

## FIRST DIVISION

[ G.R. No. 206826, October 02, 2017 ]

**CAREER PHILIPPINES SHIPMANAGEMENT, INC. AND  
COLUMBIAN SHIPMANAGEMENT, LTD., PETITIONERS, VS.  
EDUARDO \* J. GODINEZ, RESPONDENT.**

[G.R. No. 206828]

**EDUARDO J. GODINEZ, PETITIONER, VS. CAREER PHILIPPINES  
SHIPMANAGEMENT, INC. AND COLUMBIAN SHIPMANAGEMENT,  
LTD., RESPONDENTS.**

### D E C I S I O N

#### **DEL CASTILLO, J.:**

The Court cringes at the thought, generated by the experience in this proceeding and in past cases, that in spite of all the laws passed and jurisprudence created to level the playing field for the disadvantaged worker, his plight continues against employers who will stop at nothing to avoid their obligations by taking advantage of the worker's weakness, ignorance, financial hardship, other handicap, or the cunning of their lawyers.

Before us are consolidated Petitions for Review on *Certiorari*<sup>[1]</sup> assailing the May 22, 2012 Decision<sup>[2]</sup> of the Court of Appeals (CA) in CA-G.R. SP No. 105602, as well as its April 18, 2013 Resolution<sup>[3]</sup> denying the parties' respective Motions for Reconsideration.<sup>[4]</sup>

#### ***Factual Antecedents***

Eduardo J. Godinez (Godinez) was hired by local manning agency Career Philippines Shipmanagement, Inc. (Career), for its foreign principal Columbian Shipmanagement, Ltd. (Columbian). He was assigned as Deck Cadet onboard the vessel "M/V Norviken." His nine-month stint, covered by a Philippine Overseas Employment Administration (POEA) Standard Employment Contract,<sup>[5]</sup> began on November 7, 2003.

Godinez was 20 years old at the time.

Prior to his employment, Godinez underwent a pre-employment medical examination (PEME) consisting of a physical medical examination and psychological evaluation, involving an intelligence and personality test, after which he was declared fit to work. Particularly, Godinez's Psychological Evaluation<sup>[6]</sup> revealed "no significant manifestation of personality and mental disturbances noted at the time of evaluation."

As Deck Cadet, Godinez's duties were as follows:

1. Act as look-out from 12:00 to 4:00 p.m. and 12:00 to 4:00 a.m. during navigation;
2. Perform gangway watch from 6:00 a.m. to 4:00 p.m. in port;
3. Assist in deck preventive maintenance;
4. Assist in arrival and departures, mooring, and unmooring;
5. Assist officers in the conduct of their work; and
6. Perform other tasks that may be assigned by his superiors.<sup>[7]</sup>

On November 13, 2003, Godinez boarded "M/V Norviken" and commenced his work.

On the evening of December 17, 2003, just before the start of his look-out duty at midnight, Godinez failed to wake up despite attempts by the crew to rouse him from sleep. As a result, his superior, Second Officer Antonio Dayo (Dayo) took his place and acted as look-out, together with the outgoing look-out. For this, Dayo became strict with Godinez, requiring the latter, as punishment, to clean toilets instead of performing his regular look-out duty; Dayo became rude, always finding fault and humiliating, accusing, shouting, insulting, nagging, and snapping at Godinez, who was also prevented from preparing his food for breakfast and snacks.<sup>[8]</sup>

On December 24, 2003, a report<sup>[9]</sup> was prepared and sent by the vessel master via electronic mail to Career, stating thus:

Subj: Update for Deck Cadet Eduard SJ. Godinez x x x x

Early morning of 23 Dec. 2003, abt 0800 hrs. he inform[ed] Bosun that if Bosun need[ed] him just call him in Hie crew smoke room where he [was] viewing tv.

At abt 1030 hrs. he came up to Master cabin to take the Bond store key and open it for he want[ed] to take beer, fanta and cigarettes for he said he [was] very thirsty. But then I didn't give anything. Instead, he ask[ed] chief officer [for] a packet of cigarettes when in fact for this month he got already 3 cartons.

