

THIRD DIVISION

[G.R. No. 115497, September 16, 1996]

INTERORIENT MARITIME ENTERPRISES, INC., FIRCROFT SHIPPING CORPORATION AND TIMES SURETY & INSURANCE CO., INC., PETITIONERS, VS. NATIONAL LABOR RELATIONS COMMISSION AND CONSTANCIA PINEDA, RESPONDENTS.

DECISION

PANGANIBAN, J.:

Are the local crewing or manning agent and its foreign principal (the shipowner) liable for the death of a Filipino seaman-employee who, after having been discharged, was killed in transit while being repatriated home?

The instant petition^[1] seeks the reversal and/or modification of the Resolution^[2] dated March 30, 1994 of public respondent National Labor Relations Commission^[3] dismissing the appeals of petitioners and affirming the decision dated November 16, 1992^[4] of Philippine Overseas Employment Administration (POEA) Administrator Felicisimo C. Joson, which ordered that:^[5]

"WHEREFORE, in view of the foregoing consideration, respondents are hereby jointly and severally held liable to pay the complainant the following amounts:

1. P130,000.00 as death compensation benefits.
2. P18,000.00 as burial expenses."

The Facts

The proceedings below originated as a claim for death compensation benefits filed by Constancia Pineda as heir of her deceased son, seaman Jeremias Pineda, against Interorient Maritime Enterprises, Inc. and its foreign principal, Fircroft Shipping Corporation and the Times Surety and Insurance Co., Inc. The following facts were found by the POEA Administrator:^[6]

"As can be gathered from the records of the case, it was alleged that deceased seaman, Jeremias Pineda was contracted to work as Oiler on board the vessel, 'MV Amazonia', owned and operated by its foreign principal, Fircroft Shipping Corporation for a period of nine (9) months with additional three (3) months upon mutual consent of both parties with a monthly basic salary of US\$276.00 plus fixed overtime rate of US\$83.00 and a leave pay of 2 1/2 days per month; that on October 2, 1989, he met his death when he was shot by a Thai Policeman in Bangkok, Thailand; that considering that the deceased seaman was

suffering from mental disorders aggravated by threats on his life by his fellow seamen, the Ship Captain should not have allowed him to travel alone.

x x x

x x x

x x x

In its Answer/Position Paper, respondent agency averred that deceased seaman signed a contract of employment as Oiler for a period of nine (9) months with additional three (3) months upon mutual consent of both parties with a monthly salary of US\$276.00, fixed overtime rate of US\$83.00; that on December 21, 1988, deceased seaman joined the vessel MV Amazonia and proceeded to discharge his duties as Oiler; that on September 28, 1989, he finished his contract and was discharged from the port of Dubai for repatriation to Manila; that his flight schedule from Dubai to the Philippines necessitated a stopover at Bangkok, Thailand, and during said stopover he disembarked on his own free will and failed to join the connecting flight to Hongkong with final destination to Manila; that on October 5, 1990, it received a fax transmission from the Department of Foreign Affairs to the effect that Jeremias Pineda was shot by a Thai Officer on duty on October 2, 1989 at around 4:00 P.M.; that the police report submitted to the Philippine Embassy in Bangkok confirmed that it was Pineda who 'approached and tried to stab the police sergeant with a knife and that therefore he was forced to pull out his gun and shot Pineda'; that they are not liable to pay any death/burial benefits pursuant to the provisions of Par. 6, Section C, Part II, POEA Standard Format of Employment which state(s) that 'no compensation shall be payable in respect of any injury, (in)capacity, disability or death resulting from a willful (sic) act on his own life by the seaman'; that the deceased seaman died due to his own wilfull (sic) act in attacking a policeman in Bangkok who shot him in self-defense."

After the parties presented their respective evidence, the POEA Administrator rendered his decision holding petitioners liable for death compensation benefits and burial expenses.

Petitioners appealed the POEA decision to the public respondent. In a Decision dated March 30, 1994, public respondent upheld the POEA.

Thus, this recourse to this Court by way of a special civil action for certiorari per Rule 65 of the Rules of Court.

The Issues

The petitioners made the following "assignment of errors":

"Respondent NLRC committed a grave abuse of discretion in ruling that herein petitioners are liable for death compensation benefits despite the fact that there is no direct evidence proving that Pineda was mentally sick at the time of repatriation.

Respondent NLRC committed a serious error of law in not upholding the provisions of Par. 6, Section C, Part II of the POEA standard format

Contract of Employment.

Respondent NLRC committed a grave abuse of discretion in finding for compensability of Pineda's death when respondents (should read 'petitioners') have proven that his death was not work-connected."

The principal issue in this case is whether the petitioners can be held liable for the death of seaman Jeremias Pineda.

