

****Title**:** Charlo P. Idul v. Alster Int'l Shipping Services, Inc., Johann Mckblumenthal GMBH Reederei, and Santiago D. Almodiel

****Facts**:**

Charlo P. Idul was employed by Alster International Shipping Services, Inc. on behalf of Johann Mckblumenthal GMBH Reederei as a bosun for a 12-month period. His tenure commenced on April 14, 2008, aboard the vessel M/V IDA. On December 4, 2008, Idul sustained a fracture on his left leg due to an accident involving lashing wires breaking and hitting him. Subsequent to being hospitalized in France, Idul was repatriated for continuing medical attention in the Philippines. He was under the care of Dr. Robert Lim and Dr. William Chuasuan at the Metropolitan Medical Center, who initially issued a Grade 10 disability rating for Idul's condition by July 6, 2009.

Idul, seeking another opinion, consulted Dr. Venancio P. Garduce Jr., who deemed him totally and permanently disabled after one meeting. Alster Shipping offered \$10,750 as disability benefit according to the POEA Standard Employment Contract (SEC), which Idul rejected, demanding full disability benefits instead. Subsequently, Idul filed a complaint for total and permanent disability benefits with the Department of Labor and Employment (DOLE), which after a failed preliminary mandatory conference, advanced to litigation.

The Labor Arbiter favored Alster Shipping, stressing the company-designated physicians' assessments over Idul's solitary consultation with Dr. Garduce. Discontented, Idul appealed to the National Labor Relations Commission (NLRC), which reversed the Labor Arbiter's decision, recognizing Idul's prolonged inability to work as grounds for permanent disability benefits. Alster Shipping contested this decision before the Court of Appeals (CA), which reinstated the Labor Arbiter's decision, emphasizing the supremacy of the company-designated physician's findings over those from Idul's chosen doctor.

****Issues**:**

1. Whether the Court of Appeals erred in prioritizing the assessment of the company-designated physician over the conflicting medical opinion from the seafarer's chosen doctor.
2. Whether the appellate court's decision aligns with the POEA SEC's guidelines on determining the extent of a seafarer's disability.

****Court's Decision**:**

The Supreme Court dismissed Idul's Petition for Review on Certiorari, affirming the CA's decision. The Court highlighted critical points in resolving the issues:

1. **Mode of Appeal**: It clarified the inappropriateness of employing a certiorari petition when the complainant had an available remedy of appeal, which Idul failed to utilize within the stipulated time. This procedural mishap fundamentally flawed Idul's petition.
2. **Merits of the Appeal**: On the substance, the Court concurred with the CA's evaluation that a temporary total disability can only be deemed permanent if declared by the company-designated physician within a 240-day period or when no determination is made post this period. The Court aligned with the established jurisprudence, indicating that the assessment of the company-designated physician, especially when issued within the designated period and after repeated consultations, holds precedence over the seafarer's or any conflicting medical opinion.
3. **Doctrine on Disability Assessment**: In the assessment of permanent and total disability claims, the designated company physician's evaluation is prioritized unless a mutually agreed third doctor's opinion is sought. The failure to pursue such agreement binds the parties to the company-designated physician's findings.

Doctrine:

1. The doctrine emphasizes the final and binding nature of the company-designated physician's assessment on determining a seafarer's disability unless a third opinion, agreed upon by both parties, dictates otherwise.

Class Notes:

- **Temporary vs. Permanent Disability**: A seafarer's disability is deemed temporary for up to 240 days, within which a company-designated physician must assess whether it turns into a permanent condition.
- **Role of Company-Designated Physician**: The assessment of the company-designated physician following a work-related injury is pivotal and can only be contested through the introduction of a third doctor agreed upon by both the employer and the seafarer.
- **Legal Remedies and Procedural Timeliness**: The failure to file an appeal within the designated time frame confines the aggrieved party to the decisions made by lower tribunals, barring extraordinary circumstances.

Historical Background:

The intricate legal framework surrounding seafarers' rights, particularly concerning disability benefits, reflects evolving jurisprudence aimed at balancing the interests between

maritime employers and their employees. Cases like *Idul v. Alster International* highlight the critical role of procedural compliance in appeal mechanisms and the nuanced understanding of disability assessments under the POEA SEC, marking significant touchpoints in the development of labor law for seafarers in the Philippines.