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Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL No. 6588



Introduced by

**BAYAN MUNA Representatives FERDINAND R. GAITE,
CARLOS ISAGANI T. ZARATE and EUFEMIA C. CULLAMAT,
ACT TEACHERS Party-List Representative FRANCE L. CASTRO,
GABRIELA Women's Party Representative ARLENE D. BROSAS
and KABATAAN Party-List Representative SARAH JANE I. ELAGO**

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

EXPLANATORY NOTE

The Filipino seafarers have long been the crew of choice in the world for their skills, resourcefulness, reliability, and command of the English language. At any given time, more than 400,000 Filipino seafarers man the oceangoing ships, allowing big shipowners to amass super profits from the toil and sacrifice of the seafarers. Exposed to the perils at sea, laboring in the heat of day and in the cold of night, the Filipino seafarers are one of the most exploited and oppressed.

Many of them are on board ships flying flags of convenience, substandard and unsafe ships, and are suffering from the stress and fatigue of work at wages that are below the ILO standard. Filipino seafarers suffer from the lack of security of tenure and the difficulty of being reemployed after finishing a contract. They also complain about the very high expenses for training and certification, upgrading certificates, and government exactions. When they are hired they are exposed to the elements, to stress and fatigue. This includes viral epidemics and piracies, aside from the natural perils at sea. When they sustain injuries, illnesses or if they die, the seafarers or their families have the burden of proof to establish that the incident is work related or they get no compensation. The POEA Contract that should have protected them is unfairly restricting their rights and benefits with this work related requirement.

When the Philippines ratified the ILO Maritime Labour Convention 2006, a glimmer of hope was seen in the horizon. Now, there is a set of laws and standards worldwide that would benefit and protect the rights of seafarers including Filipinos on board oceangoing and domestic ships. It was ratified by the Philippines on August 20, 2012 and became an International Law a year after. Yet, there is still no law passed in our jurisdiction to implement the beneficent provisions of this international treaty. That is why, it is very urgent to pass this Magna Carta of Filipino Seafarers to serve as the initial implementing legislation for the MLC 2006. It is an immediate intervention to address the problems and issues diminishing the rights and welfare of the Filipino seafarers, our modern day heroes.

In this light, the urgent approval of this bill is earnestly sought.


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9 **REP. FERDINAND R. GAITE**
10 *Bayan Muna Partylist*
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17 **REP. CARLOS ISAGANI I. ZARATE**
18 *Bayan Muna Partylist*
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REP. EUFEMIA C. CULLAMAT
Bayan Muna Partylist

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29 **REP. FRANCE E. CASTRO**
30 *ACT Teachers Partylist*
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REP. ARLENE D. BROSAS
GABRIELA Women's Party

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39 **REP. SARAH JANE I. ELAGO**
Kabataan Partylist

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."

SECTION 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;

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, and offer viable alternative livelihood to unemployed seafarers. The State shall further promulgate policies and programs to protect the rights and to uplift the socio-economic well-being of the Filipino seafarers and their families, and to develop a vibrant and sustainable national shipping industry to provide jobs for Filipino seafarers on board ships that are beneficially owned by Filipinos in the near future, instead of manning them on flags of convenience and foreign ships.

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

This Act shall not cover the following categories of ships:

- (a) Warships and naval auxiliaries;
- (b) Government ships not engaged in commercial operations;
- (c) Ships of traditional build, as may be defined under existing rules and regulations; and

- (d) Fishing vessels which navigate exclusively in inland water or water within or closely adjacent to sheltered water, or areas where port regulations apply;

SECTION 4. *Definition of Terms.* -As used in this Act:

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

This term shall also include bona fide maritime labor organizations, professional associations of seafarers, non-governmental organizations advocating for the rights and welfare of seafarers and their families, and other civil society entities with similar goals.