The petitioners challenge the factual bases of the NLRC Decision, and argue that there was "no evidence, whether documentary or testimonial, that the deceased Pineda, at the time of his repatriation was not in full control of his mental faculties", and that "there (was) no showing that seaman Pineda acted strangely when he disembarked from the vessel" in Dubai where he was discharged, and from which point he flew to Bangkok without any untoward incident during the entire trip. They thus insist that they were under no obligation to have Pineda accompanied home when he was discharged at the end of the contract term of nine months, that they were in no position to control the deceased's movements and behavior after he was repatriated and therefore should not be held answerable for the deceased's own voluntary acts, and that the deceased could have, while in Bangkok, ingested some drugs or other mind-altering substance resulting in his aggressive behavior and untimely demise.

The Court's Ruling

Procedural and Substantive Defects

At the outset, we note that the petition suffers from serious procedural defects that warrant its being dismissed outright. Petitioners acted prematurely, not having filed any motion for reconsideration with the public respondent before bringing the instant petition to this Court. This constitutes a fatal infirmity.

"x x x The unquestioned rule in this jurisdiction is that certiorari will lie only if there is no appeal or any other plain, speedy and adequate remedy in the ordinary course of law against the acts of public respondent. In the instant case, the plain and adequate remedy expressly provided by the law was a motion for reconsideration of the assailed decision, based on palpable or patent errors, to be made under oath and filed within ten (10) calendar days from receipt of the questioned decision."^[7]

"(T)he filing of such a motion is intended to afford public respondent an opportunity to correct any actual or fancied error attributed to it by way of a re-examination of the legal and factual aspects of the case. Petitioner's inaction or negligence under the circumstances is tantamount to a deprivation of the right and opportunity of the respondent Commission to cleanse itself of an error unwittingly committed or to vindicate itself of an act unfairly imputed. x x x"^[8]

"x x x And for failure to avail of the correct remedy expressly provided by law, petitioner has permitted the subject Resolution to be come final and

executory after the lapse of the ten day period within which to file such motion for reconsideration."^[9]

But even if the aforesaid procedural defect were to be overlooked, the instant petition nevertheless suffers from serious substantive flaws. The petition assails the Resolution of the respondent Commission as lacking factual and legal bases to support the same. A petition for certiorari under Rule 65 of the Rules of Court will lie only in cases where a grave abuse of discretion or an act without or in excess of jurisdiction is clearly shown to have been committed by the respondent Commission, and this Court's jurisdiction to review decisions or resolutions of the respondent NLRC does not include a correction of its evaluation of the evidence.^[10] Moreover, it is a fundamental rule that the factual findings of quasi-judicial agencies like the respondent NLRC, if supported by substantial evidence, are generally accorded not only great respect but even finality, and are binding upon this Court, unless the petitioner is able to clearly demonstrate that respondent Commission had arbitrarily disregarded evidence before it or had misapprehended evidence to such an extent as to compel a contrary conclusion if such evidence had been properly appreciated.^[11]

First Issue: No Direct Evidence of Mental State?

At any rate, even disregarding for the nonce the substantive as well as procedural defects discussed above, a judicious review of the records of this case turns up no indication whatsoever that the respondent Commission committed any grave abuse or acted beyond or without jurisdiction. On the contrary, the petitioners' contention that the assailed Resolution has no factual and legal bases is belied by the adoption with approval by the public respondent of the findings of the POEA Administrator, which recites at length the reasons for holding that the deceased Pineda was mentally sick prior to his death and concomitantly, was no longer in full control of his mental faculties.

First, a word about the evidence supporting the findings of the POEA Administrator. We have held that claims of overseas workers against their foreign employers should not be subjected to the rules of evidence and procedure that courts usually apply to other complainants who have more facility in obtaining the required evidence to prove their demands.^[12] Section 5, Rule 133 of the Rules of Court provides that in cases filed before administrative or quasi-judicial bodies (like the POEA), a fact may be deemed established if it is supported by substantial evidence, i.e., that amount of evidence which a reasonable mind might accept as adequate to justify a conclusion.^[13] In this instance, seaman Pineda, who was discharged in Dubai, a foreign land, could not reasonably be expected to immediately resort to and avail of psychiatric examination, assuming that he was still capable of submitting himself to such examination at that time, not to mention the fact that when he disembarked in Dubai, he was already discharged and without employment -- his contract having already run its full term -- and he had already been put on a plane bound for the Philippines. This explains the lack or absence of direct evidence showing his mental state.

The circumstances prior to and surrounding his death, however, provide substantial evidence of the existence of such mental defect or disorder. Such mental disorder became evident when he failed to join his connecting flight to Hongkong, having