EN BANC

G.R. No. 236263 – OCEANMARINE RESOURCES CORPORATION, *petitioner*, ***versus*** **JENNY ROSE G. NEDIC, on behalf of her minor son, JEROME NEDIC ELLAO,** *respondent.*

Promulgated:

July 19, 2022

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SEPARATE AND DISSENTING OPINION

CAGUIOA, *J.*:

While I agree with the *ponencia*'s disposition of the case, I disagree as to the conclusion that the law affords workers or their dependents a choice, in case of work-related illness, injury, or death, to file either an action claiming compensation or one for damages.

Workmen's compensation laws are based on a theory distinct from the theory of damages.[1] Under the theory of compensation, the ensuing liability for work-related disability or death is no longer predicated on a finding of negligence on the part of the employer. Instead, compensation for such disability or death becomes part of the cost of production of the industry.[2] As held by the Court, compensation laws are intended to abrogate the Civil Code relative to obligations arising from non-punishable fault or negligence.[3]

The theory of compensation was first introduced when the Philippine Legislature enacted Act No. 3428[4] or the Workmen's Compensation Act (WCA) in 1927. Then, in 1950, Republic Act (R.A.) No. 386[5] or the Civil Code of the Philippines (Civil Code) similarly provided for a compensation remedy under Article 1711[6] thereof. Since the Civil Code does not provide

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1 *Murillo v. Mendoza*, 66 Phil. 689, 699 (1938).

2 Id. at 700.

3 Id. at 698.

4 AN ACT PRESCRIBING THE COMPENSATION TO BE RECEIVED BY EMPLOYEES FOR PERSONAL INJURIES, DEATH OR ILLNESS CONTRACTED IN THE PERFORMANCE OF THEIR DUTIES, otherwise known as the "WORKMEN'S COMPENSATION ACT," approved on December 10, 1927.

5 AN ACT TO ORDAIN AND INSTITUTE THE CIVIL CODE OF THE PHILIPPINES, otherwise known as the "CIVIL CODE OF THE PHILIPPINES," approved on June 18, 1949.

6 ART. 1711. Owners of enterprises and other employers are obliged to pay compensation for the death of or injuries to their laborers, workmen, mechanics or other employees, even though the event may have been purely accidental or entirely due to a fortuitous cause, if the death or personal injury arose out of and in the course of the employment. The employer is also liable for compensation if the employee contracts any illness or disease caused by such employment or as the result of the nature of the employment. If the mishap was due to the employee's own notorious negligence, or voluntary act, or drunkenness, the employer shall not be liable for compensation. When the employee's lack of due care contributed to his death or injury, the compensation shall be equitably reduced.

for the repeal of the WCA, both provisions co-existed for a period of time where two types of compensation remedies were available.

This changed with the passage in 1974 of Presidential Decree No. 442[7] or the Labor Code of the Philippines (Labor Code). The new compensation scheme found under Title II, Book IV thereof replaced the WCA.[8] Similarly, and, as correctly held in the *ponencia*, it also repealed Article 1711 of the Civil Code. Thus, at present, the only available compensation remedy is that which is found under the Labor Code.

It is my submission that **this compensation remedy under Title II, Book IV of the Labor Code is the *only* recourse available** to workers and their dependents in case of work-related illness, injury, or death. Recovery of damages under the Civil Code, based on breach of contract, quasi-delict, or abuse of rights, is not an available remedy.

This conclusion is, foremost, the obvious import of Article 179 of the Labor Code, the so-called *exclusivity provision,* which reads as follows:

> ART. 179. [173] **Extent of Liability.** – Unless otherwise provided, the liability of the State Insurance Fund under this Title shall be **exclusive and in place of all other liabilities of the employer to the employee, his dependents or anyone otherwise entitled to receive damages on behalf of the employee or his dependents**. The payment of compensation under this Title shall not bar the recovery of benefits as provided for in Section 699 of the Revised Administrative Code, Republic Act Numbered Eleven Hundred Sixty-One, as amended, Republic Act Numbered Six Hundred Ten, as amended, Republic Act Numbered Forty-Eight Hundred Sixty-Four, as amended, and other laws whose benefits are administered by the System or by other agencies of the government. (Underscoring and emphasis supplied)

