



DEL ROSARIO PANDIPHIL Inc.

Philippine Shipping Update – Manning Industry

By: Ruben Del Rosario, President, Del Rosario Pandiphil Inc., February 25, 2014 (Issue 2014/02)

Supreme Court: No benefits if injury caused by wilful act

In one of the rare cases where the Supreme Court reviewed the facts of a case, it was held that the seafarer is not entitled to disability benefits as the injury was due to his own wilful act.

The parties presented contradictory facts.

The seafarer alleged that while he was disposing garbage in the incinerator room of the vessel, there was an explosion which caused chemicals to splash all over his body and caused burns. While the seafarer underwent the necessary treatment, he later on filed a claim for permanent disability benefits, while undergoing treatment, claiming that his condition would no longer allow him to return to work.

On the other hand, the company disputed the allegations of the seafarer. According to them, the seafarer's injuries were self-inflicted. They presented statements of other crewmembers that the seafarer poured thinner on his overalls and set himself on fire. Seafarer was led to commit such an act because he was caught pilfering the ship's supplies after a routine security inspection by the vessel officers and was informed that he will be dismissed from employment. The company presented statements to show that just before the injury, the engine room of the vessel was flooded and when the alarm sounded, he was seen disappearing up to the boiler deck leaving small patches of water on the floor, on the steps and on the deck where he had been. Another statement of a crew was presented that he saw the seafarer go inside the paint room and soak his hands in a can full of thinner and proceeded to the incinerator door where he was set ablaze. There were also no signs of explosion. The seafarer's overalls had patches of green paint on the arms and body and smelled strongly of thinner. An open paint tin can was found near the place of the incident and a cigarette lighter lying beside the seafarer which another crew confirmed that he lent it to the seafarer although he knew that the former did not smoke.

The Labor Arbiter and the NLRC sided with the position of the company that the injury was self-inflicted and not accidental in nature. However, the Court of Appeals saw it differently and awarded US\$60,000 disability benefits to the seafarer as it is contrary to human nature for the seafarer to burn himself. There were likewise no direct evidence which would show that the seafarer burned himself.

When the matter reached the Supreme Court, they saw it proper to review the factual antecedents and evidence of the case due to the difference of factual findings between the NLRC and the Court of Appeals. This is despite the fact that the Supreme Court's jurisdiction is generally called only on questions of law.

The Supreme Court ruled that the seafarer is not entitled to disability benefits as the injuries were self-inflicted. Said disqualification is based on Section 20 (D) of the POEA Contract which states that no compensation shall be due to disabilities arising from the seafarer's wilful act. While it is true that the company has the burden of proof in showing that the injury is due to the wilful act of the seafarer, the Supreme Court noted the following to hold that seafarer's injury was directly attributable to himself:

1. Circumstances which all lead to the reasonable conclusion that seafarer was responsible for the flooding and burning incidents. The statements of the crewmembers as well as pieces of evidence would prove that the seafarer flooded the engine room and burned himself were never properly controverted by the seafarer.
2. Seafarer's version that the burning was caused by an accident is hardly supported by evidence on record.

The corroborating statements of the crew would show that there was no fire in the incinerator room at the time seafarer got burned. If there was really an incinerator explosion, then seafarer's injury would have been more serious. The evidence showed that the clothes of the seafarer smelled strongly of thinner and a prudent man would not dispose of garbage in the incinerator under such condition.

3. The theory that seafarer's burns were self-inflicted gains credence through the existence of motive.

The Court found it important to examine the existence of motive since no one actually saw what transpired in the incinerator room. The confluence of the circumstances antecedent to the burning should be examined in conjunction with the existing accounts of the crew members. There is a factual finding that prior to the burning incident, seafarer was caught pilfering the vessel's supplies for which he was told that he was to be relieved from his duties. This adequately supports the reasonable conclusion that seafarer may have harboured a grudge against the captain and the chief steward who denied giving him the questioned items. It was natural for him to brood over feelings of resentment considering his impending dismissal. These incidents shore up the theory that he was motivated to commit an act of sabotage which backfired into his own burning.

Author's Note: This decision stresses the importance of evidence gathering. Here, the Supreme Court gave credence to the various statements of the vessel's crew to prove that the seafarer committed an act of pilferage and sought to sabotage the vessel by flooding the engine room and eventually burning himself.

While the rule under Section 20 D of the POEA Contract states that the employer shall prove that the injury was directly attributable to the wilful act of the seafarer, the Supreme Court relied on the circumstantial evidence and the motive of the seafarer in adjudging that the injuries are self-inflicted.

Interestingly, former Secretary of the Department of Labor & Employment and now Associate Justice Arturo Brion penned an opinion in the same case wherein he agreed to the conclusion that the seafarer is not entitled to disability benefits but differed on the reasoning. Justice Brion believed that the Supreme Court should not have scrutinized the facts anymore and should have relied on the ruling of the Court of Appeals on the factual findings that the injury was caused by an accident. However, he explained that the seafarer is considered to be under a state of temporary total disability for a period of 120 days unless there is need for further medical treatment in which case, the same may be extended to 240 days. In this case, the seafarer, after his 169th day of treatment, no longer reported to the company-designated physician.

This prevented the company-designated doctor from issuing a final declaration on his medical condition which is fatal to the seafarer's cause of action.

INC Shipmanagement, Inc., Captain Sigfredo E. Monterroyo and/or Interorient Navigation Limited vs. Alexander Moradas; G.R. No. 178564; Second Division; January 15, 2014; Associate Justice Estela Perlas-Bernabe, Ponente (Atty. Charles Dela Cruz of Del Rosario & Del Rosario handled for vessel interests)

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Del Rosario & Del Rosario / Del Rosario Pandiphil, Inc.

Office Address: 15th Floor, Pacific Star Building, Makati Avenue, 1200 Makati City, Philippines

Telephone: 63 2 810 1791 * **Fax:** 63 2 817 1740/ 63 2 810 3632

24/7 mobile: (63) (917) 830-8384; mail@delrosario-pandiphil.com; www.delrosariolaw.com