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PHILIPPINE SHIPPING UPDATE

MANNING INDUSTRY

By: Ruben Del Rosario, President, Del Rosario Pandiphil Inc., 09 September 2026 (Issue 2026/07)

Court Upholds Validity of Final Disability Assessment Issued Beyond 120 Days

Seafarer was engaged as Oiler who hurt his left knee while on-board. He was seen by a shore doctor and was eventually repatriated. Seafarer was then referred to the company-designated physician (CDP) and he underwent MRI followed by wound debridement and quadriceps tendon repair. It was noted that after his surgery and continued physical therapy, seafarer's condition was vastly improving. Prior to 120 days having lapsed, the CDP advised him to continue his physical therapy and to further undergo functional assessment at his next follow-up which was beyond 120 days from repatriation (123rd day). On the 123rd day, the CDP issued a final disability assessment declaring the seafarer fit to work. This assessment was contested by the seafarer by presenting the medical opinion of his own doctor finding him unfit for sea duty.

The dispute was referred to a Panel of Voluntary Arbitrators (PVA) who found the seafarer entitled to full disability benefits by operation of law considering that the final assessment was issued beyond 120 days from repatriation. The Court of Appeals affirmed the PVA decision as it found no sufficient justification issued by the CDP to extend the treating period from 120 to 240 days.
When the case reached the Supreme Court, the award was nullified.

Sufficient justification to extend the 120-day treating period
The core issue revolved around whether the CDP was justified, under the circumstances, in issuing his final medical assessment beyond the initial 120-day period, specifically on the 123rd day. The Court held that the issuance of the final medical assessment on the 123rd day was justified under the circumstances. It bears noting that on the 109th day, the company doctor issued a medical report which states that seafarer's condition has improved although he claims to have left knee pain when going down the stairs. There is note of a functional left knee range of motion and improving left quadriceps strength. He was advised to continue his physical therapy and to undergo functional assessment on the 123rd day for re-evaluation.

From the above report, the CDP found sufficient reason to extend the treating period beyond 120 days considering that during the last medical check-up, the seafarer still complained of knee pain although his condition was improving. To address this, he was advised to undergo further therapy and functional assessment at his next consultation which was the 123rd day. There being an ample justification on the part of the CDP to extend the issuance of the final medical assessment beyond the initial 120-day period, releasing it on the 123rd day did not automatically render the seafarer's disability as total and permanent.

Findings of the CDP given more weight
The assessment of the CDP is more credible. The seafarer failed to show the extent of the treatment given by his doctor of choice until a final report was issued. In contrast, the CDP reports would show that seafarer was provided with

extensive treatment and care since his repatriation. All the procedures, tests, therapies and consultations underscore the consistent and thorough medical attention that the CDP provided throughout the seafarer's treatment period. Thus, the CDP report which declared the seafarer fit to work could not have been biased and lacking in scientific basis. With the foregoing, respondent is bound by the fit-to-work assessment of the CDP.

Orophil Shipping International Co., Inc. and/or Santoku Senpaku Co., Ltd., v. L.L.N., G.R. No. 267588, January 27, 2026; Third Division, Associate Justice Henri Jean Paul Inting, ponente; (Attys. Charles Dela Cruz and David Valencia of DelRosarioLaw handled for vessel interests)

Areas of Specialization: *Labour & personal injury, litigation and dispute resolution, corporate and commercial, shipping and admiralty, intellectual property, cargo claims and charter party, transport, insurance and reinsurance, arbitration and ADR, immigration.*

This publication aims to provide commentary on issues affecting the manning industry, analysis of recent cases and updates on legislation. It is meant to be brief and is not intended to be legal advice. To subscribe or for further information, please email ***ruben.delrosario@delrosario-pandiphil.com*** .

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