The phrase "*exclusive and in place of all other liabilities of the employer to the employee*," places upon the State Insurance Fund the **exclusive** responsibility to pay the workers or their dependents compensation ***in case of work-related illness, injury, or death, and relieves the employer of any further liability***. The provision's reference to "damages" as a parameter to determine who may receive compensation, *i.e.*, "*or anyone otherwise entitled to receive damages on behalf of the employee*," is an indication that the law intends that the remedy under Title II, Book IV of the Labor Code would be in lieu of any action for damages

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[7] A DECREE INSTITUTING A LABOR CODE, THEREBY REVISING AND CONSOLIDATING LABOR AND SOCIAL LAWS TO AFFORD PROTECTION TO LABOR, PROMOTE EMPLOYMENT AND HUMAN RESOURCES DEVELOPMENT AND INSURE INDUSTRIAL PEACE BASED ON SOCIAL JUSTICE, otherwise known as the "LABOR CODE OF THE PHILIPPINES," approved on May 1, 1974. Amended and renumbered by DOLE Department Advisory No. 01, series of 2015 issued on July 21, 2015.

[8] See *Raro v. Employees' Compensation Commission*, 254 Phil. 846, 853 (1989) and *Orate v. Court of Appeals*, 447 Phil. 654, 661 (2003).

under the Civil Code. After all, "damages" is an entirely different concept from "compensation".[9]

Additionally, the first sentence of Article 179 does not require that the State Insurance Fund be found actually liable, for the *exclusivity provision* to apply. The use of the word "liability" in the phrase "*liability of the State Insurance Fund under this Title*" merely describes the extent of the State Insurance Fund's obligation to pay compensation. As such, this should be read in conjunction with Article 178[10] of the Labor Code which excuses the State Insurance Fund from the obligation to pay compensation "when the disability or death was occasioned by the employee's intoxication, willful intention to injure or kill himself or another, notorious negligence, or otherwise provided under this Title." In these instances, Title II, Book IV of the Labor Code will not apply because the injury, illness, or death sustained by the employee in such cases will not be considered as work-related.

Meanwhile, the exceptions to the *exclusivity provision* are likewise found in Article 179 and referenced by the phrase "*[u]nless otherwise provided.*" These exceptions are the **benefits** accorded by the Social Security Law,[11] the Armed Forces Death Gratuity and Disability Pension Act,[12] the Police Act,[13] and *other laws whose benefits are administered by the System or by other agencies of the government*. Accordingly, private sector workers or their dependents may claim benefits from the Social Security System (SSS) pursuant to the Labor Code and the Social Security Law, from the Philippine Health Insurance Corporation (PHIC) pursuant to the National Health Insurance Act,[14] and from Pag-IBIG pursuant to the Home Development Mutual Fund Law.[15]

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9 See *Murillo v. Mendoza*, supra note 1, at 699 and *Floresca v. Philex Mining Corp.*, 220 Phil. 533, 547 (1985).

10 ART. 178. [172] **Limitation of Liability.** – The State Insurance Fund shall be liable for compensation to the employee or his dependents, except when the disability or death was occasioned by the employee's intoxication, willful intention to injure or kill himself or another, notorious negligence, or otherwise provided under this Title.

11 R.A. No. 1161, AN ACT TO CREATE A SOCIAL SECURITY SYSTEM PROVIDING SICKNESS, UNEMPLOYMENT, RETIREMENT, DISABILITY AND DEATH BENEFITS FOR EMPLOYEES, otherwise known as the "SOCIAL SECURITY ACT OF 1954," approved on June 18, 1954.

12 R.A. No. 610, AN ACT TO PROVIDE FOR GRATUITIES AND PENSIONS FOR OFFICERS AND ENLISTED MEN WHO DIE OR ARE DISABLED AS A RESULT OF WOUNDS OR INJURIES RECEIVED OR SICKNESS OR DISEASE INCURRED IN LINE OF DUTY IN THE ACTIVE SERVICE OF THE ARMED FORCES OF THE PHILIPPINES OR THE PHILIPPINE CONSTABULARY, AUTHORIZING THE APPROPRIATIONS OF FUNDS THEREFOR, AND FOR OTHER PURPOSES, otherwise known as the "ARMED FORCES DEATH GRATUITY AND DISABILITY PENSION ACT OF 1951," approved on May 4, 1951.

