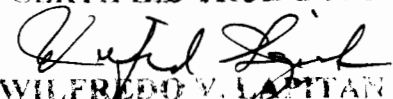




Republic of the Philippines  
**SUPREME COURT**  
 Manila

CERTIFIED TRUE COPY  
  
**WILFREDO V. LAPID**  
 Division Clerk of Court  
 Third Division

**THIRD DIVISION**

JAN 04 2018

**ALMARIO F. LEONCIO,**  
 Petitioner,

**G.R. No. 230357**

Present:

- versus -

VELASCO, JR., *J.*, Chairperson,  
 BERSAMIN,\*  
 LEONEN,  
 MARTIRES, and  
 GESMUNDO, *JJ.*

**MST MARINE SERVICES  
 (PHILS.), INC./ARTEMIO V.  
 SERAFICO and/or THOME SHIP  
 MANAGEMENT PTE., LTD.,**  
 Respondents.

Promulgated:

December 6, 2017

X----------X

**DECISION**

**VELASCO, JR., *J.*:**

**Nature of the Case**

By this petition for review under Rule 45 of the Rules of Court, petitioner Almario F. Leoncio (Leoncio) seeks the reversal of the Decision dated November 9, 2016 of the Court of Appeals (CA)<sup>1</sup> in CA-G.R. SP No. 142956, as reiterated in its Resolution of March 2, 2017, denying the petitioner's motion for reconsideration. The assailed CA Decision sustained an earlier decision of the National Labor Relations Commission (NLRC), which overturned that of the Labor Arbiter and denied the petitioner's claim for permanent total disability benefits.

**Factual Antecedents**

From the assailed Decision of the appellate court, the undisputed factual background of the case may be stated as follows:

\* On leave.

<sup>1</sup> Penned by Associate Justice Manuel M. Barrios and concurred in by Associate Justices Ramon M. Bato, Jr. and Henri Jean Paul B. Inting.

Private respondent MST Marine Services (Phils.), Inc. (MST Marine) is a domestic manning agency, with private respondent Thome Ship Management Pte. Ltd (Thome) as one of its principals.<sup>2</sup>

Starting May 5, 1996 and for a period of more than eighteen (18) years thereafter, MST Marine repeatedly hired Leoncio to work for its principals, including Thome.<sup>3</sup>

On August 23, 2001, petitioner disembarked from M/V *Golden Stream*, owned by one of respondent's principals, and was repatriated to be treated for his Coronary Artery Disease/Hypertensive Cardio-Vascular Disease (CAD/HCVD) by the company-designated physician. For two months, he received sickness allowance and was in the care and management of the company-designated physician. Thereafter, he was declared "fit to work" and redeployed by respondents on board M/V *Frontier Express*, albeit with a demotion in rank.<sup>4</sup>

After several more deployments from 2005, petitioner Leoncio was employed by respondents on January 27, 2014 as Chief Cook on board M/V *Knossos* for a period of nine (9) months under a POEA Standard Employment Contract (POEA-SEC). Prior to his embarkation, he underwent a pre-employment medical examination (PEME) and was declared "fit for sea duty."<sup>5</sup> Petitioner eventually boarded the vessel on February 5, 2014.<sup>6</sup>

While performing his duties on board M/V *Knossos* on May 25, 2014, Leoncio suddenly felt heavy chest pains, shortness of breath, numbness of the left portion of his face, and hypertensive reaction. The Master of the Vessel allowed him to rest and take medicine when Leoncio reported his condition. However, on June 2014, Leoncio again experienced the same symptoms. Hence, the Master of the Vessel asked respondent MST Marine to refer Leoncio for a medical check-up.<sup>7</sup>

On June 8, 2014, Leoncio was admitted to the Geelong Hospital in Australia where he was diagnosed with "unstable angina"<sup>8</sup> and subsequently, underwent "PCI (Percutaneous Coronary Intervention) to severe distal RCA (Right Coronary Artery)."<sup>9</sup>

---

<sup>2</sup> *Rollo*, p. 63.

<sup>3</sup> *Id.*

<sup>4</sup> *Id.* at 7.

<sup>5</sup> *Id.* at 64.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*, citing Medical Discharge Summary, Annex "J" of the Petition for Certiorari filed before the CA.

