FIRST DIVISION

[G.R. No. 225425, January 29, 2020]

WILHELMSEN SMITH BELL MANNING, INC., WILHELMSEN SHIP MANAGEMENT LTD., AND FAUSTO R. PREYSLER, JR., PETITIONERS, VS. FRANKLIN J. VILLAFLOR, RESPONDENT.

D E C I S I O N

REYES, JR. J., J.:

This is a Petition for Review on *Certiorari*[1] under Rule 45 of the Rules of Court, assailing the Decision[2] dated March 7, 2016 and Resolution[3] dated May 19, 2016 of the Court of Appeals (CA) in CA-G.R. SP No. 142966.

The Factual Antecedents

Wilhelmsen Smith Bell Manning, Inc., on behalf of its principal Wilhelmsen Ship Management Ltd. (petitioners) hired Franklin J. Villaflor (respondent) as Third Engineer on board their vessel *MIV NOCC Puebla* on a seven-month contract dated August 22, 2012. Respondent underwent the required pre-employment medical examinations and was thereby pronounced fit to work on August 22, 2012 . On September 5, 2012, respondent boarded the vessel.[4]

Sometime in March 2013, while conducting maintenance works on the vessel and lifting heavy engine and generator spare parts with his crewmates, respondent felt severe back pain which caused him to fall on his knees. He was given pain relievers by his superiors for immediate relief but was advised by the Master to be repatriated for further examination.[5]

Respondent was, thus, medically repatriated on March 28, 2013.[6]

Upon arrival in Manila, petitioners referred respondent to Marine Medical Service for examination. He was diagnosed to have *SIP Laminotomy, L4 Bilateral Interspinous Process Decompression Coflex* and has been advised to regularly consult with the specialists for the monitoring of his condition. He also underwent out-patient rehabilitation sessions at the Metropolitan Medical Center.[7]

On July 9, 2013, Dr. William Chuasuan, Jr. (Dr. Chuasuan), an Orthopedic and Adult Joint Replacement Surgeon, issued a letter addressed to the company-designated physician, Dr. Robert D. Lim (Dr. Lim), stating that respondent's prognosis is guarded and that the latter had already reached his maximum medical improvement. Consequently, Dr. Chuasuan gave respondent a disability grading of 8 or 2/3 loss of lifting power of the trunk. Despite this, the company-designated physician still advised respondent to continue with his medications and rehabilitation. Respondent was also directed to see Dr. Lim sometime in May 2014.

[8]

On June 5, 2014, respondent independently consulted a physician of his choice, Dr. Manuel C. Jacinto, Jr. (Dr. Jacinto). On July 21, 2014, Dr. Jacinto issued a Medical Certificate, stating that respondent's disability is total and the cause of injury is work-related/work-aggravated, thus, declaring respondent unfit to go back to work as a seafarer.[9] This prompted respondent to file a complaint for total and permanent disability benefits against petitioners.

For its part, petitioners alleged that respondent's condition was merely brought about by the recurrence of his lumbar problem from his previous employment, for which he had already claimed total and permanent disability benefits from his previous employer.[10]

In a Decision dated April 16, 2015, the labor arbiter dismissed the complaint for disability benefits, finding that respondent's injury is not work-related as it was merely a recurrence of the condition he suffered from his previous employment and as such , the complained injury did not occur during his term of employment with petitioners. It disposed, thus:

> **WHEREFORE**, premises considered, the instant complaint is dismissed for lack of merit.[11]

On appeal, the National Labor Relations Commission (NLRC) affirmed the dismissal of the complaint, finding that respondent failed to exhibit good faith when he entered into the contract of employment with petitioners as he already knew that he was not fit to work then, considering that he previously pursued a case for and was actually granted total and permanent disability benefits against his former employer. Hence, respondent's appeal was likewise dismissed:

> **WHEREFORE,** premises considered, the appeal of the [respondent] is hereby dismissed for lack of merit.
>
> **SO ORDERED.**[12]

Respondent's motion for reconsideration of said NLRC Resolution was likewise denied in its Resolution dated September 24, 2015.[13]

A different conclusion was reached on *certiorari* to the CA. The appellate court ruled that petitioners cannot harp on the fact that respondent had previously claimed disability benefits from his former employer. According to the CA, the fact that respondent was able to find gainful employment even after such claim against his former employer does not preclude him from instituting another disability claim against his petitioners as long as his complained injury is work-related or work-aggravated and that such injury has prevented him from doing the same work.[14]

