

Title: *Ilustrisimo v. NYK-Fil Ship Management, Inc.*

Facts:

Aldrine B. Ilustrisimo was employed as a Quarter Master by International Cruise Services Ltd. through NYK-Fil Ship Management, Inc. from 1993 to 2014. In April 2014, Ilustrisimo boarded MV Crystal Serenity after being declared fit in a Pre-Employment Medical Examination. In November 2014, while en route to Florida, USA, Ilustrisimo experienced blood in his urine. He sought medical attention and was diagnosed with three polypoid masses in his bladder. Consequently, he was repatriated on November 22, 2014, and referred to the company doctor, Dr. Nicomedes Cruz, who diagnosed him with low-grade urothelial carcinoma. Dr. Cruz initially assessed an interim disability rating of Grade 7 on March 6, 2015, and confirmed this rating on June 30, 2015. Ilustrisimo underwent further treatment at his expense and was subsequently assessed by Dr. Richard Combe, who declared him unfit for work.

Attempts by Ilustrisimo and his counsel to claim total and permanent disability benefits from the respondents were ignored, resulting in the filing of a complaint before the National Mediation and Conciliation Board (NCMB).

Procedural Posture:

1. A Voluntary Arbitrator of NCMB awarded Ilustrisimo total and permanent disability benefits amounting to USD 95,949.00.
2. Respondents appealed to the Court of Appeals (CA), which reduced the award to partial permanent disability benefits of USD 40,106.98.
3. Ilustrisimo filed a petition for review under Rule 45 before the Supreme Court after his motion for reconsideration was denied by the CA.

Issues:

1. Whether Ilustrisimo's condition is work-related and compensable.
2. Whether proper procedures were followed regarding the third-doctor referral under the POEA-SEC.
3. Whether Ilustrisimo is entitled to total and permanent disability benefits.

Court's Decision:

The Supreme Court granted Ilustrisimo's petition and reinstated the VA's decision awarding total and permanent disability benefits.

1. **Work-Relatedness:** The Court affirmed that Ilustrisimo's bladder cancer was work-related.

Based on substantial evidence, including the company doctor's report linking the occupational exposure to aromatic amines, the Court found a reasonable linkage between his condition and employment.

2. Third-Doctor Referral: The Court noted that Ilustrisimo had notified the respondents of his conflicting medical opinions and his willingness for a third-doctor referral. The burden shifted to the respondents to initiate this referral, which they failed to do, thus making the company doctor's assessment not binding.

3. Entitlement to Benefits: Given the severity of Ilustrisimo's condition and the necessity for ongoing medical treatment, the Court concluded that he was permanently and totally disabled, rendering him entitled to the benefits stipulated in the Collective Bargaining Agreement.

Doctrine:

- Employers must refer to a third doctor in case of disputes about a seafarer's medical condition if the seafarer expresses disagreement with the company doctor's assessment.
- Work-related illnesses under the 2010 POEA-SEC include those conditions reasonably linked to one's employment.

Class Notes:

1. Elements of Compensable Disability under POEA-SEC:

- The injury/illness must be work-related.
- The work-related injury/illness must exist during the term of the employment contract.

2. Third-Doctor Rule (Section 20(A)(3) POEA-SEC):

- If a seafarer disagrees with the company doctor's assessment, a third doctor mutually agreed upon must make a final and binding decision.
- The employer carries the burden to initiate the third-doctor referral once notified.

Historical Background:

This case is emblematic of the broader issues faced by Filipino seafarers regarding health conditions contracted during employment and the difficulties in securing full compensation. Both the decision and extensive procedures involved in dispute resolutions under the POEA-SEC underscore the ongoing need for robust mechanisms to protect seafarers' rights and well-being.