

FIRST DIVISION

[G. R. No. 107131, March 13, 1997]

**NFD INTERNATIONAL MANNING AGENTS, INC., PETITIONER, VS.
NATIONAL LABOR RELATIONS COMMISSION (SECOND
DIVISION) AND ROMEL BEARNEZA, RESPONDENTS.**

D E C I S I O N

HERMOSISIMA, JR., J.:

Before us is a petition for certiorari, seeking the nullification of the decision^[1] of the National Labor Relations Commission (NLRC)^[2] in a case involving a seaman's claim^[3] for permanent total disability benefits. The NLRC, in its assailed decision, ruled in favor of private respondent Romel Bearneza and granted him permanent total disability benefits. The NLRC, in effect, reversed the Philippine Overseas Employment Agency (POEA) which denied private respondent's said claim.^[4]

Although the POEA and the NLRC reached contrary conclusions, both agree that the following facts are undisputed:

"The facts of the case as found by the POEA which we hereby adopt are as follows:

'Complainant was hired by respondent as wiper on board M/S Wilnina, with a monthly salary of US\$413.00 for a contract period of ten (10) months commencing on February 15, 1985. On November 8, 1985, he was mauled by four (4) unidentified persons on board the vessel and was diagnosed to have contusion on the face and lumbar region with epilepsy. On November 12, 1985, he was again examined and diagnosed as having suspected epilepsy. Complainant was declared unfit for work and was repatriated. On February 3, 1986 complainant was declared fit for work by his attending physician at St. Luke's Hospital. However, for the period of September 25, 1986 to January 1, 1987, he was confined for 98 days at the Western Visayas Medical Center and was found to be suffering from 'Schizophreniform Disorder' which has become a total permanent disability. Pursuant thereto, he is entitled to insurance benefits amounting to US\$30,000.00 as provided in his contract.

To support his complaint, the following documents were submitted by complainant in evidence:

Complaint:

Annex A - Employment Contract

Annex A-1 - Application and Agreement for monthly allotment

- Annex A-2 - Appendix 2
- Annex A-3 - Appendix 3 - Crew Contract
- Annex B - Medical Certificate from the First Aid Medical Office,
Nagoya, Japan
- Annex B-1 - Doctor's Report and Account, Japan
- Annex C - Demand letter dated May 18, 1988
- Annex D - Reply of NFD Int'l dated May 24, 1988
- Annex D-1 - Letter to Atty. Lita Aglibut, August 20, 1986
- Annex D-2 - Telex from AWAC, Inc. addressed to NFD International
- Annex D-3 - Letter to NFD Int'l to St. Luke's Hospital, November
14, 1985
- Annex D-4 - Certification from Dr. Charles Harn of St. Luke's
Hospital, November 21, 1985 which diagnosed complainant's case as Anxiety
reaction with insomnia and epilepsy, petit Mal, Mild
- Annex D-5 - Certification from Dr. Harn, February 3, 1986
declaring complainant physically fit to resume work
- Annex E - Demand Letter dated January 9, 1989
- Annex E-1 - Certification from Dr. Rene Seyan of Western Visayas
Medical Center dated March 17, 1989
- Annex F - Certification from Dr. Seyan of July 24, 1989 declaring
complainant's condition as permanent total disability

Sur-Rejoinder:

- Annex A - Affidavit of Romeo Bearneza
- Annex A-1 - Certification from Dr. Mauricio Madrona of Don Jose S.
Nonfort Memorial Hospital March 27, 1990
- Annex B - Certification from Dr. Seyan dated February 13, 1990

Supplement to Sur-Rejoinder:

- Annex A - Affidavit of Romas B. Saluria

From the Answer, Rejoinder and Comment to Sur-Rejoinder filed by respondent, the following were averred:

When complainant was treated in Japan, he was diagnosed to be suffering from

epilepsy and this finding was confirmed at St. Luke's Hospital where he was sent by respondent for further treatment.

Respondent argued that because he was declared fit to work on February 3, 1986 complainant was considered for possible deployment but for reasons known only to him, complainant did not appear for interview.

He was found to be afflicted with 'Schizophreniform Disorder' which was allegedly diagnosed on September 25, 1986 at the Western Visayas Medical Center. Considering the length of time that complainant was declared fit to work on February 3, 1986 and his alleged consultation for 'Schizophreniform Disorder' on September 25, 1986, respondent denied any responsibility for disability benefits.

Respondent further argued that the allegations in the complaint are purely hearsay since they are merely based on the statements made by the father of complainant to counsel. The information stated therein were not based on the personal knowledge of complainant's father but were only relayed to him.

The following documents were submitted by respondent to bolster its stand:

Annex 1 - Contract of Employment

Annex 2 - Certificate of Medical Examination

Annex 3 - Medical Certificate November 8, 1985 Nagoya, Japan which found complainant with contusion on the face and lumbar region and epilepsy but declared him fit to work with routine medications.

Annex 4 - Doctor's Report and Account, November 8, 1985, Yokohama, Japan

Annex 5 - Doctor's Report and Account, November 12, 1985, Yokohama, Japan, which declared complainant unfit and recommended for repatriation because epilepsy was suspected.

Annex 6 - Letter of NFD to St. Luke's Hospital, November 14, 1985

Annex 7 - Certification of Dr. Charles Harn of SLH dated November 21, 1985 which was found complainant to be suffering from Anxiety reaction with Insomnia and epilepsy Petit Mal, Mild.

Annex 8 - Certification from Dr. Harn's, February 3, 1986 which diagnosed complainant as suffering from anxiety reactions with insomnia but declared him fit to resume work

Annex 9 - Letter from Dr. Harn to respondent, May 26, 1988'."^[5]

The POEA, addressing the sole issue of whether or not private respondent is entitled to permanent disability benefits, ruled in this wise: