

****Title****: Unitra Maritime Manila, Inc., VT Maritime Inc., and/or Capt. Victor M. Villanueva vs. Giovannie B. Campanero

****Facts****:

1. ***Contractual Background***: On April 22, 2014, Unitra Maritime Manila, Inc. hired Giovannie Campanero as a Second Officer for its foreign principal, VT Maritime, confirmed under a contract consistent with the POEA-Standard Employment Contract (POEA-SEC) and the All Japan Seaman's Union Collective Bargaining Agreement (CBA).
2. ***Incident and Initial Medical Intervention***: After joining the vessel, M/V Mount Akaboshi on May 29, 2014, Campanero experienced severe back pain and numbness in his right leg stemming from lifting heavy provisions. He was diagnosed with disc hernia in Japan, leading to his immediate repatriation for further medical assessment.
3. ***Medical Diagnosis and Treatment***: Diagnosed with arteriovenous malformation and ruptured intramedullary, Campanero underwent surgery and subsequent rehabilitation. The company-designated physician did not issue a disability grading within 240 days of treatment cessation.
4. ***Discrepancy in Medical Opinions***: Campanero obtained an independent medical opinion from Dr. Francis Pimentel, identifying him with permanent disability due to his work-related condition, with a similar recommendation from Dr. Rogelio Catapang, Jr.
5. ***Initial Labor Tribunal Resolution***: Campanero filed a complaint for disability compensation, which the Labor Arbiter (LA) granted, ruling in favor of Campanero with a disability award.
6. ***Appellate Decision by the NLRC***: On appeal, NLRC reversed the LA's decision, citing lack of second-opinion procedure compliance by Campanero before litigation.
7. ***Court of Appeals Ruling***: Campanero sought certiorari to the CA, which reinstated the LA's decision favoring Campanero, acknowledging the potential aggravation of Campanero's condition due to work-related activities.
8. ***Petition for Supreme Court Review***: Dissatisfied with the CA's decision, Unitra and VT Maritime filed a Petition for Review on Certiorari to the Supreme Court contesting the CA's ruling.

****Issues**:**

1. Whether Giovannie Campanero was entitled to total and permanent disability benefits under the POEA-SEC.
2. Whether the claim to benefits under the Collective Bargaining Agreement (CBA) was legitimate.
3. Whether there was a requirement for compliance with a referral to a third doctor, which was claimed as mandatory.

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

1. ***Disability Benefits***: The Supreme Court affirmed the CA's ruling that Campanero was entitled to permanent and total disability benefits. The court noted the failure of the company-designated physician to provide a final assessment within the regulatory time frame automatically rendered Campanero entitled to such disability benefits by operation of law.
2. ***CBA Applicability***: The court recognized the CBA's provisions granting benefits to seafarers suffering permanent disability due to accidents, finding Campanero qualified under its terms to receive full compensation due to the failure of the employer to provide the requisite medical assessment conforming with regulatory standards.
3. ***Procedure for Third Doctor***: The absence of a categorical medical opinion from the company physician negated the necessity of Campanero consulting a third doctor, and the rights to benefits accrued without this provision being triggered.

****Doctrine**:**

- ****Presumption of Work-Relatedness****: The POEA-SEC holds a disputable presumption of work-relatedness for non-listed diseases, placing the burden on the employer to refute.
- ****120/240-day Rule****: The failure of a company-designated physician to issue a definite disability grading within the specified periods leads to the condition being deemed total and permanent.
- ****Referral to Third Doctor****: The referral is a mandatory process contingent upon the presence of a definitive medical assessment by the company physician.

****Class Notes**:**

- ****Seafarer Disability Claims****: Legal standards impose a presumption of work-relatedness,

placing initial burdens of proof on the employer.

- **Time-bound Medical Assessments**: Mandated timelines (120/240-day rules) require definite medical assessments, affecting entitlement to benefits.
- **Procedural Precedent**: Lack of definitive medical assessment nullifies the need for a third doctor consultation.

Historical Background:

This case reflects ongoing legal interpretation issues within the maritime sector, critically addressing the necessary procedural integrity of disability assessments under employment contracts and highlighting the juridical intricacies seafarers face when asserting entitlements post-repatriation. It underscores the presumptive protection extended to seafarers through legal frameworks due to the inherently hazardous nature of maritime employment.