

SOFRONIO J. GUIA, PETITIONER, VS. NATIONAL LABOR RELATIONS COMMISSION, FOURTH DIVISION, SOLVANG PHILIPPINES, INC. AND/OR SOLVANG MARITIME A.S. AND ROBERTO G. NIETO, RESPONDENTS.

Ponente: LAMPAS PERALTA, J.

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LAMPAS PERALTA, J.:

Assailed in the present petition for certiorari[1] under Rule 65, 1997 Rules of Civil Procedure, as amended, are the (i) Decision dated September 6, 2013[2] in NLRC LAC No. 06-000606-13 of public respondent National Labor Relations Commission (NLRC) reversing the labor arbiter's Decision dated May 7, 2013[3] and consequently dismissing petitioner's complaint for "Disability Benefits-Total and Permanent Disability, Sick Leave Pay, Balance of Earned Salary, Moral and Exemplary Damages, Atty's Fee.", and (ii) Resolution dated November 11, 2013[4] of public respondent NLRC denying petitioner's motion for reconsideration[5] of the Decision dated September 6, 2013.

THE ANTECEDENTS

Petitioner Sofronio J. Guia was employed by private respondent Solvang Philippines, Inc., on behalf of its principal private respondent Solvang Maritime A.S., as chief steward for a contract period of nine (9) months on board "M/V Clipper Skagen".[6] Private respondent Roberto G. Nieto is private respondent Solvang's corporate officer.[7]

On June 29, 2011, petitioner left the Philippines to join "M/V Clipper Skagen". On December 20, 2011, while on duty on board "M/V Clipper Skagen", petitioner's legs were hit by a sack of onions. His legs became swollen with recurring infected wounds. On January 22, 2012, petitioner was examined at the Ashford Presbyterian Community Hospital, San Juan, Puerto Rico where the initial assessment showed that he had "bilateral legs infected ulcer associated to pain and cellulitis." Petitioner was put under antibiotics therapy but his condition did not improve. Thus, he was repatriated to the Philippines on February 5, 2012. Petitioner reported to the company-designated physician at the Metropolitan Medical Center, Sta. Cruz, Manila, and was diagnosed to have "Infected Wound, Both Legs". After series of medications, Metropolitan Medical Center declared petitioner "fit to return to work". However, more than five (5) months since his repatriation and treatment by the company-designated physician, petitioner's legs remained swollen with recurring infected wounds. Petitioner sought the medical opinion of a certain Dr. De Leon of Hannah Medical Clinic, Malate, Manila who diagnosed petitioner with "gangrene (blackish discoloration) with edema and multiple wounds" and declared petitioner "unfit for sea duty". Despite such finding of petitioner's disability, private respondents refused to pay him disability benefits, sick leave pay and the reimbursement for his medical expenses.[8] Private respondents claim that petitioner was not entitled to disability benefits for the reason that after his treatment by the company-designated physician, petitioner was declared fit to work. Moreover, petitioner filed a disability claim when his employment contract with private respondents no longer existed.[9]

The salient facts and respective submissions of the parties were summarized in public respondent NLRC's

Decision dated September 6, 2013 as follows:

Respondent Solvang Philippines, Inc. is a domestic corporation engaged in the manning business. Respondent Roberto Nieto is an officer of the corporation.

Complainant Sofronio J. Guia was hired as Chief Steward for Solvang Maritime A.S., its foreign principal, to work on board the vessel "MV CLIPPER SKAGEN" for a period of nine (9) months. Prior to his employment, he was declared "Fit for Duty" by the company-designated physicians. He joined his vessel on June 29, 2011.

Complainant alleges that during his employment, he noticed the swelling of his legs with recurring infected wounds which hampered his performance. On January 22, 2012, he was examined in a medical facility in San Juan, Puerto Rico. He was assessed to have "Bilateral legs infected ulcer associated to pain and cellulites." He was declared unfit to continue sea duty and was medically repatriated on February 5, 2012.

Five months later, complainant claims that the swelling remained and infected wounds continue to recur. He had to use crutches to allow him to walk. He sought the medical opinion of an independent physician and underwent laboratory tests. He was diagnosed with gangrene (blackish discoloration) with edema and multiple wounds. The doctor declared him unfit for sea duty. His disability is considered permanent and total as this went beyond the 120-day period from repatriation. He remained unable to perform his customary work as a seafarer due to his ailment and infected wounds on both legs. Despite his permanent and total disability respondents refused to pay his benefit and sick leave pay.

