

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. **5430**



Introduced by **HON. WILTON TAN KHO**

Explanatory Note

In a recently written article of Asia section of the print edition under the headline "Meet me in Luneta" of The Economist, an account of our Filipino seafarers appeared, and a section of which is hereby cited:

Parts of the Philippine archipelago have sent out seafarers since long before Spanish galleons plied between Manila and Acapulco. Modern-day Filipino mariners came to prominence with the oil crises of the 1970s, when the world's shipping lines could no longer afford Western crews. Today, more than nine-tenths of global trade (by weight) is carried by sea, on some 100,000 merchant vessels drawing on a pool of 1.2m mariners. Of these, well over a quarter, 378,000, are Filipinos—by far the biggest number by country of origin. On any day, perhaps 250,000 Filipino mariners are at sea. *If they stayed at home, the world economy would convulse.* (italics made by the undersigned)

In 1996, it was estimated that there were more than 250,000 Filipino seafarers, and in 2013, that number has been estimated to have increased to about 460,000 to as high as 700,000. Also, with the recognition that Filipinos continues to have the most number of seafarers employed seamen in various countries worldwide---far more than any other nationality and that no other nation crews so many commercial ships---it is claimed that it is the Filipino seafarer who powers the global economy. It is also worthy to mention that since the early 1970s up to the present, the Filipino seafarer has remained the international shipping industry's mariners of choice..

Moreover, of the estimated more than 10m OFWs, seafarers are at "the top of the pile", remitting over six billion dollars annually, more than a fifth of the total amount of OFW remittances in 2018, which hit an all-time high as well, amounting to \$32.21 billion.(1.642 billion Php), leading some to claim that "[t]he Filipino seafarer is the economic powerhouse of the rural areas of this country."

On August 2013, the Philippines ratified the Maritime Labor Convention (MLC), an international treaty that embodied recent maritime labor standards to promote decent working and living conditions of seafarers on board a vessel as well as medical care and other welfare measures to strengthen health, labor and social protection for all seafarers.

In accordance with our ratification of the MLC, we have committed our country to enact a national policy to comply with the standards set by the International Maritime Organization. Needless to stress, the Philippines has always supported international conventions guaranteeing protection to our migrant workers.

Verily, consistent with the constitutional mandates that Congress shall give highest priority to the enactment of measures that protect and enhance the right of all the people to human dignity, and that the State shall afford full protection to labor, local and overseas, organized and unorganized, and promote full employment opportunities for all, this bill is being proposed for the benefit of our seafarers, adopting the version that was approved in the House of Representatives, starting from the 15th Congress up to the 17th Congress when it was passed again on third reading.

In view of the foregoing, the passage of this proposed legislation into law is ardently sought.



HON. WILTON TAN KHO

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 5430

Introduced by
HON. WILTON TAN KHO

**AN ACT INSTITUTING THE
MAGNA CARTA OF FILIPINO SEAFARERS**

Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

CHAPTER I
GENERAL PROVISIONS

SECTION 1. *Short Title.* – This Act shall be known as the “Magna Carta of Filipino Seafarers.”

SEC. 2. *Declaration of Policies.* – It is hereby declared the policy of the State:

- (a) To afford Filipino seafarers full protection before, during and after employment by granting them certain rights as maritime professionals, in recognition of their unique role and contribution to national development;
- (b) To maintain and progressively develop a pool of competent and world-class seafarers through a system of education, training, accreditation and licensing;
- (c) To establish mechanisms for the enhancement of administrative, adjudicative, social as well as welfare services for them and their families;
- (d) To enact laws that adopt, and implement the standards set by international conventions and agreements on working and living conditions, and occupational safety and health, among others, for seafarers particularly the Maritime Labour Convention, 2006; and
- (e) To recognize shipowners, manning and recruitment entities as vital partners in promoting the skills and competencies of Filipino seafarers.

Toward these ends, the State shall endeavor to improve the Filipino seafarers’ working conditions, terms of employment, career prospects and provide them opportunities to harness their potentials to the fullest. The State shall further promulgate policies and programs to uplift the socio-economic well-being of the families of Filipino seafarers.

1 SEC. 3. *Applicability.* –This Act shall cover Filipino seafarers engaged, employed, or
2 working in any capacity on board Philippine registered ships operating domestically or
3 internationally, as well as those on board foreign registered ships.

4
5 This Act shall not cover the following categories of ships:

- 6
7 (a) Warships and naval auxiliaries;
8
9 (b) Government ships not engaged in commercial operations;
10
11 (c) Ships of traditional build, as may be defined under existing rules and regulations;
12 and
13
14 (d) Fishing vessels.

15
16 SEC. 4. *Definition of Terms.* – As used in this Act:

- 17
18 (a) *Cadet* refers to a student of a maritime educational institution who is required to
19 undergo training on-board registered international ships or domestic ships to fulfil a
20 maritime academic course;
21
22 (b) *Domestic Shipping* refers to the transport of passenger or cargo or both by ships
23 duly registered and licensed under Philippine law to engage in trade and commerce
24 between Philippine ports and within Philippine territorial or internal waters for hire
25 or compensation with general or limited clientele whether permanent, occasional or
26 incidental, with or without fixed routes and undertaken for contractual or
27 commercial purposes;
28
29 (c) *International Maritime Convention* or *International Convention* refers to any written
30 treaty or agreement, or any protocol or amendment thereto, affecting the maritime
31 industry which has come into force and effect, including the Maritime Labour
32 Convention, 2006;
33
34 (d) *License* refers to the document issued by the Department of Labor and Employment
35 (DOLE) authorizing any person or entity to engage in the recruitment and placement
36 of seafarers;
37
38 (e) *Manning/Recruitment and Placement Agency* refers to any Filipino person,
39 corporation, partnership, company, or other entity engaged in the canvassing,
40 enlisting, contracting, transporting, utilizing, hiring or procuring whether for profit
41 or not, of seafarers whether domestic or international;
42
43 (f) *Maritime Industry Stakeholders* refer to all private sector stakeholders, engaged in
44 the business of owning, managing, chartering or operating domestic and
45 international ship(s) of Philippine or foreign registry, manning of ships,
46 management of ports, stevedoring and arrastre services, ship brokering and
47 chartering, ship-building and ship repair, providing maritime services such as ship
48 supplies and provisions, maritime education and training, shipping agency, and
49 other similar activities.

50
51 This term shall also include bona fide maritime labor organizations and professional
52 associations of seafarers;

- 1
2 (g) *Master* refers to a person having command of a ship;
3
4 (h) *Maritime Labour Certificate* refers to the document that certifies that the working
5 and living conditions of the seafarers on the ship have been inspected and are
6 compliant with the requirements of Philippine laws and regulations;
7
8 (i) *Officer* refers to a member of the crew other than the master who has been
9 designated as such by national law or regulation or, in the absence of such
10 designation, by collective agreement or custom;
11
12 (j) *Deck Officer* refers to an officer qualified in accordance with Chapter II of the
13 International Convention on the Standards of Training, Certification and
14 Watchkeeping for Seafarers (STCW) 1978, as amended;
15
16 (k) *Engine Officer* refers to an officer qualified in accordance with Chapter III of the
17 International Convention on the Standards of Training, Certification and
18 Watchkeeping for Seafarers (STCW) 1978, as amended;
19
20 (l) *Philippine National* refers to any individual who is a citizen of the Philippines, or a
21 commercial partnership or corporation organized under the laws of the Philippines,
22 at least 60% of the capital of which is owned by citizens of the Philippines;
23
24 (m) *Philippine Seafarers' One Stop Processing Center (PSOC)* refers to the facility
25 created under DOLE Administrative Order No. 56, series of 2003, which houses
26 multiple offices or agencies involved in providing services to seafarers, in one place;
27
28 (n) *Point of Hire* refers to the place where the contract of employment was executed;
29
30 (o) *Recognized Organizations* refer to organizations recognized by the DOLE to carry
31 out inspections or issue the Maritime Labour Certificate in accordance with the
32 scope of activities covered by their authorizations;
33
34 (p) *Repatriation* refers to the process of returning a seafarer to the point of hire;
35
36 (q) *Seafarer* refers to a person who is employed or is engaged to work in any capacity
37 on board a ship to which the Act applies;
38
39 (r) *Ship* or *Vessel* refers to any kind, class or type of craft or artificial contrivance
40 capable of floating in water, whether publicly or privately owned, ordinarily
41 engaged in commercial activities and offshore operations, except fixed platform;
42
43 (s) *Sea Going Ship* refers to a ship other than those which navigate exclusively in
44 inland water or water within or closely adjacent to sheltered water, or areas where
45 port regulations apply;
46
47 (t) *Shipowner* refers to the owner of the ship employing Filipino seafarers to work on
48 board domestic ships and ships engaged in international trade, or any other
49 organization or person, such as the manager, agent or bareboat charterer, who has
50 assumed the responsibility for operation and management of the ship, and who, in
51 assuming such responsibilities, has agreed to take over all the attendant duties and
52 responsibilities of a shipowner under this Act, regardless of whether any other

organization or persons fulfil certain of the duties or responsibilities on behalf of the shipowner.

CHAPTER II SEAFARERS' RIGHTS

SEC. 5. *Right to Just Terms and Conditions of Work.* – Seafarers shall have the right to:

- (a) Safe and secure workplace that complies with safety standards;
- (b) Decent working and living conditions on board a ship;
- (c) Medical care, welfare measures and other forms of health and social protection; and
- (d) Fair terms and conditions of employment including salary commensurate to their rank, hours of work, and other relevant basis for wage computation, minimum number of working hours, rest period consistent with Philippine laws or international maritime conventions, when applicable.

SEC. 6. *Right to Self-organization, to Engage in Collective Bargaining and to Participate in Democratic Exercises.* – Seafarers shall enjoy their right to self-organization, to collective bargaining and to participate in the deliberation of issues and in the formulation of policies that affect them, including the guarantee of representation in governing boards or appointment in government instrumentalities.

SEC. 7. *Right to Educational Advancement and Training at Reasonable and Affordable Costs.* – Seafarers shall have access to educational advancement and training at reasonable and affordable costs.

No fee or other charges shall be imposed on cadets, interns, apprentices, on-the-job-trainees or other persons similarly situated.

Toward this end, relevant government agencies shall:

- (a) regulate the operation of all educational and training institutions offering courses related to seafaring;
- (b) pursue grant programs such as scholarships, subsidies, loan assistance and other measures that will harness the skills of Filipino seafarers toward greater competitiveness given to new demands in the industry; and
- (c) promote quality maritime education and training that respond to the needs of the industry and in accordance with minimum international maritime standards of competency.