- (g) *Master* refers to a person having command of a ship;
- (h) *Maritime Labour Certificate* refers to the document that certifies that the working and living conditions of the seafarers on the ship have been inspected and are compliant with the requirements of Philippine laws and regulations and with the Maritime Labour Convention 2006;
- (i) *Philippine National* refers to any individual who is a citizen of the Philippines, or a commercial partnership or corporation organized under the laws of the Philippines, at least 60% of the capital of which is owned by citizens of the Philippines;

- (j) *Philippine Seafarers' One Stop Processing Center (PSOC)* refers to the facility created under DOLE Administrative Order No. 56, series of 2003, which houses multiple offices or agencies involved in providing services to seafarers, in one place;
- (k) Point of Hire refers to the place where the contract of employment was executed;
- (l) Recognized Organizations refer to organizations recognized by the DOLE to carry out inspections or issue the Maritime Labour Certificate in accordance with the scope of activities covered by their authorizations;
- (m) Repatriation refers to the process of returning a seafarer to the point of hire;
- (n) Seafarer refers to a person who is employed or is engaged to work in any capacity on board a ship to which the Act applies;
- (o) Ship or Vessel refers to any kind, class or type of craft or artificial contrivance capable of floating in water, whether publicly or privately owned, ordinarily engaged in commercial activities and offshore operations;
- (p) Sea Going Ship refers to a ship other than those which navigate exclusively in inland water or water within or closely adjacent to sheltered water, or areas where port regulations apply;
- (q) Shipowner refers to the owner of the ship employing Filipino seafarers to work on board domestic ships or on ships engaged in international trade, or any other organization or person, such as the manager, agent or bareboat charterer, who has assumed the responsibility for operation and management of the ship, and who, in assuming such responsibilities, has agreed to take over all the attendant duties and 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

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

- (a) Safe and secure workplace that complies with international safety standards;
- (b) Decent working and living conditions on board a ship, and security of tenure for those who have acquired regular employment status by working for a cumulative period of one year with the same employer, manning agent or foreign or domestic shipowner;
- (c) Medical care, welfare measures and other forms of health and social protection; and the right to seek second opinion from other DOH Accredited clinics or competent and licensed physicians in the event of the seafarer's doubt on the medical assessment of the company designated or approved physician or clinic.

- (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.

SECTION. 6. *Right to Self-organization, to Engage in Collective Bargaining and to Participate in Concerted Actions* - Seafarers shall enjoy their right to self-organization, to collective bargaining, to concerted actions including going on strike, 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.

SECTION. 7. *Right to Educational Advancement and Training at Reasonable and Affordable Costs.* Seafarers education shall be the principal responsibility of the state. They 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 and they shall be paid commensurate wages as provided in this Act.

Toward this end, relevant government agencies shall:

- (a) Establish more state run maritime schools and training centers, and 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 reduce the cost of education and training for seafarers and harness the skills of Filipino seafarers toward greater efficiency; 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.

SECTION. 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, provide them a copy of their POEA Contract and the Collective Bargaining Agreement when applicable. This right shall include the right of seafarers' organizations to relevant information affecting the terms and conditions of employment of their members.

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

SECTION. 9. *Tripartism and Tripartite Conferences.* Seafarers, shipowners and legitimate seafarers' and shipowners' organizations, as well as other relevant stakeholders, including NGOs and civil society organizations working for seafarers rights and welfare, shall be adequately consulted before adopting any maritime policy, executive issuance, rule or regulation affecting seafarers and their families is promulgated, or before any maritime law that may directly affect them is enacted.

Tripartism in labor relations of seafarers is hereby declared a State policy. Towards this end, seafarers, shipowners, International Transport Workers Federation (ITF), Mission to Seafarers, Stella Maris, Migrante International and other Non-Governmental Organization shall, as far as practicable, be represented in decision and policy-making bodies of the government.

