

TSM SHIPPING (PHILS.), INC., AND MST MARINE SERVICES PHILS., INC., PETITIONERS, VS. SHIRLEY G. DE CHAVEZ, RESPONDENT.

G.R. No. 198225. September 27, 2017

Ponente: DEL CASTILLO, J.

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DEL CASTILLO, J.:

This Petition for Review on Certiorari[2] assails the January 31, 2011 Decision[3] and the August 8, 2011 Resolution[4] of the Court of Appeals (CA) in CA-GR SP No. 112898. The CA granted the Petition for Certiorari filed therewith and reversed and set aside the December 16, 2009 Decision[5] of the National Labor Relations Commission (NLRC) in NLRC LAC OFW (M) 09-000540-09, which affirmed the July 18, 2009 Decision[6] of the Labor Arbiter (LA) dismissing the complaint for payment of death benefits in NLRC-NCR OFW (M) 12-17395-08 for lack of merit.

Factual Antecedents

On August 23, 2005, petitioners hired Ryan Pableo De Chavez[7] (Ryan) as chief cook on board the oil tanker vessel Haruna Express for period of nine months.[8] However, on February 26, 2006, Ryan was found dead inside his cabin bathroom hanging by the shower cord and covered with blood.[9] Thus, Ryan's surviving spouse, Shirley De Chavez (Shirley), filed complaint[10] for death benefits.

In her Position Paper,[11] Reply,[12] and Rejoinder,[13] Shirley alleged that Ryan did not commit suicide considering that Ryan even submitted himself to medical check up at hospital in Ulsan, Korea day prior to his death; that during their telephone conversation two days before his alleged suicide, Ryan informed her that the vessel would be discharging crude oil in Batangas and that they might see each other; that no suicide note was found; that Ryan died during the effectivity of his contract and while on board the vessel, hence, his heirs are entitled to death benefits; that petitioners did not clarify how Ryan could have committed suicide; that the presumption of regularity in the performance of duties is not accorded to foreign nationals, such as the Ulsan police authorities; that no evidence was adduced that the Ulsan Maritime Police indeed conducted an investigation into Ryan's death; that the imputation that Ryan took his own life because he was pressured by his mother to obtain a loan for new house flies in the face of the fact that Ryan was recently married and about to start family, that he had acquired new house and that he was recently promoted as chief cook; and, that the pictures taken when Ryan was found dead which tended to show that he was murdered was not at all explained in the Medical Certificate of Death issued by the Ulsan City Hospital of Korea.

On the other hand, petitioners claimed in their Position Paper,[14] Reply,[15] and Rejoinder[16] that Shirley is not entitled to death benefits under the Philippine Overseas Employment Administration-Standard Employment Contract (POEA-SEC) because the Medical Certificate of Death the written statements of the Chief Mate, the Ship Master, and Messman Benjamin Melendres (Messman Melendres), and the investigation report prepared by International Inspection and Testing Corporation (INTECO), uniformly found Ryan's cause of death as suicide; that the Personnel Manager of Thome Ship Management Pte. Ltd. (Thome Ltd.) submitted an Investigation Report

indicating that the possible reason for the suicide was Ryan's loss of direction or overwhelming despair after his mother virtually pushed him to take huge loan to purchase house; that the Ulsan Maritime police who investigated the incident did not notice any foul play; that Messman Melendres, who was the first person to break into Ryan's locked room, likewise observed that there was nothing in Ryan's cabin to suggest that there had been fight or struggle; that the examination of Ryan's corpse revealed no signs of trauma; and, that Shirley could not testify on how Ryan died because she was not on board the vessel when the incident transpired.

Ruling of the Labor Arbiter

In Decision dated July 18, 2009,[17] the LA dismissed the complaint on the ground that the evidence convincingly showed that Ryan's death was authored by Ryan himself, viz.:

A careful perusal of [INTECO's Investigation Report] and [the] medical certificate reveals that the direct cause of [Ryan's death,] based on the autopsy findings of the Ulsan City Hospital, showed that the cause of death x x x was 'excessive bleeding from [Ryan's] cut wrist apparently by scissors', [even] the Medical Certificate of Death issued by the Ulsan City Hospital certified that the cause of death of the deceased was by 'Hanging, strangulation and suffocation'.[18]

Ruling of the National Labor Relations Commission

In its Resolution dated September 30, 2009,[19] the NLRC initially dismissed Shirley's appeal for failure to submit certificate of non-forum shopping. However, on reconsideration the NLRC granted and reinstated her appeal.

On December 16, 2009,[20] the NLRC rendered its Decision denying Shirley's appeal and affirming the LA's ruling that petitioners succeeded in proving that Ryan died at his own hands, thus:

A careful and thorough reading of the appeal would show that the same is based more on assumptions and speculations rather than on facts. The fact that [Ryan] has x x x a new wife, [a] new home and recently was promoted as Chief Cook does not mean that he could not have committed suicide anymore [sic]. The fact that the medical certificate and the result of the autopsy appears to be contradictory to each other on the causes of death as detailed by [Shirley] does not mean that [Ryan] was murdered and did not commit suicide. And the fact that the comfort room has not been built for possible self suspension does not mean that [Ryan] was murdered.[21]

Ruling of the Court of Appeals

Shirley instituted before the appellate court Petition for Certiorari,[22] contending that petitioners had not presented substantial evidence to support the conclusion that Ryan indeed committed suicide and insisting that his death was compensable.