Appellants, on the other hand, admit the complainant's simple blister in one of his legs but it became infected due to his constant scratching. The Puerto Rican doctor attributed the disease to his "poor self-care", and opined that the same is not an illness. He underwent "debridement of bilateral leg ulcers of the skin subcutaneous tissue and muscle" after initially refusing to undergo the procedure. He was later put to IV antibiotics therapy, local care, culture with MRSA redo isolation. He was repatriated on February 2, 2012.

Upon arrival in Manila, complainant intimated to the company-designated physician that he sustained his wounds when his right leg was hit by a sack of onion on December 20, 2011. This caused pain and swelling to his leg. He self-medicated. Later, he noticed a pimple-sized lesion on his left leg which he tried to prick. This caused the pain and swelling of the leg. He was brought to a hospital on January 22, 2012 and was diagnosed with "Bilateral legs infected ulcer associated to pain and cellulitis." (sic)

On March 19, 2012, complainant's right leg wound had healed, his left leg wound was decreasing continuously in size, and was noted to be healing well.

On May 7, 2012, complainant was declared "Fit to Work", and signed a Certificate of Fitness to Work. He acknowledged the company-designated physician's assessment.[10]

On August 3, 2012, petitioner filed with the labor arbiter a complaint[11] against private respondents for payment of "Disability Benefits-Total and Permanent Disability, Sick Leave Pay, Balance of Earned Salary, Moral and Exemplary Damages, Atty's Fee."

After the parties had submitted their respective position papers[12] and evidence,[13] the labor arbiter rendered a Decision dated May 7, 2013[14] holding private respondents liable to petitioner for the payment of permanent and total disability benefits, sickness wages and attorney's fees. Thus:

WHEREFORE, in view of the foregoing, respondents are ordered to pay complainant the following:

US\$ 60,000.00 - permanent and total disability benefit,
US\$ 2,384.00 - sickness wages
US\$ 62,384.00 - TOTAL
US\$ 5,238.40 - attorney's fees

US\$ 67,622.40 - GRAND TOTAL

All other claims are denied.

SO ORDERED.[15]

Private respondents filed with public respondent NLRC an appeal.[16] In a Decision dated September 6, 2013,[17] public respondent NLRC reversed the labor arbiter's Decision dated May 7, 2013 and dismissed petitioner's complaint. Thus:

WHEREFORE, premises considered, the instant appeal is hereby GRANTED. The Decision appealed from is REVERSED and SET ASIDE, and a new one issued DISMISSING the complaint for lack of merit.

SO ORDERED.[18]

On September 24, 2013, petitioner filed a motion for reconsideration,[19] but public respondent NLRC denied the same in a Resolution dated November 11, 2013.[20]

Hence, petitioner filed the present petition which is premised on the following grounds:

"A.

THE PUBLIC RESPONDENT NATIONAL LABOR RELATIONS COMMISSION, FOURTH DIVISION, COMMITTED GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR EXCESS OF JURISDICTION WHEN IT HELD THAT PETITIONER'S ILLNESS IS NOT WORK RELATED.

B.

THE PUBLIC RESPONDENT NATIONAL LABOR RELATIONS COMMISSION, FOURTH DIVISION, COMMITTED GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR EXCESS OF JURISDICTION WHEN IT HELD THAT THE ILLNESS OF THE PETITIONER IS NOT PERMANENT AND TOTAL DISABILITY.

C.

THE PUBLIC RESPONDENT NATIONAL LABOR RELATIONS COMMISSION, FOURTH DIVISION, COMMITTED GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR EXCESS OF JURISDICTION WHEN IT HELD THAT THE PETITIONER IS NOT ENTITLED TO PERMANENT AND TOTAL DISABILITY BENEFITS.

D.

THE PUBLIC RESPONDENT NATIONAL LABOR RELATIONS COMMISSION, FOURTH DIVISION, COMMITTED GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR EXCESS OF JURISDICTION WHEN IT HELD THAT THE PETITIONER IS NOT ENTITLED TO SICKNESS ALLOWANCE.

E.

