petitioner filed a motion for reconsideration. It is this motion which the Court is now called upon to resolve.

It may initially be pointed out, parenthetically, that the referral thus decreed results in that splitting of jurisdiction, which the law seeks to avoid: the Regional Director retaining cognizance over the matter of the waste material and the installation of fire extinguishers in the employer's premises, and the Labor Arbiter assuming jurisdiction of the "differentials in wages and allowances" in the total sum of P964,952.50 due the employees, in respect of which the employer was deemed to have waived the right to present countervailing evidence in the first place.[1]

The fundamental issue which this opinion addresses concerns the interpretation of Article 128 — dealing with the "visitorial and enforcement power" of the Regional Directors as "authorized representatives" of the Secretary of Labor — in relation to: Article 129, treating of the same Regional Directors' adjudicative or quasi-judicial authority, i.e. — their power under certain conditions to take cognizance of and adjudicate complaints involving the recovery of wages and other monetary claims and benefits, including legal interest, owing to an employee or person employed in domestic or household service; and

Article 217, defining the cases falling within the exclusive original jurisdiction of Labor Arbiters.

Both Articles 217 and 129 —

1) deal with jurisdiction, in the sense of the authority to try and decide a case, or hear and determine a cause; [2]

2) refer inter alia to complaints involving the recovery of wages and other monetary claims and benefits, including legal interest, owing to an employee or person employed in domestic or household service or househelper; and

3) prescribe an appeal from the decision rendered under either provision to the National Labor Relations Commission.

There is withal no concurrence, or overlapping of jurisdiction. The jurisdiction of the Labor Arbiter over matters involving recovery of wages and other monetary claims under Article 217 is limited to those cases involving an amount exceeding P5,000, "regardless of whether accompanied with a claim for reinstatement." On the other hand, the Regional Directors' jurisdiction extends only to those cases for recovery of wages and other monetary claims and benefits, where (a) the complaint does not include a claim for reinstatement, and (b) the aggregate money claims of each employee or househelper do not exceed P5,000.00.

The question that now arises is whether this limitation on the adjudicatory authority or jurisdiction of the Regional Directors — i.e., that the money claim of each employee or householder should not exceed P5,000.00 — also applies to and operates to limit as well the visitorial and enforcement power of said Regional Directors described in Article 128.

I submit that it does not. The matter has already been passed upon and squarely resolved by the Court en banc in its decision rendered on February 7, 1990 in G.R. No. 74621 entitled "Brokenshire Memorial Hospital, Inc. vs. Hon. Minister of Labor & Employment et al."[3] That judgment *inter alia* adopted the view expressed in the "Separate Opinion In the case of Briad Agro Dev. Corp.,[4] as reconsidered, a portion of which reads:

> 'In the resolution, therefore, of any question of jurisdiction over a money claim arising from employer-employee relations, the first inquiry should be into whether the employment relation does indeed still exist between the claimant and the respondent.

> 'If the relation no longer exists, and the claimant does not seek reinstatement, the case is cognizable by the Labor Arbiter, not by the Regional Director. On the other hand, if the employment relation still exists, or reinstatement is sought, the next inquiry should be into the amount involved.
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> 'If the amount involved does not exceed P5,000.00, the Regional Director undeniably has jurisdiction. But even if the amount of the claim exceeds P5,000.00, the claim is not on that account necessarily removed from the Regional Director's competence. In respect thereof, he may still exercise the visitorial and enforcement powers vested in him by Article 128 of the Labor Code, as amended, supra; that is to say, he may still direct his labor regulations officers or industrial safety engineers to inspect the employer's premises and examine his records; and if the officers should find that there have been violations of labor standards provisions, the Regional Director may, after due notice and hearing, order compliance by the employer therewith and issue a writ of execution to the appropriate authority for the enforcement thereof However, this power may not, to repeat, be exercised by him where the employer contests the labor regulation officers' findings and raises issues which cannot be resolved without considering evidentiary matters not verifiable in the normal course of inspection. In such an event, the case will have to be referred to the corresponding Labor Arbiter for adjudication, since it falls within the latter's exclusive original jurisdiction.'"

The question was also posed and again resolved in the judgment of the Court en banc in Maternity Children's Hospital vs. the Secretary of Labor, promulgated on June 30, 1989.[5] This judgment sustained the authority of the Regional Director to command enforcement of money claims pursuant to his enforcement and visitorial powers. It declared that Executive Order No. 111 "merely confirms/reiterates the enforcement/adjudication authority of the Regional Director over uncontested money claims in cases where an employer-employee relationship still exists," and that "it has always been the intention of our labor authorities to provide our workers immediate access (when still feasible, as where an employer-employee relationship still exists) to their rights and benefits, without being inconvenienced by

arbitration/litigation processes that prove to be not only nerve-wracking, but financially burdensome in the long run."[6]

The separate concurring opinion[7] pointed out, citing Section 2 of R.A. No. 6710, that in addition to their visitorial powers, "Regional Directors have also been granted adjudicative powers, albeit limited, over monetary claims and benefits of workers, thereby settling any ambiguity on the matter."