SEC. 8. *Right to Relevant Information.* – Shipowners, manning agencies, and other organizations responsible for the recruitment and placement of Filipino seafarers shall be mandated to provide seafarers relevant information, including the terms and conditions of employment and company policies affecting seafarers. This right shall include the right of seafarers organizations to relevant information affecting the terms and conditions of employment of their members.

1 All ships covered by this Act shall have a copy of the Maritime Labour Convention of 2006
2 and the grievance procedures observed on board.

3
4 SEC. 9. *Right to Consultation.* – Seafarers, shipowners and legitimate seafarers' and
5 shipowners' organizations, as well as other relevant stakeholders, shall be adequately consulted
6 before adopting any maritime policy, executive issuance, rule or regulation affecting seafarers and
7 their families is promulgated, or before any maritime law that may directly affect them is enacted.

8
9 SEC. 10. *Right Against Discrimination.* – Upon employment, seafarers shall have the right
10 against discrimination by sole reason of race, sex, religion and political opinion. Career
11 opportunities shall be promoted and appropriate working and living conditions shall be guaranteed
12 equally among male and female seafarers.

13
14 SEC. 11. *Right to Free Legal Representation.* – Seafarers who are victims of violations of
15 the provisions of this Act and who cannot afford the services of a competent and independent
16 counsel shall have the right to free legal assistance and protection at government's expense, subject
17 to existing rules and regulations.

18
19 SEC. 12. *Right to Access to Communication.* – Seafarers, especially during their free time
20 or when they are not on duty shall have reasonable access to ship-to-shore telephone
21 communications, and email and internet facilities, where available.

22 23 CHAPTER III 24 DUTIES OF SEAFARERS

25
26 SEC. 13. Seafarers shall have the following duties:

- 27
28 (a) To comply with and observe the terms and conditions of the employment
29 contract;
30
31 (b) To abide by lawful and reasonable company personnel policies;
32
33 (c) To be obedient to the lawful commands of the Master or the Master's lawful
34 successor, and to comply with the shipowner's/principal's policy on safety
35 and operational procedures and instructions given in connection therewith;
36
37 (d) To be diligent in the performance of duties relating to the ship, its stores,
38 equipment and cargo, whether on board, in transit or ashore;
39
40 (e) To be, at all times, orderly and respectful to the shipmates, passengers,
41 shippers, stevedores, port authorities, and other persons who have official
42 business with the ship; and
43
44 (f) To be personally responsible for maintaining a healthy lifestyle.

45 46 CHAPTER IV 47 MINIMUM REQUIREMENTS FOR SEAFARERS

48
49 SEC. 14. *Minimum Age.* – No person below eighteen (18) years old, other than a cadet,
50 shall be employed, engaged, or otherwise allowed to work on board Philippine registered ships
51 operating domestically or internationally, as well as on board foreign registered ships.
52

1 SEC. 15. *Medical Certificates.* – No seafarer shall be employed, engaged, or otherwise
2 allowed to work on board a domestic or ocean-going ship unless a medical certificate has been
3 issued declaring the seafarer to be fit to work.

4
5 The seafarer shall hold a valid medical certificate issued by a medical facility duly
6 accredited by the Department of Health (DOH) in accordance with its existing rules and
7 regulations.

8
9 The medical certificate shall certify that the person is expected to be able to meet the
10 minimum requirements for performing the duty specific to the person's post at sea safely and
11 effectively during the period of the validity of the certificate.

12
13 For the purpose of this Section, a medical certificate issued in accordance with the
14 requirements of STCW shall be accepted.

15
16 SEC. 16. *Training and Qualifications.* – Only seafarers certified by appropriate government
17 agencies shall work, be employed or be engaged on board a ship.

18
19 SEC. 17. *Recruitment and Placement.* – Only duly licensed manning or placement and
20 recruitment agency shall be allowed to operate and engage in the recruitment and placement of
21 seafarers, in accordance with the rules and regulations as may be issued by the Secretary of Labor
22 and Employment.

23
24 No amount or fee shall be charged to the seafarer for their recruitment and placement.

25
26 SEC. 18. *Contracting or Subcontracting of Services.* – The contracting or sub-contracting
27 of seafarers for work on board domestic ships shall be governed by existing rules and regulations
28 issued by the Department of Labor and Employment (DOLE).

29 30 CHAPTER V 31 CADETSHIP

32
33 SEC. 19. *Applicability.* – The shipboard training of cadets shall be governed by Sections
34 5-12 of Chapter II; Section 13 of Chapter III; Section 15 of Chapter IV; Sections 22 to 23 of
35 Chapter VI; Sections 25 to 27 of Chapter VII; Sections 31 to 35 of Chapter IX; Section 36 of
36 Chapter X; and Section 42 of Chapter XIV hereof.

