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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 November 2019** which reads as follows:

G.R. No. 241537 (Roberto Delgado v. Eastern Shipping Lines, Inc., and/or Edgar J. Ramirez, and/or Eastern Shipping Lines, Inc.)

After a judicious study of the case, the Court resolves to **DENY** the instant petition¹ and **AFFIRM** the February 14, 2018 Decision² and the August 15, 2018 Resolution³ of the Court of Appeals (CA) in CA-G.R. SP No. 144830 for failure of petitioner Roberto Delgado (petitioner) to sufficiently show that the CA committed any reversible error in upholding the dismissal⁴ of his complaint⁵ for total and permanent disability benefits, moral and exemplary damages and attorney's fees.

As correctly ruled by the CA, petitioner's failure to submit himself for a post-employment medical examination by respondents Eastern Shipping Lines, Inc., and/or Edgar J. Ramirez, and/or Eastern Shipping Lines, Inc.'s company-designated physician was fatal to his cause,⁶ thus, resulting in the forfeiture of his right to claim disability benefits as provided under Section 20 (A) (3) of the 2010 Philippine Overseas Employment Administration-Standard Employment Contract (POEA-SEC).⁷ Besides, petitioner also failed to discharge the burden of proving compliance with the conditions for compensability of his illness as provided under Section 32-A⁸ of the POEA-

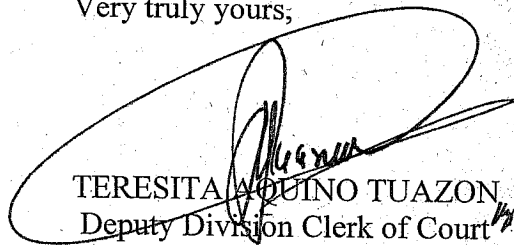
¹ Rollo, pp. 3-17.
² Id. at 21-36. Penned by Associate Justice Eduardo B. Peralta, Jr. with Associate Justices Ricardo R. Rosario and Ronaldo B. Martin, concurring.
³ Id. at 37-39.
⁴ Not attached to the rollo.
⁵ Not attached to the rollo.
⁶ See rollo, pp. 28-29.
⁷ POEA Memorandum Circular No. 10, Series of 2010, entitled "AMENDED STANDARD TERMS AND CONDITIONS GOVERNING THE OVERSEAS EMPLOYMENT OF FILIPINO SEAFARERS ON-BOARD OCEAN-GOING SHIPS," dated October 26, 2010. Section 20 (A) (3) of which reads:
Section 20. COMPENSATION AND BENEFITS
A. COMPENSATION AND BENEFITS FOR INJURY OR ILLNESS
The liabilities of the employer when the seafarer suffers work-related injury or illness during the term of his contract are as follows:
xxx
3. xxx
For this purpose, the seafarer shall submit himself to a post-employment medical examination by a company-designated physician within three working days upon his return except when he is physically incapacitated to do so, in which case, a written notice to the agency within the same period is deemed as compliance. In the course of the treatment, the seafarer shall also report regularly to the company-designated physician specifically on the dates as prescribed by the company-designated physician and agreed to by the seafarer. Failure of the seafarer to comply with the mandatory reporting requirement shall result in his forfeiture of the right to claim the above benefits[.]
⁸ Section 32-A of the 2010 POEA-SEC provides:

Section 32-A. OCCUPATIONAL DISEASES

SEC. Perforce, the CA cannot be faulted in upholding the dismissal of petitioner's complaint. In this regard, the denial of his claims for damages and attorney's fees are likewise in order.

SO ORDERED. (INTING, J., on official leave. ZALAMEDA, J., designated as Additional Member per Special Order No. 2727 dated October 25, 2019.)

Very truly yours,



TERESITA AQUINO TUAZON
Deputy Division Clerk of Court

26 NOV 2019

For an occupational disease and the resulting disability or death to be compensable, all of the following conditions must be satisfied:

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

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GR241537. 11/11/2019A(45)URES

Julia

