

SECOND DIVISION

[G.R. No. 207511, October 05, 2020]

PHILIPPINE TRANSMARINE CARRIERS, INC., CARLOS C. SALINAS, AND/OR GENERAL MARITIME MANAGEMENT LLC, PETITIONERS, VS. ALMARIO C. SAN JUAN, RESPONDENT.

DECISION

HERNANDO, J.:

This Petition for Review on *Certiorari*^[1] assails the December 11, 2012 Decision^[2] of the Court of Appeals (CA) in CA-G.R. SP No. 121634, which set aside the May 26, 2011 Decision^[3] and July 15, 2011 Resolution^[4] of the National Labor Relations Commission (NLRC) denying the award of permanent total disability benefits, sickness allowance, damages and attorney's fees to respondent Almario C. San Juan (San Juan). In a June 6, 2013 Resolution,^[5] the CA refused to reconsider its earlier Decision.

Antecedent Facts

This case stemmed from a Complaint^[6] for recovery of permanent total disability benefits, medical expenses, compensatory, moral, and exemplary damages, and attorney's fees filed by San Juan against petitioners Philippine Transmarine Carriers, Inc. (PTCI), General Maritime Management LLC, and Carlos C. Salinas (Salinas), president and/or local manager of PTCI.

PTCI is engaged in the business of providing marine management services. It hired San Juan on several occasions as Chief Cook during the periods from February 24, 1992 to May 15, 2008.^[7] He was re-hired on August 26, 2009 in behalf of PTCI's principal, General Maritime Management LLC, to work as a Chief Cook aboard the vessel MV Genmar George T for a period of eight (8) months.^[8] Prior to his embarkation, San Juan underwent a routine Pre-Employment Medical Examination (PEME) where he declared that he suffered from "hypertension treated with medication."^[9] San Juan was eventually given cardiac clearance and was certified as "fit to work"^[10] by PTCI's company-designated physicians.

On September 12, 2009,^[11] San Juan departed from the Philippines and commenced his work on board the vessel. San Juan claimed that he performed hard manual labor and engaged in strenuous physical activities for twelve (12) hours a day. He eventually suffered fatigue, shortness of breath, and severe headaches. His condition worsened when he worked on food preparations for three (3) consecutive days, or from December 24 to 26, 2009. San Juan further alleged that he collapsed several times during the voyage due to lack of medications and medical attention.

Due to his condition, San Juan was brought to a medical facility in India for a medical examination and treatment. On January 19, 2010, his attending physician

issued a Medical Certificate^[12] indicating the following, viz.:

The crewmember has presented high blood pressure which is not controlled by the medication he is taking currently.^[13]

On January 23, 2010, San Juan signed off from the vessel and was medically repatriated to the Philippines on February 1, 2010. He was immediately referred to the company-designated physicians at the Metropolitan Medical Center (MMC) for medical examination and further treatment.^[14]

After treatment and having undergone a treadmill stress test and Cranial Magnetic Resonance Imaging (Cranial MRI), Dr. Jaime Cayetano and Dr. Raymond L. Rosales, attending cardiologist and neurologist, respectively, of MMC, certified on April 20, 2010 and April 30, 2010 that San Juan was fit for duty. The Medical Certificates issued by Dr. Cayetano and Dr. Rosales state as follows:

Mr. Almario San Juan, 54 year old male followed up. Patient was diagnosed to have Hypertension Stage II controlled with medications.

His Stress Test is normal. **He is fit to resume sea duties cardiovascular wise.** Final clearance care of neurologic service.

Continue lifestyle and medications onboard.

Dr. Jaime F. Cayetano^[15] (Emphasis supplied)

Cranial MRI did not show frontal white matter hypodensity nor any other abnormality.

No headaches.

May resume sea duties from neurological standpoint.

RAYMOND L. ROSALES M.D., Ph.D.^[16] (Emphasis supplied)

San Juan averred that although he executed a Certificate of Fitness for Work^[17] on April 30, 2010, he was not, however, rehired by PTCI. He also claimed that he applied for employment with other manning agencies, but was unsuccessful.

