

required petitioner to pay the docket fees again, file the same pleadings as it did in the proceedings with the trial court, and repeat the belabored process. This reenactment would have been a waste of judicial time, capital, and energy.

Third. In its Comment, the OSG did not object to Edna's prayer to have the case remanded.

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Finally. The present case stands on meritorious grounds, as petitioner had actually presented certified documents establishing the fact of divorce and relaxation of the rules will not prejudice the State.

Verily, a relaxation of procedural rules is in order.

ACCORDINGLY, the petition is **GRANTED**. The case is **REMANDED** to the Regional Trial Court for presentation in evidence of the pertinent Japanese law on divorce and the document proving Katsuhiko was recapacitated to marry.

SO ORDERED.

JOINT SHIP MANNING GROUP INC., Petitioner, vs.
SOCIAL SECURITY SYSTEM, Respondent
[G.R. No. 247471. July 7, 2020.]

GESMUNDO, J.:

FACTS

Petitioners assailed the constitutionality of Section 9-B of R.A. 11199, otherwise known as the “Social Security Act of 2018,” which mandates compulsory Social Security System (“SSS”) coverage for overseas Filipino workers (“OFWs”) on the ground it violates due process and the equal protection of rights of manning agencies. Under the Section 9-B, manning agencies are considered employers of sea-based OFWs and are solidarily liable with their principals for liabilities incurred in violation of R.A. 11199. In contrast, for land-based OFWs, recruitment agencies are not considered as employers and are not solidarily liable. Land-based OFWs are also considered self-employed members of the SSS. They contend that there is no justification for the difference in treatment. Finally, they argue that the SSS coverage of sea-based OFWs is already provided in the 1988 Memorandum of Agreement between the Department of Labor and Employment and SSS, the 2006

Maritime Labor Convention to which the Philippines is a party to, and the 2010 amendment to the Philippine Overseas Employees Association Standard Employment Contract, thus, Sec. 9-B is no longer required.

The Supreme Court denied the petition ruling that Section 9-B of R.A. 11199 was passed into law to fulfill the country's existing treaty and contractual obligations. In spite of the Philippines' ratification of the 2006 MLC, participation in the 74th Maritime Session of the ILO, and the 1988 MOA between the SSS-DOLE, all mandating social security coverage to seafarers, some seafarers were left unregistered with the SSS. Thus, Section 9-B is a necessary piece of legislation to ensure the proper enforcement and implementation of the aforementioned obligations.

RULING

The Court finds the argument that Sec. 9-B of R.A. No. 11199, which imposes mandatory SSS coverage for sea-based OFWs, is superfluous and unreasonable and that it is improper to treat manning agencies as employers under R.A. No. 11199 specious.

There are several provisions in contracts and existing regulations that mandate the SSS coverage of seafarers. The 74th Maritime Session of the International Labor Organization ("ILO"), held on Sept. 24 to Oct. 9, 1987, which was participated in by the Philippines, stated that there shall be social security protection for seafarers, including those serving in ships flying flags other than those of their own country. It was observed by the Court in *Sta. Rita* that after a series of consultations with seafaring unions and manning agencies, it was the consensus that Philippine social security coverage be extended to seafarers under the employ of vessels flying foreign flags. In accordance thereto, the SSS and the Department of Labor and Employment ("DOLE") executed the 1988 MOA, which states that there shall be a stipulation in the standard employment contract ("SEC") providing for coverage of the Filipino seafarer by the SSS. In the latest Philippine Overseas Employment Administration ("POEA")-SEC, the foreign ship owners are still primarily required to extend SSS coverage to the seafarers.

Similarly, the 2006 MLC, to which the Philippines is a signatory, states that the members therein must provide social security protection to all seafarers:

Regulation 4.5 — Social Security

Purpose: To ensure that measures are taken with a view to providing seafarers with access to social security protection

1. Each Member shall ensure that all seafarers and, to the extent provided for in its national law, their dependents have access to social security protection in accordance with the Code without prejudice however to any more favorable conditions referred to in paragraph 8 of article 19 of the Constitution.
2. Each Member undertakes to take steps, according to its national circumstances, individually and through international cooperation, to achieve progressively comprehensive social security protection for seafarers.
3. Each Member shall ensure that seafarers who are subject to its social security legislation, and, to the extent provided for in its national law, their dependents, are entitled to benefit from social security protection no less favorable than that enjoyed by shoreworkers.

In spite of the 74th Maritime Session of the ILO, 1988 MOA of the SSS-DOLE, 2010 POEA-SEC, and 2006 MLC, the mandatory coverage of social security to seafarers was not faithfully complied with.

WHEREFORE, the petition is **DENIED**. Section 9-B of Republic Act No. 11199, or the Social Security Act of 2018, insofar as sea-based Overseas Filipino Workers are concerned, is **CONSTITUTIONAL**.

SO ORDERED.

KARL WILLIAM YUTA MAGNO SUZUKI A.K.A. YUTA HAYASHI, Petitioner,
vs. OFFICE OF THE SOLICITOR GENERAL, Respondent
[G.R. No. 212302. Sept. 2, 2020.]

INTING, J:

FACTS

Petitioner Suzuki was born in Manila and born to Sadao Kumai Suzuki, a Japanese national, and Lorie Lopez Magno, a Filipino citizen. Petitioner's parents later divorced and Lorie married another Japanese national, Hikaru Hayashi. Petitioner was adopted by Hayashi based on Japanese law and the same was reflected in Hayashi's Family Register. When the petitioner was twenty-four years old he sought to have his adoption under Japanese law recognized in the Philippines. Hence, he filed a petition for Judicial Recognition of Foreign Adoption