13 R.A. No. 4864, AN ACT CREATING THE POLICE COMMISSION, AMENDING AND REVISING THE LAWS RELATIVE TO THE LOCAL POLICE SYSTEM, AND FOR OTHER PURPOSES, otherwise known as the "POLICE ACT OF 1966," approved on August 8, 1966.

14 R.A. No. 7875, AN ACT INSTITUTING A NATIONAL HEALTH INSURANCE PROGRAM FOR ALL FILIPINOS AND ESTABLISHING THE PHILIPPINE HEALTH INSURANCE CORPORATION FOR THE PURPOSE, otherwise known as the "NATIONAL HEALTH INSURANCE ACT OF 1995," approved on February 14, 1995.

15 R.A. No. 9679, AN ACT FURTHER STRENGTHENING THE HOME DEVELOPMENT MUTUAL FUND, AND FOR OTHER PURPOSES, otherwise known as the "HOME DEVELOPMENT MUTUAL FUND LAW OF 2009, OTHERWISE KNOWN AS PAG-IBIG (PAGTUTULUNGAN SA KINABUKASAN: IKAW, BANGKO, INDUSTRIYA AT GOBYERNO) FUND" approved on July 21, 2009.

These are the *only* exceptions enumerated by the law. It bears emphasis that the second sentence of Article 179 does not make any reference to "damages" or the Civil Code, but only to "benefits". If it were the intention of the legislature to likewise allow recovery of damages, it would have, as it could easily have, included the same in the enumeration. It is a basic precept in statutory construction that the express mention of one person, thing, act, or consequence, excludes all others as expressed.[16] Thus, a thing not being excepted, as in the remedy of damages under the Civil Code in this case, must be regarded as coming within the purview of the general rule, consistent with the maxim — *exceptio firmat regulam in casibus non exceptis*.[17] To do otherwise would amount to an undue expansion of the law. The Court cannot, in interpreting a statute, enlarge its scope or insert what the legislature has omitted, whether intentionally or unintentionally.[18] This has been the ruling in *Pacaña v. Cebu Autobus Co.*[19] (*Pacaña*) and *Floresca v. Philex Mining Corp.*[20] (*Floresca*) where the Court unduly extended the ruling in *Esguerra v. Muñoz Palma*,[21] a case involving third-party liability, to compensation laws in general.

As well, the history of compensation laws and the contemporaneous jurisprudence show that the legislature's intent was — and still is — to make the compensation remedy exclusive.

The predecessor of Article 179 of the Labor Code is found in Section 5 of the WCA which reads as follows:

> SECTION 5. *Exclusive Right to Compensation.* — The right and remedies granted by this Act to an employee by reason of a personal injury entitling him to compensation **shall exclude all other rights and remedies accruing to the employee, his personal representatives, dependents or nearest of kin against the employer under the Civil Code and other laws, because of said injury**.
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> Employers contracting laborers in the Philippine Islands for work outside the same may stipulate with such laborers that the remedies prescribed by this Act shall apply exclusively to injuries received outside the Islands through accidents happening in and during the performance of the duties of the employment; and all service contracts made in the manner prescribed in this section shall be presumed to include such agreement. (Emphasis supplied)

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16 *Philippine Amusement and Gaming Corp. v. Bureau of Internal Revenue*, 660 Phil. 636, 654 (2011).
17 See id. at 654.
18 *Bases Conversion and Development Authority v. Commission on Audit*, 599 Phil. 455, 468 (2009).
19 143 Phil. 440 (1970). The issue in *Pacaña v. Cebu Autobus Co.* was whether the trial court has jurisdiction over the claims.
20 Supra note 9.
21 104 Phil. 582 (1958).

The first paragraph of Section 5 was carried over across several amendments[22] of the WCA, the last one being in 1964 through R.A. No. 4119.[23]

In the 1956 case of *Manalo v. Foster Wheeler Corp. & Capital Insurance and Surety Co., Inc.*,[24] the Court, citing Section 5 and Section 46[25] of the WCA, ruled that the remedy under the WCA is ***exclusive***, *viz.:*

> The Legislature evidently deemed it best, in the interest of expediency and uniformity, that all claims of workmen against their employers for damages due to accidents suffered in the course of employment shall be investigated and adjudicated by the Workmen's Compensation Commission, subject to the appeal in the law provided.
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> This **exclusive remedy and jurisdiction** has been observed in two decisions of this Tribunal which the trial judge correctly followed.[26] (Emphasis supplied) [Cancel out – when already filed, no further recourse under Civil Code]