<sup>9</sup> *Id.*



In due course, Leoncio was medically repatriated to the Philippines on July 12, 2014.<sup>10</sup> Two days later, he was referred to the company-designated physician for post-employment medical examination and treatment of his coronary artery disease and hypertensive cardiovascular disease. He was then confined at the St. Luke's Medical Center for four days under the care of Dr. Elpidio Nolasco.<sup>11</sup>

While undergoing treatment, respondent MST Marine inquired from Dr. Nolasco regarding Leoncio's condition. In particular, MST Marine asked the doctor to check or confirm whether Leoncio had previously undergone stenting procedures.<sup>12</sup> On October 4, 2014, Dr. Nolasco confirmed that, indeed, Leoncio had previously undergone stenting procedure sometime in 2008 and that "there are stents found on the LAD [Left Anterior Descending] and LCS [Left Circumflex] arteries in the heart or in the coronary arteries."<sup>13</sup>

Based on this information, MST Marine cut off the medical and sickness allowances provided to Leoncio on the ground of his failure to declare during the PEME that he underwent a stenting procedure in 2009.<sup>14</sup> Petitioner then promptly consulted Dr. Ramon Reyes.<sup>15</sup> The latter issued a medical certificate dated October 24, 2014 declaring Leoncio unfit for work, viz:

This is to certify that the said patient underwent emergency angioplasty last August 26, 2014. Based on his PEME he was declared as FIT FOR SEA DUTY because of NORMAL STRESS ECHO indicative that he has no stress induced ischemia or in layman's term CORONARY ARTERY DISEASE. Therefore, **upon evaluation of his cardiovascular history he is labelled as UNFIT for further sea duty and therefore compensable with Grade 1 impediment, the basis for which is IT IS WORK-RELATED** and he was declared as FIT from his PEME based on his NORMAL STRESS ECHO and that the lesions that underwent angioplasty are new and not of the previous PCI.<sup>16</sup>

Dr. Fernandez Alzate, an internal medicine-cardiologist at the St. Luke's Medical Center, echoed Dr. Reyes' findings in a medical certification dated October 28, 2014.<sup>17</sup>

<sup>10</sup> Id. at 65.

<sup>11</sup> Id., citing Certificate of Confinement dated August 28, 2014, Annex "K" of the Petition for Certiorari filed before the CA.

<sup>12</sup> Id.

<sup>13</sup> Id. at 65-66, citing Annex "M" of the Petition for Certiorari filed before the CA.

<sup>14</sup> Id. On this score, the CA's Decision states that the procedure was done in 2008.

<sup>15</sup> Id. at 66.

<sup>16</sup> Id. at 66-67.

<sup>17</sup> Id. at 67, citing Medical Certificate dated October 28, 2014, Annex "O" of the Petition for Certiorari filed before the CA. It read:

This is to certify that I have seen and examined Mr. Leoncio in my clinic. Patient has previous acute myocardial infarct on July 9, 2014 in Australia involving the Right Coronary Artery. 1 month after patient developed onset of chest heaviness. I was able to review his CD which showed severe lesion at the proximal LAD before the previously implanted stent last 2009. It could have been a case of disease progression. Advised risk factors and lifestyle modification.

UNFIT FOR WORK



On account of the doctors' findings that the lesions found in 2014 were new and not connected with the previous stents, Leoncio filed a complaint for permanent and total disability benefits against the private respondents.

### **Ruling of the Labor Arbiter**

In a Decision dated April 20, 2015, the Labor Arbiter rendered a decision finding for the petitioner. The dispositive portion of the Labor Arbiter decision reads:

WHEREFORE, premises considered, judgment is hereby rendered ordering respondents MST Marine Services (Phils.) and/or Thome Ship Management Pte. Ltd., jointly and severally to pay complainant the following:

1) Permanent and total disability benefits under the IBP-AMOSUP IMEC/TCCC CBA in the amount of UNITED STATES DOLLARS: ONE HUNDRED TWENTY-SEVEN THOUSAND NINE HUNDRED THIRTY-TWO (US\$127,932.00) [or] on its peso equivalent at the time of payment;

2) Sickness allowance for two (2) months in the amount of US\$1,440.00 at their Philippine peso equivalent at the time of payment.