On May 26, 2010, San Juan filed the instant complaint against PTCI, General Maritime Management LLC, and Salinas seeking payment of his permanent disability benefits and sickness allowance, among others. Meanwhile, on July 8, 2010, San Juan sought a second medical opinion from Dr. Antonio C. Pascual, a cardiologist from the Philippine Heart Center, who, on the same day, certified that San Juan was "medically unfit to work in any capacity as seaman."^[18] The following are Dr. Pascual's findings, viz.:

This is to certify that SAN JUAN, ALMARIO of 295 Molave St., Sabang Subd., Lipa City was seen and examined on 08-Jul-10 with the following finding/s and/or diagnoses:

Hypertensive Heart Disease, Uncontrolled.

x x x

- Patient consulted at the clinic with complains of recurrent headache and dizziness. On examination, BP= 200/135 mm Hg, HR = 90/min. ECG:

Sinus rhythm. Left atrial abnormality.

- At present, patient is **MEDICALLY UNFIT TO WORK** in any capacity as a seaman.
- Advised to have regular medical check-up and maintain on the following medications: Atenolol (Tenorvas) 100 mg/tab, 1 tablet daily; Telmisartan + HCTZ (Micardis Plus) 80+25 mg/tab, 1 tablet daily; Amlodipine Besylate (Provasc) 10 mg/tab, 1 tablet daily; Aspirin (Aspilets) 80 mg/tab; 1 tablet daily; and Fenofibrate 200 mg/cap, 1 capsule daily.^[19] (Emphasis supplied)

San Juan further alleged that he was only given sickness allowance for three (3) months instead of four (4) months, which only amounted to US\$2,094.00, or US\$698.00 per month, leaving a balance of US\$698.00.

Ruling of the Labor Arbiter

On November 18, 2010, the Labor Arbiter (LA) promulgated a Decision,^[20] the dispositive portion of which states:

WHEREFORE, in view of the foregoing, respondents are hereby ordered to pay complainant his permanent total disability benefit in the amount of **US\$60,000.00** and sickness wages in the amount of **US\$698.00** plus attorney's fees amounting to **US\$6,069.80** in their equivalent in Philippine Currency at the time of payment.

All other claims are denied.

SO ORDERED.^[21]

The LA concluded that San Juan's engagement as Chief Cook since 1992 proved that he acquired his illness in the course of his employment with PTCI, and that his medical condition was aggravated by his day-to-day duties on board the vessel.

The LA further held that San Juan could no longer qualify as a person fit for work at sea under the Philippine Overseas Employment Administration (POEA) standards for the following reasons: *First*, his recurrent hypertension is listed as one of the occupational diseases under the POEA rules; *second*, he has been taking a total of five medications for his hypertension; and *third*, his blood pressure ranges from 140/90 mmHG to 200/135 mmHG on average.

The LA noted that the fact that PTCI did not rehire San Juan as Chief Cook, or that he was unable to find employment with other manning agencies, support the conclusion that he is not physically fit to work. The LA also disregarded the Certification of Fitness to Work on the finding that PTCI forced San Juan to sign and execute the same.

The LA thus awarded San Juan permanent and total disability benefits amounting to US\$60,000.00. As San Juan has been undergoing medication and treatment for his hypertension, the LA also awarded him the balance of his sickness allowance amounting to US\$698.00. Although the LA awarded San Juan attorney's fees in the amount of US\$6,069.80, his claims for moral, exemplary, and compensatory damages were denied for lack of merit.

Ruling of the National Labor Relations Commission

In their appeal^[22] to the NLRC, petitioners averred that the LA committed serious and palpable error in awarding San Juan total and permanent disability benefits. Petitioners mainly contended that San Juan's successive employment with the PTCI does not necessarily prove that his illness is work-related. Petitioners also argued that San Juan has not presented substantial evidence to show that his illness was aggravated by his work as Chief Cook. To further counter San Juan's claim for disability benefits, petitioners emphasized that the fact that San Juan was declared as physically fit to work by no less than two physicians proved that he is not beset with any disability, which therefore negates his claim of entitlement to permanent total disability benefits.

In discrediting the medical certificate issued by San Juan's own physician, petitioners pointed out that San Juan procured the said certificate only after more than two (2) months since the PTCI's company-designated physicians issued their respective fit-to-work certifications. Petitioners concluded that the certification of San Juan's designated physician did not accurately present San Juan's medical condition considering the intervening time and possible external factors that may have aggravated San Juan's condition prior to his consultation with his chosen physician. Petitioners also alleged that since San Juan's fit-to-work certifications were issued by the company-designated physicians within the 120-day period as prescribed under the POEA rules, then he cannot, by legal contemplation, be considered as permanently disabled.

