



# ***DEL ROSARIO PANDIPHIL Inc.***

## **Philippine Shipping Update – Manning Industry**

By: Ruben Del Rosario, President, Del Rosario Pandiphil Inc., February 16, 2016 (Issue 2016/02)

*“Del Rosario & Del Rosario is often first port of call for employment law within the maritime industry, where it represents shipowners, agents, insurers and port owners.” Asia-Pacific, The Legal 500, 2014, p. 494*

## **Substantial Evidence needed to prove compensability of illness**

Substantial evidence has been defined as such relevant evidence as a reasonable mind might accept as adequate to support a conclusion even if other minds equally reasonable might conceivably opine otherwise.

In two recent decisions of the Supreme Court, seafarers were granted disability benefits as they were able to prove with substantial evidence that their illnesses are work-related.

In ***Jay Licayan vs. Seacrest Maritime Management, Inc. Clipper Fleet Management and/or Redentor Anaya***, the Court held compensable seafarer’s illness of panic disorder. The Court reasoned that it was duly proven that aside from seafarer’s daily routine as Fitter, he would perform and install the water and oil separation fixtures during the voyage which was normally done when the vessel was on dry dock. He would also install the steel platforms which serve as the path walk of the crew when the vessel is loaded with chemicals. The extraordinary difficult job of the seafarer unduly put him under great pressure resulting to emotional disorder. The seafarer likewise presented the opinion of his personal doctor which categorically stated that his illness is work-related as compared to the opinion of the company-designated doctor that the cause of the illness is unknown and genetics may be a factor. The Court likewise held that the opinion of the doctor was not able to overcome the presumption in favor of the seafarer that the illness is work-related.

In the case of ***Philippine Transmarine Carriers, Inc. and Northern Marine Management vs. Joselito Cristino***, the Supreme Court likewise held that substantial evidence showed that seafarer’s malignant melanoma (a type of skin cancer) is work-related. The seafarer was also a Fitter and was able to prove that his duties would include being exposed to direct sunlight when he was doing deck work. The Supreme Court noted that seafarer was working with the company for the past 15 years and that his exposure to sunlight while working may have caused, or at the very least, aggravated his illness. Lastly, the Court did not give due weight to the opinion of the company-designated physician that the illness is not work-related for being unsubstantiated as compared to the seafarer’s personal doctor who treated him extensively.

*Jay Licayan vs. Seacrest Maritime Management, Inc. Clipper Fleet Management and/or Redentor Anaya, G.R. No. 213679, January 13, 2016; Second Division, Associate Justice Jose Catral Mendoza, Ponente*

*Philippine Transmarine Carriers, Inc. and Northern Marine Management vs. Joselito Cristino, G.R. No. 188638, December 9, 2015; Second Division, Associate Justice Jose Catral Mendoza, Ponente*

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*"Del Rosario & Del Rosario is more or less unrivalled when it comes to maritime work in the Philippines" from Asia-Pacific, The Legal 500, 2014, p. 497*

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*"Offers comprehensive shipping expertise. Maintains an excellent reputation for representing P&I firms and handling collision and crew casualties. A strong team that is well known in the market." Chambers Asia Pacific, 2014 p. 949*

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