

BSM CREW SERVICE CENTRE PHILIPPINES, INC., AND/OR BERNHARD SCHULTE SHIPMGMT (CYPRUS) LIMITED, PETITIONERS, VS. PANEL OF VOLUNTARY ARBITRATORS COMPOSED OF FROILAN A. BAGABALDO (CH...

Ponente: CORALES, J.

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CORALES, J.:

On February 26, 2015, petitioners filed a Manifestation with Motion[1] alleging that the parties in this case have agreed to an amicable settlement before the National Conciliation and Mediation Board (NCMB). Hence, they prayed for the withdrawal of the instant petition. In support of their motion, petitioners submitted the following: Joint Motion to Dismiss[2] filed before the NCMB Office of the Panel of Voluntary Arbitrators; Release of All Rights,[3] Pagpapaubaya ng Lahat ng Karapatan,[4] Affidavit of Claimant,[5] and Receipt of Payment,[6] all executed by private respondent Garry Guevarra. Pertinently, the Release of All Rights reads:

I, GARRY G. GUEVARRA, of legal age, married, with residence at 293-D Sta. Teresita Street, Sampaloc Manila, Philippines, in exchange for ONE HUNDRED TWENTY THOUSAND DOLLARS (US\$120,000.00) or its peso equivalent of FIVE MILLION ONE HUNDRED NINETY ONE THOUSAND FOUR HUNDRED FORTY PESOS, (Php5,191,440.00) which I have received, do hereby Release (Please write the word RELEASE to show that you know what you are doing) and forever discharge: BSM CREW SERVICE CENTRE PHILIPPINES INC., and/or BERNHARD SCHULTE SHIPMGMT (CYPRUS) LIMITED, and their heirs, executors, administrators, successors and assigns, and their several vessels and in particular the COSCO LONG BEACH and the owners, agents, operators, charterers, master, officers and crews, the underwriters and P & I Club of said vessels from each and every right and claim which I now have, or may hereafter have, whether arising in tort, contract, statutory law, or any other basis of recovery, on account of injury/illness/death suffered by GARRY G. GUEVARRA on board the vessel COSCO LONG BEACH as follows: S/P Open Reduction and Internal Fixation with K-wire Fixation, Right Big Toe, and, in addition to that, I Release (Please write the word RELEASE to show that you know what you are doing) them from each and every right and claim which I now have or may hereafter have because of any matter or thing which happened before the signing of this paper, it being my intention by the signing of this paper to wipe the slate clean as between myself, my successors-in-interest and the parties released, even with respect to injuries, illnesses, rights and claims not mentioned herein and which are not known to me. I agree not to file any claims against the Owners and its successors-in-interest based on torn or on any other ground, but also not to arrest the subject vessel or any other vessel of said Owners, operators or charterers. (Emphasis and underscoring appear in the original text)

x x x

WHEREFORE, finding the Manifestation with Motion to be well-taken, the same is hereby GRANTED. Accordingly, the instant petition for certiorari is hereby WITHDRAWN and the case is deemed CLOSED and TERMINATED. Let Entry of Judgment be issued.

SO ORDERED.

Villon, J., Chairperson and Zalameda, JJ., concur.

[1] Rollo, pages 202-204.

[2] Ibid., pages 205-207.

[3] Ibid., pages 208-211.

[4] Ibid., pages 212-215.

[5] Ibid., pages 216-217.

[6] Ibid., page 218.

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