This rule was later reiterated in the 1971 case of *Robles v. Yap Wing*[27] (*Robles*). The Court in *Robles* also stressed that the choice of law as between the WCA or Article 1711 should not be left to the election of the party for this will offend not only Section 5 of the WCA, but also Article 2196[28] of the Civil Code, *viz.:*

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22 Act No. 3812, AN ACT TO AMEND CERTAIN PROVISIONS OF THE WORKMEN'S COMPENSATION ACT, BEING ACT NUMBERED THIRTY-FOUR HUNDRED AND TWENTY-EIGHT, AND FOR OTHER PURPOSES, approved on December 8, 1930; Commonwealth Act No. 210, AN ACT TO AMEND FURTHER SECTIONS THREE, EIGHT, THIRTEEN, FOURTEEN, SIXTEEN, TWENTY-THREE, TWENTY-FOUR, TWENTY-FIVE AND THIRTY-NINE OF ACT NUMBERED THIRTY-FOUR HUNDRED AND TWENTY-EIGHT, COMMONLY KNOWN AS THE WORKMEN'S COMPENSATION ACT, AS AMENDED BY ACT NUMBERED THIRTY-EIGHT HUNDRED AND TWELVE, approved on November 20, 1936; R.A. No. 772, AN ACT TO FURTHER AMEND ACT NUMBERED THREE THOUSAND FOUR HUNDRED AND TWENTY-EIGHT, "AN ACT PRESCRIBING THE COMPENSATION TO BE RECEIVED BY EMPLOYEES FOR PERSONAL INJURIES, DEATH OR ILLNESS CONTRACTED IN THE PERFORMANCE OF THEIR DUTIES", AS AMENDED BY ACT NUMBERED THREE THOUSAND EIGHT HUNDRED AND TWELVE AND BY COMMONWEALTH ACT NUMBERED TWO HUNDRED AND TEN PROVIDING FOR ITS ADMINISTRATION BY A WORKMEN'S COMPENSATION COMMISSIONER; AND PRESCRIBING HIS POWERS AND DUTIES, approved on June 20, 1952; and R.A. No. 889, AN ACT TO FURTHER AMEND ACT NUMBERED THREE THOUSAND FOUR HUNDRED AND TWENTY-EIGHT, ENTITLED "AN ACT PRESCRIBING THE COMPENSATION TO BE RECEIVED BY EMPLOYEES FOR PERSONAL INJURIES, DEATH OR ILLNESS CONTRACTED IN THE PERFORMANCE OF THEIR DUTIES", AS AMENDED BY ACT NUMBERED THREE THOUSAND EIGHT HUNDRED AND TWELVE, BY COMMONWEALTH ACT NUMBERED TWO HUNDRED AND TEN AND BY REPUBLIC ACT NUMBERED SEVEN HUNDRED AND SEVENTY-TWO, approved on June 19, 1953.

23 AN ACT TO FURTHER AMEND CERTAIN SECTIONS OF ACT NUMBERED THIRTY-FOUR HUNDRED AND TWENTY-EIGHT, OTHERWISE KNOWN AS THE WORKMEN'S COMPENSATION ACT, AS AMENDED, approved on June 20, 1964.

24 98 Phil. 855 (1956).

25 Sec. 46. *Jurisdiction.* — The Workmen's Compensation Commissioner shall have exclusive jurisdiction to hear and decide claims for compensation under the Workmen's Compensation Act, subject to appeal to the Supreme Court, in the same manner and in the same period as provided by law and by Rules of Court for appeal from the Court of Industrial Relations to the Supreme Court. (As amended by R.A. No. 772)

26 *Manalo v. Foster Wheeler Corp. & Capital Insurance and Surety Co., Inc.*, supra note 24, at 857. Citations omitted.

27 148-B Phil. 743 (1971).