At noon time while the crew [was] having lunch he [came] inside the messroom wearing short[s] without [a] shirt and shout[ed] that (babasagin ko lahat ang mga mukha ninyo). Then he [ate] and [kept] on transferring from one place to another (smoke room, crew mess, officer mess).

Before lunch he [came] up to 2/o and asked for his declared beer and cigarette. When 2/o asked him if he had [a] problem he said no. When 2/O ask him if he had taste[d] marijuana and shabu before, he admitted YES it taste[d] very good. He said he taste[d] marijuana during his high

school days and shabu during his college days.

After [the] crews[,] coffee break, at abt 1530 to 1745, he [was] on deck walking around with sometimes a basketball ball on his hand sometimes mop handle and sometimes a floor mop itself. The crew had to [stop] working when he pass[ed] by for they [were] afraid that he might hit them.

At dinner time he [came] down to crew messroom wearing white uniform with shoulder board wearing short pants (sleeping short pants) and rubber shoes without socks. After dinner he join[ed] the crew in [the] smoke room and [kept] on talking and laughing. Without any sense.

He [was] still under guard by one crew most of the time especially during night time until he [got] inside his cabin and [slept]. But in the early evening he [brought] his pillow and blanket in [the] crews[,] smoke room to sleep.

Yours truly,

Capt. Vicente A. Capero  
Master

On December 25, 2003, another report<sup>[10]</sup> was sent via electronic mail by the vessel master to Career, declaring as follows:

Subject: UPDATE OF DCD1 GODINEZ - CONDITION

x x x x

The condition now [was getting worse]. He [didn't] want to listen anymore to the officer on duty.

Today 25 Dec. 2003 at 0255 It second officer woke me up and told me that deck cadet GODINEZ [was] in the focsle railings doing sight seeing again with binocular[s]. Upon arrival on the bridge I switch[ed] on the foremast light and [saw] him [in the] same position as I mentioned before. I call[ed] him thru the compass deck external speaker or public address system to come back here in the accommodation. As per second officer info he [came] up to the bridge at about 0235 and [took] the binocular[s] and [brought] it down w[h]ere the escort [was] also following him. When he [didn't] listen to his escort and to [the] second officer on duty, he [rang] me up for it also near to [sic] the mark on chart as per my instruction to be [woken] up. At that time we [were] about to enter the TSS in [the] Gulf of Suez w[h]ere mere [was] so [much] traffic. When he [came] up on the bridge I asked him why he [did] that, he just answer[ed] that he want[ed] to see the light if it [was] a tug boat. So, I told him just go down in the messroom or dayroom and he obey[ed]. I call[ed] another crew for escort.

At 0400lt, 1AE called me up on bridge that Deck cadet [was] forcing to open engine room door coz he want[ed] to see the engine. But then he

didn't let him in.

At about 0445hrs it was noticed that he [was] walking on deck again. The escort inform[ed] the bridge that he [didn't] want to sleep, he want[ed] to see the lights. Then I shout[ed] again in [the] public address system to let him come back inside coz [it was] still too dark.

At 0608hrs he [was] again on deck walking/jogging with no shirt only short pants and slippers. He had not been sleeping for the whole night as per escort report. Also third officer inform[ed] me that at abt 2200hrs he [came] up also on the bridge with blanket and pillow. When ask by third officer just say this is just my baby. At daytime he [was] always in the dayroom playing music and [on] full volume [for] which galley boys are also complaining.

In this condition of him of which everyday is getting wors[e], I strongly oppose his presence on board. I want him to be dis-embarked immediately on arrival. He is now resisting orders, he [doesn't] listen to the officers and to his escort. This endanger[s] the safety of all crew on board and the vessel especially during transit and maneuvering. All my patience is over now.

