REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated **15 January 2020** *which reads as follows*:

"**G.R. No. 239256** ***(United Philippine*Lines, Inc., CTI Group Worldwide Services, Inc. and/or Fernando V. Lising v. Armando Cabada Romasanta, Jr.)***.– This Petition for Review on *Certiorari*[1] assails the Decision[2] dated January 31, 2018 of the Court of Appeals (CA) dismissing the petition for *certiorari* filed therewith and its Resolution[3] dated May 7, 2018 denying the motion for reconsideration in CA-G.R. SP No. 149860.

The Antecedents

In behalf of CTI Group Worldwide Services, Inc. (CTI), United Philippine Lines, Inc. (UPLI) employed Armando Cabada Romasanta, Jr. (respondent) as stateroom steward aboard the vessel Carnival Glory.[4] His contract was for a period of six months with a basic monthly salary of "USD48.75 w/ GTD. PAY OF USD 1,600." After passing the pre-employment medical examination, respondent joined the vessel on February 26, 2014.[5]

While on the vessel sometime in March 2014, respondent reported passing out fresh blood during bowel movement but with no fever, abdominal pain or vomiting. He was treated at the vessel infirmary and later, was brought

---

* Philippines in some parts of the *rollo*.
1 *Rollo*, pp. 28-81.
2 *Id.* at 83-93; penned by Associate Justice Japar B. Dimaampao with Associate Justices Rodil V. Zalameda (now a Member of the Court) and Renato C. Francisco, concurring.
3 *Id.* at 143-144.
4 Carnival Fantasy in some parts of the records.
5 As culled from the CA Decision dated January 31, 2018; *rollo* p. 84.

to the Charleston Endoscopy Center in South Carolina, USA[6] for colonoscopy. His biopsy, however, indicated "Segments of Invasive Moderately Differentiated Adenocarcinoma."[7]

On June 12, 2014, respondent was medically repatriated. Upon his arrival in Manila, UPLI immediately referred him to the Marine Medical Services for further evaluation and management. Thereafter, the company-designated doctor, Dr. Mylene Cruz-Balboa (Dr. Balboa), confirmed that respondent was suffering from "Moderately Differentiated Adenocarcinoma Rectum."[8] In her medical report of June 14, 2014, she pointed out that:

> Adenocarcinoma's risk factors include age, diet rich in saturated fat; fatty acid and linoleic acid and genetic predisposition and is likely not work-related.[9]

Respondent underwent a surgical operation (Abdominal Resection) and was subsequently subjected to concurrent chemotherapy and radiation therapy. On January 18, 2016, respondent filed a complaint for disability benefits, damages, and attorney's fees against UPLI, CTI and/or Fernando V. Lising (petitioners).[10]

Respondent insisted that the company-designated doctor did not make a categorical statement confirming the total absence of work-relation of his illness. According to him, his dietary provision on the vessel which consisted of meat, food high in fat and cholesterol increased his risk for rectal cancer.[11]

In addition, respondent contended that he was entitled to permanent and total disability benefits because his illness lasted for more than 240 days without the company-designated doctor giving a definite assessment on his disability or fitness to work. He claimed that the absence of such declaration rendered him permanently and totally disabled.[12]

For its part, UPLI countered that respondent's illness was not compensable because it was not work-related or listed among the occupational diseases under the Amended Standard Terms and Conditions Governing the Overseas Employment of Filipino Seafarers On-Board Ocean-Going Ships

---

6 United States of America.
7 *Rollo*, p. 84.
8 *Id.*
9 *Id.* at 31. (Emphasis omitted).
10 *Id.* at 84.
11 *Id.* at 85.
12 *Id.* at 84-85.

(POEA-SEC). It added that respondent likewise did not prove the causal relation between his illness and his work as stateroom steward.[13]

Ruling of the Labor Arbiter

On May 31, 2016, the Labor Arbiter (LA) dismissed the case.[14]

Ruling of the National Labor Relations Commission

On appeal, the National Labor Relations Commission (NLRC) reversed the LA Decision and accordingly, ruled that respondent was entitled to full disability benefits. Thus, it ordered petitioners to pay him US$50,000.00 plus 10% thereof as attorney's fees.[15]

The NLRC thereafter partly granted respondent's motion for reconsideration ordering petitioners to instead pay him US$60,000.00 plus 10% thereof as attorney's fees.[16]

Unfazed, petitioners filed a petition for *certiorari* with the CA.

Ruling of the Court of Appeals

On January 31, 2018, the CA dismissed the petition.