I do not think we should overrule these precedents. It seems to me evident that, as the above cited rulings state, the power conferred by Article 128 on the Regional Directors, as authorized representatives of the Secretary of Labor, is quite distinct from that granted to them by Article 129. Article 128 clearly refers to the Regional Directors' "visitorial and enforcement power," whereas Article 129, as already pointed out, treats of what Mme. Justice Melencio-Herrera describes as their "limited adjudicative power," i.e., their authority to hear and determine complaints for recovery of wages and other monetary benefits.

The Directors' visitorial and enforcement power includes the authority —

1) to inspect an employer's premises and records to aid in enforcement of the Labor Code or determine violations of any labor law, wage order or rules and regulations issued pursuant thereto;

2) in the event that the findings of labor regulation officers disclose such violations — entailing, e.g., payment of monetary benefits to employees — to order and administer such payment, after due notice and hearing, and to issue writs of execution to the appropriate authority for enforcement of orders of payment.

It is noteworthy that the Regional Directors' power - to order and administer, after due notice and hearing, compliance with the labor standards provisions of this Code and other labor legislation based on the findings of labor regulation officers or industrial safety engineers made in the course of inspection, and to issue writs of execution to

the appropriate authority for the enforcement of their orders — is conferred on them by Article 128 "(t)he provisions of Article 217 to the contrary notwithstanding." What Article 128 is plainly saying is that although the power of compulsory arbitration over violations of the Labor Code and other labor legislation — including payment of wages and other pecuniary benefits amounting to more than P5,000.00 for each employee — is lodged by Article 217 in Labor Arbiters, and not in Regional Directors, the Regional Directors may nevertheless wield the authority to order "compliance with the labor standards provisions of (the) Code and other labor legislation" and issue execution in that connection, through proceedings more summary than those before Labor Arbiters.

The "clear purpose" of the law in extending such a power on the Regional Directors is, according to Policy Instructions No. 7 of the Department of Labor and Employment, to take labor standards cases from the arbitration system and place them under the enforcement system and in this way, "assure the worker the rights and benefits due to him under labor standard laws without having to go through arbitration (for) the worker need not litigate to get what legally belongs to him (and the) whole enforcement machinery of the Department of Labor exists to insure its expeditious delivery to him free of charge."

Also worthy of note is that as regards this power granted to Regional Directors by said Article 128 — to issue orders requiring compliance with labor laws, rules and regulations for the payment of money or otherwise, and cause execution thereof — only two (2) limitations can be found in the text of the article.

The first is where the employer —

1) "contests the findings of the labor regulation officer;" and

2) "raises issues which cannot be resolved without considering evidentiary matters that are not verifiable in the normal course of inspection."

In such an event, of course, execution may not issue. Jurisdiction to resolve the issues thus raised passes to the proper Labor Arbiter.

The second limitation is where the relationship of employer-employee no longer exists, in which cases the Regional Directors cease to have jurisdiction to order compliance with the Code or other labor legislation.

Apart from these, no other limitation, particularly as to the amount of the pecuniary benefits declared to be due and owing to employees, is found in Article 128. On the contrary, as already discussed, notwithstanding that the Labor Arbiters have exclusive original jurisdiction under Article 217 to hear and determine cases involving recovery of wages and other monetary claims and benefits in an amount exceeding P5,000.00 for each complainant employee, the Regional Directors are accorded the authority, to repeat, to order "compliance with the labor standards provisions of (the) Code and other labor legislation" and issue execution in connection therewith.

Besides the visitorial and enforcement power given to Regional Directors by Article 128, they (or any authorized hearing officer) have also been granted by Article 129, as already indicated, quasi-judicial or adjudicatory authority to try and decide, through summary proceeding and after due notice, complaints involving the recovery of wages and other monetary claims and benefits arising from employer-employee relations: Provided, That such complaint does not include a claim for reinstatement, and Provided further, that the aggregate of the money claims of each employee or househelper does not exceed P5,000.00.

Now, obviously, the law envisions the situation in Article 129 to be quite distinct from that in Article 128. The formulation of two separate articles dealing with one and the same situation would otherwise make no sense. The first refers to inspections conducted by authorized representatives of the Secretary of Labor or Regional Director, including labor regulations officers, which result in the unearthing of the failure of an employer to comply with labor standards provisions of the Labor Code or other labor legislation. The second situation refers to complaints filed by employees or persons employed in domestic or household service for the recovery of wages and other monetary claims and benefits, including legal interest, which the Regional Directors may try and decide unless the

employment relationship no longer exists or the amount claimed for each complainant exceeds P5,000.00. In this second situation, obviously, what is invoked and involved is not the visitorial or enforcement power, but the limited adjudicatory or quasi-judicial power, of the Regional Directors. The situations being dissimilar, their regulation and governance are, as they should be, also different, as already above indicated.