Yours truly,

Capt. V. A. Capero

Upon the vessel's arrival in Egypt on December 25, 2003, a physician was called on board to assist Godinez, and he was brought to a local medical facility.

On January 10, 2004, Godinez was repatriated, and was referred to and confined at Sachly International Health Partners, Inc. (Sachly), the company-designated medical facility, for evaluation and treatment. The resulting Initial Medical Report<sup>[11]</sup> on Godinez's case, **which was unsigned**, contains an admission made by the latter that when he was 15 years old, he began to have episodes of insomnia and paranoia, for which he sought psychiatric evaluation and management.

On January 13, 2004, Godinez was once more examined at Sachly, and the January 19, 2004 Medical Progress Report<sup>[12]</sup> issued by Sachly's Medical Coordinator Dr. Susannah Ong-Salvador (Salvador) thereafter contained a recommendation that a psychological test be done "to [c]onsider bipolar disorder II", as it was noted that Godinez became "excessively talkative, with flight of ideas, and had erratic sleeping patterns [of only 1-2 hours, hallucinations, and was verbally abusive towards his mother and suffered from uncontrolled sleepiness]." He was admitted at the University of Santo Tomas Hospital on January 19, 2004.

On January 22 and 23, 2004, Godinez underwent psychological tests.

On February 6, 2004, Salvador issued another report<sup>[13]</sup> which confirmed that Godinez was suffering from bipolar disorder, which "has a good prognosis with adequate treatment" but "is not an occupational related illness."

On February 13, 2004, Godinez was again examined at Sachly, and Salvador's Report<sup>[14]</sup> of even date states that he "is in euthymic mood at present" with continuation of scheduled oral medication.

On March 12, 2004, an **unsigned** Medical Progress Report<sup>[15]</sup> on the findings of the examination conducted on Godinez on even date was ostensibly issued by Sachly. It contained findings that Godinez was "asymptomatic and doing well with no recurrence of depressive episodes;" that Godinez "verbalized a feeling of wellness;" that his "[v]ital signs were stable;" that he was in a "euthymic mood, and is able to sleep and eat well;" and finally, that he was "found to be functionally stable at present."

That very same day, or on March 12, 2004, Godinez was made to sign a prepared form/document entitled "Certificate of Fitness for Work"<sup>[16]</sup> whose particulars were mechanically filled out. Godinez signed this document as the declarant, and, interestingly, Sachly's Medical Coordinator, Dr. Salvador, signed as witness. The document was likewise notarized. It reads as follows:

I, Eduard Godinez, for myself and my heirs, do hereby release Columbia Shipmanagement Ltd. and Career Phils. Shipmgt. Inc. of all actions, claims, demands, etc., in connection with being released on this date as fit for duty.

In recognizing this Certificate of Fitness for Work, I hold the said Columbia Shipmanagement Ltd. and its Agent Career Phils. Shipmgt. Inc. free from all liabilities as consequence thereof.

Finally, I hereby declare that this Certificate of Fitness for Work may be pleaded in bar or any proceedings of the law that may be taken by any government agency, and I do promise to defend the right of said Career Phils. Shipmgt. Inc. and Columbia Shipmanagement Ltd. in connection with this Certificate of Fitness for Work.

Witness my hand this 12 day of March 2004 in the City of Manila, Philippines.

(signed)

EDUARD GODINEZ

Name of Vessel: M/V NORVIKEN

Nature of Illness or Injury: BIPOLAR MOOD  
DISORDER, TYPE II, IMPROVED

Date of Ill/Inj.: 25 December 2003

(signed)

Witness: SUSANNAH O. SALVADOR

MEDICAL

COORDINATOR

Ako, EDUARD GODINEZ, ay nagsasaad na ang bahagi ng salaysay na ito ay along nabasa at ang nasabi ay naipaliwanag sa akin sa salitang aking naiintindihan. Ito pa rin ay katunayan na ang aking pagsangayon sa nasabi ay aking sarili at kusang kagustuhan, at hindi bunga ng anumang