

SEACREST MARITIME MANAGEMENT, INC. AND/OR HERNING SHIPPING ASIA PTE. LTD., PETITIONERS, VS. ALMA Q. RODEROS, AS WIDOW AND LEGAL HEIR OF FRANCISCO RODEROS, RESPONDENT.

G.R. No. 230473. April 23, 2018

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REYES, JR., J:

Did the respondent establish by substantial evidence the reasonable causation, or aggravation, of the exigencies of his work aboard the vessel "MT ANNELISE THERESA" to his diagnosed illness? This is the nexus around which the following decision revolves.

The Case

Challenged before this Court via this Petition for Review on Certiorari under Rule 45 of the Rules of Court is the Decision[1] of the Court of Appeals (CA) in CA-G.R. SP No. 135249, promulgated on July 18, 2016, which reversed and set aside the Decision[2] and Resolution[3] dated April 30, 2013 and February 28, 2014, respectively, of the National Labor Relations Commission (NLRC) in NLRC NCR CN. OFW(M)-01-01649-12. Likewise challenged is the subsequent Resolution[4] of the CA promulgated on March 8, 2017, which upheld the earlier Decision.

The Antecedent Facts

As borne by the records, the following are the undisputed facts:

The respondent is the widow of Francisco Roderos (Roderos), a Filipino seafarer, who signed a Contract of Employment[5] with petitioner Heming Shipping Asia Pte. Ltd., through its manning agent in the Philippines, Seacrest Maritime Management, Inc. He was accepted on board the vessel "MT ANNELISE THERESA" as a Chief Cook for six (6) months, with a 40-hour work week, and a basic monthly salary of US \$648.00, in addition to overtime pay and annual leave with pay.[6]

Sometime in July 2011, during Roderos's engagement in the vessel, he experienced constipation and abdominal pains. The symptoms continued until September of the same year causing him to report the incident to the Master of the vessel. On September 4, 2011, while on the Port of Rostock in Germany, Roderos was brought to the Hamburg-Wilhelmsburg Hospital in Grob Sand where he was found to have blood in his stool, with swollen intestinal walls and swollen lower abdomen.[7] Few days thereafter, he was repatriated back to the Philippines.

Upon Roderos's arrival on September 8, 2011, he was admitted to St. Luke's Medical Center Hospital on September 29, 2011, where he was diagnosed with "Colon Adenocarcinoma" in a stage four (4) level with "metastasis on the perocolonic lymph node." One (1) month after, on October 8, 2011, Roderos was discharged from the hospital, but underwent chemotherapy sessions under the care of the company designated physician, Dr. Natalio Alegre.

On October 22, 2011, Dr. Alegre issued a Progress Report,[8] where he indicated (1) the diagnosis and prognosis

of Roderos's illness, (2) the risk factors for the development of the illness, (3) the cost of the chemotherapy, and (4) the survival rate of patients suffering from the same illness. Dr. Alegre likewise reported that Roderos's illness was "deemed not work related." [9] Specifically, the report stated:

Mr. Francisco Roderos has been diagnosed with Cancer of the Large Bowel (Colon).

x x x x

2. The risk factors for the development of colon cancer are: a) age 50 years of (sic) older; b) family history of cancer of the colon; c) personal history of cancer of the colon, rectum, ovary, endometrium or breast; d) history of ulcerative colitis (ulcers in the lining of the large intestine) or Crohns disease; and e) hereditary conditions such as familial adenomatous polyposis and non-hereditary non-polyposis colon cancer (Lynch Syndrome).

The Chromosome 5 with the gene APC is involved and transmitted 50% of the time to the offspring. p53 gene is mutated 70% and when the mutation is ineffective, cells with damaged DNA escape repair or destruction, allowing the damaged cell to perpetrate itself. Continued replication of the damaged DNA may lead to tumor development.

Development of polyps of the colon commonly precedes the development of colon cancer.

As the ailment is not listed in the POEA list of occupational diseases and they are not associated to trauma with genetic predisposition taken into consideration, Colon Cancer is deemed not work related. [10] (Emphasis supplied)

On the basis of the foregoing report, Roderos's chemotherapy treatments were discontinued. [11]

Thus, Roderos sought the assistance of the Associated Marine Officers' and Seamen's Union of the Philippines (AMOSUP), of which he was a member, for the collection of disability benefits. Unfortunately, the parties did not reach any settlement. Hence, Roderos filed a complaint before the Labor Arbiter (LA) for disability benefits, illness allowance, attorney's fees, and medical expenses.

