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REPUBLIC OF THE MARSHALL ISLANDS

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Attorneys for Plaintiff  
Virgilio T. Dieron, Jr.

**IN THE SUPREME COURT**

**OF THE**

**REPUBLIC OF THE MARSHALL ISLANDS**

VIRGILIO T. DIERON, JR.,

Plaintiff,

v.

STAR TRIDENT XII, LLC

Defendant

S.Ct. Case No. 2018 - 015  
H.Ct. Civil No. 2017 - 245

**MEMORANDUM IN OPPOSITION  
TO TEMPORARY RESTRAINING  
ORDER AND PRELIMINARY WRIT  
OF INJUNCTION**

Virgilio Dieron was injured June 19, 2016. Thereafter, the vessel owners and operators filed an action before the Department of Labor and Employment, National Labor Relations Commission (hereinafter NLRC) seeking to force Virgilio Dieron to bring an action for disability benefits before the NLRC). Dieron moved to dismiss the action, which was dismissed November 9, 2017 (*Starocean Manning Phils, Inc., Starbulk Shipmanagement Company (Cyprus) LTD., represented by: MA. Lilli M Maduro vs Virgilio Tio Dieron, Jr., NLRC Case No. 09-13661-17*); thereafter, the shipowners and operators brought an additional action before the NLRC, seeking the same relief, which was dismissed April 25, 2018 (*Starocean Manning Phils, Inc., Starbulk Shipmanagement Company (Cyprus) LTD., represented by: MA. Lilli M Maduro vs Virgilio Tio Dieron, Jr., NLRC NCR Case No. OFW (L)12-17607-17*).

After this Court's Order of November 23, 2018, Dieron filed an arbitration proceeding on October 10, 2019 with the Integrated Bar of the Philippines (IBP) seeking *ad hoc* arbitration with defendant, Trident, as specifically authorized by the Philippine Arbitration Act, Republic Act 9285. The Philippine Arbitration Act, in Section 6 exempts coverage for "labor disputes" as follows:

**Sec 6. Exception to the Application of this Act –**

The provisions of this Act shall not apply to resolution or settlement of the following: (a) labor disputes covered by Presidential Decree No 442, otherwise known as the Labor Code of the Philippines, as amended and its

Implementing Rules and Regulations; (b) the civil status of persons; (c) the validity of a marriage; (d) any ground for legal separation; (e) the jurisdiction of courts; (f) future legitime; (g) criminal liability; and (h) those which by law cannot be compromised.

The National Labor Relations Commission is not an arbitral body but it is, indeed, a *quasi* judicial body acting more or less as a workman's compensation court. It sets awards for compensation in accordance with a set Schedule of Benefits depending upon the degree of disability, with a maximum amount being a one-time \$60,000 USD award. The NLRC is not an arbitral body under Philippine arbitration law.

As shown by **EXHIBIT 1** attached hereto, Virgilio Dieron has requested the arbiter to suspend the IBP Arbitral proceeding until such time as there is a decision in the pending appeal of this matter by the Supreme Court of the Marshall Islands. **There is absolutely no need for this Court to grant a Temporary Restraining Order or an Injunction at this time.**

It is respectfully submitted that a Philippine arbiter, trained in Philippine law, is better equipped to make the decision as to the proper arbitral body for the hearing of this matter, should the Marshall Islands Supreme Court deny Virgilio Dieron's pending appeal.

Respectfully submitted,

Tatyana Cerullo  
Melvin C. Narruhn  
Richard J. Dodson  
Kenneth Hooks, III

# DODSON & HOOKS

EXHIBIT 1

A Professional Law Corporation

Richard J. Dodson

[jerry@dodsonhooks.com](mailto:jerry@dodsonhooks.com)

October 31, 2019

Roberto Ng Dio, Arbiter  
3<sup>rd</sup> Floor, The Valero tower  
122 Valero Street, Salcedo Village  
Makati City

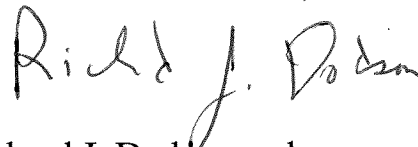
RE: Virgilio T. Dieron, IBP proceeding

Dear Arbiter Dio:

As the record of this matter reflects, the shipowner, Trident, objects to this arbitral proceeding on behalf of Virgilio Dieron. Trident's counsel has filed for a Temporary Restraining Order and Preliminary Writ of Injunction in the High Court of the Marshall Islands. There is an appeal pending before the Supreme Court of the Marshall Islands, *In the Supreme Court of the Republic of the Marshall Islands, Supreme Court Number, Virgilio T. Dieron, Jr. (Appellant) vs Star Trident XII, LLC and Star Bulk Shipmanagement Company (Cyprus) Limited (Appellees) appealed from the High Court of the Republic of the Marshall Islands, Civil Action Number 2017-245, Chief Justice Carl B. Ingram*. We anticipate there will be a decision sometime in 2020. We respectfully request that this matter of the IBP arbitration be held in abeyance until such time as there is a decision from the Supreme Court of the Marshall Islands.

Sincerely,

**DODSON & HOOKS, APLC**



Richard J. Dodson and

**CAPUYAN & QUIMPO**

Joseph Capuyan

*For Virgilio T. Dieron, Jr.*

**FILED**

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Attorney for Plaintiff-Appellant,  
VIRGILIO T. DIERON, JR.

**IN THE SUPREME COURT**

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**REPUBLIC OF THE MARSHALL ISLANDS**

VIRGILIO T. DIERON, JR.,

Plaintiff-Appellant,

v.

STAR TRIDENT XII, LLC

Defendant-Appellee

S.Ct. Case No. 2018 - 015  
H.Ct. Civil No. 2017 - 245

**CERTIFICATE OF SERVICE**

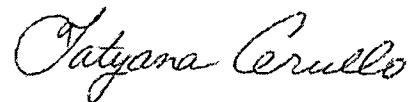
I hereby certify that on 3 November 2019, a true and correct copy of Plaintiff's

**MEMORANDUM IN OPPOSITION TO TEMPORARY RESTRAINING  
ORDER AND PRELIMINARY WRIT OF INJUNCTION with EXHIBIT 1**

was served upon the following by email attachment in PDF format to:

Dennis J. Reeder and Nenad Krek, Attorney for Defendant

[nkrek@amkhawaii.com](mailto:nkrek@amkhawaii.com); [dreeder.rmi@gmail.com](mailto:dreeder.rmi@gmail.com)



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Tatyana Cerullo  
Attorney for Plaintiff-Appellant