1 A tripartite council shall be created to represent aforementioned sectors and representations. The Secretary
2 of Labor and Employment together with MARINA shall promulgate the necessary rules and regulations to
3 specify the functions of the tripartite council. The operations of the tripartite council shall be funded from
4 the regular budget of the DOLE.
5

6 **SECTION. 10. *Right Against Discrimination.*** Upon employment, seafarers shall have the right
7 against discrimination by sole reason of age, race, sex, gender, religion and political opinion. Career
8 opportunities shall be promoted and appropriate working and living conditions shall be guaranteed equally
9 among male and female seafarers and those of other gender orientation.
10

11 **SECTION. 11. *Right to Free Legal Representation.*** Seafarers who are victims of violations of the
12 provisions of this Act or of their employment contract or other labor laws, and who cannot afford the
13 services of a competent and independent counsel shall have the right to free legal assistance and protection at
14 government's expense, and to the fair and speedy disposition of the case, including the expeditious settlement
15 of money claims, subject to existing laws, rules and regulations.
16

17 **SECTION. 12. *Right to Access to Communication and to Shore Leaves.*** Seafarers, especially during
18 their free time or when they are not on duty shall have reasonable access to ship-to-shore telephone
19 communications, and email and internet facilities, where available, and to adequate shore leaves when the ship
20 is in a port.
21

22 **SECTION. 13. *Right to Fair Treatment in the event of Maritime Accident, Epidemic, Piracy or other***
23 ***Perils at Sea.*** In the event of maritime accident, epidemic, piracy or other perils at sea, the seafarer shall be
24 treated fairly and be entitled to all the rights in international law, including the rights under ILO / IMO 2006
25 Guidelines on Fair Treatment of Seafarers in the Event of a Maritime Accident, Annex to IMO Resolution A
26 1056 (27) of November 30, 2011, and the Maritime Labour Convention 2006, but not limited thereto;
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29 CHAPTER III 30 DUTIES OF SEAFARERS 31

32 **SECTION. 14.** Seafarers shall have the following duties:
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- 34 (a) To comply with and observe the terms and conditions of the employment contract;
35
- 36 (b) To abide by lawful and reasonable company personnel policies;
37
- 38 (c) To be obedient to the lawful commands of the Master or the Master's lawful successor, and to
39 comply with the shipowner's / principal's policy on safety and operational procedures and
40 instructions given in connection therewith;
41
- 42 (d) To be diligent in the performance of duties relating to the ship, its stores, equipment and cargo,
43 whether on board, in transit or ashore;
44
- 45 (e) To be, at all times, orderly and respectful to the shipmates, passengers, shippers, stevedores, port
46 authorities, and other persons who have official business with the ship; and
47
- 48 (f) To be personally responsible for maintaining a healthy lifestyle.

CHAPTER IV
MINIMUM REQUIREMENTS FOR SEAFARERS

SECTION. 15. *Minimum Age.* No person below eighteen (18) years old, other than a cadet, shall be employed, engaged, or otherwise allowed to work on board Philippine registered ships operating domestically or internationally, as well as on board foreign registered ships.

SECTION. 16. *Medical Certificates.* No seafarer shall be employed, engaged, or otherwise allowed to work on board a domestic or ocean-going ship unless a medical certificate has been issued declaring the seafarer to be fit to work. The seafarer shall hold a valid medical certificate issued by a medical facility duly accredited by the Department of Health (DOH) in accordance with its existing rules and regulations.

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

For the purpose of this Section, a medical certificate issued in accordance with the requirements of STCW shall be accepted. No waiver of liabilities resulting to forfeiture of benefits shall be allowed in case of insufficient compliance with a fit to work certification during the pre-employment medical examination, and in case a seafarer has signed such waiver, it is null and void ab initio for being contrary to this Act and to public policy and cannot be used against the seafarer in any proceeding, arbitration or negotiation on entitlements in case of sickness, injury or death.

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

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

SECTION. 19. *Prohibition on Fees.* No amount or fee shall be charged to the seafarer for their recruitment and placement. The collection of placement fees on seafarers shall be punishable as a crime of illegal recruitment under Rep. Act 10002.

