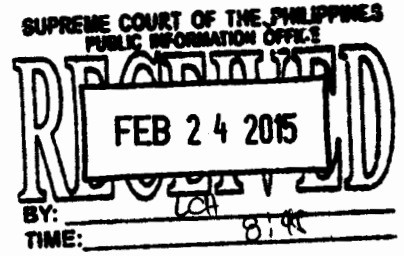




REPUBLIC OF THE PHILIPPINES  
 SUPREME COURT  
 Manila

SECOND DIVISION

NOTICE



Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **28 January 2015** which reads as follows:*

**G.R. No. 207980** (*Arnold De Castro v. Magsaysay Maritime Corporation, Eduardo U. Manese and/or Princess Cruise Lines*)

X-----X

This resolves the petition for review<sup>1</sup> of the Decision<sup>2</sup> of the Court of Appeals (CA) denying petitioner's claim for disability benefits.

Petitioner Arnold De Castro (petitioner), whom respondents hired in July 2005 as food and beverage supervisor onboard the vessel *Sun Princess* for eight months, sought payment from the latter for total and permanent disability compensation for thyroid cancer. Respondent obtained treatment and disability classification from physicians unaffiliated with respondents because the latter allegedly refused to extend assistance.

Respondents countered that petitioner's illness is not compensable and that, alternatively, he waived his right to seek disability benefits by failing to submit himself for medical examination by respondents' physicians within three days from his repatriation on 14 May 2006, as required under Section 20(A)(3) of the Philippine Overseas Employment Agency Standard Employment Contract (Standard Contract).

The labor arbiter<sup>3</sup> granted disability compensation to petitioner as claimed and also ordered respondents to pay actual damages and attorney's fees.<sup>4</sup>

On appeal by respondents, the National Labor Relations Commission (NLRC) reversed the arbiter's ruling and dismissed petitioner's complaint.

Petitioner appealed to the CA in a petition for certiorari but the CA denied due course, finding no grave abuse of discretion on the part of the NLRC.

Hence, this appeal, raising the following questions: (1) whether petitioner complied with the three-day check-up rule under the Standard Contract; and, (2) in the affirmative, whether petitioner's illness is compensable.

<sup>1</sup> Under Rule 45 of the 1997 Rules of Civil Procedure.

<sup>2</sup> Dated 28 June 2012 and penned by Associate Justice Angelita A. Gacutan with Associate Justices Magdangal M. De Leon and Francisco P. Acosta, concurring. The Resolution of 2 July 2013 denied reconsideration.

<sup>3</sup> Felipe P. Pati.

<sup>4</sup> With the following amounts: \$60,000 disability benefits, ₱250,000 medical expenses refund, and 10% of the total award as attorney's fees.

We deny the petition for lack of reversible error in the ruling of the

*First.* The threshold issue of whether petitioner presented himself for medical examination by respondents' physicians within three days from repatriation, a mandatory requisite for the filing of disability compensation claims under the Standard Contract, is a question of fact, properly addressed to the lower tribunals and outside of the ambit of this Rule 45 review. The NLRC and the CA uniformly ruled that petitioner failed to comply with such requirement. Nothing in the records impels us to reject such finding.


*Second.* Even if we assume that petitioner complied with the three-day check-up rule and reach the merits of this case, the petition will still fail. Thyroid cancer is not listed as an occupational disease under the Standard Contract. While the Standard Contract does not preclude payment of compensation to non-listed illnesses, the employee remains charged with the burden of proving that his illness was caused or aggravated by risks inherent in the work environment.<sup>5</sup>

Other than claiming that he worked long hours and was exposed to extreme weather conditions and "to chemicals, fumes, gas, dusts and other harmful elements,"<sup>6</sup> petitioner presented no other evidence proving causality or aggravation of his illness vis-à-vis the conditions of his work as food and beverage supervisor onboard the vessel in question. Petitioner's allegations, uncorroborated and unspecified, do not rise to the level of substantial evidence to justify payment of disability benefits.

**WHEREFORE**, we resolve to **DENY** the petition.

**SO ORDERED.** (Brion, *J.*, on official leave; Velasco, Jr., *J.*, designated Acting Member per Special Order No. 1910 dated 12 January 2015)

Very truly yours,

  
MA. LOURDES C. PERFECTO  
Division Clerk of Court 1/12

<sup>5</sup> *Jebsen Maritime, Inc. v. Ravena*, G.R. No. 200566, 17 September 2014 (holding that the presumption of compensability of non-listed illnesses is "made x x x to signify that the non-inclusion in the list of compensable diseases/illnesses does not translate to an absolute exclusion from disability benefits" but it also "does not signify an automatic grant of compensation and/or benefits claim.").

<sup>6</sup> *Rollo*, p. 12.

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