

THIRD DIVISION

[G.R. No. 234914, February 19, 2020]

JORGE P. ROSALES, PETITIONER, VS. SINGA SHIP MANAGEMENT PHILS., INC., SINGA SHIP MGT. PTE. LTD., MS. NORMA L. DAVID, RESPONDENTS.

DECISION

CARANDANG, J.:

Challenged in this Petition for Review on *Certiorari*^[1] filed pursuant to Rule 45 of the 1997 Rules of Civil Procedure is the Decision^[2] dated April 24, 2017 of the Court of Appeals (CA) in CA-G.R. SP No. 139921, the dispositive portion of which states:

WHEREFORE, premises considered, the Petition is hereby **GRANTED**. Accordingly, the assailed Decision dated 18 December 2014 and Resolution dated 12 February 2015, rendered by the National Labor Relations Commission are **ANNULLED and SET ASIDE** and the Complaint filed by private respondent against petitioners is **DISMISSED**.

By way of financial assistance, petitioners Singa Ship Management Phils., Inc., Singa Ship Mgt. Pte. Ltd., are **ORDERED** to pay private respondent the amount of USD 5,000.00 or its peso equivalent.

SO ORDERED.^[3] (Emphasis in the original)

Likewise assailed is the Resolution^[4] dated October 18, 2017 denying petitioner Jorge P. Rosales' (Rosales) Motion for Reconsideration.^[5]

Facts of the Case

Rosales was employed by respondents Singa Ship Management Phils., Inc., and Singa Ship Management Pte. Ltd. (collectively, respondents), as agent and foreign principal, respectively, under a Philippine Overseas Employment Agency-Standard Employment Contract (POEA-SEC)^[6] with the following terms and conditions:

Duration of Contract:	8 MONTHS
Position:	OFFICERS STAFF STEWARD/ESS
Basic Monthly Salary:	USD327.00
Hours of Work:	48 HOURS PER WEEK
Overtime:	USD152.00 LUMPSUM 105 HRS PER MONTH, INCLUDES FIXED OT AND WORK PERFORMED ON SUNDAYS AND PUBLIC HOLIDAYS
Vacation Leave with	USD 66.00 LEAVE PAY 6 DAYS/ MONTH

Pay: Manila, Philippines^[7]
Point of Hire:

Before Rosales was deployed, he underwent a pre-employment medical examination and was found "FIT" for duty with no restrictions.^[8] On November 26, 2012, Rosales boarded the vessel Queen Mary 2. His duties and responsibilities, as enumerated in his position paper, include the following:

- 8.1 Keeping rooms clean, making bunks, and serving the wants of the officers.
- 8.2 Ensure that cleaning equipment remain in working order while maintaining their safety.
- 8.3 Look into ordering new machinery or replacing old ones.
- 8.4 Ensure that unsanitary working conditions are prevented and he must also take special precaution toward prevention of disease.
- 8.5 Make sure the schedules are followed for timely completion of projects.
- 8.6 Identify laundry in the room (or cabin) and transfer it to laundryman for clean-up.
- 8.7 Provide assistance to other crew members.
- 8.8 Mattresses, bed springs, pillows, corners and connections of bunks should be examined very carefully and sprayed frequently. Toilets, bathrooms, and alley-ways also must be kept clean by the steward.
- 8.9 Responsible for waste collection including the separation and isolation of syringes and other biomedical waste.^[9]

He was mainly responsible for cleaning and maintaining rooms or cabins, waste collection, segregation, isolation, and disposal of syringes and bio-medical waste.^[10]

On June 25, 2013, Rosales complained of abdominal muscle and joint pains. It persisted despite consultation with the ship doctor and medication.^[11] Needing a proper work up on his liver functions,^[12] Rosales was repatriated to the Philippines on July 20, 2013.^[13]