In its assailed January 31, 2011 Decision,[23] the CA reversed the NLRC and disposed as follows:

WHEREFORE, in view of all the foregoing, the petition is GRANTED. The assailed Decision, dated December 16, 2009, and Resolution, dated September 30, 2009, in NLRC LAC OFW (M) 09 000540-09 (NLRC-NCR OFW (M) 12-17395-08) are hereby ANNULLED and SET ASIDE. The records of this case are remanded to the National Labor Relations Commission for the computation of the death benefits to be awarded to [respondent] Shirley De Chavez in behalf of [her] deceased husband Ryan Pableo De Chavez.

SO ORDERED.[24]

The CA found no sufficient evidence that Ryan took his own life, hence it declared Shirley entitled to death benefits. The CA held that the cause of Ryan's death as stated in the Medical Certificate of Death issued by the

Ulsan City Hospital was different from that set forth in the INTECO Report. It stressed that there was nothing in the records to show that INTECO had the authority to investigate into Ryan's death and to issue official findings at the conclusion of its investigation. We quote pertinent portions from the CA's disquisition:

A perusal of the record of this case shows that the basis of the ruling of the Labor Arbiter and [the] NLRC was Medical Certificate of Death, prepared by certain Dr. Sung Yeoul Hung of the Ulsan City Hospital, and an Investigation Report of the International Inspections and Testing Corp. However, an examination x x x of the aforesaid evidence fails to conclusively convince the Court that the death of the [Shirley's] husband was due to his own hand.

First, the findings under the said Medical Certificate and the said Investigation Report appear to be contradictory with one another. Under the Medical Certificate the cause of death [was] hanging by strangulation, thus:

'Cause of death

1. Direct Cause of Death.

INTENTIONAL SELF-HARM BY [HANGING], STRANGULATION AND SUFFOCATION

2. Intermedicate Predisposing Cause of Death.

3. Predisposing Cause of Death.

BLOOD LOSS' (emphasis supplied)

However, Under the Investigation Report the cause of death was found to be due to excessive bleeding from the cuts from the seafarer's wrist, thus:

'Autopsy on the Corpse of [Ryan] Investigation by Ulsan Maritime Police:

The autopsy on the corpse of [Ryan] was performed at the Ulsan City Hospital x x x [witnessed by] all parties concerned including us Mr. Leow Ai Hin, Senior Shipping Executive of Thome Ship Management Pte. Ltd., Singapore x x x and x x x the cause of death of [Ryan] was excessive bleeding from the cut wrist of [Ryan] apparently by scissors. The Ulsan Maritime Police requested handwritten statements of all remaining crews of "HARUNA EXPRESS" in the evening hours of Feb. 27[th] which were prepared submitted to the Police in the morning hours of Feb. 28 and then "HARUNA EXPRESS" sailed off Ulsan Port at 12:30 hrs. of Feb. 28th. (Emphasis supplied)

Second, who is this 'International Inspection and Testing Corporation' that performed the autopsy and prepared the Investigation Report? Is this corporation trained to perform an autopsy? More importantly, are its findings officially recognized? The Court has scoured the record and it could not see one iota of description, aside [from the fact] that it is 'foreign corporation', that would tend to lend credence to itself as an investigative body and to its findings. As it is, the said investigation report woefully pales in comparison as to what real autopsy report should look like. An autopsy report should give an accurate account of the various marks found on the body such as ligature marks, cuts, the precise locations thereof, and other tell-tale signs that would lead an investigator to conclusively conclude as to the cause of death but the so[-]called investigation report only gives vague account at best.

Third, why was there no official autopsy done on the body of the deceased seafarer by the Ulsan Maritime Police? And if there ever was an autopsy done by the Ulsan Maritime Police, where is the autopsy report of the police? The Court would think that the shipping company, understandably interested in avoiding paying any compensation, would prefer an autopsy done by the police rather than private corporation. After all, the findings of the police are accorded respect and regularity by the courts but, curiously enough in this case, the shipping

company decided to have the body examined instead by private corporation whose credentials to perform an autopsy have not even been verified.[25]

In its August 8, 2011 Resolution,[26] the CA likewise denied petitioners' motion for reconsideration.

