

## THIRD DIVISION

[ G.R. No. 192993, August 11, 2014 ]

**WALLEM MARITIME SERVICES, INC., AND REGINALDO OBEN/WALLEM SHIPMANAGEMENT LIMITED, PETITIONERS, VS. DONNABELLE PEDRAJAS AND SEAN JADE PEDRAJAS, RESPONDENTS.**

### D E C I S I O N

**PERALTA, J.:**

Before this Court is a Petition for Review on *Certiorari*, assailing the Decision<sup>[1]</sup> and Resolution<sup>[2]</sup> of the Court of Appeals (CA), dated February 11, 2010 and July 20, 2010, respectively, in CA-G.R. SP No. 102499, which affirmed the Decision and Resolution of the National Labor Relations Commission (NLRC), dated October 31, 2007 and January 30, 2008, respectively, in NLRC OFW Case No. (M) 04-08-02209-00/NLRC NCR CA NO. 049636-06, awarding death benefits to respondents.

The antecedents are as follows:

Petitioner Wallem Maritime Services, Inc. is a domestic corporation licensed to engage in the manning business. Petitioner Wallem Maritime Ship Management is a foreign corporation which is the principal of Wallem Maritime Services, Inc., while Reginaldo Oben is the President of Wallem Maritime Services, Inc. In 2004, petitioner Wallem Maritime Services, Inc. and Hernani Pedrajas (*Hernani*) entered into a contract of employment wherein Hernani was hired as Engine Boy on board the M/V Crown Jade. In March 2005, during the effectivity of his employment contract and while the vessel was in Italy, Hernani was found hanging on the Upper Deck B of the vessel with a rope tied to his neck. Hernani's spouse and herein respondent, Donnabelle Pedrajas (*Donnabelle*), was informed that Hernani hanged himself and was found dead in the vessel. She was also informed that investigations were being conducted by the Italian Government relative to Hernani's death. His body was repatriated back to the Philippines in April 2005.

Suspecting foul play, Donnabelle sought the assistance of the Philippine National Police (PNP) Crime Laboratory to conduct a forensic examination on the remains of Hernani and to investigate the cause of his death. Donnabelle also requested the National Bureau of Investigation (NBI) to investigate the incident. After the investigation, the PNP Crime Laboratory and the NBI concluded that homicide cannot be totally ruled out. Due to the foregoing, in June 2005, Donnabelle, as beneficiary of Hernani, filed a claim for death compensation benefits under the POEA Standard Employment Contract and the Associates Marine Officer's and Seafarer's Union of the Philippines Collective Bargaining Agreement (AMOSUP-CBA). She also demanded attorney's fees, moral, and exemplary damages.

Petitioners' claim that they have no obligation to pay death benefits to the heirs of

Hernani because the latter's death was self-inflicted and therefore exempted from the coverage of death benefits under the Philippine Overseas Employment Agency-Standard Employment Contract (POEA-SEC) and the AMOSUP-CBA. Petitioners argued that Hernani was involved in a drug smuggling activity and fearing that he would be arrested and would bring shame to his family, he committed suicide. To support their claim, petitioners attached an authenticated Forensic Report<sup>[3]</sup> released by the Medical Examiner in Italy which stated that Hernani committed suicide by hanging himself. The same report indicated that during the course of the autopsy, Hernani was found positive for cocaine.<sup>[4]</sup> When his lifeless body was found hanging, two suicide notes were found by the Italian authorities. One was addressed to his wife and the other to the vessel's crew. The suicide note addressed to his wife stated that he committed suicide because he was implicated in a drug syndicate and he did not want to be jailed for the rest of his life. The second suicide note led to the arrest of Deck Boy Joseph Harder, who admitted his participation in the drug dealing operation. It also pointed the Italian authorities to where the remaining cocaine and the proceeds from its illegal sale were being hidden on-board the vessel.

On March 31, 2006, the Labor Arbiter (LA) ruled in favor of petitioners and denied the respondents' claim for death benefits.<sup>[5]</sup> The LA sustained petitioners' claim that Hernani committed suicide, giving credence to the Forensic Report submitted by the Italian authorities concluding that his death was self-inflicted.

Respondents appealed to the NLRC. On October 31, 2007, the NLRC reversed the LA's decision and ruled that Hernani's death was not proven to be self-inflicted.<sup>[6]</sup> Hence, it awarded death compensation and attorney's fees to the respondents.

Aggrieved, petitioners filed a petition for *certiorari* before the CA. On February 11, 2010, the CA denied the petition and held that the Forensic Report issued by the Public Prosecutors Office in Livorno, Italy was "weakened" by the findings of the PNP and the NBI, which did not totally rule out homicide.<sup>[7]</sup> The CA further did not give credence to the photocopies of the alleged suicide notes presented by the petitioners for its failure to prove that the suicide notes were written by Hernani. Hence, it found that petitioners failed to discharge its burden of proving that Hernani committed suicide, so as to evade its liability for death benefits. A Motion for Reconsideration was filed by petitioners, but was denied in a Resolution<sup>[8]</sup> dated July 20, 2010.

