

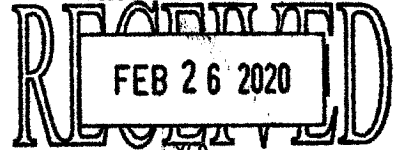


REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

SUPREME COURT OF THE PHILIPPINES
PUBLIC INFORMATION OFFICE



BY: YCA
TIME: 9:47 AM

Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated 27 January 2020 which reads as follows:

“G.R. No. 249784 (Magsaysay Maritime Corporation, Princess Cruise Lines and/or Marlon Rono v. Dennis Tampil Salubon). – After a judicious study of the case, the Court resolves to **DENY** the instant petition¹ and **AFFIRM with MODIFICATION** the March 26, 2019 Decision² and the October 10, 2019 Resolution³ of the Court of Appeals (CA) in CA-G.R. SP No. 156803 for failure of petitioners Magsaysay Maritime Corporation, Princess Cruise Lines and/or Marlon Rono (petitioners) to sufficiently show that the CA committed any reversible error in upholding the awards of total and permanent disability benefits and attorney’s fees in favor of respondent Dennis Tampil Salubon (respondent). However, in light of prevailing jurisprudence,⁴ the Court deems it proper to impose legal interest on the monetary awards due to respondent at the rate of six percent (6%) per annum from the finality of this Resolution until full payment.

As correctly ruled by the CA, since the company-designated physician failed to arrive at a complete and definite assessment of respondent’s fitness to work within the 120/240-day prescribed period,⁵ respondent should be deemed totally and permanently disabled by operation of law.⁶ In this regard, the CA correctly ruled that the declaration that respondent’s condition had “maximally medically improved” cannot be equated with a finding of his fitness to work, absent any categorical statement to such an effect, added to the fact that he was still incapacitated to perform work of a similar nature to that which he was accustomed to, for more than 240 days.⁷ Likewise, the CA was correct in ruling

¹ Rollo, pp. 35-79.

² Id. at 14-29. Penned by Associate Justice Rodil V. Zalameda (now a member of this Court) with Associate Justices Fernanda Lampas Peralta and Henri Jean Paul B. Inting (now a member of this Court), concurring.

³ Id. at 31-32. Penned by Associate Justice Fernanda Lampas Peralta with Associate Justices Danton Q. Bueser and Ronaldo Roberto B. Martin, concurring.

⁴ See *Pelagio v. Philippine Transmarine Carriers, Inc.*, G.R. No. 231773, March 11, 2019, citing *Nacar v. Gallery Frames*, 716 Phil. 267, 283 (2013).

⁵ See rollo, p. 26.

⁶ See *Tamin v. Magsaysay Maritime Corporation*, 794 Phil. 286, 301 (2016).

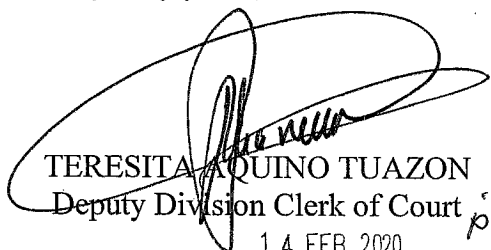
⁷ See *Ampo-on v. Reinier Pacific International Shipping, Inc.*, G.R. No. 240614, June 10, 2019; See *Orient Hope Agencies, Inc. v. Jara*, G.R. No. 204307, June 6, 2018.

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that the waiver executed by respondent was invalid, as the consideration for the same was unreasonable and unconscionable,⁸ and therefore, contrary to public policy.⁹ It bears stressing that factual findings of labor tribunals or agencies, especially when affirmed by the CA, are accorded respect and finality and are binding upon this Court,¹⁰ as in this case.

SO ORDERED. (Carandang, *J.*, designated Additional Member *vice* Inting, *J.*, per Raffle dated November 10, 2019. Reyes, A., Jr. and Hernando, *JJ.*, on official leave.)”

Very truly yours,


TERESITA AQUINO TUAZON
Deputy Division Clerk of Court
14 FEB 2020 p 2/14

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(NLRC NRC Case No. 07-09732-17M5)

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*with copy of CA Decision dated 26 March 2019 &
CA Resolution dated 10 October 2019
Please notify the Court of any change in your address.
GR249784. 01/27/20(86)URES

⁸ See *rollo*, pp. 26-27.

⁹ See *Philippine Employ Services and Resources, Inc. v. Paramio*, 471 Phil. 753, 780 (2004).
¹⁰ *Superior Packaging Corporation v. Balagsay*, 697 Phil. 62, 68-69 (2012).