Hence, the instant Petition raising the following issue:

The Honorable Court of Appeals committed serious error of law in awarding [to Shirley] death compensation benefits under Section 20 (A) of the POEA contract despite undisputed evidence which clearly show that the seafarer died by his own hand. The award is not unjustified [sic] under the facts and evidence of the case, the same is likewise plainly contrary to Section 20 (D) of the governing POEA contract.[27]

Petitioners' Arguments

In their Petition,[28] Reply,[29] and Memorandum,[30] petitioners contend that under the governing POEA-SEC, seafarer's death during the term of his contract is not automatically compensable particularly if the same was due to his willful act; that the LA's findings of fact, which were upheld by the NLRC, should not have been disregarded by the CA because Shirley herself, whose duty was to establish her entitlement to the death benefits, has utterly failed to adduce any evidence to substantiate her bare allegation that Ryan was not responsible for his own death; that apart from her absolutely empty and hollow claim, Shirley presented no proof that Ryan was victim of foul play; that the purported contradictory information about the cause of Ryan's death, whether he chose to hang himself or slash his wrist with scissors, did not negate the fact that his death was self-inflicted; that the Medical Certificate of Death[31] prepared by Dr. Sung Yeoul Hung of the Ulsan City Hospital, which listed "Intentional Self Harm by [Hanging], Strangulation and Suffocation" as the direct cause of death, and the INTECO's Report[32] which declared Ryan's death as "suicide," effectively meant the same thing; that although no official autopsy report was issued by the Ulsan Maritime Police, the latter allowed the vessel to sail on February 28, 2006 only after they had verified and were satisfied that there was no foul play in Ryan's death; that *Lapid v. National Labor Relations Commission*[33] is not applicable because the coroner's report therein was incomplete, whereas the Medical Certificate of Death of the Ulsan City Hospital and INTECO Report, gave detailed account that Ryan was found hanging by rope or cord while sitting on the toilet bowl with his wrist slashed and pair of scissors nearby; that incumbent upon the Supreme Court to resolve this case because the CA's findings are not only diametrically opposed to the findings of both the LA and the NLRC, but the CA's findings are grounded entirely on speculation, surmises or conjectures; that it was Shirley's duty to prove by substantial evidence her entitlement to death benefits; that the CA erred in not giving credence to INTECO's Report as well as the Medical Certificate of Death issued by the Ulsan City Hospital; and that they have proven by substantial evidence that Ryan's death was self-inflicted, thus Shirley is not entitled to death compensation benefits pursuant Section 20(D) of the governing POEA-SEC.

Respondent Arguments

Shirley counters that re-assessment of the propriety of the award of death compensation benefits involves an examination of the evidence, which is not proper in Rule 45 petition; that petitioners failed to prove that Ryan committed suicide; that INTECO's Report has no credence at all; that Ryan's death should not be presumed to be self-inflicted and that compensability attaches by the mere fact that Ryan died in the course of his employment; that there was no indication that Ryan contemplated to commit suicide; that "if doubt exists between the evidence presented by the employer and the employee, the scales of justice must be tilted in favor of the latter;"[34] and, that the burden of proof that an employee's death is non-compensable always lies with his employer.

Issue

Is the CA correct in ruling that the NLRC committed grave abuse of discretion in denying Shirley's claim for death benefits?

Our Ruling

The Petition is meritorious.

In general, the Court is not trier of facts; however, an exception lies when the findings of the CA and the NLRC conflict with each other, as in this case, in which event this Court must go over the records to determine whether the CA had sufficient basis for overturning the NLRC.[35] More specifically, the Court must adjudge in this Rule 45 petition whether the CA correctly found that the NLRC had committed grave abuse of discretion amounting to lack or excess of jurisdiction in holding that the seafarer committed suicide.[36] The unbending precept that must guide this Court in resolving petition of the character elevated before this Court is: "As claimant for death benefits, [the seafarer's heir] has the burden to prove by substantial evidence that [the seafarer's] death is work-related and that it transpired during the term of his employment contract." [37]

Section 20(A) and (D) of the 2000 POEA-SEC provide that:

SECTION 20. COMPENSATION AND BENEFITS

A COMPENSATION AND BENEFITS FOR DEATH

1. In case of work-related death of the seafarer, during the term of his contract the employer shall pay his beneficiaries the Philippine currency equivalent to the amount of Fifty Thousand US dollars (US\$50,000) x x x at the exchange rate prevailing during the time of payment.

x x x x

D. No compensation and benefits shall be payable in respect of any injury, incapacity, disability or death of the seafarer resulting from his willful or criminal act or intentional breach of his duties, provided however, that the employer can prove that such injury, incapacity, disability or death is directly attributable to the seafarer.

Given the evidence on record, we hold that Ryan's death was due to his own deliberate act and deed. Indeed the Medical Certificate of Death prepared by Dr. Sung Yeoul Hung of the Ulsan City Hospital, who, it is presumed, must have examined Ryan's cadaver, and the INTECO's Report which contained information involving the self-same death, must be deemed as substantial evidence of that fact. We are satisfied that the material facts set forth in the Decisions of both the LA and the NLRC constitute substantial evidence that Ryan took his own life, that he died by his own hands. "That [the seafarer's] death was result of his willful act is matter of defense. Thus, petitioners [as employers] have the burden to prove this circumstance by substantial evidence"[38] which is the quantum of proof in labor cases.