CHAPTER V
CADETSHIP

SECTION. 20. *Applicability.* The shipboard training of cadets shall be governed by Sections 5 to 13 of Chapter II; Section 14 of Chapter III; Section 15 to 19 of Chapter IV; Sections 22 to 23 of Chapter VI; Sections 25 to 27 of Chapter VII; Sections 31 to 35 of Chapter IX; Section 36 of Chapter X; and Section 42 of Chapter XIV hereof.

SECTION. 21. *Shipboard Training Agreement for Cadets.* There shall be a written agreement between the shipowner on one hand, and the cadet and the maritime institution or school on the other, and which shall include the following information, terms and conditions:

- 1
2 (a) Cadet's full name, date of birth, birthplace and age, which should be at least sixteen (16) years old;
3
4 (b) Name and address of the maritime institution or school;
5
6 (c) Name and address of the shipowner, if applicable;
7
8 (d) Place and date when the cadet's agreement is entered into;
9
10 (e) Capacity in which the cadet is to be trained;
11
12 (f) Amount of the cadet's allowance or stipend;
13
14 (g) Required number of hours of training and rest which shall not be less than the prescribed hours of
15 work and rest in Section 21 of this Act;
16
17 (h) Duties and responsibilities of the sponsoring company, Maritime Higher Education Institutions
18 (MHEIs), and cadets, as may be provided under the Standard Cadet Training Agreement on Ships
19 Engaged in International Voyage of the Philippine Overseas Employment Administration (POEA);
20 and
21
22 (i) Other benefits in accordance with law, company policy or agreements.
23

24 The foregoing agreement shall be in a working language and in English, executed in three (3) original copies
25 before the commencement of the shipboard training. The shipowner, cadet and the maritime
26 institution/school shall each have a signed original of the agreement and an electronic copy thereof shall be
27 submitted to the DOLE, through the Bureau of Working Conditions (BWC). A signed original copy shall also
28 be made available on board the ship.
29

30 MHEIs shall demonstrate that over the last three (3) years, an average of at least the minimum percentage of
31 the target number of cadets, as per updated relevant Commission on Higher Education (CHED)
32 Memorandum Order are able to secure berths in connection with their studies, which minimum percentage,
33 however, shall not be lower than sixty percent (60%) of students enrolled in their Bachelor of Science in
34 Marine Transportation (BSMT) or Bachelor of Science in Marine Engineering (BSMarE) programs. The
35 CHED, in coordination with the Maritime Industry Authority (MARINA), shall ensure that only BSMT or
36 BSMarE programs in MHEIs that meet the above requirement are conferred approved or accredited.
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39 CHAPTER VI 40 TERMS AND CONDITION OF EMPLOYMENT 41

42 **SECTION. 22. Standard Employment Agreement for Seafarers.** There shall be an agreement in writing
43 between the shipowner and the seafarer, which shall include the following information and terms:
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- 46 (a) Seafarer's full name, date of birth or age, and birthplace;
47
48 (b) Shipowner's name and address;

- (c) Place where and date when the seafarer's employment agreement is entered into;
- (d) Capacity in which the seafarer is to be employed;
- (e) Amount of the seafarer's salary, and the formula used for calculating the same;
- (f) Hours of work and hours of rest;
- (g) Wages and wage-related benefits, which include the following: overtime pay, holiday pay, premium pay, paid leaves, 13th month pay, if applicable;
- (h) Social security and welfare benefits;
- (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 ocean going Philippine registered ships or foreign registered ships.

When there is a collective bargaining agreement, a copy thereof must be maintained on-board the ship and every seafarer covered must be provided with a copy thereof.

The terms and conditions for employment to be provided in the POEA SEC or and CBA shall always be consistent and updated with the latest amendment to the Maritime Labour Convention 2006 and other existing treaties and conventions governing seafarers duly entered into by the Philippines.

SECTION. 23. 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" or other applicable laws. : Provided, that wages for actual work hours and days shall not be lower than the applicable minimum wage rates in the place where the ship is registered or where it is domiciled, and the higher wage rate in case of discrepancy shall be applicable. Wages shall be paid at least once every two (2) weeks or twice 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.

