

Title: Omanfil International Manpower Development Corporation & Modh Al-Zoabi  
Technical Projects Corp. v. Rolando B. Mesina

Facts:

Rolando B. Mesina was hired by Omanfil International Manpower Development Corporation (Omanfil) and deployed to work with Mohd Al-Zoabi Technical Projects Corporation (MAZTPC) at Al Khaji Joint Operations in Dammam, Saudi Arabia starting May 7, 2005. His contract stipulated a monthly salary of SR 4,000 for a 24-month period, with benefits including annual leave and medical treatment for illness or accidents incurred while working.

In early February 2006, Mesina experienced severe chest pains and was hospitalized twice, diagnosed with heart disease but discharged in good condition. Against Mesina's wishes, MAZTPC arranged for his repatriation to the Philippines on February 22, 2006, claiming it was for further medical treatment at his request, which Mesina disputed.

Upon returning, Mesina demanded reimbursement for his medical expenses totaling P500,000.00 but was denied by the petitioners. This led to Mesina filing a case for illegal dismissal, among other claims.

The Labor Arbiter dismissed the illegal dismissal claim but ordered separation pay. The NLRC upheld this decision. Upon appeal, the Court of Appeals (CA) reversed previous rulings, declaring Mesina was illegally dismissed without just or authorized cause, notably for lack of sufficient evidence that his illness was permanent or incurable within six months, as required for lawful dismissal on the grounds of illness.

Issues:

1. Whether the repatriation of Mesina constituted an illegal dismissal.
2. Whether the petitioners complied with the legal requirements for termination of employment due to disease under the Labor Code and its implementing rules.

Court's Decision:

The Supreme Court denied the petition, affirming the CA's decision that Mesina was illegally dismissed. It highlighted that the petitioners failed to establish that Mesina's disease was of such nature or at such a stage that it could not be cured within six months, nor did they present a certification from a competent public health authority as required by law. Furthermore, arguments presented by the petitioners regarding Mesina's condition being pre-existing and not work-related were found unconvincing. The Court upheld the

view that the employment had contributed, even in a small degree, to the development of the disease, sufficient to entitle Mesina to compensation and benefits for illegal dismissal.

**Doctrine:**

For dismissal on the grounds of disease to be lawful, it must be established that the employee's illness is incurable within six months and detrimental to their health or their co-workers', supported by certification from a competent public health authority.

**Class Notes:**

- In cases of dismissal due to illness, two requisites must concur: incurability of the disease within six months and issuance of a certification from a competent public health authority.
- The employer's failure to provide certification from a competent public health authority regarding the employee's health condition renders the termination illegal.
- The principle of contributing factor states that if an employee's employment contributed, even to a small degree, to the development of a disease, they are entitled to compensation.

**Historical Background:**

This case underscores the stringent requirements and protections under Philippine labor law regarding the termination of employment due to illness. It emphasizes the necessity for employers to strictly adhere to legal procedures and provide substantial evidence when claiming an employee's illness as a ground for dismissal, reinforcing workers' rights and welfare protections in the context of labor relations.