

SECOND DIVISION

[G.R. No. 227523, August 29, 2018]

AMALIA S. MENEZ* (IN BEHALF OF THE LATE JONATHAN E. MENEZ), PETITIONER, VS. STATUS MARITIME CORPORATION, NAFTOTRADE SHIPPING AND COMMERCIAL S.A., AND MOILEN ALOYSIUS VILLEGAS, RESPONDENTS.

DECISION

CAGUIOA, J:

Petitioner Amalia S. Menez (petitioner), on behalf of her deceased husband Jonathan E. Menez (Jonathan), filed a petition for review on *certiorari*^[1] (Petition) under Rule 45 of the Rules of Court assailing the Decision^[2] dated April 29, 2016 and Resolution^[3] dated October 3, 2016 of the Court of Appeals (CA) in CA-G.R. SP No. 119694. The CA dismissed the petition for *certiorari* and affirmed the National Labor Relations Commission (NLRC) Decision^[4] that petitioner was not entitled to death benefits, reimbursement of medical expenses, and attorney's fees.

Facts

The CA's findings of facts are as follows:

Petitioner is the surviving spouse of deceased seafarer, Jonathan, with whom she has three (3) children.

On February 20, 2009, Jonathan was hired by Status Maritime Corporation (private respondent), a local manning agency engaged in the recruitment and/or deployment of Filipino seafarers for its foreign principal, Naftotrade Shipping and Commercial S.A., as second engineer of M/V Naftocement with a basic monthly salary of US\$1,000.00, for a period of six (6) months. Jonathan passed the pre-employment medical examination (PEME) and had been declared fit for sea service.

On February 25, 2009, Jonathan was deployed and embarked on the M/V Naftocement II, a vessel carrying cement. As 2nd engineer, Jonathan was in charge of the main engine piston, generator engine piston, hydraulic oil jack and cleats, sea water ballast pump, fire and G.S. Pump, F.W. Pump, and cleaning the air sides of the main engine and cooler of sea water with chemicals. Jonathan was exposed to undue pressure and strain as he was required to be on call twenty-four (24) hours a day to monitor the condition of the vessel's engine. Such pressure and strain was (*sic*) aggravated by being away from his family for months on end.

Due to long hours of duty in the engine room, Jonathan felt dizzy and nauseous; however, he just ignored it, thinking that it was only due to fatigue. Jonathan also experienced redness of his eyes and purple patches on his skin, but he did not mind it as it was not painful. He also suffered bleeding gums, prolonged nosebleed and severe urinary and gastrointestinal hemorrhage, but these were not entered in the ship's logbook despite the knowledge of the ship master.

On September 11, 2009, Jonathan disembarked from M/V Naftocement II and arrived in the Philippines on September 12, 2009. Thinking that his illness was not serious, Jonathan immediately went to his hometown in Bacolod City. He did not submit to a post-employment medical examination in anticipation of another deployment with private respondents.

Upon Jonathan's arrival, petitioner was shocked at Jonathan's hemorrhage. Jonathan rested to recover his strength, but his health deteriorated. Days after, Jonathan noticed traces of blood in his urine which prompted petitioner to bring him to Dr. Brian Antonio T. Togle (Dr. Togle), an internist-nephrologist. Jonathan was referred to MP Analysis and Laboratory Inc. in Bacolod City, where he was subjected to laboratory examinations and ultrasound of the lower abdomen. The medical result interpreted by Dr. Manuel M. Arboleda showed that Jonathan had *"Borde[r]line Prostatic Size (23gms). Symmetrical Small Cystic Dilatation of the Ejaculatory Duct. Tiny Right Renal Cortical Cyst. Negative for Urinary Tract Stone or Obstruction"*. Dr. Togle prescribed *sodium bicarbonate grX/tab, 2 tabs 3x a day after meals for one week*.

On October 29, 2009, Jonathan was admitted at The Doctors' Hospital, Inc., Bacolod City for gum bleeding and redness of the eye. He underwent hematology examination, roentgenoscopy and chest PA. The examinations revealed that Jonathan had acute myelogenous leukemia and was recommended for bone marrow aspiration. Jonathan was discharged from the hospital on the same day. He went home to recuperate while taking his medicines.

On November 4, 2009, Jonathan was admitted to the Bacolod Our Lady of Mercy Specialty Hospital, Bacolod City, for the same complaint of epigast[r]ic pain and there, he was diagnosed with: (a) *uncal herniation 2 to the parenchymal hemorrhages, right frontal and temporal cortical areas*; (b) *upper GI bleed*; and (c) *acute myelogenous leukemia*. On November 11, 2009, Jonathan died from his illness at the Bacolod Our Lady of Mercy Specialty Hospital, Bacolod City.