37
38 SEC. 20. *Shipboard Training Agreement for Cadets.* – There shall be a written agreement
39 between the shipowner on one hand, and the cadet and the maritime institution or school on the
40 other, and which shall include the following information, terms and conditions:

- 41
42 (a) Cadet's full name, date of birth, birthplace and age, which should be at least 16
43 years old;
44
45 (b) Name and address of the maritime institution or school;
46
47 (c) Name and address of the shipowner, if applicable;
48
49 (d) Place and date when the cadet's agreement is entered into;
50
51 (e) Capacity in which the cadet is to be trained;
52

- 1 (f) Amount of the cadet's allowance or stipend;
2
3 (g) Required number of hours of training and rest which would not be less than the
4 prescribed hours of work and rest in Section 21 of this Act;
5
6 (h) Duties and responsibilities of the sponsoring company, Maritime Higher Education
7 Institutions, and cadets, as may be provided under the Standard Cadet Training
8 Agreement on Ships Engaged in International Voyage of the Philippine Overseas
9 Employment Administration (POEA); and
10
11 (i) Other benefits in accordance with law, company policy or agreements.
12

13 The foregoing agreement shall be written in a working language or in English, executed in
14 three (3) original copies before the commencement of the shipboard training. The shipowner, cadet
15 and the maritime institution/school shall each have a signed original of the agreement and an
16 electronic copy thereof shall be submitted to the DOLE, through the Bureau of Working Conditions
17 (BWC). A signed original copy shall also be made available on board the ship.
18

19 Maritime Higher Education Institutions (MHEIs) shall demonstrate that over the last three
20 (3) years, an average of at least the minimum percentage of the target number of cadets, as per
21 updated relevant CHED Memorandum Order are able to secure berths in connection with their
22 studies, which minimum percentage, however, shall not be lower than sixty percent (60%) of
23 students enrolled in their Bachelor of Science in Marine Transportation (BSMT) or Bachelor of
24 Science in Marine Engineering (BSMarE) programs. The Commission on Higher Education
25 (CHED), in coordination with the Maritime Industry Authority (MARINA), shall ensure that only
26 BSMT or MSMarE programs in MHEIs that meet the above requirement are conferred approved or
27 accredited.
28

29 CHAPTER VI 30 TERMS AND CONDITION OF EMPLOYMENT 31

32 SEC. 21. *Standard Employment Agreement for Seafarers.* – There shall be an agreement in
33 writing between the shipowner and the seafarer, which shall include the following information and
34 terms:
35

- 36 (a) Seafarer's full name, date of birth or age, and birthplace;
37
38 (b) Shipowner's name and address;
39
40 (c) Place where and date when the seafarer's employment agreement is entered into;
41
42 (d) Capacity in which the seafarer is to be employed;
43
44 (e) Amount of the seafarer's salary, and the formula used for calculating the same;
45
46 (f) Hours of work and hours of rest;
47
48 (g) Wages and wage-related benefits, which include the following: overtime pay, holiday
49 pay, premium pay, paid leaves, 13th month pay, if applicable;
50
51 (h) Social security and welfare benefits;
52

- (i) Stipulation on repatriation or similar undertakings;
- (j) Separation pay and retirement pay, if applicable;
- (k) Reference to the collective bargaining agreement, if applicable,
- (l) Other benefits in accordance with law, company policy or agreements.

The foregoing employment agreement shall be in a working language or in English, executed in three (3) original copies before the commencement of the employment. The shipowner and the seafarer shall each have a signed original of the agreement. A signed original shall be made available on board the ship.

The Philippine Overseas Employment Administration - Standard Employment Contract (POEA-SEC) approved by the DOLE shall be observed in the employment of Filipino seafarers on board foreign registered ships.

When there is a collective bargaining agreement, a copy thereof must be maintained on-board the ship and readily accessible to the seafarers.

SEC. 22. *Wages.* – Upon effectivity of this Act, the Regional Tripartite Wages and Productivity Boards shall set the minimum wage rates of the seafarers on board ships engaged in domestic shipping, taking into account the peculiarities of the employment arrangement of seafarers and the criteria as determined pursuant to Republic Act No. 6727, otherwise known as “Wage Rationalization Act”: Provided, that wages for actual work hours and days shall not be lower than the applicable minimum wage rates in the domicile or head office of the employer. Wages shall be paid at least once every two (2) weeks or twice (2) a month, at intervals not exceeding sixteen (16) days.

Trainees, probationary crew members and others similarly situated shall be paid full minimum wage in accordance with the services rendered.

Cadets, on-the-job trainees, apprentices and other similarly situated persons who are onboard vessels as part of the completion of their academic or training program, shall be provided with stipends or allowances, which should not be less than 50% of the existing minimum wage of regular seafarers.

SEC. 23. *Hours of Work and Hours of Rest.* – The normal hours of work of seafarer shall not exceed eight (8) hours a day. If the seafarer is allowed to work beyond eight (8) hours, the maximum hours of work shall not exceed fourteen (14) hours in any 24-hour period, and seventy-two (72) hours in any 7-day period.

The minimum hours of rest for every seafarer shall not be less than ten (10) hours. Hours of rest may be divided into no more than two (2) periods, one of which shall be at least six (6) hours in length, and the interval between consecutive periods of rest shall not exceed fourteen (14) hours.

In exceptional cases, seafarers in watchkeeping duties may be required to work beyond fourteen (14) hours provided that the rest period is not less than seventy (70) hours in any 7-day period. This exception shall not be allowed for more than two (2) consecutive weeks. The intervals between two (2) periods of exceptions shall not be less than twice the duration of the exception.