THE PUBLIC RESPONDENT NATIONAL LABOR RELATIONS COMMISSION, FOURTH DIVISION, COMMITTED GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR EXCESS OF JURISDICTION WHEN IT HELD THAT THE PETITIONER IS NOT ENTITLED TO MORAL AND EXEMPLARY DAMAGES, OTHER MONETARY CLAIMS AND ATTORNEY'S FEES."[21]

THE ISSUE

Whether public respondent NLRC committed grave abuse of discretion in reversing the labor arbiter's Decision dated May 7, 2013 and in dismissing petitioner's complaint for "Disability Benefits-Total and Permanent Disability, Sick Leave Pay, Balance of Earned Salary, Moral and Exemplary Damages, Atty's Fee."

THE COURT'S RULING

In awarding permanent and total disability benefit and sickness wages to petitioner, the labor arbiter ruled that petitioner's illness was work-related as it came about when he sustained injury while in the performance of his duty. Thus, his condition entitled him to permanent and total disability and the other half of his sickness wages in addition to what private respondents had already paid him. Said the labor arbiter in her Decision dated May 7, 2013:

Complainant's illness is work-related as this came about because of an injury he sustained while in line with the performance of his duty. To strictly construe that an illness, to be compensable, must either be an occupational disease or one caused by an occupational disease, is to run counter to the time honored principle of the State to afford protection to the working class and to safeguard and promote their welfare.

Complainant suffered an injury because he was hit by a sack of onion while on duty. This caused the pain and swelling on his legs and eventually a lesion which developed into "bilateral leg ulcer with cellulitis." Thus, complainant's illness was a result of an injury, which he did not inflict upon himself, neither was it caused by his negligence.

xxx xxx xxx

xxx As such, complainant is granted his claim for permanent and total disability in the amount of US\$60,000.00 or its equivalent in Philippine Currency at the time of payment.

On the claim for underpayment of sick leave pay, it is evident that respondents paid him only US\$2,384 or for only 60 days. Since complainant to date is still not fit to return to work, he is entitled to the maximum sickness wages of 120 days, hence he is awarded US\$2,384.00 or its equivalent in Philippine Currency at the time of payment.[22]

Public respondent NLRC, however, held in its Decision dated September 6, 2013 that the labor arbiter erred in granting disability compensation benefit to petitioner because he signed the "Certificate of Fitness to Work" issued by the company-designated physician. Also, the certification was issued to petitioner 106 days from his disembarkation which was well within the maximum period allowed by law to declare fitness to work or disability grading. Accordingly, the certification was binding on petitioner and served as proof that he had no more claims against private respondents. Thus:

Complainant was repatriated for medical reason. He complained of pain and swelling initially on his right leg. Allegedly, he sustained his wounds when his right leg was hit by a sack of onion during his duty on December 20, 2011.

In the Medical Certificate dated February 1, 2012, Dr. Jellytza Maldonado of the Ashford Presbyterian Community Hospital in South Africa stated that she examined complainant on January 22, 2012, but there is no mention about "hitting his right leg with a sack of onion" xxx.

Upon arrival in the Philippines, the company-designated physician promptly gave him medical attention. The complainant told Dr. Karen Frances Hao-Quan that he noted pain and swelling after he manipulated the affected area xxx.

Complainant was regularly treated by the company-designated physicians at the Marine Medical Services, Metropolitan Medical Center from February 6, 2012 until May 7, 2012 when he was found "Fit to Work". They had issued thirteen (13) medical certifications to apprise the respondents' Operations Manager of complainant's medical condition. And on May 7, 2012, he was declared "Fit to Work" xxx.

Complainant signed a Certificate of Fitness to Work on the same date. Dr. Hao-Quan signed as witness on the

document xxx.

Complainant did not contest the finding. Neither did he claim that he was merely forced to sign the release paper. The contents were translated in Filipino, thus, complainant cannot claim that he did not fully understand the import or consequence of the same. Absent a showing that he was merely forced or tricked to sign the same, it is considered binding on him and the respondents.[23]

Jurisprudence teaches that factual findings and conclusions drawn by public respondent NLRC are accorded not only great weight and respect, but even clothed with finality and deemed binding on the Court, as long as they are supported by substantial evidence. However, when such findings and those of the labor arbiter are in conflict, it behooves the Court to scrutinize the records of the case, particularly the evidence presented, to arrive at a correct decision.[24] It is proper, therefore, in the exercise of equity jurisdiction, to review and re-evaluate the factual issues and to look into the records of the case and re-examine the questioned findings.[25]