3) Moral damages in the amount of US\$1,000.00; and exemplary damages in the amount of US\$1,000.00 at the time of actual payment.

4) Attorney's fees equivalent to ten percent (10%) of the total judgment award, or at their Philippine peso equivalent at the time of actual payment.

All other claims are ordered dismissed.

The Labor Arbiter noted, as petitioner has insisted, that the respondents were already aware of the existence of Leoncio's coronary artery disease (CAD/HCVD) since 2001 but nonetheless reemployed and redeployed him to work for several more years. Thus, for the Labor Arbiter, petitioner's failure to disclose the stenting procedure in 2009 cannot bar his claim for permanent and total disability benefits. Further, the Labor Arbiter noted that the subject of the stenting procedure in 2009 were the Left Anterior Descending (LAD) and the Left Circumflex (LCX) arteries, which are distinct and different from the cause and subject of his angioplasty, and later repatriation, in 2014—the Right Coronary Artery (RCA).

### Ruling of the NLRC

Respondents filed an appeal with the NLRC, which was granted in the tribunal's Decision of July 28, 2015. The *fallo* of the NLRC Decision reads:

WHEREFORE, premises considered, the instant appeal is GRANTED. The assailed Decision dated April 20, 2015 of the Labor Arbiter is REVERSED and SET ASIDE, and the Complaint is DISMISSED for lack of merit.<sup>18</sup>

Relying on this Court's ruling in *Status Maritime v. Spouses Delalamon*,<sup>19</sup> the NLRC held that Leoncio's concealment of the stenting procedure during the PEME is a misrepresentation that bars his right to any disability compensation or illness benefit under the POEA-SEC.<sup>20</sup> The NLRC paid no heed to Leoncio's argument that the respondent already knew of his coronary artery disease since 2001 when he was first medically repatriated on account thereof. The NLRC took the opinion that "a previous illness which occurred seven years prior to the 200[9] medical procedure should not be used as proof of [petitioner's] illness."<sup>21</sup>

The NLRC denied petitioner's motion for reconsideration in a Resolution dated September 24, 2014. Therefrom, respondent went on a Certiorari to the CA, in CA-G.R. SP No. 142956.

### Ruling of the Court of Appeals

In the assailed Decision dated November 9, 2016, the appellate court ruled against Leoncio's entitlement to the benefits he claimed, and accordingly sustained the NLRC. The decretal portion reads:

WHEREFORE, the foregoing considered, the Petition for Certiorari is DENIED. The Decision dated 28 July 2015 and Resolution dated 24 September 2015 of the NLRC in NLRC LAC No. 06-000498-15 (NLRC NCR-OFW-M-11-13791-14) are SUSTAINED.

Adopting the NLRC's recitation of facts and likewise citing *Status Maritime v. Spouses Delalamon*,<sup>22</sup> the legal conclusions reached by the NLRC were likewise adhered to by the CA in holding that Leoncio's concealment of the stenting procedure during the PEME bars his right to disability benefit under the POEA-SEC.<sup>23</sup> Besides a brief statement of Leoncio's argument that the respondents' knew of his condition given his medical repatriation in 2001, this fact was lost in the appellate court's discussion.

---

<sup>18</sup> Id. at 28.

<sup>19</sup> G.R. No. 198097, July 30, 2014, 731 SCRA 390.

<sup>20</sup> *Rollo*, pp. 25-28.

<sup>21</sup> Id. at 28.

<sup>22</sup> *Supra*.

<sup>23</sup> *Rollo*, pp. 71-74.

With his motion for reconsideration having been denied by the CA in its equally challenged Resolution of March 2, 2017, Leoncio is now with this Court via the present recourse, submitting the following issues for our consideration:

1. Whether the “stenting procedure done in 2009...” in [Petitioner’s] left Coronary Arteries constitutes willful concealment and/or fraudulent misrepresentation under Section 20(E) of the POEA-SEC which would disqualify petitioner from claiming permanent total disability benefits under Section 20 (A) (6) of the 2010 POEA-SEC; and

2. Whether the work-relatedness of petitioner’s pre-existing illness of Coronary Artery Disease/Hypertensive Cardio-Vascular Disease already known to respondents since 2001 can be set aside by the alleged concealment and/or misrepresentation of the 2009 stenting procedures on his left coronary arteries.