The Ruling of the Labor Arbiter

On June 27, 2012, the LA rendered a Decision against Roderos on the following grounds: (1) Stage 4 Colon Cancer is not among the occupational diseases listed in the Philippine Overseas Employment Administration-Standard Employment Contract (POEA-SEC) [12] and (2) the company-designated physician declared that the illness is not work-related. Thus, the dispositive portion of the Decision reads:

WHEREFORE, premises considered, decision is hereby rendered ordering the dismissal of the instant case for lack of merit.

SO ORDERED. [13]

The Ruling of the NLRC

Aggrieved, Roderos elevated the case to the NLRC. As fate would have it, Roderos died on August 6, 2012 while the case was still pending. As a result, herein respondent, Roderos's widow and legal heir, filed for a motion for substitution, which was granted by the NLRC.

On April 30, 2013, the NLRC rendered a Decision which affirmed the earlier LA decision. The fallo of the NLRC decision states:

WHEREFORE, premises considered, the instant appeal is hereby DISMISSED for lack of merit.

SO ORDERED. [14]

The NLRC decision was followed by the Resolution dated February 28, 2014, which denied the motion for reconsideration filed by the respondent.[15]

The Ruling of the CA

The respondent, unperturbed by the twin decisions of the LA and the NLRC, filed before the CA a Petition for Certiorari under Rule 65 of the Rules of Court. On July 18, 2016, the appellate court rendered the assailed Decision, this time in favor of herein respondent.

According to the CA, Roderos's illness was work-related, or at the very least, work aggravated due to the dietary factors attendant to his work on board the vessel. The CA elucidated that, as a seafarer on board his vessel, Roderos's meals consisted of processed meats, high-fat and low-fiber food, including ham, hotdogs, sardines, tuna, bacon, and other canned goods.[16] The CA likewise gave emphasis on the "constant pressure and stress" and the physical strain that Roderos experienced at work. In addition, he was consistently exposed to the heat and fumes inside the kitchen as well as the varying temperatures of hot and cold in the vessel and differing time zones.[17]

Thus, the CA concluded that Roderos was entitled to full and permanent disability compensation under the DSA-CBA[18] and POEA-SEC.[19] The dispositive portion of the CA decision states that:

WHEREFORE, the Petition is GRANTED. The Decision dated April 30, 2013 and Resolution dated February 28, 2014 of the National Labor Relations (sic) are REVERSED and SET ASIDE. The private respondents, Seacrest Maritime Management, Inc. and Heming Shipping Asia Pte., Ltd., are hereby held jointly and severally liable to petitioner, ALMA Q. RODEROS, as widow and legal heir of FRANCISCO M. RODEROS, for the amounts of (a) US\$60,000.00 as total and permanent disability allowance, and (b) US\$6,000.00 as attorney's fees, at the prevailing rate of exchange at the time of payment. An interest of six percent (6%) per annum is likewise imposed upon the total monetary award reckoned from August 6, 2012, the date of death of Francisco Roderos, until full satisfaction thereof.

SO ORDERED.[20] (Emphasis omitted)

Herein petitioners' motion for reconsideration was subsequently denied by the CA finding "no new matter of substance which would warrant the modification much less the reversal of the assailed Decision." [21]

Hence, this present petition.

The Issues

The petitioners seek the reversal of the assailed Decision and Resolution by the CA on the basis of the following grounds:

A.

THE HONORABLE COURT OF APPEALS COMMITTED A PATENT AND GRAVE ERROR WHEN IT RENDERED A DECISION THAT IS PLAINLY CONTRARY TO THE EVIDENCE ON RECORD. ITS CONCLUSION THAT SEAFARER RODEROS'S AILMENT IS WORK- RELATED IS NOT ONLY ABSOLUTELY BASELESS, THE SAME IS LIKewise NEGATED BY THE UNDISPUTED EVIDENCE ON RECORD CONFIRMING THAT THE ILLNESS IS, IN FACT, NOT WORK-RELATED. THUS, UNDER THE GOVERNING POEA CONTRACT, THE GRANT OF TOTAL AND PERMANENT DISABILITY BENEFITS WAS IN CLEAR DISREGARD OF THE EVIDENCE ON RECORD AND PLAIN ERROR OF LAW WHICH IS UNTENABLE.

