

## THIRD DIVISION

[ G.R. No. 235730, March 17, 2021 ]

**WILHELMSSEN SMITH BELL MANNING, INC., GOLAR  
MANAGEMENT UK, LTD. AND/OR EMMANUEL DE VERA,  
PETITIONERS, VS. BONORES P. VENCER, RESPONDENT. D E C I S  
I O N**

**LOPEZ, J., J.:**

This is a Petition for Review on *Certiorari*<sup>[1]</sup> under Rule 45 of the Revised Rules of Court, seeking to reverse and set aside the Decision<sup>[2]</sup> dated March 21, 2017 and the Resolution<sup>[3]</sup> dated November 9, 2017 of the Court of Appeals in CA-G.R. SP No. 144610.

Briefly, the assailed Decision dated March 21, 2017 reversed the NLRC Decision dated October 22, 2015, finding respondent's illness as not work related and, therefore, not compensable. On the other hand, the impugned Resolution dated November 9, 2017 denied petitioners' Motion for Reconsideration.

### THE FACTS

On September 20, 2013, respondent Boneres Padojinog Vencer was employed as an able seaman by petitioner Wilhelmsen-Smith Bell Manning, Inc., for and in behalf of its foreign principal, petitioner Golar Management UK, LTD., under a 9-month POEA-approved employment contract.<sup>[4]</sup>

Prior to his deployment, respondent underwent the required Pre Employment Medical Examination (*PEME*) and was declared "fit to work." Thereafter, on November 7, 2013, he boarded the vessel "Golar Grand" at the port of Quintero, Chile to resume his sea duties.<sup>[5]</sup>

Sometime in June 2014, respondent was reported to be missing from his duties. A general alarm was then sounded to locate him. During the search, Bosun Jose Asuncion (*Asuncion*) and Fitter Marcelino Agustin (*Agustin*) were found to be bleeding and severely injured.<sup>[6]</sup> They reported that respondent attacked them with a hammer. Both seafarers were then brought to a hospital in Abidjan, Ivory Coast until they were repatriated for their injuries.<sup>[7]</sup> On the other hand, respondent was detained on board the vessel until his repatriation.<sup>[8]</sup>

On July 7, 2014, respondent was repatriated to Manila via air ambulance. Upon arrival, he was admitted at the Cardinal Santos Medical Center where he was diagnosed with Schizophrenia. Thereafter, he was transferred to the Marine Medical Services where he was examined and treated from July 4, 2014 until November 6, 2014 by Dr. Esther Go (*Dr. Go*), the company-designated physician.<sup>[9]</sup>

After several diagnostic tests and examinations, a Medical Report dated July 10, 2014 was issued by the company-designated physician declaring respondent to be suffering from schizophrenia.<sup>[10]</sup>

Thereafter, on July 17, 2014, the company-designated specialist opined that respondent's illness is not work-related as the causes of schizophrenia are multifactorial. It has a strong genetic and neurodevelopmental component. He was recommended to have a close follow-up with the specialist and to continue with his medical treatment.<sup>[11]</sup>

On November 6, 2014, Dr. Go advised respondent that if he wishes to continue with his medical treatment, the same shall be at his own expense.<sup>[12]</sup>

On December 22, 2014, respondent sought psychiatric consultation from another physician, Dr. Cecilia Sarayno (*Dr. Sarayno*) at the Western Visayas Medical Center Department of Psychiatry, Pototan Mental Health Unit in Iloilo. Dr. Sarayno came up with the same diagnosis as the company designated physician that respondent is suffering from Schizophrenia. Respondent was treated thereat until Dr. Sarayno issued her final diagnosis declaring respondent to be afflicted with Schizophrenia.<sup>[13]</sup>

Respondent then claimed for total and permanent disability benefits claiming that his schizophrenia is work-related as it was caused by his work environment on board the vessel coupled by the bullying and death threats of his fellow crew-mates. More specifically, he claimed that during the first week of June 2014, while he was on duty, some of his fellow crew mates entered his cabin and mixed a chemical on his water which made him ill. While grimacing in pain, his fellow crew-mates, namely: Jonathan Orfiano (*Orfiano*) and Agustin went inside his cabin, poked his stomach and jokingly said, "*Ang tibay ng iyong tiyan pare.*" He reported the incident to the crew master, but his complaint fell on deaf ears.<sup>[14]</sup>