Respondents filed their Comment on the petition on August 7, 2017 contending in the main that petitioner’s employment is contractual in nature so that he is required to divulge, during each PEME, “any pre-existing medical condition that he has, including past medical history that can assist the Respondents in arriving at an accurate decision as to whether or not he is fit for employment.”<sup>24</sup>

### Issue

Simply put, the main and decisive issue for resolution is whether petitioner committed a fraudulent misrepresentation that bars his recovery of total disability benefits.

### Our Ruling

The Court resolves to grant the petition.

The rule is that only questions of law may be raised in and resolved by this Court on petitions brought under Rule 45 of the Rules of Civil Procedure, because the Court, not being a trier of facts, is not duty-bound to reexamine and calibrate the evidence on record. Exceptions abound, however.<sup>25</sup> This Court may delve into and resolve factual issues when the

---

<sup>24</sup> Comment, p. 15.

<sup>25</sup> (a) when the conclusion is a finding grounded entirely on speculations, surmises or conjectures; (b) when the inference made is manifestly mistaken, absurd or impossible; (c) when there is grave abuse of discretion; (d) when the judgment is based on a misapprehension of facts; (e) when the findings of fact are conflicting; (f) when the [CA], in making its findings, went beyond the issues of the case and the same is contrary to the admissions of both appellant and appellee; (g) where the [CA] manifestly overlooked certain relevant facts not disputed by the parties and which, if properly considered, would justify a different conclusion; and (h) where the findings of fact of the [CA] are contrary to those of the trial court, or are mere conclusions without citation of specific evidence, or where the facts set forth by the petitioner are not disputed by the respondent, or where the findings of fact of the [CA] are premised on absence of evidence but are contradicted by the evidence on record. *Republic of the Philippines v. Hon. Mangotara, et al.*, 638 Phil. 353, 421-422 (2010).

lower fora come up with conflicting positions or where the CA manifestly overlooked undisputed relevant facts, which, if properly considered, would support a different conclusion,<sup>26</sup> as in this case.

***No fraudulent misrepresentation***

The resolution of this case pivots on the construction of the phrase “illness or condition” in Section 20(E) of the 2010 POEA-SEC, which states:

SECTION. 20 COMPENSATION AND BENEFITS

x x x x

E. A seafarer who knowingly conceals a pre-existing **illness or condition** in the Pre-Employment Medical Examination (PEME) shall be liable for misrepresentation and shall be disqualified from any compensation and benefits. This is likewise a just cause for termination of employment and imposition of appropriate administrative sanctions. (emphasis supplied)

For the petitioner, the phrase refers to his “coronary artery disease.” Thus, given his medical repatriation on account thereof in 2001, for which he was compensated and even demoted by MST Marine, he cannot be considered to have concealed the same during his PEME in 2014. Respondents, on the other hand, maintain that the phrase includes and requires the disclosure of the stenting procedure on his LAD and LCX arteries undergone by the petitioner in 2009. Thus, for the respondents, Leoncio’s failure to reveal the same is a fraudulent misrepresentation that bars his entitlement to any compensation or benefit under the POEA-SEC and/or their CBA.

The rule is that where the law speaks in clear and categorical language, there is no room for interpretation; there is only room for application.<sup>27</sup> Only when the law is ambiguous or of doubtful meaning may the court interpret or construe its true intent.<sup>28</sup> Even then, Article 4 of the Labor Code is explicit that “all doubts in the implementation and interpretation of the provisions of the Labor Code, including its implementing rules and regulations, shall be resolved in favor of labor.” This liberal interpretation of labor laws and rules have been applied to employment contracts<sup>29</sup> by Article 1702 of the New Civil Code<sup>30</sup> which mandates that “all labor contracts” shall likewise be construed in favor of the laborer.

---

<sup>26</sup> Id.

<sup>27</sup> *Guy v. Guy*, G.R. No. 184068, April 19, 2016, citing *United Paracale Mining Co., Inc. v. Dela Rosa*, G.R. Nos. 63786-87, 70423, 73931, April 7, 1993, 221 SCRA 1080.

