

Title: Alexei Joseph P. Grossman vs. North Sea Marine Services Corporation, V. Ships Leisure S.A.M., and Silversea Cruises Ltd.

Facts:

- On February 26, 2016, Alexei Joseph P. Grossman was employed as a Galley Utility aboard the vessel Silver Whisper by V. Ships Leisure S.A.M., with North Sea Marine Services Corporation acting as the employment agent.
- His employment was regulated under the International Transport Workers' Federation (ITF) CBA.
- In July 2016, Grossman experienced pain in his left knee radiating to his leg and thigh, later diagnosed as a tumor with a high risk for fracture while on board.
- Consequently, he was repatriated on August 5, 2016.
- Upon arrival in the Philippines, Grossman was referred to company-designated physicians who diagnosed him with a Giant Cell Tumor (GCT), recommending surgery.
- Post-surgery, he suffered from muscle atrophy leading to walking difficulty.
- Despite undergoing physical therapy from September 2016 to April 2017, Grossman was unable to return to work, and he sought out an orthopedic specialist, Dr. Renato P. Runas, who declared him permanently unfit for sea duty.
- Grossman filed a claim for total and permanent disability benefits as the company doctors failed to provide a final disability assessment.
- The Office of the Voluntary Arbitrators ruled in his favor, awarding him disability benefits.
- The employers sought review from the Court of Appeals, which reversed the ruling, leading Grossman to appeal to the Supreme Court.

Issues:

1. Whether the Giant Cell Tumor is considered a work-related illness under the POEA-SEC.
2. Whether the employer's failure to issue a final medical assessment within the designated 120/240-day period results in a presumption of total and permanent disability.
3. Grossman's entitlement to disability benefits, attorney's fees, and interest.

Court's Decision:

1. Work-Related Illness: The Supreme Court reiterated that under Section 20 of the POEA-SEC, illnesses not listed in the Section 32 are disputably presumed work-related. The respondent's doctors failed to provide conclusive evidence to rebut this presumption or issue a final disability assessment within the required period; thus, the presumption of work-relatedness stands.

2. Medical Assessment: The Court underscored the necessity of issuing a clear final medical assessment. The failure of company doctors to issue a definite conclusion within 120/240 days was vital. The lack of final assessment within those periods rendered Grossman's condition as total and permanent by operation of law.

3. Disability Benefits: The failure to challenge the work-related presumption led to the reversal of the CA's decision, reinstating the VA's award of total and permanent disability benefits. Grossman was entitled to US\$60,000 disability benefits, with a 6% interest per annum from the final decision until fully paid, plus attorney's fees due to the necessity of litigation to claim the disability benefits.

Doctrine:

- Where no final disability assessment is made within the 120/240-day threshold provided under the POEA-SEC, a seafarer's disability is deemed permanent and total.
- Illnesses not listed in Section 32 of the POEA-SEC are presumed work-related unless conclusively proven otherwise by the employer.

Class Notes:

- Presumption of Work-Relation: Unlisted ailments in Section 32 of the POEA-SEC have a disputable presumption of being work-related.
- The employer's failure in the due timeline of assessment can lead to the presumption of permanent disability.
- Legal statutes involved: Labor Code of the Philippines, POEA-SEC, particularly Section 20 and Section 32-A.

Historical Background:

This case takes place in the context of the maritime industry, where seafarer welfare under restrictive employment conditions is a frequent issue. It highlights the balance of presumptive provisions for work-related injuries versus the need for employers to demonstrate otherwise, embodying the principle that workers' protections are strengthened through statutory presumptions and remedy procedures articulated by various employment regulations such as POEA-SEC commonly used in the Philippines maritime sector.