Petitioners further insisted that the Certification of Fitness of Work is valid and binding absent any showing that San Juan was coerced or deceived by PTCI into signing or executing the same. Petitioners also disagreed with the findings of the LA that San Juan's non-rehiring served as a badge of his unfitness to work at sea since re-hiring of employees is within PTCI's management prerogative.

Anent the claim for the balance of San Juan's sickness allowance, petitioners argued that the POEA rules state that sickness allowance for 120 days must be paid if the seafarer is under medical treatment for 120 days. As San Juan was declared fit to work on his 89th day of treatment, he can no longer claim the balance of his sickness allowance amounting to US\$698.00.

In its May 26, 2011 Decision,^[23] the NLRC reversed the Decision of the LA and dismissed San Juan's complaint for payment of permanent total disability benefits and sickness allowance. The dispositive portion of the Decision states, as follows:

WHEREFORE, the instant appeal is GRANTED. Accordingly, the Decision of Labor Arbiter Fe S. Cellan dated November 18, 2010 is REVERSED and SET ASIDE. Complainant's complaint is dismissed for lack of merit.

SO ORDERED.^[24]

The NLRC found that San Juan failed to substantiate his claim that the conditions of his employment caused or aggravated the risk of contracting his illness. It held that his hypertension cannot be classified as an occupational disease under the POEA rules. It emphasized that as early as April of 2010, San Juan's blood pressure was controlled at 130/80 mmHg, and that the company-designated physicians have already certified his fitness to work. Although San Juan's blood pressure was 200/135 mmHg during his follow-up consultation with his physician on July 8, 2010, the NLRC noted that such finding was made months after he was declared fit to

work by the company-designated physicians. Moreover, San Juan's execution of the Certification of Fitness for Work belied his allegation that he is unfit to work.

The NLRC also held that San Juan is not totally and permanently disabled considering that his degree of his disability was established within 240 days from his repatriation, thus:

The fitness of work of complainant was established within the 240 day period. Complainant was medically signed [off] on February 1, 2010 while his degree of disability was established on [April] 30, 2010. Complainant is under medical treatment for eighty nine (89) days or for less than 240 days. A temporary total disability only becomes permanent when so declared by the company physician within the periods he is allowed to do so, or upon the expiration of the maximum 240-day medical treatment period without a declaration of either fitness to work or the existence of a permanent disability. In this case, complainant within the 240-day period, he was declared fit to work. In the absence of any disability after his temporary disability was addressed, any further discussion of permanent partial and total disability, their existence, distinctions and consequences, becomes a surplusage that serves no useful purpose. x x x ^[25] (Citations omitted)

Moreover, the NLRC denied San Juan's claim for the balance of his sickness allowance since he was already declared fit to work on his 89th day of treatment. The NLRC also denied his claim for attorney's fees.

San Juan filed a Motion for Reconsideration^[26] which was, however, denied by the NLRC in its July 15, 2011 Resolution.^[27]

Ruling of the Court of Appeals

Aggrieved, San Juan filed a Petition for *Certiorari*^[28] with the CA ascribing upon the NLRC grave abuse of discretion when it denied his claims for disability benefits, sickness allowance, damages and attorney's fees. In his petition, San Juan discredited the fit-to-work certifications of the company designated physicians given that they were squarely contradicted by the subsequent findings of his own physician, which attested to his unfitness to work due to hypertensive heart disease. On this point, San Juan averred that the medical certificate issued by his physician, as opposed to the fit-to-work certifications of the company-designated physicians, is in accord with the Department of Health Administrative Order No. 2007-0025, series of 2007, or the Revised Guidelines for Conducting Medical Fitness Examinations for Seafarers.

In their Comment^[29] to San Juan's Petition for *Certiorari*, petitioners argued that the report and findings of PTCI's company-designated physicians should be accorded great weight and respect considering the amount of time and effort these physicians spent in treating and evaluating San Juan's condition. Moreover, petitioners argued that although San Juan was diagnosed with hypertension and vascular headache, these illnesses, however, are not classified as compensable under the POEA rules.

On December 11, 2012, the CA rendered its assailed Decision^[30] granting San Juan's Petition for *Certiorari* and setting aside the May 26, 2011 Decision and July