<sup>28</sup> Id.

<sup>29</sup> *Marcopper Mining Corporation v. National Labor Relations Commission*, G.R. No. 103525, March 29, 1996, 255 SCRA 322.

<sup>30</sup> Article 1702. In case of doubt, all labor legislation and all labor contracts shall be construed in favor of the safety and decent living for the laborer.

In this case, nothing can be plainer than the meaning of the word “illness” as referring to a disease or injury afflicting a person’s body. By the doctrine of *noscitor a sociis*, “condition” likewise refers to the state of one’s health. Neither of these words refers to a medical procedure undergone by a seafarer in connection with an “illness or condition” **already known** to the employer as far back as 2001. For this, the Court extends its full concurrence to the conclusion reached by the Labor Arbiter that the employer cannot validly decry his supposed concealment and fraudulent misrepresentation of Leoncio’s illness on account of the non-disclosure of the stenting procedure. The Labor Arbiter observed:

In arguing that complainant is not entitled to the claimed disability compensation, respondents in the main point to the fraudulent misrepresentation for non-disclosure of previous LAD and LCX stents patent undergone in 2009 to PEME doctors in all his PEMEs with respondents.


However, a closer review of the alleged concealment of previous LAD and LCX stents patent undergone in 2009 is actually not a concealment nor a fact relevant to the cause of complainant’s repatriation on July 12, 2014 due to an entirely different illness, i.e., Percutaneous Coronary Intervention (PCI) to severe distal Right Coronary Artery (RCA) with one drug-eluting stent. First, the lesions of the previous LAD and LCX stents patent undergone in 2009 [are] different from the lesions that underwent angioplasty in Australia before his second medical repatriation on July 12, 2014. Second, after the LAD and LCX stents (Angioplasty) done in 2009, complainant was re-deployed on respondents’ various vessels for five years without medical issues relating to the angioplasty done in 2009. Most importantly, **the record is undisputed that complainant was first medically repatriated in 2001 due to Hypertension and Angina Pectoris where he was declared “Fit for Sea Duty” after undergoing treatment by the company-designated physician. He was initially demoted for one contract after said medical repatriation but reverted to his old position as Chief Cook on subsequent deployments. Respondents cannot claim there was misrepresentation by the complainant on account of his medical repatriation in 2001 which contradicts their alleged lack of knowledge of said pre-existing illnesses of the complainant. These circumstances indubitably establish respondents’ awareness of complainant’s impaired medical condition despite being considered fit to work. Hence, the allegations of fraudulent misrepresentation by the respondents cannot be given credence.**<sup>31</sup> (emphasis supplied)

This Court’s pronouncement in *Status Maritime v. Spouses Delalamon*<sup>32</sup> relied upon by both the NLRC and the CA scarcely anchors their ruling. In that case, the seafarer was disqualified from receiving benefits for knowingly concealing his diabetes—a pre-existing *disease*; not a prior procedure or surgery.

---

<sup>31</sup> *Rollo*, pp. 19-20.

<sup>32</sup> *Supra* note 19.





Even this Court's ruling in *Vetyard Terminals & Shipping Services, Inc. v. Suarez*,<sup>33</sup> cited by the appellate court in its assailed Resolution, is not decisive in the present controversy. In *Vetyard*, the seafarer knowingly misrepresented during his PEME that "he was merely wearing corrective lens" when in fact he had a previous cataract operation that could have caused the condition he was diagnosed with. As the Court noted in that case: "*pseudophakia* indicates presence of artificial intraocular lens (IOL) replacing normal human lens and *posterior capsule opacification* is the most frequent complication of cataract surgery. By their nature, these ailments are more the result of eye disease than of one's kind of work." Clearly, in *Vetyard*, the materiality of the active misrepresentation by the seafarer to the disability he complained of, which was not heretofore known to the employer, cannot be more pronounced. What is more, there is nothing in *Vetyard* to indicate that the seafarer's employers knew that he had suffered from cataract. This spells the substantial disparity between the case at bar and *Vetyard*.