In *Wallem Maritime Services, Inc. v. Pedrajas*, [39] this Court held that the seafarer's heirs were not entitled to any benefits since the employers were able to substantially prove that the seafarer who was found hanging on the vessel's upper deck with rope tied to his neck had committed suicide. The employers therein presented the forensic report of the Medical Examiner appointed by the Italian Court from the Public Prosecutor's Office of Livorno, Italy which pointed out in detail that there were no other injuries in the seafarer's body and confirmed the deceased himself "tied the rope to the metal pipe"[40] based on the evaluation of "the crime scene, the rope used for hanging, type of knot, temperature and position of the body when found." [41] Furthermore, two suicide notes written by the seafarer addressed to his wife and to the vessel's crew were also offered as evidence. Similarly, in *Unicol Management Services, Inc. v. Malipot*, [42] this Court found substantial evidence that the true cause of the seafarer's death was suicidal asphyxia due to hanging in the vessel's store room. These findings were based on the

employers' submission of the Medico Legal Report issued by the Ministry of Justice of the United Arab Emirates (UAE) and the Death Certificate issued by the UAE Ministry of Health together with the Investigation Report, log book extracts, and Master's Report. The conclusion in said Medico Legal Report that the seafarer committed suicide drew support from an external examination of the cadaver which showed that the deep lacerated groove around the deceased's neck was vital, recent, and result of hanging with rope and that there were no other recent injuries.

To belabor point, the resolution of whether herein petitioners have shown that Ryan committed suicide is based essentially on the examination of two pertinent documents.

The first document is the Ulsan City Hospital's Medical Certificate of Death[43] which was signed by one Dr. Sung Yeoul Hung with License No. 25028. It reads:

x x x x

- Date and Time of Death: Date 26[th] FEB. 2006

Time 03:00-4:00 at the break of the day

- Place of Death: B-DECK, HIS BATHROOM, THE BOARD, HARUNA EXPRESS

ON THE SEA 15km FROM ULSAN

- Cause of death

1. Direct Cause of Death.

INTENTIONAL SELF-HARM BY [HANGING], STRANGULATION AND SUFFOCATION

2. Intermedicate Predisposing Cause of Death.

3. Predisposing Cause of Death.

BLOOD LOSS

THE ABOVE STATEMENT IS TRUE TO BEST OF MY KNOWLEDGE[44]

The second document is the INTECO Report[45] signed by one "S.M. Han, Rep. Director." It pertinently stated:

I) General Information:

x x x x

b) Upon completion of the load in work, "HARUNA EXPRESS" sailed off Onsan Port at 06:35 hrs. of Feb. 26[th] bound for Nagoya. However, "HARUNA EXPRESS" deviated returned to Ulsan Port due to the death of Chief Cook, [Ryan], x x x and sailed off Ulsan Port at 12:30 hrs. of Feb. 28[th] after completion of the investigation by Ulsan Maritime Police.

x x x x

IV) Circumstance/Cause of Accident:

Upon interviewing the Master, Chief Engineer, Third Officer Mess Boy and also upon reviewing the statements of crews, our finding were as follows:

17:30 hrs. of Feb. 25[th]: Chief Cook instructed the mess boy x x x to bring provisions from the reefer for the breakfast of the next day and to cook the breakfast of Feb. 26[th] for the crew.

x x x x

08:45 hrs. of Feb. 26[th]:

x x x [T]he mess boy went up the Chief Cook's cabin to inform that he would leave the galley x x x he called the Chief Cook before opening the cabin door, but no response, and therefore, he opened the cabin door, but there was no Chief Cook in his cabin, and the bathroom door was closed and very quiet. The mess boy knocked [at] the bathroom door calling the Chief Cook's name, but no response, and the mess boy tried to open the bathroom door, but it was locked, and so, the mess boy opened the bathroom door using his (messboy's) key. Upon opening the bathroom door, considerable blood was found on the floor, and part of the Chief Cook's feet was seen with the shower curtain partly closed.

09:00 hrs. of Feb. 26[th]:

The mess boy immediately notified x x x the Chief Officer [what he saw], and both mess boy Chief Officer rushed to the Chief Cook's cabin and upon opening the shower curtain, they found the shower hose around the neck of the Chief Cook, and the Chief Officer instructed the mess boy not to touch any[h]ing.

09:01 hrs. of Feb. 26[th]:

Alerted all crews including the Master Chief Engineer x x x after removing the shower hose from the Chief Cook's neck, first aid care was performed on him, and his left wrist was found cut about 5cm long about 1cm max. deep, and pair of sharp scissors was found in the bathroom x x x oxygen resuscitation heart pressuring were performed x x x. However, the Chief Cook was almost in dead condition with his tongue hung out and the breathing stopped.

09:05 hrs. of Feb. 26[th]: x x x the ship's course altered back to Ulsan.

x x x x

11:35 hrs. of Feb. 26[th]: Transferred the Chief Cook to Coast Guard Vessel "POLICE 307".

x x x x

12:10 hrs. of Feb. 26[th]: Chief Cook was taken to City Hospital in Ulsan.

13:25 hrs. 13:50 hrs of Feb. 26[th].

The Chief Cook was examined under the witness of the ships' agent the Ulsan Maritime Police, and the result was that the Chief Cook x x x was dead x x x 03:00 hrs. of Feb. 26[th].

