



# **DEL ROSARIO PANDIPHIL Inc.**

## **Philippine Shipping Update – Manning Industry**

By: Ruben Del Rosario, President, Del Rosario Pandiphil Inc., September 28, 2013 (Issue 2013/15)

### **Supreme Court: Seafarer repatriated due to finished contract not entitled to disability benefits; condition in POEA contract as to heart disease was not satisfied**

Seafarer had been with the same company on different contracts for almost 20 years. On his last PEME, he was declared fit but it was noted that he had a heart disease. The seafarer then started his employment and during the performance of his duties, he experienced difficulty in breathing. He allegedly asked for medical assistance but was only given oral medication. He was repatriated on June 24, 2004 upon expiration of his contract. Upon his return, he allegedly reported to the respondent for medical check-up and it was eventually determined that he had a heart disease and thus was declared unfit to work. His claim for benefits was denied by respondent and he then filed a complaint for payment of disability benefits compensation.

The Labor Arbiter dismissed the complaint and declared seafarer's heart disease to be not work-related. The NLRC affirmed the decision of the Labor Arbiter. The Court of Appeals sustained the NLRC rulings.

The Supreme Court affirmed the denial of seafarer's claim for disability benefits.

The Court ruled that it is undisputed that seafarer ***was repatriated due to finished contract and not for medical reasons***. The Court further held that while the POEA Contract considers heart disease as an occupational illness, ***seafarer failed to satisfy by substantial evidence the condition laid down in the Contract that if the heart disease was known to have been present during employment, there must be proof that an acute exacerbation was clearly precipitated by the unusual strain brought about by the nature of his work***. The Court emphasized that seafarer's repatriation for completion of his contract belies his submission that his claimed heart disease had been aggravated by his work on board the vessel.

*Jereme Villanueva, Sr. vs. Baliwag Navigation, Inc., Victoria Vda. De Tengco and Unitra Maritime Co., Ltd.; G.R. No. 206505 ; Second Division; July 24, 2013; Associate Justice Arturo Brion, Ponente (Attys. Jamella Joya and Denise Luis Cabanos of Del Rosario & Del Rosario handled for vessel interests).*

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***“Del Rosario & Del Rosario has an excellent reputation for both contentious and non-contentious maritime work.” Asia-Pacific, the Legal 500, 2013, p. 413***

***“Few will dispute Del Rosario & Del Rosario’s position as the Philippines’ leading maritime law firm.” from Asia-Pacific, The Legal 500, 2012, p. 388***

***“This unparalleled shipping firm remains at the forefront of the market.” “They are in a league of their own.” “They are the runaway leaders in shipping.” Chambers Asia Pacific, 2012 p. 832***

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