B.

THE HONORABLE COURT OF APPEALS COMMITTED SERIOUS ERROR OF LAW IN CONVENIENTLY AWARDING ATTORNEY'S FEES DESPITE ABSENCE OF ANY FINDING OR DISCUSSION SHOWING BAD FAITH OR MALICE ON THE PART OF PETITIONERS.

C.

THE HONORABLE COURT OF APPEALS COMMITTED SERIOUS ERROR OF LAW IN GRANTING INTEREST OF 6% PER ANNUM COMPUTED FROM THE TIME OF DEATH. IT MUST BE EMPHASIZED THAT THERE IS NO DELAY IN PAYMENT OF A VALID CLAIM HERE. THE NON-PAYMENT OF RESPONDENT'S CLAIMS IS PREMISED ON LEGAL GROUNDS. THE ILLNESS IS NOT WORK--RELATED AND AS SUCH, IS NOT COMPENSABLE UNDER THE GOVERNING POEA CONTRACT.[22]

The Court's power of review is hereby being invoked to answer the following issues: (1) whether or not Roderos's illness was work-related, and consequently, whether or not he was entitled to disability and death benefits; and (2) whether or not the CA's imposition of attorney's fees and interest were proper in this case.

The Court's Ruling

After a careful perusal of the arguments presented and the evidence submitted, the Court finds that the petition is impressed with merit. Roderos's illness, Cancer of the Large Bowel (Colon), is not an occupational disease listed in Section 32 of the POEA-SEC, and the respondent failed to discharge the burden of providing substantial evidence of the causal connection between the work done by Roderos aboard the vessel and his diagnosed illness.

The general rule is that only questions of law are reviewable by the Court. This is because it is not a trier of facts;[23] it is not duty-bound to analyze, review, and weigh the evidence all over again in the absence of any showing of any arbitrariness, capriciousness, or palpable error.[24] Thus, factual findings of administrative or quasi-judicial bodies, including labor tribunals, are accorded much respect by the Court as they are specialized to rule on matters falling within their jurisdiction especially when these are supported by substantial evidence.[25] In labor cases, this doctrine applies with greater force as questions of fact presented therein are for the labor tribunals to resolve.[26]

The Court, however, permitted a relaxation of this rule whenever any of the following circumstances is present:

- (1) [W]hen the findings are grounded entirely on speculations, surmises or conjectures;
- (2) when the inference made is manifestly mistaken, absurd or impossible;
- (3) when there is grave abuse of discretion;
- (4) when the judgment is based on a misapprehension of facts; (5) when the findings of fact are conflicting;
- (6) when in making its findings, the Court of Appeals went beyond the issues of the case, or its findings are contrary to the admissions of both the appellant and the appellee;
- (7) when the findings are contrary to that of the trial court;
- (8) when the findings are conclusions without citation of specific evidence on which they are based;
- (9) when the facts set forth in the petition, as well as in the petitioner's main and reply briefs, are not disputed by the respondent;
- (10) when the findings of fact are premised on the supposed absence of evidence and contradicted by the evidence on record; or

(11) when the Court of Appeals manifestly overlooked certain relevant facts not disputed by the parties, which, if properly considered, would justify a different conclusion.[27]

Whether or not there is a causal relation between Roderos's illness and his work as a Chief Cook on board the vessel "MT ANNELISE THERESA" is essentially a factual issue that the Court would generally not disturb. Nonetheless, in light of the apparent conflict between the findings of facts of the NLRC and the CA, and on the strength of the relaxation of the rules quoted above, the Court can and will delve into the present controversy.