SECTION. 24. 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.

SECTION. 25. Paid Annual Leave. – Unless higher annual leave pay is provided under a Collective Bargaining Agreement (CBA) or by the Shipowner as company practice or custom, the seafarer shall be paid an annual leave pay to be calculated on the basis of a minimum of at least 2.5 calendar days per month of employment.

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

CHAPTER VII REPATRIATION

SECTION. 26. Seafarers Shall Be Entitled to Repatriation. All costs related to the repatriation or transport of the personal effects of a seafarer shall be borne by or charged to the shipowner and the manning agency concerned. The expenses of repatriation shall include the transportation charges, pay and allowances from the moment the seafarers leave the ship until they reach the repatriation destination, the accommodation and the food of the seafarer during the journey and transportation of at least thirty kilograms (30 kgs.) of the seafarers' personal luggage to the repatriation destination. The primary responsibility to repatriate entails the obligation on the part of the shipowner or agency to advance the repatriation and other attendant costs, including plane fare, deployment cost of the principal and immigration fines and penalties, to immediately repatriate the seafarer should the need for it arise, without a prior determination of the cause of the termination of the seafarer's employment. However, after the worker has returned to the country, the shipowner or agency may recover the cost of repatriation from the seafarer if the termination of the employment was due solely to the seafarer's fault.

SECTION. 27. Emergency Repatriation for Seafarers on Board Foreign Registered Ships. In cases of war, epidemics, abandonment of ship by ship owners, disasters, calamities, natural or man-made, and other similar events, the Department of Foreign Affairs (DFA), in coordination with the POEA and the Overseas Workers Welfare Administration (OWWA), shall undertake the repatriation of seafarers. The DFA shall draw from the Emergency Repatriation Fund (ERF) provided under the General Appropriations Act (GAA) to

defray the expenses involved in the repatriation of undocumented seafarers, while the POEA shall require manning agencies to effect the repatriation of seafarers within forty-eight (48) hours or suffer the penalty of suspension. In case of failure of the manning agency to provide for the repatriation within the prescribed time, the POEA shall coordinate with the OWWA to advance the cost of repatriation of the seafarer without prejudice to reimbursement from the concerned manning agency.

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

SECTION. 28. *Repatriation for Seafarers on Board Domestic Ships.* The provisions on repatriation, or return to the port of hire, as maybe applicable, shall also apply to seafarers working on domestic ships. Seafarers on board domestic ships shall be entitled to emergency repatriation in cases of war, epidemics, abandonment of ship by ship owners, disasters or calamities, whether natural or man-made, and other similar events.

CHAPTER VIII MANNING REQUIRENIENT

SECTION. 29. *Manning Levels.* All ships of Philippine registry shall observe the required minimum manning levels in accordance with the requirements prescribed by the MARINA.

Every ship shall be manned by a crew that is adequate in terms of size and qualifications taking into account the need to operate the vessel safely and efficiently, and the avoidance of crew stress and fatigue caused by undermanning.

SECTION. 30. *Crew Competence.* The crew members of a ship of Philippine registry shall possess the appropriate certificate of competency, which sets forth their competence to serve and perform the functions involved at the level of responsibility, for the position held, for the type, tonnage, power, means of propulsion, and trading patterns of the ships concerned.

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

SECTION. 31. *Registry of Seafarers.* To better respond to the manning requirements of oceangoing ships of foreign registry, and domestic and oceangoing ships of Philippine registry, the POEA and the MARINA, respectively, shall maintain a registry of all seafarers in the Philippines. The registry shall contain the relevant information or data to promote employment opportunities for seafarers whether on board or ashore, and allow for the appropriate learning for and implementation of additional training, skills and competency development programs for seafarers.