As the Court sees it, the so-called misrepresentation ascribed to the petitioner is more imaginary than real. As it is, the stenting procedure undergone by Leoncio on his LAD and LCX arteries is nothing more than **an attempt to discontinue the steady progression of his illness or condition—his CAD/HCVD, which was already known by his employers.** Simply, a stenting procedure is the "placement of a small wire mesh tube called a stent to help prop the artery open and decrease its chance of narrowing again."<sup>34</sup> As it is, the procedure was intended to *improve* his health condition. Surely, the non-disclosure thereof does not diminish MST Marine's knowledge of the "illness or condition" he had already been diagnosed with since 2001. Undeniably then, Leoncio's failure to reveal the said procedure does not amount to a concealment of a pre-existing "illness or condition" that can bar his claim for disability benefit and compensation.

That the nature of petitioner's employment is contractual is immaterial to the issue in this case. For surely, the knowledge acquired by MST Marine regarding the medical condition of a seafarer is not automatically wiped out and obliterated upon the expiration of a contract and the execution of another. Instead, the knowledge and information previously acquired by MST Marine, as agent, is imputed to its principals.<sup>35</sup> The latter cannot, therefore, deny knowledge of petitioner's medical condition and so refuse to pay his benefits.

---

<sup>33</sup> G.R. No. 199344, March 5, 2014.

<sup>34</sup> See <<https://www.mayoclinic.org/tests-procedures/coronary-angioplasty/home/ovc-20241582>> last accessed October 30, 2017.

<sup>35</sup> See *Rovels Enterprises, Inc. v. Ocampo*, G.R. No. 136821, October 17, 2002, 391 SCRA 176; *Air France v. Court of Appeals, et al.*, 211 Phil. 601 (1983), cited in *Sunace International Management Services, Inc. v. National Labor Relations Commission*, 515 Phil. 779, 788 (2006).

### ***Presumption of Work Relation***

With the foregoing disquisition, what is left for this Court is to determine whether his illness or condition is work-related.

Section 32-A of the POEA-SEC lists cardiovascular disease as a compensable work-related condition. Further, in several cases, cardiovascular disease, coronary artery disease, as well as other heart ailments, were held to be compensable.<sup>36</sup> A few of these rulings were summarized in *Magsaysay Mitsui OSK Marine, Inc. v. Bengson*,<sup>37</sup> as follows:

In many cases decided in the past, this Court has held that cardiovascular disease, coronary artery disease, and other heart ailments are compensable. Thus, in *Fil-Pride Shipping Company, Inc. v. Balasta*, severe 3-vessel coronary artery disease which the seaman contracted while serving as Able Seaman was considered an occupational disease. In *Villanueva, Sr. v. Baliwag Navigation, Inc.*, it was held that the 2000 POEA-SEC considers heart disease as an occupational disease. In *Jebsens Maritime, Inc. v. Undag*, the Court held that hypertensive cardiovascular disease may be a compensable illness, upon proof. In *Oriental Shipmanagement Co., Inc. v. Bastol* and *Heirs of the late Aniban v. National Labor Relations Commission*, it was held that myocardial infarction as a disease or cause of death is compensable, such being occupational. *Iloreta v. Philippine Transmarine Carriers, Inc.* held that hypertensive cardiovascular disease/coronary artery disease and chronic stable angina are compensable. *Micronesia Resources v. Cantomayor* stated that a finding of coronary artery disease entitles the claimant — a seaman Third Officer — to disability compensation. In *Remigio v. National Labor Relations Commission*, the Court held that the claimant — a musician on board an ocean-going vessel — was entitled to recover for suffering from coronary artery disease. In *Sepulveda v. Employees' Compensation Commission*, it was declared that the employee's illness, myocardial infarction, was directly brought about by his employment as schoolteacher or was a result of the nature of such employment.