In *Jebsens Maritime, Inc, Sea Chefs. Ltd. And Enrique M. Aboitiz vs. Florvin G. Rapiz*,[28] the Court reiterated its pronouncement that the Philippine Overseas Employment Administration-Standard Employment Contract (POEA-SEC) is the law between the parties, and its provisions bind both of them.[29] This contract is also what primarily determines whether or not a seafarer, who sustains an injury or contracts an illness, should be indemnified by the employer. Section 20(A) of the contract requires the concurrence of two elements: (1) the injury or illness must be work-related; and (2) the work-related injury or illness must have existed during the term of the seafarer's employment contract.[30]

Work-related illnesses, are determined by the following rules:

First, there is work relation if the illness leads to disability or death as a result of an occupational disease listed under Section 32-A of the POEA- SEC with the conditions set therein satisfied;

Second, for illnesses not mentioned under Section 32, the POEA-SEC creates a disputable presumption in favor of the seafarer that these illnesses are work-related.[31] However, this presumption notwithstanding, the Court has held that the claimant-seafarer must still prove by substantial evidence that his/her work conditions caused or, at least, increased the risk of contracting the disease.[32] This is because awards of compensation cannot rest entirely on bare assertions and presumptions. In order to establish compensability of a non-occupational disease, reasonable proof of work--connection-but not direct causal relation-is required. It is thus this probability of connection, and not the ultimate degree of certainty, that is the test of proof of compensation proceedings.[33]

Thus, for an occupational disease and the resulting disability or death to be compensable, all the following conditions, as supported by substantial evidence, must be established:

- The seafarer's work must involve the risk described herein;
- The disease was contracted as a result of the seafarer's exposure to the described risks;
- The disease was contracted within a period of exposure and under such other factors necessary to contract it;
- There was no notorious negligence on the part of the seafarer.[34]

In this case, there is no dispute that Roderos's illness, Cancer of the Large Bowel (Colon), is not among the occupational diseases listed in the POEA-SEC. In fact, the Court has already stated in *Leonis Navigation Co., Inc. vs. Villamater*[35] that "under Section 32-A of the POEA Standard Contract, only two types of cancers are listed as occupational diseases - (1) Cancer of the epithelial lining of the bladder (papilloma of the bladder); and (2) cancer, epithelomatous or ulceration of the skin or of the corneal surface of the eye due to tar, pitch, bitumen, mineral oil or paraffin, or compound products or residues of these substances." [36] Cancer of the Large Bowel (Colon) is, decidedly, not among them.

This thus leads the discussion into the second rule in determining the work relation of the illness. Did the respondent establish by substantial evidence the reasonable causation, or aggravation, of the exigencies of Roderos's work aboard the vessel "MT ANNELISE THERESA" to his diagnosed illness?

The Court's disquisition on the nature and causes of colon cancer, as elaborated in the case of *Leonis Navigation Co., Inc. vs. Villamater*,^[37] is instructive. It said:

Colon cancer, also known as colorectal cancer or large bowel cancer, includes cancerous growths in the colon, rectum and appendix.

x x x x

Tumors of the colon and rectum are growths arising from the inner wall of the large intestine. Benign tumors of the large intestine are called polyps. Malignant tumors of the large intestine are called cancers. Benign polyps can be easily removed during colonoscopy and are not life-threatening. If benign polyps are not removed from the large intestine, they can become malignant (cancerous) over time. Most of the cancers of the large intestine are believed to have developed as polyps. Colorectal cancer can invade and damage adjacent tissues and organs. Cancer cells can also break away and spread to other parts of the body (such as liver and lung) where new tumors form. The spread of colon cancer to distant organs is called metastasis of the colon cancer. Once metastasis has occurred in colorectal cancer, a complete cure of the cancer is unlikely.

x x x x

Factors that increase a person's risk of colorectal cancer include high fat intake, a family history of colorectal cancer and polyps, the presence of polyps in the large intestine, and chronic ulcerative colitis.

Diets high in fat are believed to predispose humans to colorectal cancer. In countries with high colorectal cancer rates, the fat intake by the population is much higher than in countries with low cancer rates. It is believed that the breakdown products of fat metabolism lead to the formation of cancer-causing chemicals (carcinogens). Diets high in vegetables and high-fiber foods may rid the bowel of these carcinogens and help reduce the risk of cancer.

A person's genetic background is an important factor in colon cancer risk. x x x Approximately 20% of cancers are associated with a family history of colon cancer. And 5% of colon cancers are due to hereditary colon cancer syndromes. Hereditary colon cancer syndromes are disorders where affected family members have inherited cancer-causing genetic defects from one or both of the parents. (Emphasis supplied, citations omitted)

To emphasize, the Court identified in *Leonis Navigation Co., Inc.* that the following factors increase the risk of colorectal cancer: high fat intake, a family history of colorectal cancer and polyps, the presence of polyps in the large intestine, and ulcerative colitis. While, surely, the petitioners herein could not be faulted for Roderos's family history of colorectal cancer or polyps, nothing prohibits the respondent from proving the causal connection between the other factors and Roderos's work. In fact, the respondent bears this burden specifically, and that the failure of which would result to the resolution of the case against her favor.