CHAPTER IX ACCOMMODATION, RECREATIONAL FACILITIES, FOOD AND CATERING

SECTION. 32. *Accommodation Facilities.* All ships of Philippine registry shall have safe, decent and adequate accommodations for seafarers considering the need to protect the health and safety of seafarers working or living on board.

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2 **SECTION. 33. *Requirements for Sanitation.*** All ships of Philippine registry shall have sanitation facilities
3 that meet the minimum standards for health and hygiene and are accessible to seafarers on board. The
4 sanitation facilities shall be located at convenient places, allowing for easy access to work stations. Separate
5 facilities shall be provided for male and female crew.
6

7 **SECTION. 34. *Recreational Facilities.*** Unless otherwise exempted herein or by appropriate regulations,
8 all ships of Philippine registry shall have recreational facilities, amenities, and services that are appropriate and
9 accessible to seafarers.
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11 Domestic ships the regular voyage of which does not exceed thirty-six (36) hours may be exempted from this
12 requirement upon presentation of proof that their trading patterns and length of voyages allow their crew to
13 go home or to make use of comparable facilities on land.
14

15 **SECTION. 35. *Food and Catering.*** The shipowner shall ensure the protection and promotion of health of
16 seafarers. Whenever applicable, a shipowner shall ensure that a ship serves free food and drinking water of
17 appropriate quality, quantity and nutritional value that adequately cover the requirements of the ship and take
18 into consideration the differing cultural and religious backgrounds of seafarers. All foods and drinks and the
19 preparation thereof shall be in accordance with the standards of the Sanitation Code of the Philippines and
20 pertinent laws, rules and regulations.
21

22 **SECTION. 36. *Application.*** The requirements of this chapter for crew accommodation and recreational
23 facilities covering ships of Philippine registry shall be applicable to the following:
24

- 25 (a) All oceangoing ships and domestic ships constructed on or after the date when the ILO MLC 2006
26 comes into force;
27
28 (b) All second-hand ships, whether oceangoing or domestic, acquired or leased, and entered in the
29 Philippine registry after the entry date into force of the said Convention unless provided exemption
30 by the relevant Philippine government agency; and
31
32 (c) All ships constructed prior to the entry into force of the MLC, 2006 which have undergone major or
33 substantial structural alterations after the entry into force of the Convention, unless provided
34 exemption by the relevant Philippine government agency.
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36

37 **CHAPTER X**

38 **HEALTH PROTECTION AND MEDICAL CARE**

39

40 **SECTION. 37. *Medical Care on Board Ships and Ashore.*** The shipowner shall provide adequate
41 equipment, paraphernalia and medical supplies, including medicines on board, and shall ensure access to
42 shore facilities for the health of seafarers, as well as the corresponding medical or trained personnel who shall
43 provide first aid and medical care pursuant to the Maritime Occupational Safety and Health Standards and
44 other pertinent laws, rules and regulations.
45

46 The shipowner shall ensure that seafarers have access to medical treatment for any illness or injury,
47 hospitalization and dental treatment and for prompt medical transport and attention in case of medical
48 emergency.

1
2 A seafarer shall have the right to consult a qualified physician or dentist without delay in ports of call, where
3 practicable.
4

5 The health protection and medical care under this section shall be provided at no cost to the seafarer.
6

7 **SECTION. 38. *Right to Financial Consequences of Sickness, Injury or Dearth Occurring in***
8 ***Connection with Employment.*** All seafarers shall have the right to material assistance and support from
9 the shipowner with respect to the financial consequences of sickness, injury or death occurring while they are
10 serving under a seafarer's employment agreement or arising from their employment under such agreement
11 without prejudice to any other legal remedies that a seafarer may seek. The shipowner shall provide an
12 expeditious and effective financial security system to compensate the seafarers in accordance with the
13 Maritime Labour Convention 2006 and its amendments and appendices. The payment of contractual claims
14 shall not bar seafarers from pursuing other claims based in law, tort or quasi-delict in applicable jurisdictions
15 at the option of the seafarer.
16
17