Petitioner argues that public respondent NLRC committed grave abuse of discretion in holding that his illness "gangrene (blackish discoloration) with edema and multiple wounds" was not work-related. Petitioner claims that his work as chief steward required lifting of heavy goods used for cooking provisions in the vessel. He was on duty when a sack of onions fell on his legs causing swelling and irritation thereof. Thus, there was a causal connection between petitioner's injury and his work. Petitioner points out that he was unable to perform any gainful occupation for a continuous period exceeding 120 days; hence, he is entitled to permanent and total disability benefits.[26]

The petition is meritorious.

Petitioner's employment with private respondents is governed by the provisions of his employment contract. As a seafarer, deemed written in the employment contract is a set of standard provisions set and implemented by the Philippine Overseas Employment Administration (POEA), or the 2000 POEA Amended Standard Terms and Conditions Governing the Employment of Filipino Seafarers on Board Ocean Going Vessels (POEA Standard Employment Contract or POEA-SEC, for brevity).

Paragraphs 1, 2, 3, 5 and 6 of Section 20-B of the POEA-SEC enumerate the employer's duties to his employee who suffered from work-related diseases or injuries sustained during the term of their employment contract, viz:

1. The employer shall continue to pay the seafarer his wages during the time he is on board the vessel.
2. If the injury or illness requires medical and/or dental treatment in a foreign port, the employer shall be liable for the full cost of such medical, serious dental, surgical and hospital treatment as well as board and lodging until the seafarer is declared fit to work or to be repatriated. However, if after repatriation, the seafarer still requires medical attention arising from said injury or illness, he shall be so provided at cost to the employer until such time he is declared fit or the degree of his disability has been established by the company-designated physician.
3. Upon sign-off from the vessel for medical treatment, the seafarer is entitled to sickness allowance equivalent to his basic wage until he is declared fit to work or the degree of permanent disability has been assessed by the company-designated physician but in no case shall this period exceed one hundred twenty (120) days.

For this purpose, the seafarer shall submit himself to a post-employment medical examination by a company-designated physician within three working days upon his return except when he is physically incapacitated to do so, in which case, a written notice to the agency within the same period is deemed as compliance. Failure of the seafarer to comply with the mandatory reporting requirement shall result in his forfeiture of the right to claim the above benefits.

If a doctor appointed by the seafarer disagrees with the assessment, a third doctor may be agreed jointly between the employer and the seafarer. The third doctor's decision shall be final and binding on both parties.

4. Those illnesses not listed in Section 32 of this Contract are disputably presumed as work related.

5. Upon sign-off of the seafarer from the vessel for medical treatment, the employer shall bear the full cost of repatriation in the event the seafarer is declared (1) fit for repatriation, or (2) fit to work but the employer is unable to find employment for the seafarer on board his former vessel or another vessel of the employer despite earnest efforts.

6. In case of permanent total or partial disability of the seafarer caused by either injury or illness the seafarer shall be compensated in accordance with the schedule of benefits arising from an illness or disease shall be governed by the rates and the rules of compensation applicable at the time the illness or disease was contracted.

Petitioner's illness initially assessed as "bilateral legs infected ulcer associated to pain and cellulitis," "Infected Wound, Both Legs" as diagnosed by the company-designated physician, or "gangrene (blackish discoloration) with edema and multiple wounds"[27] and 32-A[28] of the POEA- SEC. However, there is substantial evidence showing how petitioner contracted or developed his illness, as he was "hit by a sack of onion" while on duty which caused the pain and swelling on his legs and the appearance of a lesion which developed into "bilateral leg ulcer with cellulitis," "Infected Wound, Both Legs" or "gangrene (blackish discoloration) with edema and multiple wounds".

For disability to be compensable under Section 20 (B) of the 2000 POEA-SEC, it must be established that the seafarer's illness or injury has rendered him permanently or partially disabled, and there is a causal connection between the seafarer's illness or injury and the work for which he had been contracted. As held:

The 2000 POEA-SEC defines "work-related illness" as "any sickness resulting to disability or death as a result of an occupational disease listed under Section 32-A of this contract with the conditions set therein satisfied."

