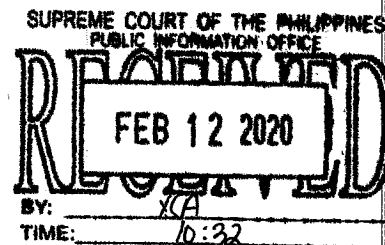




REPUBLIC OF THE PHILIPPINES  
SUPREME COURT  
Manila



SECOND DIVISION

**NOTICE**

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **11 December 2019** which reads as follows:*

**“G.R. No. 241024 (*Belchem Philippines, Inc. v. Jay Carlo D. Alba*).**  
- After a judicious review of case, the Court resolves to **AFFIRM** the Decision<sup>1</sup> dated November 24, 2017 and the Resolution<sup>2</sup> dated July 27, 2018 of the Court of Appeals (CA) in CA-G.R. SP No. 144872 and **DENY** the Petition.<sup>3</sup>

The CA committed no reversible error in affirming the findings of the Office of Voluntary Arbitrator of the National Conciliation and Mediation Board. It is an established rule that findings of administrative agencies and quasi-judicial bodies which have acquired expertise in the performance of their official duties and the exercise of their primary jurisdiction, are generally accorded not only with respect, but finality especially when affirmed by the CA.<sup>4</sup>

While it is true that the company-designated physician assessed respondent Jay Carlo D. Alba’s (Alba) injury of “ankylosed wrist and limited action of a wrist” as falling under Disability Grade 11 only,<sup>5</sup> the company-designated physician made no definitive declaration as to Alba’s fitness to work. In fact, Alba’s treatment was terminated by his employer prior to the expiration of the 240-day period within which the company-designated physician may administer treatment and issue a final assessment as to Alba’s fitness or unfitness to work.<sup>6</sup>

<sup>1</sup> Penned by former Court of Appeals Associate Justice Henri Jean Paul B. Inting (now a member of this Court) with Associate Justices Rodil V. Zalameda (now a member of this Court) and Leoncia R. Dimagiba concurring; *rollo*, Vol. I, pp. 47-60.

<sup>2</sup> *Id.* at 62-63.

<sup>3</sup> *Id.* at 3-42.

<sup>4</sup> *NGEI Multi-Purpose Cooperative Inc. v. Filipinas Palmoil Plantation Inc.*, 697 Phil. 433, 443-444 (2012).

<sup>5</sup> *Rollo*, p. 10.

<sup>6</sup> *Id.* at 21-22.

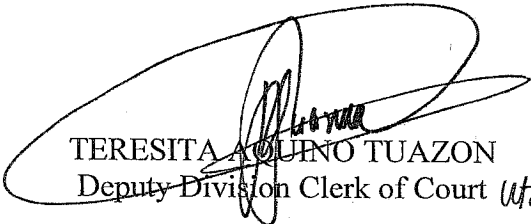
It is well to note that “in disability compensation, it is not the injury which is compensated, but rather it is the incapacity to work resulting in the impairment of one’s earning capacity.”<sup>7</sup> In *Orient Hope Agencies, Inc. v. Jara*,<sup>8</sup> the Court held:

Total disability refers to an employee’s inability to perform his or her usual work. It does not require total paralysis or complete helplessness. Permanent disability, on the other hand, is a worker’s inability to perform his or her job for more than 120 days, or 240 days if the seafarer required further medical attention justifying the extension of the temporary total disability period, regardless of whether or not he loses the use of any part of his body.<sup>9</sup> (Citations omitted)

Additionally, the disability grading issued by the company-designated physician can hardly be considered as final. In *Carcedo v. Maine Marine Philippines, Inc.*,<sup>10</sup> the Court held that an assessment which states that the seafarer will require medical treatment beyond the date of the assessment is merely interim. The failure of the company-designated physician to issue a definitive impediment rating within the extended temporary disability period of 240 days means that the seafarer’s condition lapsed into a total and permanent disability. Verily, this Court sees no reason to overturn the findings and decision of the CA.

**SO ORDERED.”** (Inting, J., no part as he penned the assailed Court of Appeals Decision and Resolution; Lazaro-Javier, J., designated additional Member per Raffle dated July 1, 2019)

Very truly yours,

  
TERESITA AQUINO TUAZON  
Deputy Division Clerk of Court *Wht. 2/4*

<sup>7</sup> See *Jon A. Pastor v. Bibby Shipping Philippines, Inc./ Crew Link Inc./CSS Cruise Ship Solutions Ltd. And/Or Jonathan M. Palma*, G.R. No. 238842, November 19, 2018.

<sup>8</sup> G.R. No. 204307, June 6, 2018, 864 SCRA 428.

<sup>9</sup> Id. at 456.

<sup>10</sup> 758 Phil. 166 (2015).

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(AC-698-RCMB-NCR-MVA-035-05-04-2015)

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