Thus, in ruling against the seafarer who likewise contracted colon cancer, the Court said in *Talosig vs. United Philippine Lines, Inc.*:^[38]

As aptly ruled by the CA, petitioner did not present any proof of a causal connection or at least a work relation between the employment of Talosig and his colon cancer. Petitioner merely relied on presumption of causality. She failed either to establish or even to mention the risks that could have caused or, at the very least, contributed to the disease contracted by Talosig.^[39]

In the present case, the respondent's Position Paper asserted that Roderos's food intake and his exposure to dangerous chemicals aboard "MT ANNEWISE THERESA" caused his diagnosed illness, viz:

The Complainant's (Roderos's) meals consisted of processed meats and high fat and low-fiber foods. The Complainant is also of advance (sic) age at 48 years old, an age more likely to develop colon cancer. What is

more, the Complainant was constantly exposed to chemicals and substances known to be carcinogenic. It needs to be stressed that Complainant served respondents under three (3) contracts and was exposed to the following at any one time: Coal Tar, Tall Oil, Fuel, Asphalt, Gasoline, Diesel and Crude Oil.

x x x x

Although complainant's (Roderos's) illness, colon cancer, is not listed under Article 32-A of the POEA contract as occupational diseases (sic), this does not preclude the possibility that complainant's illnesses (sic) were caused by exposure to asphalt and crude oil which both contain the toxic substance, benzene. This is especially so if we consider the fact that, as shown in the immediately preceding paragraph, the POEA contract recognizes the harmful characteristics of asphalt and benzene and the potential risks that are associated with exposure to these substances.[40] (Emphasis supplied)

In the petition for certiorari submitted to the CA, the respondent reiterated these assertions, to wit:

Needless to state that even the diet that he is into is also a much contributing factor because their provisions are usually meat and fatty foods which is beyond their control as this is with the imprimatur of the owner of the vessels as well as by the conditions they are into considering that meat last longer than that of foods (sic) which are rich in fiber during the long voyage with different weather conditions.

x x x x

Roderos' meals routine (sic) usually consisted of processed meats, high fat and low fiber foods. Roderos at the age 48 he is more likely to develop or acquire colon cancer. It is also interesting to emphasize that Roderos was constantly and continuously exposed to harmful and hazardous chemicals and substances known to be carcinogenic. It is undeniable that Roderos served respondents under three (3) contracts and was certainly exposed to Coal, Tar, Tall Oil, Fuel, Asphalt, Gasoline, Diesel and Crude Oil.[41]

It must be emphasized, however, that with regard to Roderos's dietary intake while on board the vessel, no evidence other than these self-serving allegations were presented. There was absolutely no proof of what Roderos supposedly ate during his work that would have aggravated his illness. In fact, as the Chief Cook of the vessel, it would have been within Roderos's control to submit before the Labor Tribunals what meals he may have prepared during the course of his employment. It is quite unfortunate that he failed to do so.

In contrast, the petitioners have presented several affidavits of other seafarers who served with Roderos during his last stint aboard the vessel. A reading of these statements would reveal that the vessel was well--provisioned and that there was variety in the kinds and quality of food served. The list included fresh milk, fruit juices, yogurt, cereals, oatmeal, eggs, meat, and vegetables.[42]

Also, nowhere in the pleadings was it asserted that the enumerated harmful chemicals could be found aboard "MT ANNELOSE THERESA" at the time when Roderos served as its Chief Cook. There was even no averment as to how Roderos could have been in contact with the same. Neither was any evidence, documentary or otherwise, submitted before the Court to support such causation.