In interpreting the said definition, the Court has held that for disability to be compensable under Section 20 (B) of the 2000 POEA-SEC, it is not sufficient to establish that the seafarer's illness or injury has rendered him permanently or partially disabled; it must also be shown that there is a causal connection between the seafarer's illness or injury and the work for which he had been contracted.

The Court has likewise ruled that the list of illnesses/diseases in Section 32-A does not preclude other illnesses/diseases not so listed from being compensable. The POEA-SEC cannot be presumed to contain all the possible injuries that render a seafarer unfit for further sea duties. This is in view of Section 20 (B) (4) of the POEA-SEC which states that "[t]hose illnesses not listed in Section 32 of this Contract are disputably presumed as work-related."

Concomitant with such presumption is the burden placed upon the claimant to present substantial evidence that his working conditions caused or at least increased the risk of contracting the disease. Substantial evidence consists of such relevant evidence which a reasonable mind might accept as adequate to justify a conclusion that there is a causal connection between the nature of his employment and his illness, or that the risk of contracting the illness was increased by his working conditions. Only a reasonable proof of work-connection, not direct causal relation is required to establish compensability of a non-occupational disease.[29]

It is undisputed that while on duty on board "M/V Clipper Skagen", petitioner's legs were hit by a sack of onions causing the swelling thereof with recurring infected wounds. Petitioner was examined at the Ashford Presbyterian Community Hospital, San Juan, Puerto Rico and diagnosed to be suffering from "bilateral legs infected ulcer associated to pain and cellulitis." The antibiotics therapy administered upon petitioner did not improve his

condition. Thus, he was repatriated to the Philippines on February 5, 2012. Upon petitioner's arrival in Manila on February 5, 2012, he was referred by private respondents to their company-designated physician, Dr. Karen Frances Hao-Quan of the Metropolitan Medical Center, Sta. Cruz, Manila. On February 6, 2012, Dr. Karen Frances Hao-Quan diagnosed petitioner to be suffering from "Infected Wound, Both Legs." [30] This was followed by series of medical care until he was declared fit to resume sea duties as of May 7, 2012. [31] However, after two months, petitioner's infection on his legs recurred. Obviously, contrary to the findings of the company-designated physician, petitioner's legs were not completely healed.

To bolster petitioner's claim that his infection recurred, he sought the services of another doctor from Hannah Medical Clinic on July 26, 2012 and petitioner was diagnosed with "gangrene (blackish discoloration) with edema and multiple wounds". [32] Undoubtedly, petitioner's condition worsened. As correctly noted by the labor arbiter, the conclusion that petitioner was "fit to return to work" after he was treated by the company-designated physician and the "Certificate of Fitness to Work" was not conclusive considering that during the hearing before the labor arbiter, the deteriorating condition of petitioner's legs were noticed. Said the labor arbiter:

The findings of "fit to work" by the company-designated physician and complainant's subsequent execution of a Certification of Fitness to Work are not conclusive in the instant case because these are belied by the fact that complainant, to date, is not capable of returning to the work he was trained for and accustomed to perform, that is, seafaring. His physical appearance during the hearings is more than enough to convince this Office that complainant is not as yet ready to go back to his work. This is also confirmed by the fact that complainant's position of a Chief Steward, is an indispensable complement on board. If indeed he was fit to work, there is no reason why respondents would not rehire him and utilize his services on board.

More importantly, complainant's appointed doctor, declared him unfit for sea duty before he filed the instant complaint. If respondents were really keen on helping complainant, they should have referred the matter to a third doctor whose findings will be binding to both of them. But they however failed to pursue this option which is embodied in the POEA SEC.

The fact that complainant was declared fit to work within the 120 days period or the 240 days as mandated by law is of no moment. This is because complainant up to the present is still not fit to work which therefore qualifies his condition as permanent and total disability. xxx [33]

It bears emphasis that to establish compensability of a non-occupational disease, reasonable proof of work-connection and not direct causal relation is required. Probability, not the ultimate degree of certainty, is the test of proof in compensation proceedings. [34] On this, it was sufficiently shown that petitioner's having contracted infection on his legs was, at the very least, aggravated by his working conditions, taking into consideration that petitioner's job as chief steward required lifting of heavy goods used for cooking provisions in the vessel. It was not far-fetched that in his tour of duty on December 20, 2011, petitioner's legs were hit by a sack of onions which ultimately caused the infection on his legs.