28 ART. 2196. The rules under [Title XVIII on Damages] are without prejudice to special provisions on damages formulated elsewhere in this Code. Compensation for workmen and other employees in case

> Appellant contends that his claim is not for compensation under the Workmen's Compensation Law but one for damages under Article 1711 of the New Civil Code. The contention is without merit. Article 1711 provides for the payment by employers of compensation for the death of or injuries to their employees as well as for illness or disease arising out of and in the course of the employment, which provision is essentially the same as that of Section 2 of the Workmen's Compensation Act. The fact that Article 1711 of the Civil Code appears to cover appellant's claim is not decisive of the question: it should still be prosecuted in accordance with the Workmen's Compensation Act by virtue of Section 5 thereof which makes the rights and remedies granted by said Act exclusive, as well as by virtue of Article 2196 of the Civil Code itself, which provides:
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> > "ART. 2196. The rules under this Title are without prejudice to special provisions on damages formulated elsewhere in this Code. *Compensation for workmen and other employees in case of death, injury or illness is regulated by special laws. . .*" x x x
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> To say that compensation as provided for in Article 1711 of the Civil Code is recoverable by action in the ordinary courts, at the option of the claimant, just because the Workmen's Compensation Act is not expressly invoked is to ignore the fact that the grounds upon which compensation may be claimed are practically identical in both statutes and to ignore likewise the exclusive character of "the rights and remedies granted by this Act" as stated in Section 6 (sic) thereof, as well as the provision of Article 2196 of the Civil Code.[29] (Italics in the original)

I am not unaware of the cases of *Valencia v. Manila Yacht Club, Inc.*[30] (*Valencia*) and *Pacaña*, where the compensation remedy under Article 1711 was recognized despite the explicit limitation under Section 5 of the WCA. It should be stressed, however, that the debate in these cases was between the application of the WCA or Article 1711 — both compensation laws — and not as against other provisions of the Civil Code, *i.e.*, damages based on breach of contract, quasi-delict, or abuse of rights. Thus, these cases should not be interpreted as allowing resort to remedies other than compensation; more so, when, unlike in the past, the only compensation remedy available now is that found under the Labor Code.

On this point, I also mention that in *Belandres v. Lopez Sugar Central Mill Co., Inc.*[31] (*Belandres*), a case cited in the *ponencia,* the Court did not actually uphold the propriety of an action for damages premised on the negligence of the employer. In *Belandres,* the negligent act which caused the death of the employee was attributed to his co-employees, not the respondent-employer. The Court also did not make any pronouncement as to the liability of the respondent-employer for the negligence of its employees.

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of death, injury or illness is regulated by special laws. Rules governing damages laid down in other laws shall be observed insofar as they are not in conflict with this Code.

29 *Robles v. Yap Wing*, supra note 27, at 754-756.

30 138 Phil. 761 (1969).

31 97 Phil. 100 (1955).

Thus, *Belandres,* much like *Valencia* and *Pacaña,* should not be interpreted as opening the doors to the remedy of damages.

Besides, **the *vinculum juris* between the employee and the employer necessarily dictates the remedy available to the former**. Work-related illness, injury, or death presupposes that the same happened or was suffered in connection with the worker's employment.[32] As such, the rights and obligations of the employee and employer are primarily determined by the provisions of the Labor Code, particularly of Title II, Book IV. After all, well-settled is the rule in statutory construction that a special law shall prevail over a general law.[33] As well, as already explained in *Robles,* Article 2196 of the Civil Code mandates that compensation for work-related injury, illness, or death, shall primarily be regulated by special laws. Given the foregoing, **Title II, Book IV of the Labor Code will always apply** in cases of work-related disability or death. Consequently, Article 179 will always foreclose resort to other remedies — particularly the remedy of a civil suit for damages. Simply put, the workers or their dependents do not have a choice of action in case of work-related disability or death.

That said, it should be noted that our compensation laws do not completely turn a blind eye and condone the negligence of an employer. Article 206 of the Labor Code penalizes employers in case the workers' disability or death was caused by their negligence, *viz.*:

> ART. 206. [200] **Safety Devices.** – In case the employee's injury or death was due to the failure of the employer to comply with any law or to install and maintain safety devices or to take other precautions for the prevention of injury, said employer shall pay the State Insurance Fund a penalty of twenty-five percent (25%) of the lump sum equivalent of the income benefit payable by the System to the employee. All employers, especially those who should have been paying a rate of contribution higher than required of them under this Title, are enjoined to undertake and strengthen measures for the occupational health and safety of their employees.

Although the above-quoted provision does not provide for additional compensation, the fact that it provides for a consequence in case of a negligent employer is still a testament to the legislative intent to confine the remedy in case of work-related disability or death to Title II, Book IV of the Labor Code.

