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THIRD DIVISION

[G.R. No. 192993, August 11, 2014]

**WALLEM MARITIME SERVICES, INC., AND REGINALDO
OBEN/WALLEM SHIPMANAGEMENT LIMITED, PETITIONERS, VS.
DONNABELLE PEDRAJAS AND SEAN JADE PEDRAJAS,
RESPONDENTS.**

D E C I S I O N

PERALTA, J.:

Before this Court is a Petition for Review on *Certiorari*, assailing the Decision^[1] and Resolution^[2] of the Court of Appeals (CA), dated February 11, 2010 and July 20, 2010, respectively, in CA-G.R. SP No. 102499, which affirmed the Decision and Resolution of the National Labor Relations Commission (NLRC), dated October 31, 2007 and January 30, 2008, respectively, in NLRC OFW Case No. (M) 04-08-02209-00/NLRC NCR CA NO. 049636-06, awarding death benefits to respondents.

The antecedents are as follows:

Petitioner Wallem Maritime Services, Inc. is a domestic corporation licensed to engage in the manning business. Petitioner Wallem Maritime Ship Management is a foreign corporation which is the principal of Wallem Maritime Services, Inc., while Reginaldo Oben is the President of Wallem Maritime Services, Inc. In 2004, petitioner Wallem Maritime Services, Inc. and Hernani Pedrajas (*Hernani*) entered into a contract of employment wherein Hernani was hired as Engine Boy on board the M/V Crown Jade. In March 2005, during the effectivity of his employment contract and while the vessel was in Italy, Hernani was found hanging on the Upper Deck B of the vessel with a rope tied to his neck. Hernani's spouse and herein respondent, Donnabelle Pedrajas (*Donnabelle*), was informed that Hernani hanged himself and was found dead in the vessel. She was also informed that investigations were being conducted by the Italian Government relative to Hernani's death. His body was repatriated back to the Philippines in April 2005.

Suspecting foul play, Donnabelle sought the assistance of the Philippine National Police (PNP) Crime Laboratory to conduct a forensic examination on the remains of Hernani and to investigate the cause of his death. Donnabelle also requested the National Bureau of Investigation (NBI) to investigate the incident. After the investigation, the PNP Crime Laboratory and the NBI concluded that homicide cannot be totally ruled out. Due to the foregoing, in June 2005, Donnabelle, as beneficiary of Hernani, filed a claim for death compensation benefits under the POEA Standard Employment Contract and the Associates Marine Officer's and Seafarer's Union of the Philippines Collective Bargaining Agreement (AMOSUP-CBA). She also demanded attorney's fees, moral, and

exemplary damages.

Petitioners' claim that they have no obligation to pay death benefits to the heirs of Hernani because the latter's death was self-inflicted and therefore exempted from the coverage of death benefits under the Philippine Overseas Employment Agency-Standard Employment Contract (POEA-SEC) and the AMOSUP-CBA. Petitioners argued that Hernani was involved in a drug smuggling activity and fearing that he would be arrested and would bring shame to his family, he committed suicide. To support their claim, petitioners attached an authenticated Forensic Report^[3] released by the Medical Examiner in Italy which stated that Hernani committed suicide by hanging himself. The same report indicated that during the course of the autopsy, Hernani was found positive for cocaine.^[4] When his lifeless body was found hanging, two suicide notes were found by the Italian authorities. One was addressed to his wife and the other to the vessel's crew. The suicide note addressed to his wife stated that he committed suicide because he was implicated in a drug syndicate and he did not want to be jailed for the rest of his life. The second suicide note led to the arrest of Deck Boy Joseph Harder, who admitted his participation in the drug dealing operation. It also pointed the Italian authorities to where the remaining cocaine and the proceeds from its illegal sale were being hidden on-board the vessel.

On March 31, 2006, the Labor Arbiter (LA) ruled in favor of petitioners and denied the respondents' claim for death benefits.^[5] The LA sustained petitioners' claim that Hernani committed suicide, giving credence to the Forensic Report submitted by the Italian authorities concluding that his death was self-inflicted.

Respondents appealed to the NLRC. On October 31, 2007, the NLRC reversed the LA's decision and ruled that Hernani's death was not proven to be self-inflicted.^[6] Hence, it awarded death compensation and attorney's fees to the respondents.