The CA ruled that while respondent's illness (rectal cancer) was not one of those listed as occupational diseases under the POEA-SEC, still, it was disputably presumed to be work-related. It decreed that such presumption favored respondent because his employer, which had the burden to overcome the presumption, failed to present any contrary evidence on respondent's claim for disability benefits. It noted that other than the bare declaration of the company-designated doctor that respondent's illness was not work-related, no explanation was given to support the conclusion.

---

13 *Id.* at 85.

14 As culled from the Petition for Review on *Certiorari*, the LA Decision was penned by Labor Arbiter Michelle P. Pagtalunan; *rollo*, p. 32.

15 *Id.* at 33.

16 *Id.*

Further, the CA held that respondent established a reasonable causal connection between his working condition and his illness. It noted that respondent's dietary provisions while at sea increased his risk of contracting rectal cancer as he had no choice of what to eat on the vessel, aside from those given him which were mainly high-fat, high-cholesterol, and low-fiber food.

At the same time, the CA stressed that the company-designated physician failed to issue a final and definite assessment on respondent's disability within the period of 240 days (from his repatriation). Consequently, he was considered by law permanently and totally disabled and therefore, entitled to full disability benefits.

On May 7, 2018, the CA denied petitioners' motion for reconsideration.

Hence, this Petition.

Issue

Whether the CA properly found that the NLRC committed *no* grave abuse of discretion in ruling that respondent was entitled to full disability benefits.

Petitioners' Arguments

Petitioners posit that respondent's illness was not work-related. They explain that "Moderately Differentiated Adenocarcinoma Rectum" is not listed as an occupational disease; and, the company-designated doctor determined that such illness was not related to respondent's work. In fine, they contend that the presumption of work-relatedness was overturned when a contrary medical opinion was given by the company-designated doctor that the illness of respondent was not work-related, which opinion was given within 240 days from respondent's repatriation.

Respondent's Arguments

On the other hand, respondent counters that his illness is work-related which makes him entitled to full disability benefits. He specifies that his work conditions aggravated his having rectal cancer as his dietary provision on the

vessel increased his risk of contracting the illness. He explains that he had no choice of what to eat other than those given them on the vessel consisting of high fat, high cholesterol, and low fiber meals. According to him, there is causal connection between his work and his illness; at the least, his illness was aggravated by his working conditions. He adds that his illness was disputably presumed work-related which presumption petitioners failed to disprove.

Our Ruling

The Petition lacks merit.

As a rule, this Court is not a trier of facts and solely questions of law may be raised in a petition under Rule 45 of the Rules of Court. Factual findings of quasi-judicial bodies, like labor tribunals, are also given high respect by the Court since they specialize to resolve matters within their jurisdiction. However, in this case, We apply the exception to the rule in view of the divergent factual findings and conclusions of the LA, on one hand, and of the NLRC and the CA, on the other hand, anent the issue of whether respondent sustained a work-related illness, which entitles him to full disability benefits.[17]

Meanwhile, judicial review of NLRC decisions is made by filing with the CA a petition for *certiorari* under Rule 65. It is confined with the issue of jurisdiction or of whether the NLRC committed grave abuse of discretion or "such capricious and whimsical exercise of judgment as is equivalent to lack of jurisdiction" in rendering its decision. It, thus, follows that when a CA ruling in a labor case is brought before this Court under Rule 45, Our review is limited in ascertaining whether the CA correctly found the presence or absence of grave abuse of discretion on the part of the NLRC in arriving at its assailed ruling.[18]

Requisites for disability to be compensable.

Pursuant to Section 20(A) of the POEA-SEC, in order for a disability to be compensable, (i) the injury or illness must be work-

[17] *Skippers United Pacific, Inc., v. Lagne*, G.R. No. 217036, August 20, 2018.
[18] See *Philippine National Bank v. Gregorio*, G.R. No. 194944, September 18, 2017, 840 SCRA 37, 50.

related; and, (ii) the work-related injury or illness must have existed during the term of the contract of the seafarer. In turn, "work-related illness" pertains to such sickness listed as occupational disease under Section 32-A of the POEA-SEC with the set conditions therein satisfied. An illness not listed as occupational disease is, nonetheless, disputably presumed work-related provided that the seafarer proves, by substantial evidence, that his or her work conditions caused or, at the least, increased his or her having contracted the same.[19]

Let it be underscored too that for a disease to be compensable, the nature of work need not be the only reason for the seafarer to suffer his or her illness. What is crucial is the reasonable connection between the seafarer's disease and one's work leading a rational mind to conclude that such work contributed to or aggravated the development of the illness.[20]

In this case, the NLRC and CA uniformly ruled that respondent had established the reasonable link between his having suffered rectal cancer and his work as a seafarer. They similarly found that respondent proved that his work conditions increased his having contracted his illness considering that the dietary provision on the vessel (food high in cholesterol and fat and low in fiber) is a known cause of rectal cancer.

