



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **March 4, 2020** which reads as follows:*

“G.R. No. 250481 - *Philippine Transmarine Carriers, Inc., Norwegian Crewing Management and Antonio Espinosa v. Jojo Sarceno Mayo*

Considering the allegations, issues and arguments adduced in the Petition for Review on *Certiorari* of the Decision¹ dated May 9, 2019 and Resolution² dated November 11, 2019 of the Court of Appeals (CA) in CA-G.R. SP No. 158856, the Court resolves to **DENY** the petition for failure of the petitioners to sufficiently show that the CA committed any reversible error in the challenged decision and resolution as to warrant the exercise of this Court’s discretionary appellate jurisdiction.

A careful consideration of the petition indicates the failure of petitioners to show any cogent reason why the actions of the Labor Arbiter (LA), the National Labor Relations Commission (NLRC), and the CA, which have passed upon the same issues should be reversed. Petitioners failed to show that their factual findings are not based on substantial evidence or that their decisions are contrary to applicable law and jurisprudence.

While the petitioners correctly argue that no legal presumption of compensability is accorded in favor of the seafarer and thus, the seafarer bears the burden of proving that the conditions are met,³ we find no reason to disturb the consistent rulings of the LA, NLRC and the CA with regard to the sufficiency of the evidence presented for the compensability of the ailment sustained by the respondent.

- over – three (3) pages ...

96

¹ Penned by Associate Justice Ma. Luisa C. Quijano-Padilla, with Associate Justices Elihu A. Ybañez and Gabriel T. Robeniol, concurring; *rollo*, pp. 44-53.

² *Id.* at 55-57.

³ *Id.* at 15.

The findings of the LA, NLRC and CA regarding the sufficiency of evidence presented by the respondent stand over the bare allegation of the petitioners that respondent's low back pain or *colitis* while he was on board the vessel is totally unrelated to his heart ailment. Petitioners, in asserting their claim, did not present any scientific or medical basis; instead, petitioners merely defined *colitis*.⁴

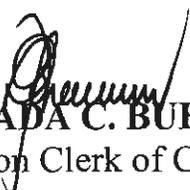
To reiterate, only questions of law may be raised in a petition for review on *certiorari* under Rule 45.⁵ Factual findings of administrative or quasi-judicial bodies, including labor tribunals, are accorded much respect by the Court as they are specialized to rule on these matters.⁶

Our concurrence with the CA, notwithstanding, we find that a modification of the decision is in order to be consistent with prevailing jurisprudence. On top of the monetary benefits due to respondent, herein petitioners are ordered to pay legal interest thereon, at the rate of 6% per annum from the time of finality of this resolution until full satisfaction.

WHEREFORE, the petition is **DENIED** for lack of merit. The Decision dated May 9, 2019 and the Resolution dated November 11, 2019 of the Court of Appeals in CA-G.R. SP No. 158856 is **AFFIRMED with MODIFICATION** in that the monetary awards due Jojo Sarceno Mayo shall earn legal interest of 6% per annum from date of finality of this resolution until full payment thereof.

SO ORDERED.” *Peralta, C.J., on official business.*

Very truly yours,


LIBRADA C. BUENA
Division Clerk of Court

96

- over -

⁴ Id. at 14.

⁵ RULES OF COURT, Rule 45, Sec. 1; *Claret School of Quezon City v. Sinday*, G.R. No. 226358, [October 9, 2019].

⁶ *Andrews Manpower Consulting, Inc. v. Buhawe, Jr.*, G.R. No. 249633 (Notice), December 4, 2019.



NOLASCO & ASSOCIATES LAW
OFFICES
Counsel for Petitioners
Room 425 Padilla de los Reyes Bldg.
232 Juan Luna St., Binondo
1006 Manila

Court of Appeals (x)
Manila
(CA-G.R. SP No. 158856)

LINSANGAN LINSANGAN &
LINSANGAN LAW OFFICES
Counsel for Respondent
5th Flr., Linsangan Admiralty Bldg.
1225 United Nations Ave.
1000 Manila

NATIONAL LABOR RELATIONS
COMMISSION
PPSTA Building, Banawe Street
1100 Quezon City
(NLRC LAC No. [OFW-M] 01-000048
-18; NLRC NCR Case No. [M] 03
-04157-17]

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



96

UR