Relying heavily on online sources,[43] the respondent argued that the quoted substances are "known to cause cancer in humans,"[44] or are "carcinogenic to humans,"[45] or that there are "increased risk of cancer among workers in occupations with the potential for exposures to asphalt." [46] The respondent also asserted that "bitumen or asphalt is listed as a substance that may cause cancer or ulceration of the skin or corneal surface of the eye" and that "benzene, an active chemical in crude oil and asphalt, as a harmful substance that causes poisoning." [47]

However, while the respondent's Position Paper and Petition for Certiorari were replete with these supposed

studies regarding the risks that the mentioned chemicals may have to cancer, none of the studies mentioned Cancer of the Bowel (Colon), which was Roderos's diagnosed illness.

Jurisprudence has held time and again that substantial evidence is more than a mere scintilla of evidence. It means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion, even if other minds equally reasonable might conceivably opine otherwise.[48]

This, the respondent has failed to do.

The Court had devoted sufficient time in scouring the records of this case, and after a careful perusal of all documents submitted, the resolution of the foregoing issue could lead to no other conclusion than that the respondent has failed to support her claims. She presented no substantial evidence that could lead the Court to state that the exigencies of Roderos's work on board the "MT ANNELISE THERESA" caused, or at the very least, aggravated, his diagnosed illness.

In addition, that the company-designated physician issued a medical report stating that Roderos's diagnosed illness, Cancer of the Bowel (Colon), is deemed not work-related militates against the respondent's claims.

It is settled jurisprudence that it is the company-designated physician who is entrusted with the task of assessing the seaman's disability, whether total or partial, due to either injury or illness, during the term of the latter's employment.[49] While this is so, the same finding is not automatically final, binding or conclusive.[50]

In fact, should the seafarer disagree with the assessment by the company designated physician, the former may dispute the assessment by seasonably exercising his/her prerogative to seek a second opinion and consult a doctor of his/her choice.[51] In case of disagreement between the findings of the company-designated physician and the seafarer's doctor of choice, the employer and the seafarer may agree jointly to refer the latter to a third doctor whose decision shall be final and binding on them.

In *Formerly INC Shipmanagement, Inc. vs. Rosales*,[52] the Court clarified the ruling in *Philippine Hammonia Ship Agency, Inc. vs. Dumadag*[53] by categorically saying that the referral to a third doctor is mandatory, and should the seafarer fail to abide by this method, he/she would be in breach of the POEA-SEC, and the assessment of the company designated physician shall be final and binding. Thus, the Court said:

This referral to a third doctor has been held by this Court to be a mandatory procedure as a consequence of the provision that it is the company-designated doctor whose assessment should prevail. In other words, the company can insist on its disability rating even against a contrary opinion by another doctor, unless the seafarer expresses his disagreement by asking for the referral to a third doctor who shall make his or her determination and whose decision is final and binding on the parties. We have followed this rule in a string of cases. x x x[54] (Emphasis supplied)

In the case at hand, contrary to the mandatory proceedings identified by the Court, Roderos did not demand for his re-examination by a third doctor, and instead opted to initiate the instant case. This, as the Court already ruled, is a fatal defect that militates against his claims. To reiterate, the referral to a third doctor is now a mandatory procedure, and that the failure to abide thereby is a breach of the POEA-SEC, and has the effect of consolidating the finding of the company-designated physician as final and binding.

Thus, for the respondent's failure to (1) present substantial evidence that would prove reasonable causation, or at the very least, aggravation of Roderos's work while aboard the petitioners' vessel, and for Roderos's failure to (2) insist on his re-examination of a third doctor that could determine with finality as to whether or not his diagnosed illness was work--related, the Court is constrained to rule for the petitioners.

This considering, there is no need to proceed and discuss further the other issue in this case.

WHEREFORE, premises considered, the Decision of the Court of Appeals dated July 18, 2016 in CA-G.R. SP No. 135249, and the subsequent Resolution dated March 8, 2017, are hereby REVERSED and SET ASIDE. The Decision of the National Labor Relations Commission dated April 30, 2013 in NLRC NCR CN. OFW (M)-01-01649-12, which affirmed in toto the Decision of the Labor Arbiter dated June 27, 2012, is hereby REINSTATED.

SO ORDERED.

Carpio,[*] Acting C. J., Del Castillo,**] Perlas-Bernabe, and Caguioa, JJ., concur.

[*] Acting Chief Justice per Special Order No. 2539, dated February 28, 2018.

