

EIGHTH DIVISION

[CA-G.R. SP No. 133633, November 28, 2014]

**SOFRONIO J. GUIA, PETITIONER, VS. NATIONAL LABOR
RELATIONS COMMISSION, FOURTH DIVISION, SOLVANG
PHILIPPINES, INC. AND/OR SOLVANG MARITIME A.S. AND
ROBERTO G. NIETO, RESPONDENTS.**

DECISION

LAMPAS PERALTA, J.:

Assailed in the present petition for certiorari^[1] under Rule 65, 1997 Rules of Civil Procedure, as amended, are the (i) Decision dated September 6, 2013^[2] in NLRC LAC No. 06-000606-13 of public respondent National Labor Relations Commission (NLRC) reversing the labor arbiter's Decision dated May 7, 2013^[3] and consequently dismissing petitioner's complaint for *"Disability Benefits-Total and Permanent Disability, Sick Leave Pay, Balance of Earned Salary, Moral and Exemplary Damages, Atty's Fee."*, and (ii) Resolution dated November 11, 2013^[4] of public respondent NLRC denying petitioner's motion for reconsideration^[5] of the Decision dated September 6, 2013.

THE ANTECEDENTS

Petitioner Sofronio J. Guia was employed by private respondent Solvang Philippines, Inc., on behalf of its principal private respondent Solvang Maritime A.S., as chief steward for a contract period of nine (9) months on board "M/V Clipper Skagen".^[6] Private respondent Roberto G. Nieto is private respondent Solvang's corporate officer.^[7]

On June 29, 2011, petitioner left the Philippines to join "M/V Clipper Skagen". On December 20, 2011, while on duty on board "M/V Clipper Skagen", petitioner's legs were hit by a sack of onions. His legs became swollen with recurring infected wounds. On January 22, 2012, petitioner was examined at the Ashford Presbyterian Community Hospital, San Juan, Puerto Rico where the initial assessment showed that he had *"bilateral legs infected ulcer associated to pain and cellulitis."* Petitioner was put under antibiotics therapy but his condition did not improve. Thus, he was repatriated to the Philippines on February 5, 2012. Petitioner reported to the company-designated physician at the Metropolitan Medical Center, Sta. Cruz, Manila, and was diagnosed to have *"Infected Wound, Both Legs"*. After series of medications, Metropolitan Medical Center declared petitioner *"fit to return to work"*. However, more than five (5) months since his repatriation and treatment by the company-designated physician, petitioner's legs remained swollen with recurring infected wounds. Petitioner sought the medical opinion of a certain Dr. De Leon of Hannah Medical Clinic, Malate, Manila who diagnosed petitioner with *"gangrene (blackish discoloration) with edema and multiple wounds"* and declared petitioner

"unfit for sea duty". Despite such finding of petitioner's disability, private respondents refused to pay him disability benefits, sick leave pay and the reimbursement for his medical expenses.^[8] Private respondents claim that petitioner was not entitled to disability benefits for the reason that after his treatment by the company-designated physician, petitioner was declared fit to work. Moreover, petitioner filed a disability claim when his employment contract with private respondents no longer existed.^[9]

The salient facts and respective submissions of the parties were summarized in public respondent NLRC's Decision dated September 6, 2013 as follows:

Respondent Solvang Philippines, Inc. is a domestic corporation engaged in the manning business. Respondent Roberto Nieto is an officer of the corporation.

Complainant Sofronio J. Guia was hired as Chief Steward for Solvang Maritime A.S., its foreign principal, to work on board the vessel "MV CLIPPER SKAGEN" for a period of nine (9) months. Prior to his employment, he was declared "Fit for Duty" by the company-designated physicians. He joined his vessel on June 29, 2011.

Complainant alleges that during his employment, he noticed the swelling of his legs with recurring infected wounds which hampered his performance. On January 22, 2012, he was examined in a medical facility in San Juan, Puerto Rico. He was assessed to have "Bilateral legs infected ulcer associated to pain and cellulites." He was declared unfit to continue sea duty and was medically repatriated on February 5, 2012.

Five months later, complainant claims that the swelling remained and infected wounds continue to recur. He had to use crutches to allow him to walk. He sought the medical opinion of an independent physician and underwent laboratory tests. He was diagnosed with gangrene (blackish discoloration) with edema and multiple wounds. The doctor declared him unfit for sea duty. His disability is considered permanent and total as this went beyond the 120-day period from repatriation. He remained unable to perform his customary work as a seafarer due to his ailment and infected wounds on both legs. Despite his permanent and total disability respondents refused to pay his benefit and sick leave pay.

Appellants, on the other hand, admit the complainant's simple blister in one of his legs but it became infected due to his constant scratching. The Puerto Rican doctor attributed the disease to his "poor self-care", and opined that the same is not an illness. He underwent "debridement of bilateral leg ulcers of the skin subcutaneous tissue and muscle" after initially refusing to undergo the procedure. He was later put to IV antibiotics therapy, local care, culture with MRSA redo isolation. He was repatriated on February 2, 2012.

Upon arrival in Manila, complainant intimated to the company-designated physician that he sustained his wounds when his right leg was hit by a sack of onion on December 20, 2011. This caused pain and swelling to

his leg. He self-medicated. Later, he noticed a pimple-sized lesion on his left leg which he tried to prick. This caused the pain and swelling of the leg. He was brought to a hospital on January 22, 2012 and was diagnosed with "Bilateral legs infected ulcer associated to pain and cellulitis." (sic)

On March 19, 2012, complainant's right leg wound had healed, his left leg wound was decreasing continuously in size, and was noted to be healing well.