Then again, the Court has applied the Labor Code concept of disability to Filipino seafarers in keeping with the avowed policy of the State to give maximum aid and full protection to labor, it holding that the notion of disability is intimately related to the worker's capacity to earn, what is compensated being not his injury or illness but his inability to work resulting in the impairment of his earning capacity, hence, disability should be understood less on its medical significance but more on the loss of earning capacity. Verily, the POEA-SEC for Seamen was designed primarily for the protection and benefit of Filipino seamen in the pursuit of their employment on board ocean-going vessels. Its provisions must be construed and applied fairly, reasonably and liberally in their favor. Only then can its beneficent provisions be fully carried into effect. [35]

WHEREFORE, the Decision dated September 6, 2013 and Resolution dated November 11, 2013 of public

respondent National Labor Relations Commission are reversed and consequently, the Decision dated May 7, 2013 of the labor arbiter is reinstated.

SO ORDERED.

Acosta, and Garcia-Fernandez, JJ., concur.

[1] pp. 3-27, Rollo

[2] pp. 32-39, *ibid.*

[3] pp. 44-55, *ibid.*

[4] pp. 42-43, *ibid.*

[5] pp. 56-61, *ibid.*

[6] p. 111, *ibid.*

[7] p. 33, *ibid.*

[8] pp. 37, 111-113 & 145, *ibid.*

[9] pp. 134-145, *ibid.*

[10] pp. 33-35, *ibid.*

[11] pp. 121-122, *ibid.*

[12] pp. 109-118 & 131-147, *ibid.*

[13] pp. 121-130 & 151-166, *ibid.*

[14] pp. 44-55, *ibid.*

[15] pp. 54-55, *ibid.*

[16] pp. 79-95, *ibid.*

[17] pp. 32-39, *ibid.*

[18] p. 39, *ibid.*

[19] pp. 56-61, *ibid.*

[20] pp. 42-43, *ibid.*

[21] pp. 11-12, *ibid.*

[22] pp. 51-53, Rollo

[23] pp. 36-37, Rollo

[24] *San Miguel Corporation vs. NLRC, et al.*, 297 SCRA 277 [1998]

[25] *Masing and Sons Development Corporation vs. Rogelio*, 654 SCRA 490 [2011]

[26] pp. 13-25, Rollo

[27] SECTION 32. SCHEDULE OF DISABILITY OR IMPEDIMENT FOR INJURIES SUFFERED AND DISEASES INCLUDING OCCUPATIONAL DISEASES OR ILLNESS CONTRACTED.

xxx xxx xxx

EYES

1. Blindness or total and permanent loss of vision of both eyes ...Gr.1
- 2.Total blindness of one (1) eye and fifty percent (50%) loss of vision of the other eye ...Gr.5
3. Loss of one eye or total blindness of one eye ..Gr.7
4. Fifty percent (50%) loss of vision of one eye Gr.10
5. Lagophthalmos, one eye Gr.12
6. Ectropion, one eye Gr.12
7. Ephemphora, one eye Gr.12
8. Ptosis, one eye Gr.12

NOTE: (Smeller's Chart –used to grade for near and distant vision)

[28] SECTION 32-A OCCUPATIONAL DISEASES

xxx xxx xxx

Occupational Diseases

1. Cancer of the epithelial lining of the bladder. (Papilloma of the bladder)
2. Cancer, epitheliomatous or ulceration of the skin or of the corneal surface of the eye due to tar, pitch, bitumen, mineral oil or paraffin, or compound product.
3. Deafness
4. Decompression sickness
 - (a) Caissons disease
 - (b) Aeroembolism
5. Dermatitis due to irritants and sensitizers
6. Infection (Brucellosis)
7. Ionizing radiation disease, inflammation, ulceration or malignant disease of skin or subcutaneous tissues of the bones or leukemia, or anemia of the aplastic type due to X-rays, ionizing particle, radium or radioactive substances.

[29] Maersk Filipinas Crewing, Inc. vs. Mesina, 697 SCRA 601 [2013]

[30] pp. 152-153, Rollo

[31] pp. 152-165, *ibid.*

[32] p. 127, *ibid.*

[33] pp. 52-53, Rollo

[34] Leonis Navigation Co., Inc. vs. Villamater, 614 SCRA 182 [2010]

[35] Nazareno vs. Maersk Filipinas Crewing, Inc., 691 SCRA 630 [2013]

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