V) Autopsy on the Corpse of [Ryan] Investigation by Ulsan Maritime Police:

The autopsy on the corpse of [Ryan] was performed at the Ulsan City Hospital under the witness of all parties concerned including us Mr. Leow Ai Hin, Senior Shipping Executive of Thome Ship Management Pte Ltd., Singapore from 18:00 hrs. to 19:00 hrs. of Feb. 27[th], and as result of the autopsy, the cause of death of [Ryan] was excessive bleeding from the cut "Wrist of [Ryan] apparently by scissors. The Ulsan Maritime Police requested the hand-written statements of all remaining crews of "HARUNA EXPRESS" in the evening hours of Feb. 27[th], which were prepared submitted to the Police in the morning hours of Feb. 28[th], and then "HARUNA EXPRESS" sailed off Ulsan Port at 12:30 hrs. of Feb. 28[th].

VI) Cause of Death of Mr. Dechavez:

Based on x x x all [information] available as reported herein, the cause of death of [Ryan] was concluded to be suicide.[46]

Indeed, it is settled that:

In labor cases, [this Court's review power] under Rule 45 of the Rules of Court involves the determination of the legal correctness of the CA Decision. This means that [this] Court must ascertain whether the CA [had]

properly determined the presence or absence of grave abuse of discretion in the NLRC Decision. Simply put, 'in testing for legal correctness, [this] Court views the CA Decision in the same context that the [Rule 65] petition for certiorari it [adjudicated] was presented' to [that court]. It entails limited review of the acts of the NLRC, [viz.,] whether [the NLRC] committed errors of jurisdiction. It does not cover the issue of whether the NLRC committed any error of judgment, unless there is showing that its findings and conclusions were arbitrarily arrived at or were not based on substantial evidence;[47]

In the present case, both the LA and the NLRC ruled that Shirley's claim for death benefits was without basis since Ryan committed suicide as principally established by the Medical Certificate of Death issued by Dr. Sung Yeoul Hung of the Ulsan City Hospital, who attested that the direct cause of Ryan's death was "Intentional Self-Harm by [Hanging], Strangulation and Suffocation." [48] Both the LA and the NLRC also adverted to the Report prepared by the INTECO which stated that .

The autopsy on the corpse of [Ryan] was performed at the Ulsan City Hospital under the witness of all parties concerned including us Mr. Leow Ai Hin, Senior Shipping Executive of Thome Ship Management Pte Ltd., Singapore from 18:00 hours to 19:00 hours of February 27[th], and as result of the autopsy, the cause of death of [Ryan] was excessive bleeding from the cut wrist of [Ryan], apparently by scissors. The Ulsan Maritime Police requested the handwritten statements of all remaining crews of 'Haruna Express' in the evening of February 27, which were prepared submitted to the police in the morning hours of February 28[th], and then 'Haruna Express' sailed off Ulsan Port at 12:30 of February 28.

x x x x

Based on x x x all [information] available as reported herein, the cause of death of [Ryan] was concluded to be suicide.[49]

Elaborating on the foregoing, Leow Ai Hin, Marine Personnel Manager of the Thome Ltd., stated in Attachment No. 4:

x x x x

LATE C/COOK DECHAVEZ'S FAMILY HAS BEEN NOTIFIED AND INFORMED OF HIS DEATH. ON INVESTIGATION WITH THE FAMILY FOR POSSIBLE REASON OF HIS INTENDED SUICIDE, WE UNDERSTAND THAT THE MOTHER HAD ACTUALLY WANTED HIM TO TAKE LOAN FOR HOUSE INVESTMENT. THIS WAS SUPPORTED BY HIS WIFE, WE BELIEVE THAT X X X THIS BIG INVESTMENT AMOUNT HAS PUT VERY HEAVY [RESPONSIBILITY] ON HIM THAT HE MAY HAVE LOST HIS DIRECTION AND PURSUE THE DEATH SOLUTION. BESIDES HE WAS JUST PROMOTED TO CHIEF COOK [IN] THIS CONTRACT AFTER SERVING CONTRACTS BEFORE WITH US AS MESSMAN.

WE DO NOT SUSPECT ANY FOUL PLAY ON BOARD AS HE IS VERY WELL LIKED BY ALL CREWMEMBERS AND HAS NO DISPUTE OR ENEMIES WITH ANYONE ON BOARD. THE CREW STATEMENT GIVEN TO THE POLICE YESTERDAY CAN TESTIFY TO HIS STATUS [ON BOARD].[50]

We believe that the above-mentioned pieces of documentary evidence upon which both the LA and the NLRC erected their conclusions that Ryan's death was directly attributable to his own deliberate act and will, in other words, suicide, constitute substantial evidence that Ryan was the author of his own death. In the absence, as in this case, of incontrovertible proof to the contrary, it must be presumed that the persons who prepared these documents acted in good faith to attest to the facts they saw or had personal knowledge of, even as it should also be presumed that these documents likewise spoke the truth. Indeed the facts and circumstances mentioned in said documents pointing to the fact that Ryan's death was suicide, are spread all over the entire records of the case,

indicating purposeful and deliberate intent to bring out the core reality that Ryan was the author of his own death. What is more, the sum of such facts and circumstances had been recognized, appreciated and adopted by both the LA and the NLRC and was made the underpinning of the most critical and crucial basis of their Decisions which they rendered in the regular performance of their duties.