Aggrieved, petitioners filed a petition for *certiorari* before the CA. On February 11, 2010, the CA denied the petition and held that the Forensic Report issued by the Public Prosecutors Office in Livorno, Italy was "weakened" by the findings of the PNP and the NBI, which did not totally rule out homicide.^[7] The CA further did not give credence to the photocopies of the alleged suicide notes presented by the petitioners for its failure to prove that the suicide notes were written by Hernani. Hence, it found that petitioners failed to discharge its burden of proving that Hernani committed suicide, so as to evade its liability for death benefits. A Motion for Reconsideration was filed by petitioners, but was denied in a Resolution^[8] dated July 20, 2010.

Petitioners are now before this Court, raising the following issues:

I

WHETHER THE COURT OF APPEALS SERIOUSLY ERRED IN FAILING TO ABIDE BY THE EXPRESS MANDATE OF THE GOVERNING POEA-SEC AND PERTINENT CBA THAT DEATH ARISING FROM A WILLFUL ACT IS NOT COMPENSABLE AND WILL BAR THE SEAMAN'S HEIRS FROM RECEIVING

DEATH BENEFITS.

II

WHETHER THE COURT OF APPEALS SERIOUSLY ERRED IN FAILING TO CONSIDER AND GIVE CREDENCE TO THE SEVERAL PIECES OF EVIDENCE AND CIRCUMSTANCES WHICH WOULD ALL CONCLUSIVELY POINT TO THE FACT THAT THE SEAMAN COMMITTED SUICIDE.

III

WHETHER THE COURT OF APPEALS SERIOUSLY ERRED IN FAILING TO CONSIDER THAT NO PROOF WHATSOEVER WAS PRESENTED TO SHOW THAT THE DEATH OF THE SEAMAN IS RELATED IN ANY MANNER TO HIS WORK ON-BOARD THE VESSEL.^[9]

The main issue for resolution is whether Hernani committed suicide during the term of his employment contract which would exempt petitioners from paying Hernani's death compensation benefits to his beneficiaries.

The petition is meritorious.

Section 20 (D) of the POEA-SEC provides:

No compensation and benefits shall be payable in respect of any injury, incapacity, disability or death of a seafarer resulting from his willful or criminal act or intentional breach of his duties x x x.

The death of a seaman during the term of his employment makes the employer liable to the former's heirs for death compensation benefits.^[10] This rule, however, is not absolute. The employer may be exempt from liability if it can successfully prove that the seaman's death was caused by an injury directly attributable to his deliberate or willful act.^[11] Hence, respondents' entitlement to any death benefit depends on whether petitioners' evidence suffices to prove that Hernani committed suicide, and the burden of proof rests on his employer.^[12]

In the case at bar, the Italian Medical Examiner found that:

During the necroscopic investigation, no other forms of injuries were noted on the body of Pedrajas and his viscera; this allows us to retain that Pedrajas suffered no physical violence before the hanging and that he hung himself, in order to commit suicide, of his own accord. The presence of flakes of white paint on the palms of both hands, the same as on the gangway, the banister and the pipe where the rope was fixed, is an element which goes to confirm - even if of lesser value - the theory that Pedrajas

himself tied the rope to the metal pipe.

x x x x

Therefore no elements at all have emerged such as would lead us to believe that third parties may have intervened in causing the death, and the way in which Mr. Pedrajas died, as described, conforms to suicide.^[13]

The Italian Medical Examiner further concluded that:

x x x There are no elements which may lead one to suppose/assume the direct intervention of third parties in causing the death of the young seaman.