1 SEC. 24. *Paid Annual Leave.* – Whenever applicable, the seafarers shall be paid an annual
2 leave to be calculated on the basis of a minimum of 2.5 calendar days per month of employment.
3

4 For ships licensed to engage in domestic shipping, the provisions on “Holidays, Service
5 Incentive Leaves and Service Charges” of Presidential Decree No. 442, or the Labor Code of the
6 Philippines, as amended, shall continue to apply unless higher annual leave is already provided
7 under the Collective Bargaining Agreement or by the shipowner as company practice or policy.
8

9 CHAPTER VII 10 REPATRIATION

11
12 SEC. 25. *Seafarers Shall Be Entitled to Repatriation.* All costs related to the repatriation or
13 transport of the personal effects of a seafarer shall be borne by or charged to the shipowner and the
14 manning agency concerned. The expenses of repatriation shall include the transportation charges,
15 pay and allowances from the moment the seafarers leave the ship until they reach the repatriation
16 destination, the accommodation and the food of the seafarer during the journey and transportation
17 of thirty kilograms (30 kg) of the seafarers’ personal luggage to the repatriation destination. The
18 primary responsibility to repatriate entails the obligation on the part of the shipowner or agency to
19 advance the repatriation and other attendant costs, including plane fare, deployment cost of the
20 principal and immigration fines and penalties, to immediately repatriate the seafarer should the
21 need for it arise, without a prior determination of the cause of the termination of the seafarer’s
22 employment. However, after the worker has returned to the country, the shipowner or agency may
23 recover the cost of repatriation from the seafarer if the termination of the employment was due
24 solely to the seafarer’s fault.
25

26 SEC. 26. *Emergency Repatriation for Seafarers On-board Foreign Registered Ships.* – In
27 cases of war, epidemics, abandonment of ship by shipowners, disasters, calamities, natural or
28 manmade, and other similar events, the Department of Foreign Affairs (DFA), in coordination with
29 the POEA and the OWWA, shall undertake the repatriation of seafarers. The DFA shall draw from
30 the Emergency Repatriation Fund (ERF) provided under the General Appropriations Act (GAA) to
31 defray the expenses involved in the repatriation of undocumented seafarers, while the POEA shall
32 require manning agencies to effect the repatriation of seafarers within forty-eight (48) hours or
33 suffer the penalty of suspension. In case of failure of the manning agency to provide for the
34 repatriation within the prescribed time, the POEA shall coordinate with the Overseas Workers
35 Welfare Administration (OWWA) to advance the cost of repatriation of the seafarer without
36 prejudice to reimbursement from the concerned manning agency.
37

38 The DFA shall take the lead in the repatriation of the affected seafarers in areas where there
39 is no Philippine Overseas Labor Office (POLO) in the area.
40

41 SEC. 27. *Repatriation for Seafarers On-board Domestic Ships.* – The provisions on
42 repatriation shall also apply to seafarers working on domestic ships. Seafarers on board domestic
43 ships shall be entitled to emergency repatriation in cases of war, epidemics, abandonment of ship
44 by shipowners, disasters or calamities, whether natural or man-made, and other similar events.
45

46 CHAPTER VIII 47 MANNING REQUIREMENT

48
49 SEC. 28. *Manning Levels.* – All ships of Philippine registry shall observe the required
50 minimum manning levels in accordance with the requirements prescribed by MARINA.
51

1 Every ship shall be manned by a crew that is adequate in terms of size and qualifications
2 taking into account the need to operate the vessel safely and efficiently.
3

4 SEC. 29. *Crew Competence.* – The crew members of a ship of Philippine Registry shall
5 possess the appropriate certificate of competency, which sets forth their competence to serve and
6 perform the functions involved at the level of responsibility, for the position held, for the type,
7 tonnage, power, means of propulsion, and trading patterns of the ships concerned.
8

9 The certificate of competency shall attest to the fact that the seafarer to whom it is issued
10 meets the requirements for service, age, qualification, and has successfully passed the examinations
11 conducted to determine the seafarer's proficiency and level of expertise for the position.
12

13 SEC. 30. *Registry of Seafarers.* – To better respond to the manning requirements of ocean-
14 going ships of foreign registry, and domestic and ocean-going ships of Philippine registry, the
15 POEA and MARINA, respectively, shall maintain a registry of all seafarers in the Philippines. The
16 registry shall contain the relevant information or data to promote employment opportunities for
17 seafarers whether on board or ashore, and allow for the appropriate learning for and
18 implementation of additional training, skills and competency development programs for seafarers.
19

20 CHAPTER IX

21 ACCOMMODATION, RECREATIONAL FACILITIES, FOOD AND CATERING

22
23

24 SEC. 31. *Accommodation Facilities.* – Unless otherwise exempted herein or by appropriate
25 regulations, all ships of Philippine registry shall have safe, decent and adequate accommodations
26 for seafarers taking into account the need to protect the health and safety of seafarers working or
27 living on board.
28

29 SEC. 32. *Requirements for Sanitation.* – All ships of Philippine registry shall have
30 sanitation facilities that meet the minimum standards for health and hygiene and are accessible to
31 seafarers on board. The sanitation facilities shall be located at convenient places, allowing for easy
32 access to work stations. Separate facilities shall be provided for male and female crew.
33

34 SEC. 33. *Recreational Facilities.* – Unless otherwise exempted herein or by appropriate
35 regulations, all ships of Philippine registry shall have recreational facilities, amenities, and services
36 that are appropriate and accessible to seafarers.
37

38 Domestic ships shall be exempted from this requirement considering that their trading
39 patterns and length of voyages allow their crew to go home or to make use of comparable facilities
40 on land.
41

42 SEC. 34. *Food and Catering.* – The shipowner shall ensure the protection and promotion of
43 health of seafarers. Whenever applicable, a shipowner shall ensure that a ship serves free food and
44 drinking water of appropriate quality, quantity and nutritional value that adequately cover the
45 requirements of the ship and take into consideration the differing cultural and religious
46 backgrounds of seafarers. All foods and drinks and the preparation thereof shall be in accordance
47 with the standards of the Sanitation Code of the Philippines and pertinent laws, rules and
48 regulations.
49