In this regard, the question arises as to whether a restrictive reading of Title II, Book IV of the Labor Code can be taken as a diminution of the rights of the workers in the sense that they will be deprived of a remedy under the Civil Code where they may be able to recover a higher amount. This is, however, an argument of first impression only. To be sure, whatever

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[32] See *Government Service Insurance System v. Cordero*, 600 Phil. 678, 685-686 (2009).

[33] *Abanto v. Board of Directors of the Development Bank of the Philippines*, G.R. Nos. 207281 & 210922, March 5, 2019, 895 SCRA 1, 39.

"diminution" that could possibly exist is balanced by the "simplified, expeditious, inexpensive, and non-litigious"[34] procedure in claiming compensation under the Labor Code. As astutely observed by former Associate Justice Hugo Gutierrez, Jr. in his Dissenting Opinion in *Floresca*, *viz.*:

> The problems associated with the application of the fellow servant rule, the assumption of risk doctrine, the principle of contributory negligence, and the many other defenses so easily raised in protracted damage suits illustrated the need for a system whereby workers had only to prove *the fact of covered employment* and *the fact of injury arising from employment* in order to be compensated.
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> I cite the above familiar background because workmen's compensation *represents a compromise*. **In return for the near certainty of receiving a sum of money fixed by law, the injured worker gives up the right to subject the employer to a tort suit for huge amounts of damages. Thus, liability not only disregards the element of fault but it is also a pre-determined amount based on the wages of the injured worker and in certain cases, the actual cost of rehabilitation. The worker does not receive the total damages for his pain and suffering which he could otherwise claim in a civil suit. The employer is required to act swiftly on compensation claims. An administrative agency supervises the program. And because the overwhelming mass of workingmen are benefited by the compensation system, individual workers who may want to sue for big amounts of damages must yield to the interests of their entire working class.**[35] (Emphasis supplied; italics in the original)

Indeed, Title II, Book IV of the Labor Code provides a more convenient and expeditious procedure. The workers or heirs may claim disability or death benefits in a non-adversarial proceeding and without being required to prove that the injury, illness, or death was due to the fault or negligence of the employer. They also need not prove the amount to which they are entitled to since the same is already provided by Title II, Book IV of the Labor Code and the Amended Rules on Employees' Compensation.[36] There is also no need for them to secure the services of a counsel, to pay filing fees, and go through protracted litigation.

Significantly, under the current compensation scheme, the employer is mandated to assist the employee in proving that the illness, injury, or death is work-related.[37] For instance, in claims for disability benefit, employers are required to accomplish forms and supply information regarding the worker's employment status, job description, cause of injury, and description of the

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[34] *J.* Gutierrez, Jr., Dissenting Opinion in *Floresca v. Philex Mining Corp.*, supra note 9, at 572.
[35] Id. at 572-573.
[36] AMENDED RULES ON EMPLOYEES' COMPENSATION (Rev. 2014), approved on July 21, 1987.
[37] As observed by the Court in *Raro v. Employees' Compensation Commission*, supra note 8, at 855.

accident or sickness.[38] **Thus, to allow adversarial remedies in other forums, where the employer and employee would be required to prove opposing propositions, would be inconsistent with the cooperative nature of the process being fostered under the present compensation law.**

Moreover, it should be stressed that limiting the remedies of the injured worker *exclusively* to payment of compensation and benefits pursuant to Title II, Book IV of the Labor Code is consistent with the State's policy of "promot[ing] and develop[ing] a tax-exempt employee's compensation program whereby employees and their dependents, in the event of work-connected disability or death, may **promptly secure adequate** income benefit and medical related benefits."[39] It also conforms with the principle behind compensation theory — that is, to abrogate liability arising from non-punishable fault or negligence.

Employers, however, are not precluded from granting **additional compensation or benefits** in case of work-related injury, illness, or death. After all, the Labor Code merely prescribes the **minimum terms and conditions** that must be observed in employment relationships. Hence, while Article 179 of the Labor Code already exempts employers from any liability for work-related injury, illness, or death, employers may, by their own volition, grant additional compensation or benefits. This may be done through company policies or contractual undertakings, as in the case of overseas seafarers.