In other words, beyond all reasonable doubt, everything points to Pedrajas having hung himself in order to commit suicide.^[14]

In the case at bar, the CA did not give credit to the report and findings made by the Medical Examiner appointed by the Italian Court who conducted the autopsy on the body of Hernani. The CA held that the Forensic Report of the Public Prosecutor's Office of Livorno, Italy was "weakened" by the findings of the PNP Crime Laboratory and the NBI. The PNP Crime Laboratory, in its report, stated thus:

Unfortunately, my knowledge of the case is limited by the fact that I have no police report and autopsy report done in Italy. I have no pictures of the following: crime scene, cord/rope, type of knot, position of the body when it was found. In this case, I only have the body and the verbal information disclosed to me by the wife and sister of the victim. x x x

To be able to determine if the strangulation is "suicide or homicide," it should not be only limited to the autopsy, but it must be based on several aspects like knowledge of the "crime scene, victim's behavior and other things related to it. x x x

x x x x

Based on the following information and physical findings, I cannot totally rule-out homicide.^[15]

The NBI, on the other hand, did not conduct any autopsy of the body of Hernani and just based their opinion on documents submitted to them and information coming solely from his relatives. The Medico-Legal Officer of the NBI found that:

In view of the above facts and observations, **it is the opinion of the undersigned that HOMICIDE cannot be totally ruled out.**

This compliance was merely to render an opinion and should not be construed as judgment.^[16]

From the foregoing, it is more logical to rely on the findings of the Italian Medical examiner. In *Maritime Factors, Inc. v. Hindang*,^[17] the Court gave credence to the medical report made by the Saudi Arabian doctor, who immediately conducted an autopsy on the seafarer's body upon his death. The Court reasoned, thus:

We give credence to Dr. Hameed's medical report establishing that Danilo committed suicide by hanging himself. Dr. Hameed conducted the autopsy of Danilo's remains immediately after the latter's death. He saw first-hand the condition of Danilo's body, which upon his examination led him to conclude that Danilo died by hanging himself. His report was comprehensive and more detailed. He, likewise, noted, that there were no signs of violence or resistance, or any external injuries except a very slight and artificial injury of nearly 5 cm among the toes of Danilo's right leg. ^[18]

Here, it should be noted that the Medical Examiner appointed by the Italian Court was not merely limited to the autopsy of the remains of Hernani. The findings of the Italian Medical Examiner were made after he personally and carefully examined the place immediately after the incident. The medical examiner had the luxury of investigating the crime scene, the rope used for hanging, type of knot, temperature and position of the body when found. As aptly found by the LA:

Moreover, this Office is more than convinced that the death of the seafarer is due to his hanging himself which would disqualify his heirs from entitlement to death benefits under the POEA Contract and the CBA. The forensic report issued by the Italian authorities proves this fact. In said forensic report issued by the Italian Medical Examiner from the Public Prosecutor's Office, it was found that the (sic) based on the evidence that he personally examined everything points to Mr. Pedrajas hanging himself to commit suicide. As sufficiently argued by the respondents (petitioners herein) the findings of the Medical Examiner appointed by the Italian Court was made after he personally and carefully examined the place of the incident immediately after the body of Mr. Pedrajas was found. x x x^[19]

Apparent from the foregoing, the report of the Italian Medical Examiner, which stated that Hernani committed suicide is more categorical and definite than the uncertain findings of the PNP Crime Laboratory and the NBI that homicide cannot be totally ruled out. Excerpts from the PNP and NBI reports would disclose that both agencies were unsure if homicide or suicide was the underlying cause of Hernani's death. Hence, the

Court agrees with the findings of the LA and his judgment to give weight and credence to the evidence submitted by the petitioners proving that Hernani committed suicide.

Anent the suicide notes left by Hernani to his wife and to the vessel's crew, the CA did not appreciate the notes due to the petitioner's alleged failure to prove that the notes were written by Hernani. On their part, the respondents alleged that since the original copies of the notes were not presented, but mere photocopies, the same should not be considered by the Court. We cannot find merit in respondents' protestations against the documentary evidence submitted by petitioners because they were mere photocopies.

It is settled that proceedings before the NLRC are not covered by the technical rules of evidence and procedure as observed in the regular courts.^[20] The LA and the NLRC are directed to use every and all reasonable means to ascertain the facts in each case speedily and objectively, without regard to technicalities of law and procedure all in the interest of substantial justice.^[21] In this light, the LA need not resort to the technical rules of evidence, in order to ascertain whether the notes were written by Hernani. In the present case, the LA found that:

x x x The handwriting and the terminologies used in the suicide notes (Annex "1" and "2" of respondents' reply) and that presented by the complainants as Annex "D" of their position paper are identical which would lead to the conclusion that the author of both are [one and] the same. Mr. Pedrajas wrote two suicide notes where he admitted his participations as a lookout in the operation in Spain and implicated Deck Boy Harder who eventually confessed as to his participation in the operations and eventually led the Italian authorities to where the other cocaine [were] being hidden on-board the vessel. x x x ^[22]