On April 14, 2010, petitioner filed a complaint with the Labor Arbiter, for nonpayment of death benefits in the amount of US\$60,000.00; US\$7,000.00 each for the three (3) minor children (or a total of US\$21,000.00); medical reimbursement; US\$1,000.00 burial expenses; P500,000.00 moral damages; P500,000.00 exemplary damages; P500,000.00 compensatory damages; and 10% of the recoverable amounts as and for attorney's fees.

Mandatory conferences were held before the Labor Arbiter[,] but no settlement was reached by the parties, who were then required to submit their respective pleadings and supporting evidence. On September 10, 2010, the Labor Arbiter rendered a Decision, the dispositive portion of which, reads:

WHEREFORE, premises considered, judgment is hereby rendered ordering respondents Status Maritime Corporation, and/or the foreign principal/employer Naftotrade Shipping & Commercial S.A., and/or to pay, jointly and severally complainant Amalia S. Menez, widow of deceased seafarer Jonathan E. Menez, for and on behalf of their minor children, the Philippine Peso equivalent at the time of actual payment of SEVENTY TWO THOUSAND US DOLLARS (US\$72,000.00) representing death benefits and allowance, and burial allowance, and One Hundred Forty Seven Thousand Seventy Six Pesos (P147,076.00) representing reimbursement of medical expenses, plus ten percent (10%) thereof as and for attorney's fees.

All other claims are dismissed for lack of merit.

SO ORDERED.

Private respondents appealed the decision to the NLRC arguing that: (1) the deceased seafarer died after the effectivity of his employment contract with private respondents; (2) the illness which caused the seafarer's demise was not proven to be work-related; (3) the seafarer's illness, *acute myelogenous leukemia*, was undetected during his pre-employment medical examination; (4) cancer is judicially ruled to be not a work-related disease; and (5) the seafarer failed to comply with the mandatory post-employment medical examinations.

On December 30, 2010, the NLRC rendered the assailed Decision, the dispositive portion of which reads as follows:

WHEREFORE, premises considered, the appealed Decision is hereby REVERSED and SET ASIDE, and another one entered DISMISSING the instant complaint for lack of merit.

SO ORDERED.

Petitioner's subsequent motion for reconsideration was denied on March 29, 2011.^[5]

Petitioner filed a petition for *certiorari* under Rule 65 of the Rules of Court before the

CA assailing the NLRC decision. In its Decision, the CA affirmed the NLRC and ruled that petitioner failed to prove by substantial evidence compliance with Section 20(A) of the 2000 Philippine Overseas Employment Administration Standard Employment Contract (2000 POEA-SEC) when petitioner failed to show proof that her husband's death was work-related.^[6]

Further, the CA ruled that Jonathan failed to submit himself to post-employment medical examination as soon as he arrived in the Philippines, or within three (3) days therefrom in violation of Section 20(B) of the 2000 POEA-SEC.^[7]

Petitioner moved for reconsideration, but the CA denied it in its Resolution.

Hence, this Petition.

Issue

Whether Jonathan's death is compensable under the 2000 POEA-SEC.

The Court's Ruling

The Petition lacks merit.

Petitioner argues that Jonathan's death due to acute myelogenous leukemia is compensable because it is work-related,^[8] and that Jonathan's death occurred during the term of his employment as his symptoms manifested during the term of his employment.^[9] These are factual issues that are generally not reviewable in a petition under Rule 45 of the Rules of Court. As the Court ruled in *Madridejos v. NYK-Fil Ship Management, Inc.*^[10]:

As a rule, we only examine questions of law in a Rule 45 petition. Thus, "we do not reexamine conflicting evidence, reevaluate the credibility of witnesses, or substitute the findings of fact of the [National Labor Relations Commission], an administrative body that has expertise in its specialized field." Similarly, we do not replace our "own judgment for that of the tribunal in determining where the weight of evidence lies or what evidence is credible." The factual findings of the National Labor Relations Commission, when confirmed by the Court of Appeals, are usually "conclusive on this Court."^[11]

Here, the Court finds that the CA was correct in affirming the factual findings of the NLRC that petitioner failed to comply with the requirement that he should appear before the company-designated doctor. Section 20(B) of the 2000 POEA-SEC states:

SECTION 20. COMPENSATION AND BENEFITS