By contrast, the question may be asked: What was the basis of the CA in granting the petition for the extraordinary writ of certiorari instituted before it by Shirley? According to the CA, the findings of the Medical Certificate of Death prepared by Dr. Sung Yeoul Hung of the Ulsan City Hospital which mentioned the direct cause of Ryan's death as Intentional Self-Harm by Hanging, Strangulation and Suffocation, are at war with the cause of death mentioned in the INTECO Report, which described "the cause of death of [Ryan as] excessive bleeding from the cut wrist of [Ryan] apparently by scissors".[51] If there is any difference between the two documents with respect to Ryan's suicidal death, it is difference with hardly any distinction. In point of fact, however, the CA appeared to have overlooked that the INTECO Report stressed the cause of death of Ryan thus: "Based on [all the foregoing information] available as reported herein, the cause of death of [Ryan] was concluded to be suicide." [52] It is evident that the appellate tribunal had engaged in petty nitpicking in pitting the findings made in the two documents. This is so because death by intentional self-harm as stated in the Medical Certificate of Death prepared by Dr. Sung Yeoul Hung of the Ulsan City Hospital is the necessary equivalent of suicide mentioned in the INTECO Report.

The CA also asked the rhetorical question:

[W]ho is this 'International Inspection and Testing Corporation' that performed the autopsy and prepared the Investigation Report? Is this corporation trained to perform an autopsy? More importantly, are its findings officially recognized? The Court has scoured the record and it could not see one iota of description, aside [from the fact] that [it] is 'foreign corporation' that would tend to lend credence to itself as an investigative body and to its findings.[53]

Such rhetorical question by the CA need not merit clear-cut answer if only because it is rhetorical question. It suffices to say, however, that both the LA and the NLRC took notice of the INTECO Report and both agencies were well in their right and power to do so. It is horn-book law that quasi-judicial agencies like the LA and the NLRC are not bound by the technical rules of evidence that are observed by the regular courts of justice.[54] Thus, in *Wallem Maritime Services, Inc. v. Pedrajas*, [55] this Court had occasion to observe:

Apparent from the foregoing, the report of the Italian Medical Examiner, which stated that Hernani committed suicide is more categorical and definite than the uncertain findings of the PNP Crime Laboratory and the NBI that homicide cannot be totally ruled out. Excerpts from the PNP and NBI reports would disclose that both agencies were unsure if homicide or suicide was the underlying cause of Hernani's death. Hence, the Court agrees with the findings of the LA and his judgment to give weight and credence to the evidence submitted by the petitioners proving that Hernani committed suicide.[56]

The CA also asked another rhetorical question:

Third, why was there no official autopsy done on the body of the deceased seafarer by the Ulsan Maritime Police? And if there ever was an autopsy done by the Ulsan Maritime Police, where is the autopsy report of the police? The Court would think the shipping company, understandably interested in avoiding paying any compensation, would prefer an autopsy done by the police rather than private corporation. After all, the findings of the police are accorded respect and regularity by the courts, but curiously enough in this case, the shipping company decided to have the body examined by private corporation whose credentials to perform an autopsy have not even been verified.[57]

This observation is of no consequence in this matter. For in point of fact, the INTECO's Report categorically

stated that the Ulsan Maritime Police were present when the cadaver of Ryan was being autopsied at the Ulsan Hospital. Moreover, it noted that the Ulsan Maritime Police had requested handwritten statements of all remaining crews of the Haruna Express in the evening February 27, 2006 which were prepared and submitted to the police in the morning of February 28, 2006 after which the Haruna Express sailed off Ulsan Port at 12:30 of February 28, 2006.

What is more, it is not for the CA to substitute its own discretion for the discretion of the LA and the NLRC relative to labor relations cases that are within these agencies' peculiar expertise and jurisdiction. The CA apparently overlooked that the case instituted before it is petition for certiorari under Rule 65 of the Rules of Court which addresses nothing more than the question of grave abuse of discretion amounting to lack or excess of jurisdiction. And, to repeat, we find nothing in the Decisions of both the LA and the NLRC that approximates grave abuse of discretion amounting to lack or excess of jurisdiction. The reason is that the Decisions of both the LA and the NLRC are grounded on substantial evidence which stemmed from the aforestated documentary evidence that were presented by the petitioners before the LA and the NLRC.

Almost on all fours with this case is our holding in *Unicol Management Services, Inc. v. Malipot*:^[58]

Normally, the Supreme Court is not trier of facts. However, since the findings of the CA and the NLRC were conflicting, it is incumbent upon this Court to wade through the records to find out if there was enough basis for the CA's reversal of the NLRC decision.

In this case, the CA ruled out the commission by seaman Glicerio of suicide on the ground that the evidence presented by petitioners, such as the Medico-Legal Report and Death Certificate, did not state the circumstances regarding the cause of seaman Glicerio's death. Also, the CA held that the Investigation Report, log book extracts, and Master's Report were submitted for the first time on appeal to the NLRC, and thus, should not have been admitted by the NLRC.

First, this Court would like to underline the fact that the NLRC may receive evidence submitted for the first time on appeal on the ground that it may ascertain facts objectively and speedily without regard to technicalities of law in the interest of substantial justice.

