

WILFREDO M. VALENCIA, JR. PETITIONER, VS. NATIONAL LABOR RELATIONS COMMISSION (SECOND DIVISION) INTERORIENT MARITIME ENTERPRISES INC., INTER ORIENT MARITIME ENTERPRISES, INC. – ...

Ponente: DIMAAMPAO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/61cf7f378e00/>

DIMAAMPAO, J.:

A seafarer's inability to resume his work after the lapse of more than 120 days from the time he suffered an injury and/or illness is not a magic wand that automatically warrants the grant of total and permanent disability benefits in his favor.[1]

This Petition for Certiorari[2] impugns the Decision[3] dated 15 May 2013 and Resolution[4] dated 28 June 2013 of the National Labor Relations Commission in LAC NO. 03-000259-13.

The precursor facts of the case are uncomplicated.

Petitioner Wilfredo Valencia, Jr. (petitioner) was engaged as Second Mate by private respondent Interiorient Maritime Enterprises Inc. (Interiorient), for and behalf of co-private respondent Inter Orient Maritime Enterprises-Liberia, its foreign principal, for the vessel Captain Harry under an employment contract nine months. We shall collectively refer to the latter as private respondents. Petitioner's monthly salary was \$1,386.00. After having passed the mandatory pre-employment examination, he joined his vessel of assignment and commenced his job on 28 September 2011.

On 29 February 2012 while on board the vessel, petitioner sustained a fall after a mooring rope accidentally snapped and hit him causing injury to his left wrist. He was brought to Kasral Scheffar Hospital for diagnosis and immediate treatment. Thereafter, he was discharged and repatriated on 3 March 2012. Petitioner was immediately referred to Dr. Lourdes Quetulio, private respondents' company-designated physician, at the YGEIA Medical Center for evaluation and management. The diagnosis given was Colle's Fracture, Left with Intraarticular Involvement. He underwent a surgical procedure called Closed Reduction with application of External Fixation. Upon discharge, the company doctors monitored petitioner's condition through regular consultation and physical rehabilitation. Several months after undergoing rehabilitation and careful monitoring, he lodged a Complaint,[5] averring, inter alia, that his condition did not improve despite medical intervention as he could barely use his left wrist. He lost his holding and gripping power as well as the capacity to lift even light objects. This prompted him to seek consultation with Dr. Misael Jonathan Ticman (Dr. Ticman), an orthopedic surgeon, who issued his Medical Report[6] declaring petitioner unfit to work as a seaman in any capacity. Having failed to return to work as a seafarer for more than 120 days, petitioner claimed entitlement to permanent and total benefits.

Contrariwise, private respondents maintained that petitioner was not entitled to disability benefits given that its doctors closely monitored his condition for a period of six months until he was given a disability rating of Grade 10 or loss of grasping power for small or large object. They insisted he was only entitled to receive benefits corresponding to the assessment given by the company-designated physician.

After weighing the discordant postures of the parties, the Labor Arbiter rendered a Decision[7] disregarding the finding of the company-designated physician and giving more credence to the opinion of the private physician that petitioner suffered from permanent and total disability. Hence, the Labor Arbiter awarded him full disability benefits and other monetary awards, viz:

"WHEREFORE, premises considered, judgment is hereby rendered ordering respondents Interorient Maritime Enterprises, Inc. and Inter Orient Maritime Ent, Inc., Liberia jointly and severally liable to complainant the following:

- Disability benefits of Grade 1 in the amount of US\$60,000.00 or its peso equivalent; and
- Sickwage allowance in the amount of US\$5,544.00 or its peso equivalent;
- Attorney's fees in the amount of US\$6,554.40.

All other claims are DISMISSED for lack of merit.

SO ORDERED."[8]

The NLRC reversed on appeal the judgment rendered by the Labor Arbiter and upheld the opinion of the company-designated physician ratiocinating that he and a team of specialists meticulously and carefully monitored petitioner's condition for almost six months before they rendered their evaluation. The labor tribunal opined that the lapse of the 120-day period did not automatically render petitioner's condition permanent and total. The NLRC disposed, thusly:

"WHEREFORE, premises considered, the Decision dated January 24, 2012 is REVERSED. Respondents are hereby ordered to pay the complainant his disability bene-fits in the amount of TEN THOUSAND SEVENTY FIVE (US\$10,075.00) or its peso equivalent representing com-plainant's disability grading of Grade 10, sickness allowance in the amount of FIVE THOUSAND FIVE HUNDRED FORTY FOUR (USD5,544.00) or its peso equivalent and ten percent (10%) attorney's fees.

All other claims are dismissed for lack of merit.

SO ORDERED."[9]

When petitioner moved for reconsideration, his entreaty was denied in the assailed Resolution.