On the merits, the CA found that when petitioners engaged respondent's services, they were aware of the latter's history of back injury as this was disclosed by respondent in his PEME. Despite such history, respondent passed all the required tests in the PEME and was declared fit to work. The CA also found that while respondent had a pre-existing back problem, his condition was aggravated by the nature of his work on board the vessel as Third Engineer like lifting heavy materials

during maintenance operations, among others. It was further found that while Dr. Chuasuan gave respondent a Grade 8 disability rating, his findings also stated that the prognosis on respondent's case is guarded, meaning "the outcome of the patient's illness is in doubt." Respondent was thereafter still required to continue his medications and rehabilitation for over a year since his repatriation. Hence, the CA concluded that respondent is considered totally and permanently disabled. The CA disposed, thus:

> **WHEREFORE**, in view of the foregoing, the instant Petition is hereby **GRANTED**. Consequently , the assailed Resolutions dated July 31, 2015 and September 24, 2015 rendered by public respondent NLRC-2nd Division in NLRC LAC No. 06-000486-15/NLRC NCR-OFW-M-08-10443-14 are hereby **REVERSED and SET ASIDE** and a new one entered ordering [petitioners] to jointly and severally pay [respondent] the following: a) permanent total disability benefits of US$60,000.00 at its peso equivalent at the time of actual payment; and b) attorney's fees often percent (10%) of the total monetary award at its peso equivalent at the time of actual payment.
>
> **SO ORDERED**.[15]

Petitioners then filed a motion for reconsideration which was denied by the CA in its May 19, 2016 assailed Resolution:

> **WHEREFORE**, in view of the foregoing, the instant Motion is hereby **DENIED**.
>
> **SO ORDERED**.[16]

Hence, this Petition .

Issue

In the main, petitioners argue that the CA erred in granting total and permanent disability benefits to respondent considering that he was assessed with a Grade 8 disability by the company-designated doctor. Petitioners reasoned that, according to the rules, the company-designated doctor's assessment should prevail over the seafarer's personal doctor. Further, petitioners argue that mere inability to work for over 120 days does not entitle a seafarer to total and permanent disability compensation. Also, petitioners point out that, in the first place, respondent's condition was pre-existing and not suffered on board.

Ultimately, the issue before us is whether or not respondent is entitled to total and permanent disability benefits.

The Court's Ruling

We find no reversible error on the assailed CA Decision and Resolution. Accordingly, we affirm the assailed rulings, but modify the same by imposing legal interest upon the monetary awards given by the CA.

For disability to be compensable under Section 20(A) of the 2010 POEA - SEC, the two elements must concur: (1) the injury or illness must be work-related; and (2)

the work-related injury or illness must have existed during the term of the seafarer's contract. The POEA-SEC defines work related injury as one "arising out of and in the course of employment." Jurisprudence is to the effect that compensable illness or injury cannot be confined to the strict interpretation of said provision in the POEA-SEC as even pre-existing conditions may be compensable if aggravated by the seafarer's working condition. It is not necessary that the nature of the employment be the sole and only reason for the illness or injury suffered by the seafarer.[17] It is sufficient that there is a reasonable linkage between the disease suffered by the employee and his work to lead a rational mind to conclude that his work may have contributed to the establishment or, at the very least, aggravation of any pre-existing condition he might have had.[18] The Court explained in one case:

> Common sense dictates that an illness could not possibly have been " contracted as a result of the seafarer's exposure to the described risks" if it has been existing before the seafarer's services are engaged. Still, pre-existing illnesses may be aggravated by the seafarer's working conditions. To the extent that any such aggravation is brought about by the work of the seafarer, compensability ensues x x x.[19]

Thus, the CA correctly ruled that petitioners could not harp on the fact of respondent's previous disability benefits complaint against his former employer to support their argument that respondent's condition is not work-related as it is pre-existing. It is noteworthy that despite such back injury history , respondent was able to pass all the required tests in the PEME. It should also be pointed out that petitioners were aware of such history as respondent disclosed the same in his PEME. Nevertheless, petitioners engaged his services. Hence, while it may be true that respondent's back injury is a recurrence of his previous condition, still, such recurrence can be attributed to the nature of his work on board petitioners' vessel. As found by the CA, the normal duties of a Third Engineer include daily maintenance and operation of the engine room, which entail activities such as lifting of heavy materials and spare parts. It was also established that respondent felt pain in his back while lifting some heavy spare engine parts during maintenance operations with his co-workers. That respondent's condition is work-aggravated and as such, compensable , cannot be denied.

As to the extent of compensability, the entitlement of an overseas seafarer to disability benefits is governed by the la w , the employment contract, and the medical findings in accordance with the rules.[20]

By law, the seafarer 's disability benefits claim is governed by Articles 191 to 193, Chapter VI of the Labor Code, in relation to Rule X, Section 2 of the Implementing Rules and Regulations (IRR) of the Labor Code.[21] Article 192 (c) (1) of the Labor Code provides:

> Art. 192. Permanent total disability. x x x x
>
> C. The following disabilities shall be deemed total and permanent:
>
> (1) Temporary total disability lasting continuously for more than one hundred twenty days, except as otherwise provided in the Rules;
>
> x x x x