The POEA-SEC provides as a condition for a known CAD to be compensable that there is proof that an acute exacerbation was precipitated by the unusual strain of the seafarer's work. Having worked as a seafarer for almost two decades and as a Chief Cook, no less, it can be fairly stated that petitioner was a "walking time bomb ready to explode towards the end of his employment days."<sup>38</sup> In this instance, on May 25, 2014, petitioner already felt the onset of an attack, experiencing heavy chest pains, shortness of

---

<sup>36</sup> *Fil-Pride Shipping Co., Inc. v. Balasta*, G.R. No. 193047, March 3, 2014, 717 SCRA 624, citing *Jebsens Maritime, Inc. v. Undag*, G.R. No. 191491, December 14, 2011, 662 SCRA 670; *Oriental Shipmanagement Co., Inc. v. Bastol*, G.R. No. 186289, June 29, 2010, 622 SCRA 352; *Iloreta v. Philippine Transmarine Carriers, Inc.*, G.R. No. 183908, December 4, 2009, 607 SCRA 796; *Micronesia Resources v. Cantomayor*, 552 Phil. 130 (2007); *Remigio v. National Labor Relations Commission*, 521 Phil. 330, 347 (2006); and *Heirs of the late Aniban v. National Labor Relations Commission*, 347 Phil. 46 (1997), citing *Tibulan v. Hon. Inciong*, 257 Phil. 324 (1989); *Cortes v. Employees' Compensation Commission*, 175 Phil. 331 (1978); and *Sepulveda v. Employees' Compensation Commission*, 174 Phil. 242 (1978). See also *Magsaysay Mitsui OSK Marine, Inc. v. Bengson*, 745 Phil. 313, 330 (2014).

<sup>37</sup> *Supra* note 36.


<sup>38</sup> *Government Service Insurance System v. Alcaraz*, 703 Phil. 91, 100 (2013).

breath, numbness of the left portion of his face, and hypertensive reaction.<sup>39</sup> He again experienced these in June 2014, and so was forced to disembark for an operation on June 8, 2014. To be sure, it is more than reasonable to conclude that the risks present in his work environment precipitated the onset of the acute exacerbation of his heart condition. It is likewise a matter of judicial notice that seafarers are exposed to varying temperatures and harsh weather conditions as the ship crossed ocean boundaries. Worse, they are constantly plagued by homesickness and worry for being physically separated from their families for the entire duration of their contracts. Undoubtedly, this bears a great degree of emotional strain while making an effort to perform their jobs well.<sup>40</sup>

All told, the Court finds that petitioner proved, by substantial evidence, his right to be paid the disability benefits he claims. Thus, the NLRC, under the present circumstances, committed grave abuse of discretion in reversing the ruling of the Labor Arbiter. Accordingly, in affirming the NLRC's decision, the CA committed a reversible error in not finding that the NLRC committed an error of jurisdiction.

**WHEREFORE**, in the light of these considerations, We **GRANT** the petition for review on certiorari filed by the petitioner. Accordingly, We **REVERSE** and **SET ASIDE** the November 9, 2016 Decision and March 2, 2017 Resolution of the Court of Appeals in in CA-G.R. SP No. 142956, and hereby **REINSTATE** the Labor Arbiter's Decision dated April 20, 2015.

**SO ORDERED.**



**PRESBITERO J. VELASCO, JR.**  
Associate Justice

---

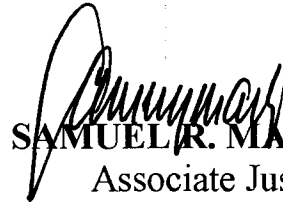
<sup>39</sup> Id.

<sup>40</sup> See *Fil-Pride Shipping*, supra note 36.

WE CONCUR:

(On Leave)  
**LUCAS P. BERSAMIN**  
Associate Justice

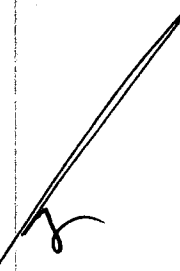
  
**MARVIC M.V.F. LEONEN**  
Associate Justice

  
**SAMUEL R. MARTIRES**  
Associate Justice

(On Leave)  
**ALEXANDER G. GESMUNDO**  
Associate Justice

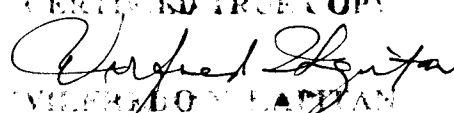
**ATTESTATION**


I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

  
**PRESBITERO J. VELASCO, JR.**  
Associate Justice  
Chairperson

**CERTIFICATION**

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

CERTIFIED TRUE COPY  
  
**MERCEDES L. LAPID**  
Division Clerk of Court  
Clerk Division

  
**MARIA LOURDES P. A. SERENO**  
Chief Justice