50 SEC. 35. *Application.* – The requirements of this Chapter for crew accommodation and
51 recreational facilities covering ships of Philippine Registry shall be applicable to the following:
52

- 1 (a) All ocean-going ships and domestic ships constructed on or after the date when the
2 Maritime Labor Convention of 2006 comes into force;
3
4 (b) All second-hand ships, whether ocean-going or domestic, acquired or leased, and
5 entered in the Philippine Registry after the entry date into force of the said
6 Convention unless provided exemption by the relevant Philippine government
7 agency; and
8
9 (c) All ships constructed prior to the entry into force of the Maritime Labor Convention,
10 2006 which have undergone major or substantial structural alterations after the entry
11 into force of the Convention, unless provided exemption by the relevant Philippine
12 government agency.
13
14

15 CHAPTER X
16 HEALTH PROTECTION AND MEDICAL CARE
17

18 SEC. 36. *Medical Care On-board Ships and Ashore.* – The shipowner shall provide
19 adequate equipment, paraphernalia and medical supplies, including medicines on board, and shall
20 ensure access to shore facilities for the health of seafarers, as well as the corresponding medical or
21 trained personnel who shall provide first-aid and medical care pursuant to the Maritime
22 Occupational Safety and Health Standards and other pertinent laws, rules and regulations.
23

24 The shipowner shall ensure that seafarers have access to medical treatment for any illness or
25 injury, hospitalization and dental treatment.
26

27 A seafarer shall have the right to consult a qualified physician or dentist without delay in
28 ports of call, where practicable.
29

30 A seafarer shall have the right to material assistance and financial support from the
31 shipowner with respect to the expenses incurred during and as a result of financial medical
32 treatment for sickness, injury or death occurring while they are serving under a valid employment
33 contract or those which arise from their employment, without prejudice to any other legal remedies
34 that a seafarer may seek.
35

36 CHAPTER XI
37 WELFARE AND SOCIAL SECURITY PROTECTION
38

39 SEC. 37. *Social Welfare Benefits.* – Without prejudice to established policy, collective
40 bargaining agreement or other applicable social agreement, all seafarers shall become members of
41 the Social Security System, Employees' Compensation and State Insurance Fund, Philhealth, Home
42 Development Mutual Fund (or Pag-IBIG Fund) and shall enjoy the benefits afforded pursuant to
43 membership thereof.
44

45 CHAPTER XII
46 COMPLIANCE AND ENFORCEMENT
47

48 SEC. 38. *Compliance and Certification.* – All ships of Philippine registry shall comply
49 with the provisions of this Act. The shipowner or master shall ensure the compliance of the ship
50 with the provisions of this Act and its implementing rules and regulations.
51

1 The shipowner and master, as acting shipowner's representative, shall be made principally
2 liable for any violation of the provisions of this Act and its implementing rules and regulations.
3

4 For this purpose, a Maritime Labour Certificate or a certificate of compliance, as applicable,
5 shall be issued in accordance with the implementing rules and regulations. The DOLE, DFA and
6 MARINA, in consultation with shipowners and seafarers' organizations, shall formulate the said
7 implementing rules and regulations.
8

9 SEC. 39. *Inspection and Enforcement.* – The Secretary of Labor or a duly authorized
10 representative, shall have the sole and exclusive authority to inspect all Philippine ships, domestic
11 or ocean-going to ensure compliance with the provisions of this Act. The duly authorized
12 representative shall have the power to board ships and carry out any examination, test or inquiry in
13 order to ensure that the standards established under this Act and its implementing rules and
14 regulations are strictly observed.
15

16 The Secretary of Labor and Employment may authorize other government agencies or duly
17 recognized organizations to conduct inspection and issue certification in accordance with the
18 provisions of this Act and its implementing rules and regulations.
19

20 The Secretary of Labor and Employment or the duly authorized representative shall have
21 the power to order immediate restitution of differences, and impose fines for violations of the
22 provisions of this Act.
23

24 If the violation or deficiency constitutes serious breach of the requirement of this Act and its
25 implementing rules and regulations, or poses imminent danger to the ships or to the life or limb of
26 the seafarer, the Secretary of Labor or the duly authorized representative may immediately order
27 the detention of the ship until the violation or deficiency is corrected.
28

29 SEC. 40. *Recognized Organization.* – Recognized organizations may be authorized by the
30 Secretary of Labor and Employment to conduct the inspection of ship's premises and issue the
31 Maritime Labour Certificate or the Certificate of Compliance with, as appropriate, in accordance
32 with the provisions of this Act and its implementing rules and regulations.
33

34 A recognized organization must have the necessary knowledge of the requirements of this
35 Act and its implementing rules and regulations, the Maritime Labour Convention of 2006 and other
36 relevant international treaty or convention.
37

38 Likewise, to be recognized and authorized to inspect a ship, it must also have the necessary
39 and qualified professional and technical expertise to conduct the inspection and certify to the ship's
40 compliance with established standards.
41

42 CHAPTER XIII 43 TERMINATION OF EMPLOYMENT 44

45 SEC. 41. *Termination of Employment.*
46

- 47 (a) The employment of Filipino seafarers on board Philippine-registered ships operating
48 internationally as well as those on board foreign-registered ships shall cease when
49 the seafarers complete their period of contractual service aboard the ship, sign off
50 from the ship, and arrive at the point of hire.
51