Since the Labor Arbiter had, after comparing the suicide notes and the letters presented by the respondents, concluded and determined that the letters were of the handwriting of Hernani, the CA should have considered these pieces of evidence, in determining whether Hernani committed suicide, as it explained the reason why Hernani took his life. Further, the petitioners were able to explain why the original copies of the documents were not presented during the proceedings before the LA. The reason for its non-production is that the notes were in the possession of the Italian Authorities as part of the evidence in their investigation and will not be released until such time as a final determination in said proceedings is made.^[23] Petitioners' failure to submit the original copy of the suicide notes is, thus, not a ground for disregarding such note.

Moreover, the credibility and authenticity of Hernani's suicide notes are also beyond doubt. In fact, the statements contained in the notes led to the investigation and arrest of Deck Boy Harder, who confessed as to his participation in the drug operations which eventually led the Italian authorities to where the remaining cocaine and proceeds thereof were being hidden on-board the vessel. Since the information in the notes proved to be informative and useful to the Italian authorities, it would only lend

more credence to its genuineness and truthfulness. Verily, it could only lead to the conclusion that the notes were written by no other person except Hernani.

Since the petitioners were able to prove that Hernani committed suicide, Hernani's death is not compensable and his heirs are not entitled to any compensation or benefits. It is settled that when the death of a seaman resulted from a deliberate or willful act on his own life, and it is directly attributable to the seaman, such death is not compensable.^[24]

WHEREFORE, the petition is **GRANTED**. The Decision of the Court of Appeals in CA G.R. SP No. 102499, dated February 11, 2010, and the Resolution dated July 20, 2010, are **REVERSED** and **SET ASIDE**. The Labor Arbiter's Decision dated March 31, 2006 is **REINSTATED**.

SO ORDERED.

*Velasco, Jr., (Chairperson), Peralta, Villarama, Jr., *Mendoza, and Leonen, JJ., concur.*

September 4, 2014

NOTICE OF JUDGMENT

Sirs/Mesdames:

Please take notice that on August 11, 2014 a Decision, copy attached herewith, was rendered by the Supreme Court in the above-entitled case, the original of which was received by this Office on September 4, 2014 at 2:15 p.m.

Very truly yours,
(SGD)
WILFREDO V. LAPITAN
Division Clerk of Court

* Designated Acting Member, per Special Order No. 1691 dated May 22, 2014, in view of the vacancy in the Third Division.

[1] Penned by Associate Justice Elihu A. Ybañez, with Associate Justices Amelita G. Tolentino and Arturo G. Tayag, concurring; *rollo*, pp. 11-33.

- [2] *Rollo*, pp. 34-35.
- [3] *CA rollo*, pp. 131-139.
- [4] *Id.* at 135.
- [5] *Id.* at 185-192.
- [6] *Id.* at 41-53.
- [7] *Rollo*, pp. 11-33.
- [8] *Id.* at 34-35.
- [9] *Id.* at 47-48.
- [10] *NFD Int'l. Manning Agents v. NLRC*, 348 Phil. 264, 273 (1998).
- [11] *Id.*
- [12] *Lapid v. NLRC*, 366 Phil. 10, 17 (1999).
- [13] *CA rollo*, p. 137. (Emphasis ours)
- [14] *Id.* at 137-138. (Emphasis ours)
- [15] *Id.* at 157-158. (Emphasis ours)
- [16] *Id.* at 183. (Emphasis ours)
- [17] G.R. No. 151993, October 19, 2011, 659 SCRA 526.
- [18] *Maritime Factors, Inc. v. Hindang*, *supra*, at 534.
- [19] *CA rollo*, p. 190.
- [20] *Maritime Factors, Inc. v. Hindang*, *supra* note 17, at 534.
- [21] *Id.*
- [22] *CA rollo*, p. 191.
- [23] *Rollo*, pp. 173-174.

[24] *Mabuhay Shipping Services, Inc. v. NLRC* (1st Div.), 271 Phil. 142, 146 (1991).



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