Rosales reported to the company-designated physician on July 22, 2013. Initial impressions considered gastritis and ruled out liver pathology.^[14] On succeeding re-evaluations, Rosales was diagnosed with and treated for esophagitis; gastritis, and fatty liver.^[15] On December 9, 2013, after a series of 10 re-evaluations, the company-designated physician required Rosales to undergo Hepatitis profiling.^[16] Confirmatory test for Hepatitis C virus revealed that Rosales had Chronic Hepatitis C infection.^[17]

The company-designated physician's 15th report dated January 23, 2014 advised Rosales to await approval of a weekly therapy for six months depending on his response to treatment.^[18] On February 20, 2014, another re-evaluation was conducted and he was issued a certification stating: "Final Diagnosis (January 23,

2014) - Esophagitis - Resolved; Gastritis - Resolved; Fatty Liver; Chronic Hepatitis C Infection."^[19]

In a letter dated February 25, 2014, the company-designated physician opined that Rosales' fatty, liver is secondary to hyperlipidemia (elevated cholesterol and triglyceride), thus, not work-related.^[20] It was also explained that Hepatitis C infection is acquired by exposure to infected blood through needle or instruments, blood transfusion, vertical transmission from mother to unborn child, sexual intercourse - all of which are not work-related."^[21] The company-designated physician recommended that if patient is entitled for disability, his suggested disability grading is Grade "12 - slight residual or disorder."^[22]

On February 26, 2016, Rosales consulted an independent physician, Dr. Emmanuel U. Trinidad, who gave similar findings of fatty liver and Chronic Hepatitis C infection but declared his illness as work-related.^[23] Thereafter, Rosales filed a Complaint^[24] against respondents for payment of disability benefits, unpaid sickness allowance, reimbursement of medical and transportation expenses and damages.^[25]

Ruling of the Labor Arbiter

Labor Arbiter (LA) Marie Josephine C. Suarez rendered a Decision,^[26] the dispositive portion of which reads:

WHEREFORE, premises considered, judgment is rendered dismissing the Complaint for permanent total disability benefits. But SINGA SHIP MANAGEMENT PHILS, INC., SINGA SHIP MANAGEMENT PTE, LTD and NORMAL. DAVID are jointly and solidari[l]y ordered to pay JORGE PORIO ROSALES:

[1] US DOLLARS: TWO THOUSAND THREE HUNDRED FIFTY TWO [US \$2,352] or PESO equivalent at the time of payment, representing sickness allowance;

[2] US DOLLARS: FIVE THOUSAND [US\$5,000] or PESO equivalent at the time of payment representing financial assistance;

[3] US DOLLARS: SEVEN HUNDRED THIRTY FIVE and 20/100 [US\$ 735.20] or PESO equivalent at the time of payment, representing attorney's fees.

All other claims are dismissed for lack of merit.

The counter-claim is dismissed for lack of sufficient basis.^[27]

The LA agreed with the claim of respondents that Rosales' illness is not work-related, thus not entitled to permanent total benefits. It was found that Rosales' work as a steward did not expose him to the risks of contracting Hepatitis C.^[28] In sustaining the opinion of the company-designated physician that Rosales' illness is not work-related, the LA noted that Rosales' appointed physician merely stated that his illness is work-related or work-aggravated without explaining why it was so and without indicating whether such illness manifested while he was employed.^[29] Nonetheless, the LA granted sickness allowance, financial assistance and attorney's

fees to Rosales.^[30] The LA explained that Rosales got ill while on board the vessel and was medically repatriated before the lapse of his eight-month contract.^[31]

Ruling of the National Labor Relations Commission

On appeal, the National Labor Relations Commission (NLRC) issued a Decision^[32] granting Rosales' partial appeal and modifying the Decision of the LA as follows:

IN VIEW WHEREOF, the complainant's partial appeal is **GRANTED**. The Decision of the Labor Arbiter is hereby **MODIFIED**. In addition to the Labor Arbiter's award of sickness allowance in her appealed Decision, the respondents are directed to pay, jointly and severally, the complainant the amount of US\$60,000.00 representing his permanent total disability compensation, as well as attorney's fees equivalent to ten percent (10%) of the total monetary award or in their Philippine peso equivalent at the prevailing exchange rate on the actual date of payment. The award of financial assistance is **DELETED**.