In *Sasan, Sr. v. National Labor Relations Commission* 4[th] Division, We held that our jurisprudence is replete with cases allowing the NLRC to admit evidence, not presented before the Labor Arbiter, and submitted to the NLRC for the first time on appeal. The submission of additional evidence before the NLRC is not prohibited by its New Rules of Procedure considering that rules of evidence prevailing in courts of law or equity are not controlling in labor cases. The NLRC and Labor Arbiters are directed to use every and all reasonable means to ascertain the facts in each case speedily and objectively, without regard to technicalities of law and procedure all in the interest of substantial justice. In keeping with this directive, it has been held that the NLRC may consider evidence, such as documents and affidavits, submitted by the parties for the first time on appeal.

Moreover, among the powers of the Commission as provided in Section 218 of the Labor Code is that the Commission may issue subpoenas requiring the attendance and testimony of witnesses or the production of such books, papers, contracts, records, statement of accounts, agreements, and others. In addition, the Commission may, among other things, conduct investigation for the determination of a question, matter or controversy within its jurisdiction, proceed to hear and determine the disputes in the absence of any party thereto who has been summoned or served with notice to appear, conduct its proceedings or any part thereof in public or in private, adjourn its hearings to any time and place, refer technical matters or accounts to an expert and to accept his report as evidence after hearing of the parties upon due notice. From the foregoing, it can be inferred that the NLRC can receive evidence on cases appealed before the Commission, otherwise, its factual conclusions would not have been given great respect, much weight, and relevance when an adverse party assails the decision of the NLRC via petition for certiorari under Rule 65 of the Rules of Court before the CA

and then to this Court via petition for review under Rule 45.

Accordingly, if we take into consideration the Investigation Report, log book extracts and Master's Report submitted by petitioners, the same all strongly point out that seaman Glicerio died because he committed suicide.

Contrary to the findings of the CA, it appears that the Investigation Report submitted by Inchcape Shipping Services completely detailed the events that happened prior to seaman Glicerio's death, i.e., from the last person who corresponded with him when he was still alive, the circumstances leading to the day he was discovered dead, to the person who discovered him dead. Based on the investigation, it appears that seaman Glicerio was cheerful during the first two months. However, he, thereafter, kept to himself after telling people that his family is facing problems in the Philippines and that he .already informed petitioners to look for his replacement.

The result of the above investigations is even bolstered by the Medical Report issued by Dr. Sajeed Aboobaker who diagnosed seaman Glicerio with musculoskeletal pain and emotional trauma due to family problems, when the latter complained of chest pains and palpitations on December 10, 2008.

Second, both the Medico-Legal Report and Death certificate indicate that the actual cause of death of seaman Glicerio is 'suicidal asphyxia due to hanging.'

The Medico-Legal Report issued by the United Arab Emirates, Ministry of Justice states:

Medico-Legal Report on Case No. 2/2009/Casualties

In accordance with the letter of the Director of Fujairah Public Prosecution dated 09.07.2006 to carry out the external examination on the remains of Mr. Glicerio Ramirez [M]jalipot, Filipino national, to show the reason of death and how death occurred, I, Prof. Dr. Osman Abdul Hameed Awad. medico-legal senior consultant in Fujairah, hereby certify that I carried out the external examination on the aforementioned body on 15.01.2009 at Fujairah Hospital Postmortem. also reviewed the minutes of investigations. Moreover, I hereby decide the following:

A) External Examination:

The body is for man aging about 56 years, in saprophytic state because of being in the refrigerator along with blood precipitation in the upper and lower limbs. I noticed deep lacerated groove transverse in the front of the neck and [the upper] level of the thyroid gristle with em width, going up and to the two sides of the neck and disappears beneath the ear along with the emergence of the tongue outside the.mouth. did not notice any recent injuries in the body.

B) Opinion:

Based on the above, I decide the following:

1)

Based on the external examination of the body of the aforementioned deceased deep lacerated groove round the neck. It (sic) vital and recent. It occurs as result of pressure and hanging with an elastic body such as rope x x x

2)

The death is due to suicidal Asphyxia due to hanging.

3)

The time of death synchronizes with the given date.

From the foregoing, it can be inferred that there was no foul play regarding seaman Glicerio's suicide considering that an external examination of his body shows no violence or resistance or any external injuries. In fact, the post-mortem examination conclusively established that the true cause of death was suicidal asphyxia due to hanging.

All told, taking the Medico-Legal Report and the Death Certificate, together with the Investigation Report, log book extracts, and Master's Report, we find that petitioners were able to substantially prove that seaman Glicerio's death was attributable to his deliberate act of killing himself by committing suicide.

With that settled, we now resolve the issue of whether respondent is entitled to death compensation benefits under the POEA-Standard Employment Contract.