Notably, in *Skippers United Pacific, Inc. v. Lagne*,[21] the Court gave credence to the finding of the NLRC, as affirmed by the CA, that the work conditions of a seafarer caused or, at the least, aggravated the risk of him contracting rectal illness. It, thus, quoted with approval the NLRC's ratiocination as follows:

> Being a seafarer, We can take judicial notice of the food provisions on a ship which are produced at one time for long journeys across the oceans and seas. The food provided to seafarers are mostly frozen meat, canned goods and seldom are there vegetables which easily rot and wilt and, therefore, impracticable for long trips. These provisions undoubtedly contributed to the aggravation of appellant's rectal illness.

[19] *Ilustricimo v. NYK-Fil Ship Management, Inc.*, G.R. No. 237487, June 27, 2018, 869 SCRA 182, 191-192.
[20] *Id.*
[21] *Supra* note 17.

In *Lagne*, the Court went further in stressing that We, in fact, had earlier pronounced the compensability of colorectal cancer in *Leonis Navigation Co., Inc., v. Villamater.*[22]

Also, in the recent case of *Jebsens Maritime, Inc. v. Alcibar,*[23] this Court similarly ruled that rectal cancer of therein respondent was work-related as the latter proved that the cause thereof was the poor provisions – high in fat and cholesterol and low in fiber – given to him while at sea. Such poor provisions were on the same level with those given to herein respondent while he was still aboard the vessel. Hence, it cannot be gainsaid that the poor diet of herein respondent while at sea contributed to his having developed rectal cancer during the term of his employment contract.

At the same time, while petitioners insistently argue that the company-designated doctor declared that respondent's illness was not work-related, the pronouncement of the company-designated physician even bolstered the contention that respondent's diet on the vessel contributed to him having suffered from rectal cancer. To note, the company-designated doctor stated:

> Adenocarcinoma's risk factors include age, **diet rich in saturated fat; fatty acid and linoleic acid** and genetic predisposition and is likely not work-related.[24]

The declaration above did not only cite that one of the risk factors of rectal cancer was poor diet, it also did not categorically state that respondent's illness was not work-related but that it was just *likely* not work-related without any explanation for saying so.[25]

---

[22] 628 Phil. 81 (2010).
[23] G.R. No. 221117, February 20, 2019.
[24] *Rollo*, p. 31; emphases supplied.
[25] See *Leonis Navigation Co., Inc. v. Villamater*, *supra* note 22.

No grave abuse of discretion; NLRC's findings and conclusion sufficiently justified.

In view of all the foregoing, the findings and conclusion of the NLRC are well-taken considering that they are pursuant to applicable laws, provisions of the POEA-SEC as well as prevailing jurisprudence. In fine, there being sufficient factual and legal bases in the NLRC ruling, the CA properly found that it did not commit grave abuse of discretion and there was no reason for the issuance of a writ of *certiorari* against the NLRC.

WHEREFORE, the Petition is **DENIED**. The Decision dated January 31, 2018 and Resolution dated May 7, 2018 of the Court of Appeals in CA-G.R. SP No. 149860 are **AFFIRMED**.

SO ORDERED." (**PERLAS-BERNABE, *J.***, and **REYES, A., JR., *J.***, on official leave; **HERNANDO, *J.***, designated Acting Chairperson per Special Order No. 2757 dated January 6, 2020).

Very truly yours,

TERESITA AQUINO TUAZON
Deputy Division Clerk of Court

DEL ROSARIO & DEL ROSARIO (reg)
Counsel for Petitioners
14th Floor, Del Rosario Law Centre
21st Drive corner 20th Drive
Bonifacio Global City, 1630 Taguig

BANTOG & ANDAYA LAW OFFICES (reg)
Counsel for Respondent
7th Floor, Exchange Corner Building
107 VA Rufino cor. Bolanos & Esteban Sts.
1229 Legaspi Village, Makati City

NATIONAL LABOR RELATIONS COMMISSION (reg)
PPSTA Building, Banawe Street cor. Quezon Avenue
1100 Quezon City
(NLRC LAC No. [OFW-M]07-000564-16)

JUDGMENT DIVISION (x)
Supreme Court, Manila

PUBLIC INFORMATION OFFICE (x)
LIBRARY SERVICES (x)
[For uploading pursuant to A.M. No. 12-7-SC]

OFFICE OF THE CHIEF ATTORNEY (x)
OFFICE OF THE REPORTER (x)
Supreme Court, Manila

COURT OF APPEALS (x)
Ma. Orosa Street
Ermita, 1000 Manila
CA-G.R. SP No. 149860

Please notify the Court of any change in your address.
GR239256. 1/15/2020B(104)URES