

## FIRST DIVISION

[ G.R. No. 74495, July 11, 1996 ]

**DUMEZ COMPANY AND TRANS-ORIENT ENGINEERS, INC.,  
PETITIONERS, VS. NATIONAL LABOR RELATIONS COMMISSION  
AND VERONICO EBILANE, RESPONDENTS.**

### D E C I S I O N

**HERMOSISIMA, JR., J.:**

Before us is a petition for certiorari assailing the Decision<sup>[1]</sup> of the National Labor Relations Commission (hereafter, NLRC)<sup>[2]</sup> in an illegal dismissal case<sup>[3]</sup> involving an overseas contract worker who contracted a debilitating illness while rendering services under a subsisting job contract in Riyadh, Saudi Arabia. The assailed Decision affirmed the award<sup>[4]</sup> by the Workers' Assistance and Adjudication Office of the Philippine Overseas Employment Administration (hereafter POEA) in favor of private respondent in the amount of U.S.\$1,110.00 or its peso equivalent as and for his medical compensation benefits.

The facts of the case are not in dispute:

On May 21, 1982, petitioner Dumez Company, a French company, through petitioner Trans-Orient Engineers, Inc., a corporation organized and existing under the laws of the Philippines, engaged the services of private respondent Veronico Ebilane as carpenter for one of its projects in the Middle East, with Riyadh, Saudi Arabia, as his place of actual employment. The parties executed and signed a one-year overseas employment agreement embodying the terms and conditions of private respondent's employment.

Private respondent commenced performance of said contract on July 3, 1982. On August 31, 1982, while at the job site, private respondent was suddenly seized by abdominal pain and rushed to the Riyadh Central Hospital where appendectomy was performed on him. During his confinement, he developed right-sided weakness and numbness and difficulty of speaking which was found to have been caused by Atrial Fibrillation and CVA embolism.

In a letter dated September 22, 1982, petitioners formally terminated private respondent's employment effective September 29, 1982, up to which time petitioners paid private respondent his salaries under his employment contract. Thereafter, on October 13, 1982, private respondent was repatriated to Manila.

On November 23, 1982, private respondent filed a complaint for illegal dismissal against petitioners. Such complaint was filed with the Workers' Assistance and Adjudication Office of the POEA.

Private respondent asseverates that he had been terminated pursuant to the

provision of Section 1 (d) of the employment agreement which refers to termination of an employee who is unqualified. He maintains that such ground for termination did not exist in his case and, thus, his dismissal was without cause.<sup>[5]</sup>

On January 24, 1984, the POEA Administrator rendered the assailed Decision ordering petitioners to pay private respondent medical compensation benefits in the amount of U.S.\$1,110.00 or its peso equivalent. Notwithstanding an explicit finding made in the assailed Decision that "there can be no dispute that complainant could be terminated for medical reasons," still petitioners were found to have failed to perform its obligation to give private respondent his "daily allowance for each day of work disability, including holidays."<sup>[6]</sup>

Believing that the POEA Administrator erred in finding them liable for private respondent's medical compensation benefits, petitioners appealed to the NLRC. In a Resolution<sup>[7]</sup> promulgated on March 25, 1986, the NLRC affirmed in toto the assailed Decision and dismissed the appeal for lack of merit.

Petitioners thus came to this Court on a petition for *certiorari*<sup>[8]</sup> seeking the voiding of the Resolution of the NLRC. In the meantime, petitioners prayed that a temporary restraining order be issued to enjoin the POEA from enforcing the assailed Resolution.

As prayed for, we issued a temporary restraining order enjoining the POEA and the NLRC from enforcing the assailed Resolution.<sup>[9]</sup>

On November 17, 1986, the Solicitor General filed a Comment "as his own, considering that he is unable to agree with the position adopted by public respondent National Labor Relations Commission."<sup>[10]</sup> The Solicitor General does not dispute private complainant's entitlement, under Saudi Arabia law, to medical benefits corresponding to the period of his physical incapacity. It is his position, however, that while payment of said medical benefits is explicitly mandated by the Social Insurance Law of Saudi Arabia,

"x x x the same law x x x is equally explicit that the liability decreed therein devolves 'at the General Organization's expense,' and not on the employer of the private respondent."<sup>[11]</sup>

Significantly, neither the private nor the public respondent has filed any pleading to refute the aforementioned postulate of the Solicitor General.

Understandably, the sole error attributed to the NLRC and the POEA is that there is no legal basis to require petitioners to pay private respondent medical compensation benefits equal to 75% of his salaries for four (4) months.

Petitioners are correct.

The POEA Administrator, in finding petitioners liable to private respondent for medical benefits accruing to the latter under the Social Insurance Law of Saudi Arabia, took judicial notice of the said law. To this extent, the POEA Administrator's actuations are legally defensible. We have earlier ruled in *Norse Management Co. (PTE) vs. National Seamen Board*<sup>[12]</sup> that evidence is usually a matter of procedure