On another occasion, he also saw Orfiano and Agustin laughing at him while he was drinking coffee at the mess hall. He suspected that these two seafarers placed something on his coffee which made him feel weak and dizzy until he collapsed.<sup>[15]</sup>

After his ship watch duty, he went to the crew mess hall to rest. However, his fellow crew mates adjusted the ship's clock ahead of time to compel him to return to work again.<sup>[16]</sup>

Aside from the maltreatment, he also received death threats from Asuncion, who told him that two people will kill him. Engulfed by fear, he experienced severe depression, loss of appetite and sleepless nights. As he was repeatedly bullied and threatened, he felt extremely anxious which greatly affected his way of thinking until it led to his nervous breakdown. He asked the crew master if he can work inside the vessel and not outside because of the threats against him, but he was simply told to take care of himself.<sup>[17]</sup>

Furthermore, while he was talking to the ship captain, he saw the Chief Mate and Asuncion leering at him. Their angry stares instilled fear in him. He then saw Chief Mate talk to the Chief Cook and instructed him to tell two messman to prepare the meat room as they are going to do something. Suspecting that these seafarers are

plotting to tie and drag him in the meat room or throw him in the ocean, he did not sleep nor eat which greatly affected his mind.<sup>[18]</sup>

On June 26, 2014, he went outside of his cabin and hid at the ship's anchor chain. After seven hours, the ship alarm sounded. It was then that he saw Agustin and Bosun looking for him. Agustin was holding a rope, while Bosun had a knife on his side. Believing that these two were resolved to kill him, he defended himself by hitting them with a hammer. They were pacified by their other crew mates until the management decided to repatriate them.<sup>[19]</sup>

On the other hand, petitioners argued, in the main, that respondent is not entitled to disability benefits as the company-designated physician already declared that his illness is not work-related.

### **Labor Arbiter's Ruling**

On March 11, 2015, the Labor Arbiter (LA) rendered a Decision<sup>[20]</sup> in favor of respondent, the dispositive portion of which reads:

WHEREFORE, responsive to the foregoing, judgment is hereby rendered declaring complainant's claim for disability benefits based on the permanent total disability compensation category meritorious. Accordingly, respondents are hereby ordered jointly and severally liable.

- 1) To pay complainant the amount of US\$95,949.00 or its equivalent in Philippine Currency prevailing at the exchange rate at the time of payment, representing his permanent disability benefits;
- 2) To pay complainant an amount equivalent to ten percent (10%) of the total judgment award, as and for attorney's fees.

Other claims are dismissed for lack of merit.

SO ORDERED.

### **NLRC's Ruling**

On appeal, the NLRC rendered a Decision<sup>[21]</sup> dated October 22, 2015, reversing the Labor Arbiter's Decision and held that respondent's illness is not work-related and, thus, not compensable. The dispositive portion of the Decision reads:

WHEREFORE, finding merit in Respondent's Appeal, the Labor Arbiter's 11 March 2015 Decision is hereby REVERSED and SET ASIDE and a new one entered DISMISSING the complaint.

Complainant's Partial Appeal, on the other hand, is DISMISSED for lack of merit.

SO ORDERED.

In arriving at such disposition, the NLRC held that respondent failed to substantiate his claim that his illness is work-related. The NLRC opined that the claimed causes of respondent's schizophrenia are actually symptoms thereof, implying that his illness was not contracted due to the work conditions on board the vessel, hence, not work-related.<sup>[22]</sup>

Aggrieved, respondent moved for reconsideration, but to no avail as the NLRC denied the same in its Resolution dated February 11, 2016.<sup>[23]</sup>

Seeking further recourse, respondent filed a Petition for *Certiorari* to the Court of Appeals, ascribing grave abuse of discretion on the part of the NLRC in ruling that his schizophrenia is not compensable for not being work-related.

### **Court of Appeals' Ruling**

On March 21, 2017, the Court of Appeals rendered a Decision reversing the NLRC's Decision, the decretal portion of which reads:

**WHEREFORE**, premises considered, the instant Petition is GRANTED. The Decision of the NLRC dated 22 October 2015 is REVERSED and SET ASIDE and accordingly, the Decision of the Labor Arbiter dated 11 March 2015 is hereby REINSTATED.

