

EASTERN SHIPPING LINES, INC., PETITIONER, VS. PHILIPPINE OVERSEAS EMPLOYMENT ADMINISTRATION, HEARING OFFICER CHERYL AMPIL AND ANGELES J. URBIZTONDO, RESPONDENTS.

G.R. No. 85061. August 16, 1991

Ponente: CRUZ, J.

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CRUZ, J.:

The petitioner is challenging the decision of the POEA awarding death and burial benefits to the private respondents. The contention is that the Philippine Overseas Employment Administration had no jurisdiction over the employee's claim, which should have been addressed to the Social Security System and charged to the State Insurance Fund.

The decision disposed as follows:

Francisco Urbiztondo was hired for the duration of the voyage of Eastern Galaxy which started on November 9, 1985. He was disembarked for treatment on December 13, 1985. Nothing in the record of this case can suggest that the voyage for which he was contracted had ended at the time of his death. This defense was not raised in respondent's answer. Under the circumstances, this Office finds that Section D, Part II of the POEA Standard Format as amended by Memorandum Circular No. 2 which took effect on February 1, 1984 is applicable. Complainant is entitled to P180,000.00 death compensation and P18,000.00 burial allowances over and above the benefits which are provided for and are the liabilities of the Philippine government under Philippine laws.

WHEREFORE, respondent is hereby ordered to pay complainant ONE HUNDRED NINETY-EIGHT THOUSAND PESOS (P198,000.00) representing death compensation and burial allowance.

SO ORDERED.

The question is not new. In fact, it has already been categorically resolved by this Court in an earlier case involving the same petitioner herein and the same public respondent.

In *Eastern Shipping Lines v. POEA*,^[1] we pointed out that under Section 4(a) of Executive Order No. 797, promulgated on May 1, 1982, the Philippine Overseas Employment Administration, as successor of the National Seamen's Board, was vested with "original and exclusive jurisdiction over all cases, including money claims, involving employee-employer relations arising out of or by virtue of any law or contract involving Filipino contract workers, including seamen." The Court also held, for the reasons mentioned in that decision, that Memorandum Circular No. 2, under which the award of death and burial benefits had been made, was a valid administrative regulation adopted pursuant to a valid delegation of legislative powers made in the said executive order.

The parties, especially the petitioner, should be aware by now of the rationale of that decision, which was promulgated in 1988 and remains controlling. The discussion in that case of the same issues involved in the

present petition does not have to be reproduced in this opinion.

The procedural objections raised by the petitioner are not substantial. The circumstance that the motion to dismiss was not first resolved before the case was decided on the merits is not a fatal flaw that should invalidate the proceedings. The decision was in fact based on the evidence of record, consisting partly of documents submitted by the petitioner itself.[2] At any rate, it is settled that the technical rules of procedure are not required to be strictly observed in administrative proceedings.

The factual findings of the POEA are sustained, there being no sufficient showing that they were resolved arbitrarily or did not have any evidentiary basis. These include the conclusion that the private respondent was an overseas contract worker under the petitioner's employ and was thus entitled to the awards provided for in the Memorandum Circular No. 2.

As correctly observed by the private respondents:

There is no question that petitioner's Shipping Articles were processed by the POEA (Annex D to the petition) and in the light of the foregoing ruling, it is submitted that the late Mr. Urbiztondo is deemed to have the status of overseas contract worker and petitioner deemed to have engaged in overseas employment of the deceased, for purposes of compliance with the rules and regulations issued by the POEA in this respect, based on and relative to the powers and functions conferred upon it (POEA) by Executive Order No. 797. Consequently, by submitting itself to the strict conditions imposed by the POEA for domestic Shipping Corporations engaged in ocean-going trade who make use of a Filipino complement/petitioner has bound itself to the faithful compliance of the rules imposed by the POEA, including of course, its obligations towards its employees' under the Revised Employment Contract Governing the Employment of All Filipino Seamen on Board Any Ocean-Going Vessel, as mandated under Memorandum Circular No. 2 dated December 29, 1983.[3]

A similar conclusion, based on the same circumstances, was reached in the earlier Eastern Shipping Lines case.

After careful consideration of the petition, the comments thereon of the respondents, and the consolidated reply thereto, the Court is convinced that the challenged decision has not been rendered with grave abuse of discretion and should therefore be sustained.

ACCORDINGLY, the petition is DISMISSED, with costs against the petitioner. It is so ordered.

Narvasa, (Chairman), Gancayco, Griño-Aquino, and Medialdea, JJ., concur.

[1] 166 SCRA 533.

[2] Rollo, pp. 40-49.

[3] Ibid., pp. 144-145.

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