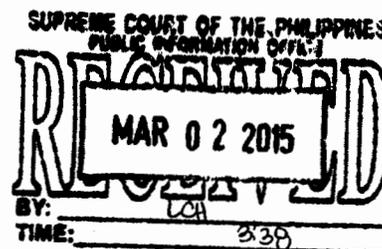




Republic of the Philippines  
Supreme Court  
Manila

FIRST DIVISION



NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated February 4, 2015 which reads as follows:*

**“G.R. No. 215536 (Enrique Postrero v. Elburg Shipmanagement Philippines, Inc., Avebury Consulting SA Panama, and Evangeline Racho).** - After a judicious review of the records, the Court resolves to **DENY** the instant petition and **AFFIRM** the February 27, 2014 Decision<sup>1</sup> and November 21, 2014 Resolution<sup>2</sup> of the Court of Appeals (CA) in CA-G.R. SP No. 130363 for failure of Enrique Postrero (petitioner) to show that the CA committed any reversible error in holding that he was only entitled to Grade 10 disability benefits.

As correctly ruled by the CA, the assessment of the company-designated physician is more convincing than the chosen doctor of petitioner. It is well-settled that in instances where the findings of the company-designated physician and the seafarer-nominated physician are contrary to each other, both the company and the seafarer may jointly seek the opinion of a third doctor whose decision shall be final and binding between them. Otherwise, it shall be the decision of the company-designated physician that shall prevail,<sup>3</sup> as in this case.

- over - two (2) pages...

220

<sup>1</sup> *Rollo*, pp. 29-39. Penned by Associate Justice Marlene Gonzales-Sison with Associate Justices Rosmari D. Carandang and Edwin D. Sorongon, concurring.

<sup>2</sup> *Id.* at 27-28.

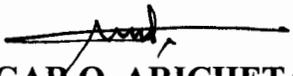
<sup>3</sup> See *Ayungo v. Beamko Shipmanagement Corporation*, G.R. No. 203161, February 26, 2014; citation omitted.

Moreover, the petition remains dismissible for failure to attach material portions of the record, *i.e.*, the Labor Arbiter's Decision and the NLRC Resolution, as required under Section 5 in relation to Section 4(d), Rule 45 of the Rules of Court.

The petitioner is hereby required to **SUBMIT** within five (5) days from notice hereof, a soft copy in compact disc, USB or e-mail containing the PDF file of the signed petition for review on certiorari and annexes pursuant to the Resolution dated February 25, 2014 in A.M. Nos. 10-3-7-SC and 11-9-4-SC; and Court of Appeals is **DELETED** as party respondent in this case pursuant to Sec. 4, Rule 45, 1997 Rules of Civil Procedure, as amended.

**SO ORDERED."**

Very truly yours,

  
**EDGAR O. ARICHETA**  
Division Clerk of Court  
220

Atty. Justiniano B. Panambo, Jr.  
Counsel for Petitioner  
Suite 214, Kaimo Building  
101 Quezon Avenue  
1100 Quezon City

Court of Appeals (x)  
Manila  
(CA-G.R. SP No. 130363)

DEL ROSARIO & DEL ROSARIO  
LAW OFFICES  
Counsel for Respondents  
14<sup>th</sup> Flr., DelRosarioLaw Building  
21<sup>ST</sup> Drive corner 20<sup>th</sup> Drive  
Bonifacio Global City  
1630 Taguig City

National Labor Relations Commission  
PPSTA Building, Banawe Street  
1100 Quezon City  
(NLRC LAC CASE NO. 10-000923-12 [8])

Public Information Office (x)  
Library Services (x)  
Supreme Court  
(For uploading pursuant to A.M.  
No. 12-7-1-SC)

Judgment Division (x)  
Supreme Court

SR

1