SECOND DIVISION

[G.R. No. 247338, September 02, 2020]

ROGER V. CHIN, PETITIONER, VS. MAERSK-FILIPINAS CREWING, INC., MAERSK LINE A/S, AND RENEL C. RAMOS, RESPONDENTS.

D E C I S I O N

PERLAS-BERNABE, J.:

Assailed in this petition for review on *certiorari*[1] are the Resolutions dated December 19, 2018[2] and May 9, 2019[3] of the Court of Appeals (CA) in CA-G.R. SP No. 158643, dismissing outright the appeal filed by petitioner Roger V. Chin (petitioner) under Rule 43 of the Revised Rules of Civil Procedure from the Decision[4] dated August 28, 2018 of the Maritime Voluntary Arbitrator (VA) in MVA-031-RCMB-NCR-129-02-04-2018, for having been filed out of time.

The Facts

On April 13, 2016, petitioner was hired as Able Seaman by Maersk-Filipinas Crewing, Inc. and its officer Renel C. Ramos, for and on behalf of their foreign principal, Maersk Line A/S (respondents), for a six (6)-month contract on board the vessel *MV Maersk Danube*, allegedly covered by a Singaporean Organization of Seamen Collective Bargaining Agreement (SoS CBA).[5] After undergoing the required Pre-Employment Medical Examination, petitioner was declared fit for duty. On May 1, 2016, he boarded the vessel and assumed his duties, which required hard manual labor.[6]

Sometime in October 2016, while lifting the steel cover of a chain pipe located under the mooring in order to clear some debris, petitioner allegedly felt excruciating pain on his back that resulted to blurring of vision or symptoms of heart attack. He reported his condition to his superiors and requested for medical consultation, but was refused. Instead, he was recommended for medical repatriation and, subsequently, signed off from the vessel on October 17, 2016.[7]

Upon arrival in Manila, petitioner was given proper post-employment medical examination and further treatment by the company-designated physician, Dr. Ferdinand Bernal (Dr. Bernal). Subsequently, petitioner was diagnosed with *Degenerative Disc Disease, L3-L4 to L5-S1*; hence, he was given appropriate medications and advised to start physical therapy sessions. After completing various consultations and tests, or on December 5, 2016, petitioner was revealed to be asymptomatic and had no more lower back pains.[8] Thus, on even date, he was declared fit to work and signed a Certificate of Fitness for Work.[9]

On January 25, 2018, petitioner sought the second medical opinion of another physician, Dr. Cesar H. Garcia (Dr. Garcia), who assessed that petitioner was "unfit

for sea duty in whatever capacity."[10] Petitioner requested disability compensation from respondents, which was denied, prompting him to file a notice to arbitrate with the National Conciliation and Mediation Board (NCMB) for permanent and total disability benefits, damages, and attorney's fees.[11]

For their part, respondents maintained, *inter alia*, that petitioner was declared fit to work on December 5, 2016 by the company designated physician, Dr. Bernal, which declaration was the result of an extensive medical attention given to petitioner. Moreover, Dr. Bernal's findings were the result of consistent and regular monitoring of petitioner's condition and therefore, remain unrefuted by Dr. Garcia's examination, whose only basis was the same MRI conducted on petitioner in 2016. Respondents also argued that petitioner had already signed the Certificate of Fitness to Work.[12]

After the parties failed to settle the dispute before the NCMB, they agreed to undergo voluntary arbitration.

The VA Ruling

In a Decision[13] dated August 28, 2018, the VA dismissed petitioner's complaint for lack of merit.[14] In ruling that petitioner was not entitled to permanent and total disability benefits, the VA considered that: (*a*) he was declared fit to work by the company designated physician, Dr. Bernal, after extensive medical examination, treatment, and therapy sessions; (*b*) petitioner himself signed and did not contest the Certificate of Fitness to Work, which serves as an admission that he agrees and conforms with the findings of Dr. Bernal; (*c*) petitioner failed to present substantial evidence to prove work-relatedness or work aggravation of his illness and the nature of his employment as a seafarer; (*d*) since petitioner did not comply with the conflict resolution procedure or a third doctor referral as mandated under Section 20 (A) (3) [15] of the Philippine Overseas Employment Administration - Standard Employment Contract (POEA-SEC), the company-designated physician's findings shall prevail; (*e*) Dr. Garcia's medical assessment, which was based on a one-time medical consultation almost fourteen (14) months after petitioner was declared fit to work and was a mere interpretation of the medical findings of the company-designated physician, had no evidentiary weight; and (*f*) even assuming that petitioner was entitled to disability benefits, he was not entitled to the disability benefits under the SoS CBA because the vessel *MV Maersk Danube* is not covered by the same.[16]

Petitioner moved for reconsideration[17] but was denied in a Resolution[18] dated October 29, 2018, a copy of which he received on November 22, 2018.

Aggrieved, he filed a petition for review[19] under Rule 43 of the Rules of Court before the CA.

The CA Ruling

In a Resolution[20] dated December 19, 2018, the CA dismissed the petition outright for having been filed one (1) day late, finding that petitioner only had until December 3, 2018[21] within which to file the petition. Instead, petitioner filed the same only on December 4, 2018 and through a private courier, in violation of Section 4, Rule 43 of the Rules of Court.[22]

Petitioner's motion for reconsideration was denied in a Resolution[23] dated May 9, 2019; hence, this petition.

The Issue Before the Court

For the purpose of resolving this petition, the Court will limit the issue to whether or not the CA correctly dismissed the petition for having been filed out of time.

The Court's Ruling

The petition is meritorious.

In the 2018 case of *Guagua National Colleges vs. CA*[24] (*Guagua*), the Court acknowledged the variance in its rulings and categorically declared that the correct period to appeal the decision or award of the Voluntary Arbitrator or Panel of Arbitrators to the CA *via* a petition for review under Rule 43 of the Rules of Court is the fifteen (15)-day period set forth in Section 4[25] thereof reckoned from notice or receipt of the VA's resolution on the motion for reconsideration, and that the ten (10)-day period provided in Article 276[26] of the Labor Code refers to the period within which an aggrieved party may file said motion for reconsideration, to wit:

> Given the variable rulings of the Court, what should now be the period to be followed in appealing the decisions or awards of the Voluntary Arbitrators or Panel of Arbitrators?
>
> In the 2010 ruling in *Teng v. Pagahac*, the Court clarified that the 10-day period set in Article 276 of the *Labor Code* gave the aggrieved parties the opportunity to file their motion for reconsideration, which was more in keeping with the principle of exhaustion of administrative remedies, holding thusly:
>
> > In the exercise of its power to promulgate implementing rules and regulations, an implementing agency, such as the Department of Labor, is restricted from going beyond the terms of the law it seeks to implement; it should neither modify nor improve the law. The agency formulating the rules and guidelines cannot exceed the statutory authority granted to it by the legislature.
> >
> > **By allowing a 10-day period, the obvious intent of Congress in amending Article 263 to Article 262-A is to provide an opportunity for the party adversely affected by the VA's decision to seek recourse via a motion for reconsideration or a petition for review under Rule 43 of the Rules of Court filed with the CA. Indeed, a motion for reconsideration is the more appropriate remedy in line with the doctrine of exhaustion of administrative remedies. For this reason, an appeal from administrative agencies to the CA *via* Rule 43 of the Rules of Court requires exhaustion of available remedies as a condition precedent to a petition under that Rule.**