Nonplussed, petitioner commenced the instant Petition raising the following disputations:

ITHE PUBLIC RESPONDENT COMMITTED GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OF JURISDICTION IN FAILING TO CONSIDER THE EFFECT OF THE PETITIONER'S INJURY TO (SIC) HIS SEAFARING OCCUPATION.

IITHE PUBLIC RESPONDENT COMMITTED GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OF JURISDICTION IN FAILING TO GIVE CREDENCE TO THE FINDINGS OF THE PETITIONER'S PHYSICIAN.

In sooth, the lis mota of the controversy is whether or not petitioner is entitled to disability and other benefits.

The POEA Standard Employment Contract clearly provides that when a seafarer sustains a work-related illness or injury while on board the vessel, his fitness or unfitness for work shall be determined by the company-designated physician. However, if the doctor appointed by the seafarer makes a finding contrary to that of the assessment of the company-designated physician, the opinion of a third doctor may be agreed jointly between the employer and the seafarer as the decision final and binding on both of them.[10] Both parties having failed to secure the opinion of a third doctor, We are now tasked to ascertain which findings are more plausible—the certification of a

company-designated physician or that of petitioner's physician of choice.

In the case at bench, private respondents, through their company-designated physician and team of specialists, not only examined and treated petitioner but monitored him closely and evaluated his injury carefully for a period of almost six months from the time of his repatriation on 3 March 2012 until he was given a disability grading of 10 on 24 August 2012. The doctors conducted an extensive examination upon petitioner as he was made to undergo a series of medical procedures so as to reach an accurate and credible appraisal of his condition. At the expense of private respondents, petitioner underwent a surgical procedure and physical rehabilitation to allow the physicians to observe the status of his recovery.

Conversely, Dr. Ticman, petitioner's own physician, examined him only six months after his repatriation. His assessment was based on a single report which outlined the alleged findings and diagnosis without any particular procedure, test, or treatment performed or done which would substantiate the conclusion that petitioner was incapacitated to resume work as a seafarer. Neither did Dr. Ticman elaborate nor explain how he was able to arrive at the conclusion that petitioner was unfit to work.

The foregoing factual backdrop debunks petitioner's asseveration that the assessment of the company-designated physician was self-serving and biased in favor of the manning agency. Aside from the fact that petitioner was under the care and supervision of the company-designated physician for a reasonable period of time, the assessment on petitioner's condition was reached after a close and careful monitoring and actual treatment on him. The company-designated physician is more qualified to determine the impediment grade of petitioner given his detailed knowledge and familiarity of the latter's illness allowing him to arrive at a more accurate evaluation of the degree of disability.

Given this discourse, We give weight and credence to the assessment of private respondents' company-designated physician that petitioner suffered from Grade 10 disability.

As to petitioner's thesis that his temporary disability became total and permanent leading to his inability to work for more than 120 days, We are not persuaded. A mere lapse of the 120-day period does not automatically entitle the seafarer to permanent total disability benefits especially if the injury/illness requires further medical attention before an accurate evaluation of his disability can be made. Moreover, it is settled that temporary total disability only becomes permanent when so declared by the company-designated physician within the periods he is allowed to do so, or upon expiration of the maximum 240-day medical treatment without declaration of either fitness to work or the existence of a permanent disability.[11]

We are not oblivious to the fact that petitioner was assessed to have Grade 10 disability by private respondents on 24 August 2012. The appraisal was made on the 174th day (3 March 2012-24 August 2012), well within the 240-day period within which the company-designated physician is allowed to determine the degree of disability or fitness of the petitioner. The assessment divulged that petitioner was merely suffering from temporary total disability and not a permanent one which would entitle him to a maximum disability benefit of \$60,000.00. Thence, his claim for permanent and total disability benefits against private respondents definitely falls through.

In light of the foregoing disquisition, We give Our approbation to the adjudication of the NLRC granting petitioner the award of sickness allowance and attorney's fees in favor of petitioner.

WHEREFORE, the Petition for Certiorari is hereby DISMISSED.

SO ORDERED.

Ybañez, and Manahan, JJ., concur.

[1] Millan v. Wallem Maritime Services, Inc., 685 SCRA 225, 231 (12 November 2012).

[2] Rollo, pp. 5-26.

[3] Id., pp. 28-38.

[4] Id., pp. 41-42.

[5] Rollo, 56-58.

[6] Id., pp. 109-112.

[7] Rollo, pp. 44-55.

[8] Id., pp. 54-55.

[9] Id., pp. 37-38.

[10] Santiago v. Pacbasin Ship Management Inc., 670 SCRA 271, 283 (18 April 2012).

[11] See Magsaysay Maritime Corporation v. Lobusta, 664 SCRA 134, 146 (25 January 2012), citing Vergara v. Harmonia Maritime Services Inc. 567 SCRA 619, 629 (6 October 2008).

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.