**SO ORDERED.**<sup>[24]</sup>

In siding with the respondent, the Court of Appeals held that the records of the case constitute substantial proof that respondent is entitled to total and permanent disability benefits. More specifically, the Court of Appeals ratiocinated that respondent's working conditions on board the vessel, coupled by the inhumane treatment of his crew mates, which petitioners failed to rebut, triggered and/or increased the risk of his psychosis and schizophrenic disorder. There was, likewise, no finding that respondent was suffering from any mental illness prior to his deployment which supports the conclusion that he contracted his illness during the duration of his employment contract. There are also medical findings coming from the company-designated physicians declaring his schizophrenia as permanent in nature, thereby warranting the award of total and permanent disability benefits. The CBA provision on the computation of the disability benefits also applies in the case as the same is deemed incorporated in respondent's employment contract. Finally, the Court of Appeals awarded attorney's fees in favor of respondent pursuant to Article 2208 of the New Civil Code.<sup>[25]</sup>

Unconvinced, petitioners filed a Motion for Reconsideration, but failed to obtain a favorable relief as the Court of Appeals denied the same in its Resolution dated November 9, 2017.

Adamant, petitioners resorted to this present Petition for Review on *Certiorari* anchored primarily on the following issues:

- 1) Whether the Court of Appeals erred in finding respondent's schizophrenia as work-related, and thus compensable;
- 2) Whether the Court of Appeals erred in applying the terms of the CBA in awarding the disability benefits of respondent; and
- 3) Whether the Court of Appeals erred in awarding attorney's fees.

### **Parties' Arguments**

In the main, petitioners lament that respondent's illness is not compensable as the company-designated physician already declared that the causes of schizophrenia is genetic and neurodevelopmental and, thus, not work-related. No contrary medical

evidence was allegedly submitted by respondent to refute the same. There is, likewise, no proof that his duties as an able seaman caused or aggravated his illness. The mere fact that the PEME declared respondent as fit does not mean that his illness was incurred on board the vessel. Petitioners also stress that respondent's schizophrenia is not compensable as it is not among the occupational diseases under Section 32-A of the POEA-SEC. Neither can respondent be entitled to total and permanent disability benefits in the absence of Grade 1 disability rating of a reliable physician. Loss of earning capacity does not automatically vest him with full disability benefits. Petitioners further insist that the medical assessment of the company-designated physician declaring respondent's illness as not work-related should be given preference over the medical assessment of respondent's chosen doctor. The time and effort exerted by the company-designated physician in treating respondent's illness placed the former in a better position to determine his true medical condition.

Moreover, petitioners bewail that the award of disability benefits in favor of private respondent amounting to US\$95,949.00 based on the terms of the CBA is erroneous, considering the scarcity of evidence showing that the vessel "Golar Grand" is covered therein.

Finally, petitioners submit that they have shouldered all the medical expenses of respondent and paid his sickness allowance. Thus, no bad faith can be attributed to them to warrant the award of attorney's fees.

On the other hand, respondent maintains that his schizophrenia is work-related as the same was a direct result of the demands of his work on board the vessel and triggered by the inhumane treatment of his crew mates which petitioners failed to refute. And while his schizophrenia is not listed as an occupational disease under Section 32-A of the POEA-SEC, the same is presumed to be work-related and the burden of overcoming this presumption rests on the employer which petitioners failed to do. In addition, respondent underscores that there was no prior finding of his mental illness prior to his deployment. Thus, it is reasonable to conclude that his illness occurred during the term of his employment contract with petitioners.

Aside from the foregoing, petitioner highlights the medical assessment of Dr. Joseph Ancalan (*Dr. Ancalan*), the company-designated specialist who declared his illness as permanent in nature with a disability grading of Grade 1. With this finding, he insists that he is entitled to total and permanent disability benefits.

As to the application of the CBA in his disability benefits, he reiterates that his employment contract expressly provides that the CBA is incorporated therein and the copy thereof is placed on the vessel which he is joining. According to him, this constitutes as a material evidence that there was an agreement between the parties regarding his wages, hours of work and other benefits.

Anent the award of attorney's fees, respondent submits that the same was justified under Article 2208 of the New Civil Code which allows the recovery of attorney's fees in actions for recovery of wages of seamen and actions for indemnity under employer's liability laws.

### **The Court's Ruling**

As a general rule, only questions of law raised via a Petition for Review on *Certiorari* under Rule 45 of the Rules of Court are reviewable by the Court.<sup>[26]</sup> Factual findings