The employment is also terminated effective upon arrival at the point of hire for any of the following reasons:

(1) When the seafarer signs off and is disembarked for medical reasons in the event the seafarer is declared: (1) fit for repatriation; or (2) when after an illness the seafarer is declared fit to work, but the employer is unable to find employment for the seafarer on board the ship originally boarded or on another ship of the employer;

(2) When the seafarer signs off due to the sale of the ship, lay-up of ship, discontinuance of voyage or change of ship principal;

(3) When the seafarer, voluntarily resigns in writing and signs off prior to the expiration of contract within a reasonable period as may be prescribed in the implementing rules and regulations of this Act; or

(4) When the seafarer is discharged for just causes in accordance with the provisions of the POEA Standard Employment Contract;

(b) The termination of employment of a seafarer on board domestic ships shall be governed by the provisions of the Labor Code of the Philippines, as amended, on domestic shipping.

(c) The termination of employment of a seafarer on board a foreign vessel or foreign registered ships shall be governed by the POEA SEC or applicable collective bargaining agreement (CBA).

CHAPTER XIV SETTLEMENT OF DISPUTES

SEC. 42. *On-board and Onshore Grievance Machinery.* – All ships of Philippine registry shall prescribe and observe fair, effective and expeditious on-board and on-shore methods and procedures to handle grievance at no cost to the seafarer, in accordance with the implementing rules and regulations of this Act.

In cases where a seafarer is a member of a legitimate trade union organization, any grievance shall, as a condition precedent to conciliation-mediation, undergo the grievance machinery with the involvement of the union as established in its collective bargaining agreement (CBA). Without prejudice to any existing law, any agreement reached by the parties during the grievance negotiation shall be final and binding.

SEC. 43. *Mandatory Conciliation-Mediation and Arbitration.* – Seafarers, whether engaged, employed or working on-board ships of Philippine registry or other registries, shall avail of the conciliation-mediation services of the DOLE pursuant to Republic Act 10396 and its Implementing Rules and Regulations, by filing a request for assistance before the conciliation-mediation desks at the Regional/Field/Provincial Offices of the DOLE or its attached agencies.

In case of failure of conciliation-mediation in cases where seafarers are covered by CBA, the case shall be submitted for Voluntary Arbitration in accordance with Articles 261 and 262 of the Labor Code, as amended. In cases where seafarers are not covered by the CBA, the seafarer shall have the option to submit the case to Compulsory Arbitration or Voluntary Arbitration.

1 CHAPTER XV
2 REINTEGRATION FOR OVERSEAS FILIPINO SEAFARERS
3

4 SEC. 44. *Reintegration.* – Returning or unemployed overseas Filipino seafarers may avail
5 of the livelihood development and training programs, placements and other services offered by
6 concerned government agencies, including Overseas Workers Welfare Administration (OWWA),
7 Technical Education and Skills Development Authority (TESDA), Technical and Livelihood
8 Resource Center (TLRC), Cooperative Development Authority (CDA), National Maritime
9 Polytechnic (NMP) and CHED.

10
11 These agencies shall formulate skills upgrading or retraining curricula to meet the needs of
12 returning or unemployed seafarers. The participation of the maritime sector, in particular, port and
13 shipping industry, and maritime educational institutions shall be likewise solicited by the DOLE in
14 devising the appropriate retraining and local job placement programs for unemployed seafarers.

15
16 The National Reintegration Center for OFWs (NRCO) shall attend to the needs of returning
17 seafarers. The Center shall provide mechanisms for their reintegration into the Philippine society,
18 serve as a promotion house for their local employment, and tap their skills and potentials for
19 national development.

20
21 CHAPTER XVI
22 INCENTIVES AND AWARDS GRANTED TO THE MARITIME INDUSTRY
23

24 SEC. 45 *Incentives and Awards.* – There shall be established an incentives and awards
25 system for the maritime industry stakeholders which shall be developed and administered by the
26 concerned government agency in consultation with the Maritime Industry Tripartite Council
27 (MITC).

28
29 Under such rules and regulations that may be promulgated, deserving shipowners, seafarers,
30 manning and other organizations or entities shall be commended or awarded for their outstanding
31 performance in upholding the rights of seafarers and complying with this Act.

32
33 CHAPTER XVII
34 GOVERNMENT AGENCIES
35

36 SEC. 46. *Role of Government Agencies.* – The following government agencies shall
37 perform the following functions to promote the welfare and protect the rights of Filipino seafarers:

- 38
39 (a) Department of Labor and Employment – The DOLE shall exercise sole and exclusive
40 jurisdiction in implementing the provisions of this Act and ensure that the standards set
41 forth herein, under Presidential Decree No. 442, as amended, and other laws, the
42 Maritime Labour Convention 2006 and other international treaties and conventions to
43 which the Philippines is a signatory are faithfully complied with and fairly applied to
44 Filipino seafarers;

45
46 The DOLE shall likewise determine and set appropriate benchmarks consistent with the
47 MLC 2006, this Act and other applicable laws on employment conditions and other
48 labor standards and regulations;

- 49
50 (b) Department of Foreign Affairs – The DFA, through its home offices or foreign posts,
51 shall give paramount importance to the safety and well-being of Filipino seafarers, by
52 providing adequate and timely intervention and assistance, such as representing their

1 interests with foreign authorities concerned and facilitating their repatriation when they
2 are distressed or beleaguered;

- 3
4 (c) Department of Health – The DOH shall regulate the activities and operations of all
5 clinics which conduct physical, optical, dental, psychological and other similar
6 examinations, hereinafter referred to as health examinations, on Filipino seafarers;

7
8 The DOH shall determine and prescribe the nature of the health examination that shall
9 be required of a seafarer, ensuring that such examination will genuinely determine the
10 seafarer's state of health, considering the duties that the seafarer shall be required to
11 perform on board. The DOH shall likewise prescribe the contents of the medical
12 certificate to ensure that such certification will genuinely reflect the seafarer's state of
13 health.