The employment of overseas seafarers is covered by the Philippine Overseas Employment Administration Standard Employment Contract[40] (POEA-SEC). The POEA-SEC grants them compensation and benefits for work-related injury, illness, or death in addition to those already granted under Title II, Book IV of the Labor Code.[41] These contractually-granted compensation and benefits are solidarily assumed by the foreign employer and the local manning agency.[42]

Thus, for overseas seafarers, they or their dependents may recover benefits from the SSS pursuant to the Labor Code and the Social Security

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38 See SSS Form B-300 (Employees Notification Form), accessed at <https://ecc.gov.ph/wp-content/uploads/2021/10/SSSForm_EC_Claim_Temp_Disability_Sickness.pdf> and SSS Form B-309 (Accident/Sickness Report), accessed at <https://ecc.gov.ph/wp-content/uploads/2021/10/SSSForm_EC_Accident_Sickness_Report.pdf>.

39 LABOR CODE, Art. 172 [166].

40 POEA Memorandum Circular No. 10, Series of 2010, AMENDED STANDARD TERMS AND CONDITIONS GOVERNING THE OVERSEAS EMPLOYMENT OF FILIPINO SEAFARERS ON-BOARD OCEAN-GOING SHIPS, approved on October 26, 2010.

41 See *Phil-Nippon Kyoei, Corp. v. Gudelosao*, 790 Phil. 16, 34 (2016); POEA-SEC, Secs. 20(A)(7) and (B)(3).

42 See Sec. 7 of R.A. No. 10022, AN ACT AMENDING REPUBLIC ACT NO. 8042, OTHERWISE KNOWN AS THE MIGRANT WORKERS AND OVERSEAS FILIPINOS ACT OF 1995, AS AMENDED, FURTHER IMPROVING THE STANDARD OF PROTECTION AND PROMOTION OF THE WELFARE OF MIGRANT WORKERS, THEIR FAMILIES AND OVERSEAS FILIPINOS IN DISTRESS, AND FOR OTHER PURPOSES, approved on March 8, 2010.

Law, from PHIC pursuant to the National Health Insurance Act, and from Pag-IBIG pursuant to the Home Development Mutual Fund Law. In addition, they may also claim compensation from their employer pursuant to the POEA-SEC.

Still, in keeping with Article 179 of the Labor Code, Section 20(J) of the POEA-SEC similarly provides that payment of **compensation** for work-related injury or death pursuant to the POEA-SEC and R.A. No. 8042,[43] as amended by R.A. No. 10022, ***shall already cover all other claims including damages***, *viz.*:

> **SECTION 20. COMPENSATION AND BENEFITS**
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> x x x x
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> J. The seafarer or his successor in interest acknowledges that payment for injury, illness, incapacity, disability or death and other benefits of the seafarer under this contract and under RA 8042, as amended by RA 10022, **shall cover all claims in relation with or in the course of the seafarer's employment, including but not limited to damages arising from the contract, tort, fault or negligence under the laws of the Philippines or any other country**. (Emphasis supplied)

Evidently, the general intention, even in the case of overseas seafarers, is to accord the workers and heirs a swift and convenient recourse following the theory of compensation ***in lieu of*** a civil action for damages. This thus fortifies the view that the compensation remedy should be deemed exclusive.

Finally, to summarize, it is my considered opinion that, in case of work-related injury, illness, or death, the workers or their dependents are limited to the following recourse: (1) to claim for compensation and benefits pursuant to Title II, Book IV of the Labor Code; and (2) ***if applicable***, to claim for any additional compensation and benefits granted by the employer. Recovery of damages on the basis of breach of contract, quasi-delict, or abuse of rights arising from work-related injury, illness, or death is barred by law.

CERTIFIED TRUE COPY

MARIA LUISA M. SANTILLA
Deputy Clerk of Court and
Executive Officer
OCC- En Banc, Supreme Court

ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

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[43] AN ACT TO INSTITUTE THE POLICIES OF OVERSEAS EMPLOYMENT AND ESTABLISH A HIGHER STANDARD OF PROTECTION AND PROMOTION OF THE WELFARE OF MIGRANT WORKERS, THEIR FAMILIES AND OVERSEAS FILIPINOS IN DISTRESS, AND FOR OTHER PURPOSES, otherwise known as the "MIGRANT WORKERS AND OVERSEAS FILIPINOS ACT OF 1995," approved on June 7, 1995.