SO ORDERED.^[33] (Emphasis in the original)

The NLRC held that Rosales' Hepatitis infection is an occupational disease which resulted in the seafarer's disability, hence, a work-related illness.^[34] The NLRC did not agree with respondents' theory that Rosales acquired the virus after he was repatriated because "Chronic Hepatitis C Infection is a case of Hepatitis C which lasts longer than six (6) months."^[35] The NLRC pointed out that since Rosales was diagnosed with "chronic Hepatitis C on December 10, 2013, it would appear that he was already afflicted with the Hepatitis infection as early as June 2013 or six (6) months earlier." He was on board the vessel then and still had eight months before his employment contract expires.^[36] The NLRC granted the maximum disability compensation equivalent to Grade 1 disability because Rosales was not able to pursue his usual work for more than 120 days.^[37]

Respondents moved for a reconsideration^[38] of said Decision but was denied by the NLRC through a Resolution dated February 12, 2015.^[39]

Ruling of the Court of Appeals

In a Decision^[40] dated April 24, 2017, the CA annulled and set aside the Decision dated December 18, 2014 and Resolution dated February 12, 2015 of the NLRC.^[41] By way of financial assistance, respondents were ordered to pay Rosales the amount of US\$5,000.00 or its peso equivalent.^[42]

In setting aside the Decision and the Resolution of the NLRC, the CA found that Rosales failed to present sufficient proof to establish that his Chronic Hepatitis C and fatty liver were work-related.^[43] The CA held that the general statements of Rosales about the nature of his work suggest mere possibilities but not the probability required by law for disability compensation. Probability of work-connection must at least be anchored on credible information and not on self-serving allegations.^[44] The CA further ruled, that the 2010 POEA-SEC provides that a disability grading shall no longer depend on the number of days of treatment.^[45]

Despite dismissing Rosales' complaint, the CA granted financial assistance in the amount of US\$5,000.00 or its peso equivalent due to humanitarian consideration and the length of Rosales' service with respondents.^[46]

The Motion for Reconsideration^[47] of Rosales was denied in a Resolution^[48] dated October 18, 2017.

In this petition, Rosales maintains that he is entitled to the maximum disability compensation because he is permanently and totally disabled. It has been more than 240 days from Rosales' repatriation and he continues to suffer from his multiple injuries, thus incapacitating him from performing his sea duties. He argues certification made known that, in the absence of a final and determinative to him within the 240 day period, his disability becomes total and permanent.^[49] Rosales also claims that the causal work-connection of his illness and his work aboard the vessel had been sufficiently established because his duties and responsibilities as steward exposed him to Hepatitis infection.^[50]

On the other hand, in respondents' Comment,^[51] they submit that Rosales' illness or condition is not compensable because he did not show substantial evidence proving that he contracted the illness while on board. Respondents posit that since Hepatitis C infection is transferred only through blood to blood transfusion, he should have stated the concrete instance or event when he contracted his illness.^[52]

Issues

The issues to be resolved in this petition are:

1. Whether Rosales' Chronic Hepatitis C and fatty liver are work-related and compensable; and
2. Whether Rosales is entitled to full disability benefits on account of his medical condition.

Ruling of the Court

Rosales' Chronic Hepatitis C and fatty liver are work-related, thus compensable.

Chronic Hepatitis C is an ailment caused by a bloodborne virus. The World Health Organization explained the various modes of infection of Hepatitis C virus as follows:

x x x [T]he most common modes of infection are through exposure to small quantities of blood. This may happen through injection drug use, unsafe injection practices, unsafe health care, transfusion of unscreened blood and blood products, and sexual practices that lead to exposure to blood.

x x x x

HCV can also be transmitted sexually and can be passed from an infected mother to her baby; however, these modes of transmission are less common.

Hepatitis C is not spread through breast milk, food, water or casual contact such as hugging, kissing and sharing food or drinks with an