- 14
15 (d) Philippine Overseas Employment Administration – The POEA shall look into the
16 contracts of employment and the working conditions of the officers and crew of vessels
17 of Philippine registry operating internationally, and of such officers and crew members
18 who are Filipino citizens and employed by foreign vessels to ensure that these comply
19 with the prescribed standards;

- 20
21 (e) Overseas Workers Welfare Administration – The OWWA, through its welfare officers
22 or coordinating officers, shall provide the Filipino seafarers and their families all the
23 assistance they may need in the enforcement of contractual obligations by agencies and
24 their principals.

25
26 The OWWA shall likewise formulate and implement welfare programs for overseas
27 Filipino seafarers and their families while they are abroad and upon their return. It shall
28 ensure the awareness by the overseas Filipino workers and their families of these
29 programs and other related governmental programs.

- 30
31 (f) Maritime Industry Authority - The MARINA shall ensure that all maritime education
32 including the curricula and training programs are structured and delivered in accordance
33 with written programs, methods and media of delivery, procedures and course materials,
34 international standards as prescribed under the STCW Convention and other applicable
35 laws.

- 36
37 (g) Philippine Coast Guard – The PCG, in line with its function to assist in the enforcement
38 of applicable laws within the maritime jurisdiction of the Philippines, shall assist the
39 DOLE in the enforcement of Department Orders and other issuances implementing the
40 MLC 2006, including orders to detain vessels found in gross violation of pertinent laws,
41 rules and regulations.

42
43 Unless otherwise provided in this Act, the mandate, power and function of all existing
44 departments, agencies or instrumentalities of the government, including government-owned and
45 controlled corporations, shall remain and continue to be recognized in accordance with the law or
46 order creating them.

47
48 SEC. 47. *Philippine Seafarer One Stop Processing Center (PSOC).* – The PSOC has been
49 tasked to operationalize and make available to the public, an integrated document processing center
50 for the seafarers and the general public to conduct official transactions. The agencies that are
51 mandated to provide services in the PSOC are as follows:

- (a) Department of Labor and Employment;
- (b) Department of Foreign Affairs;
- (c) Commission on Higher Education;
- (d) Professional Regulation Commission;
- (e) National Telecommunications Commission;
- (f) Philippine Overseas Employment Administration;
- (g) Overseas Workers Welfare Administration;
- (h) Technical Education and Skills Development Authority;
- (i) Maritime Industry Authority;
- (j) National Bureau of Investigation;
- (k) Social Security System;
- (l) Philippine Health Insurance Corporation;
- (m) Philippine Statistics Authority;
- (n) Home Development Mutual Fund;
- (o) Such other government agencies that the Secretary of DOLE may deem appropriate to be included in the PSOC.

CHAPTER XVIII FINAL PROVISIONS

SEC. 48. *Administrative Fines and Penalties.* – Any shipowner, master, their representative or other person who fails or refuses to present employment records, such as payrolls, daily time records, payslip or other documents, when required by the Secretary of Labor, or the duly authorized representative of the Secretary of Labor, or the duly authorized representative of a recognized organization, shall be imposed administrative fines and penalties in accordance with the implementing rules and regulations promulgated to implement this Act.

SEC. 49. *Penalties for Violations of Sections 38 and 39.* – Any person who, without proper authorization, exercises the authority granted to the Secretary of Labor under Sections 38 and 39 of this Act, shall be punished with a fine of not less than One hundred thousand pesos (P100,000.00) nor more than Four hundred thousand pesos (P400,000.00), or imprisonment of not less than one (1) year nor more than four (4) years, or both at the discretion of the court. The foregoing offense shall prescribe after five (5) years from its commission, or upon discovery of the violation by competent authorities.

SEC. 50. *Transitory Provision.* – All rights, privileges and benefits previously enjoyed by Filipino seafarers before the effectivity of this Act, including those set forth in Presidential Decree No. 442, otherwise known as the Labor Code of the Philippines, as amended, and Republic Act No.

1 8042, otherwise known as the "Migrant Workers and Overseas Filipinos Act of 1995," as amended,
2 shall continue to be recognized and shall not be diminished.

3
4 SEC. 51. *Implementing Rules and Regulations.* – The DOLE, in coordination with the
5 DFA, MARINA and other concerned agencies, shall formulate the rules and regulations to
6 implement this Act within ninety (90) days after its effectivity.

7
8 SEC. 52. *Separability Clause.* – If, for any reason, any section, clause or term of this Act is
9 held to be illegal, invalid, or unconstitutional, such parts not affected by such declaration shall
10 remain in full force and effect.

11
12 SEC. 53. *Repealing Clause.* – All laws, presidential decrees, issuances, executive orders,
13 letters of instruction, rules or regulations inconsistent with the provisions of this Act are hereby
14 repealed or modified accordingly.

15
16 SEC. 54. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the
17 *Official Gazette* or in a newspaper of general circulation.

18
19 *Approved.*