Petitioners are now before this Court, raising the following issues:

## I

WHETHER THE COURT OF APPEALS SERIOUSLY ERRED IN FAILING TO ABIDE BY THE EXPRESS MANDATE OF THE GOVERNING POEA-SEC AND PERTINENT CBA THAT DEATH ARISING FROM A WILLFUL ACT IS NOT COMPENSABLE AND WILL BAR THE SEAMAN'S HEIRS FROM RECEIVING DEATH BENEFITS.

## II

WHETHER THE COURT OF APPEALS SERIOUSLY ERRED IN FAILING TO

CONSIDER AND GIVE CREDENCE TO THE SEVERAL PIECES OF EVIDENCE AND CIRCUMSTANCES WHICH WOULD ALL CONCLUSIVELY POINT TO THE FACT THAT THE SEAMAN COMMITTED SUICIDE.

### III

WHETHER THE COURT OF APPEALS SERIOUSLY ERRED IN FAILING TO CONSIDER THAT NO PROOF WHATSOEVER WAS PRESENTED TO SHOW THAT THE DEATH OF THE SEAMAN IS RELATED IN ANY MANNER TO HIS WORK ON-BOARD THE VESSEL.<sup>[9]</sup>

The main issue for resolution is whether Hernani committed suicide during the term of his employment contract which would exempt petitioners from paying Hernani's death compensation benefits to his beneficiaries.

The petition is meritorious.

Section 20 (D) of the POEA-SEC provides:

No compensation and benefits shall be payable in respect of any injury, incapacity, disability or death of a seafarer resulting from his willful or criminal act or intentional breach of his duties x x x.

The death of a seaman during the term of his employment makes the employer liable to the former's heirs for death compensation benefits.<sup>[10]</sup> This rule, however, is not absolute. The employer may be exempt from liability if it can successfully prove that the seaman's death was caused by an injury directly attributable to his deliberate or willful act.<sup>[11]</sup> Hence, respondents' entitlement to any death benefit depends on whether petitioners' evidence suffices to prove that Hernani committed suicide, and the burden of proof rests on his employer.<sup>[12]</sup>

In the case at bar, the Italian Medical Examiner found that:

During the necroscopic investigation, no other forms of injuries were noted on the body of Pedrajas and his viscera; this allows us to retain that Pedrajas suffered no physical violence before the hanging and that he hung himself, in order to commit suicide, of his own accord. The presence of flakes of white paint on the palms of both hands, the same as on the gangway, the banister and the pipe where the rope was fixed, is an element which goes to confirm - even if of lesser value - the theory that Pedrajas himself tied the rope to the metal pipe.

x x x x

**Therefore no elements at all have emerged such as would lead us to believe that third parties may have intervened in causing the death, and the way in which Mr. Pedrajas died, as described, conforms to suicide.**<sup>[13]</sup>

The Italian Medical Examiner further concluded that:

x x x There are no elements which may lead one to suppose/assume the direct intervention of third parties in causing the death of the young seaman.

**In other words, beyond all reasonable doubt, everything points to Pedrajas having hung himself in order to commit suicide.**<sup>[14]</sup>

In the case at bar, the CA did not give credit to the report and findings made by the Medical Examiner appointed by the Italian Court who conducted the autopsy on the body of Hernani. The CA held that the Forensic Report of the Public Prosecutor's Office of Livorno, Italy was "weakened" by the findings of the PNP Crime Laboratory and the NBI. The PNP Crime Laboratory, in its report, stated thus:

Unfortunately, my knowledge of the case is limited by the fact that I have no police report and autopsy report done in Italy. I have no pictures of the following: crime scene, cord/rope, type of knot, position of the body when it was found. In this case, I only have the body and the verbal information disclosed to me by the wife and sister of the victim. x x x

To be able to determine if the strangulation is "suicide or homicide," it should not be only limited to the autopsy, but it must be based on several aspects like knowledge of the "crime scene, victim's behavior and other things related to it. x x x

x x x x

**Based on the following information and physical findings, I cannot totally rule-out homicide.**<sup>[15]</sup>

The NBI, on the other hand, did not conduct any autopsy of the body of Hernani and just based their opinion on documents submitted to them and information coming solely from his relatives. The Medico-Legal Officer of the NBI found that:

In view of the above facts and observations, **it is the opinion of the undersigned that HOMICIDE cannot be totally ruled out.**

This compliance was merely to render an opinion and should not be construed as judgment.<sup>[16]</sup>

From the foregoing, it is more logical to rely on the findings of the Italian Medical examiner. In *Maritime Factors, Inc. v. Hindang*,<sup>[17]</sup> the Court gave credence to the medical report made by the Saudi Arabian doctor, who immediately conducted an autopsy on the seafarer's body upon his death. The Court reasoned, thus: