



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **22 June 2020** which reads as follows:*

“G.R. No. 251771 (Nonette Jones Portajada Vargas v. Sea Workforce Manila Co., Cyprus Sea Lines Co., Ltd. and Alain A. Ancheta). – After a careful review of the records of the case, the Court resolves to **DENY** the instant petition and **AFFIRM** the Decision dated 25 July 2019 and Resolution dated 7 February 2020 of the Court of Appeals (CA) in CA-G.R. SP No. 157814 for failure of petitioner Nonette Jones Portajada Vargas to show that the CA committed any reversible error in ruling that he was not entitled to total and permanent disability benefits.

Section 20(B)[4] of the 2010 Philippine Overseas Employment Administration Standard Employment Contract (POEA-SEC) provides that illnesses not listed under Section 32 are disputably presumed as work-related. However, even with this presumption, the burden is placed upon the claimant to present substantial evidence that his work conditions caused or at least increased the risk of contracting the disease in order to be entitled to disability benefits.

As correctly ruled by the CA, Vargas failed to discharge this burden. Records show that Vargas’ illness was pre-existing. The National Labor Relations Commission found that “complainant admitted that he was already experiencing the early signs of his anxiety disorder PRIOR to boarding the vessel.” A disability arising from a pre-existing illness is not compensable.¹ Also, Vargas failed to prove that the nature of his tasks, as well as the connection or link of his position as a Catering Trainee for less than two weeks aboard the ship to his illness, is work-related and aggravated his condition.

Further, Section 20 (A)(3) of the POEA-SEC requires a claiming seafarer to submit himself to a company-designated physician for medical

¹ *NYK-Fil Shipmanagement Inc. v. NLRC*, 534 Phil. 725, 738 (2006).

examination within a period of three (3) days from repatriation. For failing to strictly comply with this mandatory reporting requirement, Vargas forfeits his right to compensation and disability claims. Thus, Vargas is not entitled to any total and permanent disability benefits.

WHEREFORE, we **DENY** the petition and **AFFIRM** the Decision dated 25 July 2019 and Resolution dated 7 February 2020 of the Court of Appeals in CA-G.R. SP No. 157814.

SO ORDERED." (*J. Gaerlan, designated Additional Member per Special Order No. 2780 dated May 11, 2020, on leave.*)

Very truly yours,


TERESITA AQUINO TUAZON
Deputy Division Clerk of Court *utb 8/20*

24 AUG 2020

BANTOG AND ANDAYA LAW OFFICES (reg)
Counsel for Petitioner
7/F, Exchange corner Building 107
VA Rufino St. corner Esteban & Bolanos Streets
Legaspi Village, Makati City

MARILYN P. CACHO & ASSOCIATES (reg)
Counsel for Respondent
Suite 401, J & T Building
3894 R. Magsaysay Boulevard
Sta. Mesa, Manila

NATIONAL LABOR RELATIONS
COMMISSION (reg)
PPSTA Building, Banawe Street
corner Quezon Boulevard
1100 Quezon City
(NLRC LAC No. 06-000396-18/
(NLRC NCR OFW Case No. (M) 11-16348-17)

JUDGMENT DIVISION (x)
Supreme Court, Manila

PUBLIC INFORMATION OFFICE (x)
LIBRARY SERVICES (x)
[For uploading pursuant to A.M. No. 12-7-1-SC]

OFFICE OF THE CHIEF ATTORNEY (x)
OFFICE OF THE REPORTER (x)
Supreme Court, Manila

COURT OF APPEALS (x)
Ma. Orosa Street
Ermita, 1000 Manila
CA-G.R. SP No. 157814

Please notify the Court of any change in your address.
GR251771. 06/22/2020B(12)URES