REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated 17 February 2020 which reads as follows:

“G.R. No. 247241 (Mael L. Roa v. C.F. Sharp Crew Management, Inc., REEDEREI Claus-Peter Offen [GMBH & Co.], Roberto Davantes,* and Juan Jose P. Rocha). – The Court NOTES: (a) the comment dated December 20, 2019 of respondents C.F. Sharp Crew Management, Inc., REEDEREI Claus-Peter Offen (GMBH & Co.), Roberto Davantes, and Juan Jose P. Rocha on the petition for review on *certiorari* in compliance with the Resolution dated September 18, 2019; and (b) the compliance dated December 17, 2019 by counsel for petitioner Mael L. Roa (petitioner), submitting the Court’s acknowledgment receipt of the soft copy of the petition sent through e-mail.

After a judicious study of the case, the Court resolves to **DENY** the instant petition¹ and **AFFIRM with MODIFICATION** the June 21, 2018 Decision² and the March 15, 2019 Resolution³ of the Court of Appeals (CA) in CA-G.R. SP No. 07875-MIN for failure of petitioner to sufficiently show that the CA committed any reversible error in dismissing his claim for total and permanent disability benefits for lack of merit. However, petitioner is entitled to the payment of income benefits for temporary total disability, in accordance with Section 2, Rule X of the Rules and Regulations Implementing Book IV of the Labor Code (Rules), representing his basic wage for the period of 169 days, instead of 175 days. This is computed from petitioner’s repatriation on May 20, 2014 until the date of his last visit to the company-designated physician (CDP), or on November 5, 2014.⁴

As correctly ruled by the CA, petitioner was duty bound to complete his medical treatment within the allowable extended treatment period of two

* “Robert Davantes” in some parts of the *rollo*.

¹ *Rollo*, pp. 10-40.

² *Id.* at 45-56. Penned by Associate Justice Edgardo A. Camello with Associate Justices Perpetua T. Atal-Paño and Walter S. Ong, concurring.

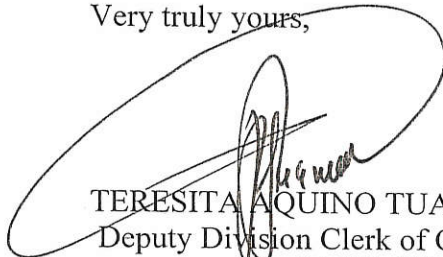
³ *Id.* at 43-44. Penned by Associate Justice Edgardo A. Camello with Associate Justices Oscar V. Badelles and Walter S. Ong, concurring.

⁴ *New Filipinos Maritime Agencies, Inc. v. Despabeladeras*, 747 Phil. 626, 643 (2014).

hundred forty (240) days from his repatriation until the CDP declares him fit to work or assesses him with a disability rating.⁵ Section 20 (d) of the 2010 Philippine Overseas Employment Administration-Standard Employment Contract (POEA-SEC),⁶ instructs that no compensation and benefits shall be payable in respect of any injury, incapacity, disability or death of the seafarer resulting from his willful or criminal act or intentional breach of his duties. For petitioner's failure to complete his medical treatment, which is a breach of his duties under the POEA-SEC, his claim for total and permanent disability must fail. Nevertheless, case law entitles petitioner to income benefit for temporary total disability in accordance with the Rules.

SO ORDERED."

Very truly yours,


TERESITA AQUINO TUAZON
Deputy Division Clerk of Court
11 MAR 2020 p3/11

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(RAB-X-01-16115-15)

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*with copy of CA Decision dated 21 June 2018
and Resolution dated 15 March 2019
Please notify the Court of any change in your address.
GR247241. 02/17/20(188)URES

⁵ See *rollo*, p. 52.

⁶ POEA Memorandum Circular No. 10, Series of 2010, entitled "AMENDED STANDARD TERMS AND CONDITIONS GOVERNING THE OVERSEAS EMPLOYMENT OF FILIPINO SEAFARERS ON-BOARD OCEAN-GOING SHIPS," dated October 26, 2010. Section 20 (d) thereof reads:

Section 20. *Compensation and benefits.* —

x x x x

D. No compensation and benefits shall be payable in respect of any injury, incapacity, disability or death of the seafarer resulting from his willful or criminal act or intentional breach of his duties, provided however, that the employer can prove that such injury, incapacity, disability or death is directly attributable to the seafarer.