**] Designated additional member per Raffle dated April 23, 2018.

[1] Penned by Court of Appeals Associate Justice Francisco P. Acosta, and concurred in by Court of Appeals, now Supreme Court, Associate Justice Noel G. Tijam and Court of Appeals Associate Justice Eduardo B. Peralta, Jr.; rollo, pp. 13-25.

[2] Rendered by Presiding Commissioner Leonardo L. Leonida, with Commissioner Mercedes R. Posada-Lacap concurring; id. at 396-401.

[3] Rendered by Presiding Commissioner Grace E. Maniquiz-Tan with Commissioners Dolores M. Peralta-Beley and Mercedes R. Posada-Lacap concurring; id. at 427-431.

[4] Penned by Associate Justice Francisco P. Acosta with Associate Justice Noel G. Tijam (now a member of this Court) and Eduardo B. Peralta, Jr. concurring; id. at 27-28.

[5] Id. at 223.

[6] Id.

[7] Id. at 14.

[8] Id. at 181.

[9] Id.

[10] Id.

[11] Id. at 208-209.

[12] Philippine Overseas Employment Administration Amended Standards Terms and Conditions Governing the Overseas Employment of Filipino Seafarers On Board Ocean-Going Ships, POEA Memorandum Circular No. 10, Series of 2010, October 26, 2010.

[13] Id. at 290.

[14] Id. at 401.

[15] Id. at 427-431.

[16] Id. at 88.

[17] Id. at 89.

[18] Collective Bargaining Agreement (Ratings) between Associated Marine Officers' and Seamen's Union of the Philippines (AMOSUP-PTGWO-ITF) and Danish Shipowners' Association (DSA); id. at 225-241.

[19] Id. at 84.

[20] Id. at 24.

[21] Id. at 27.

[22] Id. at 45-46.

[23] Manotok Realty, Inc. v. CLT Realty Development Corp., 512 Phil. 679, 706 (2005), as cited in Van Clifford Torres y Salera v. People of the Philippines, G.R. No. 206627, January 18, 2017.

[24] Fuentes v. Court of Appeals, 335 Phil. 1163, 1168 (1997); Bautista v. Puyat, 416 Phil. 305, 308 (2001), as cited in Van Clifford Torres y Salera v. People of the Philippines, G.R. No. 206627, January 18, 2017.

[25] Lamberto M. De Leon v. Maunlad Trans, Inc., Seachest Associates et al., G.R. No. 215293, February 8, 2017.

[26] Id.

[27] Id.

[28] G.R. No. 218871, January 11, 2017.

[29] Id.

[30] See Nonay v. Bahia Shipping Services, Inc., G.R. No. 206758, February 17, 2016, 784 SCRA 292, 312; Austria v. Crystal Shipping, Inc., G.R. No. 206256, February 24, 2016, 785 SCRA 89, 98.

[31] Supra note 12, Par. 4, Sec. 20(A).

[32] Supra note 25.

[33] Id.

[34] See Balba v. Tiwala Human Resources, Inc., G.R. No. 184933, April 13, 2016, 789 SCRA 322, 331; Austria v. Crystal Shipping, Inc., G.R. No. 206256, February 24, 2016, 785 SCRA 89, 98; Leonis Navigation Co., Inc. v. Villamater, 628 Phil. 81, 96 (2010).

[35] 628 Phil. 96 (2010).

[36] Id.

[37] Id. at 97.

[38] 739 Phil. 774 (2014).

[39] Id. at 783.

[40] Rollo, pp. 213-215, 302-305.

[41] Id. at 437-439.

[42] Id. at 184-204.

[43] Id. at 214.

[44] Id.

[45] Id.

[46] Id.

[47] Id. at 215.

[48] *Miro v. Mendoza*, 721 Phil. 772, 787 (2013).

[49] *Coastal Safeway Marine Services, Inc. v. Esguerra*, 671 Phil. 56, 65 (2011); *German Marine Agencies, Inc. v. National Labor Relations Commission*, 403 Phil. 572, 588 (2001).

[50] *Andrada v. Agemar Manning Agency, Inc.*, 698 Phil. 170, 182 (2012).

[51] *Seagull Maritime Corp. v. Dee*, 548 Phil. 660, 669 (2007).

[52] 737 SCRA 438, (2014).

[53] 712 Phil. 507, 520 (2013).

[54] *Supra* note 52, at 450-451.

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