On May 7, 2012, complainant was declared "Fit to Work", and signed a Certificate of Fitness to Work. He acknowledged the company-designated physician's assessment.^[10]

On August 3, 2012, petitioner filed with the labor arbiter a complaint^[11] against private respondents for payment of *"Disability Benefits-Total and Permanent Disability, Sick Leave Pay, Balance of Earned Salary, Moral and Exemplary Damages, Atty's Fee."*

After the parties had submitted their respective position papers^[12] and evidence,^[13] the labor arbiter rendered a Decision dated May 7, 2013^[14] holding private respondents liable to petitioner for the payment of permanent and total disability benefits, sickness wages and attorney's fees. Thus:

WHEREFORE, in view of the foregoing, respondents are ordered to pay complainant the following:

US\$ 60,000.00 - permanent and total disability benefit,
US\$ 2,384.00 - sickness wages
US\$ 62,384.00 - TOTAL
US\$ 5,238.40 - attorney's fees
US\$ 67,622.40 - GRAND TOTAL

All other claims are denied.

SO ORDERED.^[15]

Private respondents filed with public respondent NLRC an appeal.^[16] In a Decision dated September 6, 2013,^[17] public respondent NLRC reversed the labor arbiter's Decision dated May 7, 2013 and dismissed petitioner's complaint. Thus:

WHEREFORE, premises considered, the instant appeal is hereby GRANTED. The Decision appealed from is REVERSED and SET ASIDE, and a new one issued DISMISSING the complaint for lack of merit.

SO ORDERED.^[18]

On September 24, 2013, petitioner filed a motion for reconsideration,^[19] but public respondent NLRC denied the same in a Resolution dated November 11, 2013.^[20]

Hence, petitioner filed the present petition which is premised on the following grounds:

"A.

THE PUBLIC RESPONDENT NATIONAL LABOR RELATIONS COMMISSION, FOURTH DIVISION, COMMITTED GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR EXCESS OF JURISDICTION WHEN IT HELD THAT PETITIONER'S ILLNESS IS NOT WORK RELATED.

B.

THE PUBLIC RESPONDENT NATIONAL LABOR RELATIONS COMMISSION, FOURTH DIVISION, COMMITTED GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR EXCESS OF JURISDICTION WHEN IT HELD THAT THE ILLNESS OF THE PETITIONER IS NOT PERMANENT AND TOTAL DISABILITY.

C.

THE PUBLIC RESPONDENT NATIONAL LABOR RELATIONS COMMISSION, FOURTH DIVISION, COMMITTED GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR EXCESS OF JURISDICTION WHEN IT HELD THAT THE PETITIONER IS NOT ENTITLED TO PERMANENT AND TOTAL DISABILITY BENEFITS.

D.

THE PUBLIC RESPONDENT NATIONAL LABOR RELATIONS COMMISSION, FOURTH DIVISION, COMMITTED GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR EXCESS OF JURISDICTION WHEN IT HELD THAT THE PETITIONER IS NOT ENTITLED TO SICKNESS ALLOWANCE.

E.

THE PUBLIC RESPONDENT NATIONAL LABOR RELATIONS COMMISSION, FOURTH DIVISION, COMMITTED GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR EXCESS OF JURISDICTION WHEN IT HELD THAT THE PETITIONER IS NOT ENTITLED TO MORAL AND EXEMPLARY DAMAGES, OTHER MONETARY CLAIMS AND ATTORNEY'S FEES."^[21]

THE ISSUE

Whether public respondent NLRC committed grave abuse of discretion in reversing the labor arbiter's Decision dated May 7, 2013 and in dismissing petitioner's complaint for "Disability Benefits-Total and Permanent Disability, Sick Leave Pay, Balance of Earned Salary, Moral and Exemplary Damages, Atty's Fee."

THE COURT'S RULING

In awarding permanent and total disability benefit and sickness wages to petitioner, the labor arbiter ruled that petitioner's illness was work-related as it came about when he sustained injury while in the performance of his duty. Thus, his condition entitled him to permanent and total disability and the other half of his sickness wages in addition to what private respondents had already paid him. Said the labor arbiter in her Decision dated May 7, 2013:

Complainant's illness is work-related as this came about because of an injury he sustained while in line with the performance of his duty. To strictly construe that an illness, to be compensable, must either be an occupational disease or one caused by an occupational disease, is to run counter to the time honored principle of the State to afford protection to the working class and to safeguard and promote their welfare.

Complainant suffered an injury because he was hit by a sack of onion while on duty. This caused the pain and swelling on his legs and eventually a lesion which developed into "bilateral leg ulcer with cellulitis." Thus, complainant's illness was a result of an injury, which he did not inflict upon himself, neither was it caused by his negligence.

xxx xxx xxx

xxx As such, complainant is granted his claim for permanent and total disability in the amount of US\$60,000.00 or its equivalent in Philippine Currency at the time of payment.

On the claim for underpayment of sick leave pay, it is evident that respondents paid him only US\$2,384 or for only 60 days. Since complainant to date is still not fit to return to work, he is entitled to the maximum sickness wages of 120 days, hence he is awarded US\$2,384.00 or its equivalent in Philippine Currency at the time of payment.^[22]

Public respondent NLRC, however, held in its Decision dated September 6, 2013 that the labor arbiter erred in granting disability compensation benefit to petitioner because he signed the "*Certificate of Fitness to Work*" issued by the company-designated physician. Also, the certification was issued to petitioner 106 days from his disembarkation which was well within the maximum period allowed by law to declare fitness to work or disability grading. Accordingly, the certification was binding on petitioner and served as proof that he had no more claims against private