To interpret Article 128 as subject to the same limited coverage as Article 129, or, therefore, applicable only to claims not in excess of P5,000.00, is not justified by the text of those provisions. It would result in undue constriction of the rule laid down for the benefit of employees and laborers; require the latter, contrary to the law's "clear purpose" stated in Policy Instructions No. 7, to litigate, go through arbitration, to obtain that to which they are clearly entitled and which they ought to have expeditiously and free of charge. Such an interpretation would allow an employer, disclosed as having violated labor standards prescribed by law, by pleading lack of jurisdiction on the part of the Regional Director because the amount due the affected employee exceeds P5,000.00, to delay enforcement of a clear liability against which he has no meritorious defense. It would significantly emasculate a provision intended — to borrow again from the language of Policy Instructions No. 7 — to make the Regional Office "perform its real function: act as a strategic checkpoint against labor standards cases maturing into arbitration."

It also bears repeating that the exclusionary phrase, "the provisions of Article 217 of this Code to the contrary notwithstanding," with which Article 128(b) prefaces its conferment upon the Secretary of Labor and Employment or his duly authorized representatives of the powers therein specified is of so plain and unambiguous a meaning as to warrant only one conclusion: that quite apart from the fact that both provisions deal with distinct and distinguishable powers, the grant in Article 217 to the Labor Arbiters of original and exclusive jurisdiction over claims in excess of P5,000.00 arising from employer-employee relations, does not operate to oust Regional Directors of their visitorial and enforcement powers vis-a-vis labor standards infractions also involving amounts exceeding such sum. A contrary reading would do violence to the language of said phrase and render it entirely meaningless.

Application of the P5,000-limitation to the visitorial or enforcement powers of Regional Directors may even lead to absurd results. For instance, the Regional Director will be deemed to be validly exercising visitorial enforcement power in a situation where each of 100 employees is found to be entitled to monetary benefits amounting to an average of P4,990.00 (a total of P499,000.00), but not where, say, 10 employees are each found entitled to P5,005.00 (a total of only P50,050.00). Also incongruous is the situation where say, 50 of 100 employees are found to have a right to benefits amounting to P4,990.00, and the other 50, to P5,005.00. In the latter case, the case would have to be referred to the Labor Arbiter insofar as its affects the 50 employees to each of whom monetary benefits of P5,005.00 are due; this would bring about a splitting of jurisdiction, since the case would still remain with the Regional Director as regards the 50 workers entitled to not more than P5,000.00 each.[8] And all these things may come to pass even if the employer, as in the case at bar, fails to contest the findings of the labor regulations inspectors or otherwise presents no justifiable excuse for the discovered violations of labor standards laws.

I therefore vote to **GRANT** reconsideration.

Fernan, *C.J.*, Cruz, Feliciano, Gancayco and Medialdea, *JJ.*, dissents.

NARVASA, J., dissenting:

[1] See footnote 8, p. 5, infra.

[2] Herrera V. Barreto, 25 Phil. 245, 251, cited in Feria, Civil Procedure, 1969 ed., p. 15; Century Insurance Co. vs. Fuentes, 2 SCRA 1168, cited in Herrera, Remedial Law, 1990 ed., Vol. 1, p. 15; Moran, Comments on the Rules, 1979 ed., Vol. 1, p. 51, citing Herrera vs. Berreto, supra; Conchada vs. Director of Prisons, 31 Phil. 94; U.S. vs. Limsiongco, 41 Phil. 94; Reynolds vs. Stockton, 140 U.S. 254.

[3] 182 SCRA 5-15, per Paras, J.

[4] G.R. No. 82805 (Briad Agro Development Corporation vs. Hon. Dionisio dela Cerna, etc., et al); G.R. No. 83255 (L.M. Camus Engineering Corporation vs. Hon. Secretary of Labor, et al.): Decision promulgated on June 29, 1989 (with a separate concurring opinion of Narvasa, J., with whom concurred Fernan, C.J., and Gutierrez, Jr. granting reconsideration, promulgated Nov. 9, 1989

(with a Separate Opinion by Narvasa, J., with whom concurred Fernan, C.J. and Feliciano, J.).

[5] 174 SCRA 632-652, per Medialdea, J.

[6] SEE:, also, Resolution of the Third Division, March 7, 1990 in G.R. No. 89019 (Luzon Colleges, Inc., et al. vs. Hon. Dionisio C. Dela Serna, etc., et al.) where separate complaints for violation of labor standard laws filed with the NLRC Arbiters' Office, were dismissed for lack of jurisdiction and referred to the Regional Director who subsequently found that there was underpayment of wages and emergency cost of living allowance: the Court's Third Division refused certiorari sought by the employer to annul that disposition.

[7] By Mme. Justice Ameurfina Melencio-Herrera, at p. 652.

[8] See footnote 1, at p. 1, supra.