Section 20 of the POEA "Standard Terms and Conditions Governing the Overseas Employment of Filipino Seafarers On-Board Ocean-Going Ships," provides:

SECTION 20. COMPENSATION AND BENEFITS

A. COMPENSATION AND BENEFITS FOR INJURY OR ILLNESS

x x x x

B. COMPENSATION AND BENEFITS FOR DEATH

- In case of work-related death of the seafarer, during the term of his contract, the employer shall pay his beneficiaries the Philippine currency equivalent to the amount of Fifty Thousand US dollars (US\$50,000) and an additional amount of Seven Thousand US dollars (US\$7,000) to each child under the age of twenty-one (21) but not exceeding four (4) children, at the exchange rate prevailing during the time of payment

x x x x

D

No compensation and benefits shall be payable in respect of any injury, incapacity, disability or death of the seafarer resulting from his willful or criminal act or intentional breach of his duties, provided, however, that the employer can prove that such injury, incapacity, disability or death is directly attributable to the seafarer.

Clearly, the employer is liable to pay the heirs of the deceased seafarer for death benefits once it is established that he died during the effectivity of his employment contract. However, the employer may be exempt from liability if it can successfully prove that the seaman's death was caused by an injury directly attributable to his deliberate or willful act. Thus, since petitioners were able to substantially prove that seaman Glicerio's death is directly attributable to his deliberate act of hanging himself, his death, therefore, is not compensable and his heirs not entitled to any compensation or benefits.

Finally, although this Court commiserates with the respondent, absent substantial evidence from which reasonable basis for the grant of benefits prayed for can be drawn, we are left with no choice but to deny her petition, lest an injustice be caused to the employer. While it is true that labor contracts are impressed with public interest and the provisions of the POEA Employment Contract must be construed logically and liberally in favor of Filipino seamen in the pursuit of their employment onboard ocean-going vessels, still the rule is that justice is in every case for the deserving, to be dispensed with in the light of established facts, the applicable law, and existing jurisprudence.

WHEREFORE, the Petition is GRANTED. The challenged January 31, 2011 Decision and August 8, 2011 Resolution of the Court of Appeals in CA-G.R. SP No. 112898 are ANNULLED and SET ASIDE, and the December 16, 2009 Decision of the National Labor Relations Commission in NLRC LAC OFW (M) 09-000540-09 is hereby REINSTATED and AFFIRMED.

SO ORDERED.

Sereno, C. J., Leonardo-De Castro, and Tijam JJ., concur.
Jardeleza, J., on official leave.

[1] Also referred to in other parts of the records as "Shirley G. De Chavez".

[2] Rollo, pp. 38-67.

[3] CA rollo, pp. 213-229; penned by Associate Justice Romeo F. Barza and concurred in by Associate Justices Rosalinda Asuncion-Vicente and Florito S. Macalino.

[4] Id. at 252-253.

[5] NLRC records, pp. 127-136; penned by Presiding Commissioner Alex A. Lopez and concurred in by Commissioners Gregorio O. Bilog, III and Pablo C. Espiritu, Jr.

[6] Id. at 81-87; penned by Labor Arbiter Catalino R. Laderas.

[7] Also referred to as "De Chavez" in some parts of the records.

[8] NLRC records, p. 33.

[9] Id. at 10 and 18.

[10] Id. at 1-3.

[11] Id. at 9-15.

[12] Id. at 52-56.

[13] Id. at 59-66.

[14] Id. at 16-32.

[15] Id. at 45-50.

[16] Id. at 67-79.

[17] Id. at 81-87.

[18] Id. at 86-87.

[19] Id. at 114-116.

[20] Id. at 127-136.

[21] Id. at 134.

[22] CA rollo, pp. 3-29; erroneously captioned as Petition for Review on Certiorari.

[23] Id. at 213-229.

- [24] Id. at 228.
- [25] Id. at 222-224.
- [26] Id. at 252-253.
- [27] Rollo, pp. 47-48.
- [28] Id. at 38-67.
- [29] Id. at 480-495.
- [30] Id. at 499-525.
- [31] Id. at 308.
- [32] Id. at 309-311.
- [33] 366 Phil. 10 (1999).
- [34] Citing therein *Sy v. Court of Appeals*, 446 Phil. 404, 416 (2003).
- [35] *Unicol Management Services, Inc. v. Malipot*, 751 Phil. 463, 473 (2015).
- [36] *New Filipino Maritime Agencies, Inc. v. Datayan*, G.R. No. 202859, November 11, 2015, 774 SCRA 677, 687.
- [37] Id. at 688.
- [38] Id.
- [39] 741 Phil. 67 (2014).
- [40] Id. at 73.
- [41] Id. at 75.
- [42] Supra note 35.
- [43] Rollo, p. 308.
- [44] Id.
- [45] Id. at 309-311.
- [46] Id.
- [47] *New Filipino Maritime Agencies, Inc. v. Datayan*, supra note 36 at 687, citing *Agile Maritime Resources, Inc. v. Siador*, 744 Phil. 693 (2014).
- [48] Rollo, p. 308.
- [49] Id. at 311.
- [50] Id. at 312.
- [51] Id. at 311.
- [52] Id.

[53] CA rollo, p. 223.

[54] Wallem Maritime Services, Inc. v. Pedrajas, supra note 39 at 76.

[55] Id.

[56] Id. at 75.

[57] CA rollo, p. 224.

[58] Supra note 35 at 473-479.

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