18 **CHAPTER XI**
19 **EMPOWERMENT OF FILIPINO WOMEN SEAFARERS**
20 **AND GENDER SENSITIVITY**
21

22 **SECTION. 39. *Rights and Welfare of Filipino Women Seafarers.*** The rights and welfare Filipino women
23 seafarers on board oceangoing and domestic ships must be protected and upheld. Gender sensitivity must be
24 instilled on all government agencies and offices working with seafarers, on shipowners, and manning
25 agencies, and on the crew and passenger of ships, foreign and domestic. Filipino women seafarers shall also
26 be empowered and made aware of their human rights through gender awareness and sensitivity, and women
27 empowerment courses in maritime schools, training centers, Pre Departure Orientation Seminars (PDOS)
28 and on board the ships as part of the regular drills and education of all crew members, must be implemented.
29

30 **SECTION. 40. *Enhanced access to educational advancement and training.*** Women seafarers shall be
31 given enhanced access to education and training. Government owned Maritime Higher Education
32 Institutions (MHEIs) and Maritime Training Institutions (MTIs) shall provide adequate scholarships to
33 women students and trainees utilizing their Gender and Development (GAD) budgets.
34

35 **SECTION. 41. *Gender Sensitivity Training for Seafarers.*** The National Maritime Polytechnic (NMP)
36 shall continue to develop, enhance and increase accessibility of its Gender Sensitivity Training for Seafarers to
37 the maritime industry stakeholders, offering the training course in E-Learning format. The NMP shall also
38 strengthen its research capability to provide comprehensive resources including gender related topics and
39 courses.
40

41 **SECTION. 42. *Organizing and Empowering Filipino women seafarers.*** Women seafarers shall be
42 encouraged to organize and form associations, or join trade unions and link up with other networks of
43 women seafarers and workers from different nationalities. A helpline for women and male victims of sexual
44 harassment and bullying must be set up by the POEA in coordination with other government agencies.
45
46

47 **CHAPTER XII**
48 **WELFARE AND SOCIAL SECURITY PROTECTION**

1
2 **SECTION. 43. *Social Welfare Benefits.*** Without prejudice to established policy, CBA or other applicable
3 social agreement, all seafarers shall as far as practicable, become members of the Social Security System (SSS),
4 Employees' Compensation and State Insurance Fund, PhilHealth, Home Development Mutual Fund (or Pag-
5 IBIG Fund) and shall enjoy the benefits afforded pursuant to membership thereof, and the payment of the
6 employer counterpart shall be solidarily borne by the manning agent and the shipowner.
7
8
9

10 11 **CHAPTER XIII** 12 **COMPLIANCE AND ENFORCEMENT** 13

14 **SECTION. 44. *Compliance and Certification.*** All ships of Philippine registry shall comply with the
15 provisions of this Act. The shipowner or master shall ensure the compliance of the ship with the provisions
16 of this Act and its implementing rules and regulations. All ships of foreign registry manning Philippine
17 seafarers or entering in Philippine waters shall be compliant with the minimum standards set by this Act and
18 by the Maritime Labour Convention 2006, and in case of conflict, the provision more favorable to the
19 seafarer shall prevail.
20

21 The ship owner and master, as acting ship owner's representative, shall be made principally liable for any
22 violation of the provisions of this Act and its implementing rules and regulations.
23

24 For this purpose, a Maritime Labour Certificate or a Maritime Labour Compliance, as applicable, shall be
25 issued in accordance with the implementing rules and regulations. The DOLE, the DFA and the MARINA,
26 in consultation with ship owners and seafarers' organizations, shall formulate the said implementing rules and
27 regulations.
28

29 **SECTION. 45. *Inspection and Enforcement.*** The Secretary of Labor and Employment or the duly
30 authorized representative shall have the principal authority to inspect all Philippine ships, domestic or
31 oceangoing, to ensure compliance with the provisions of this Act. The duly authorized representative shall
32 have the power to board ships and carry out any examination, test or inquiry in order to ensure that the
33 standards established under this Act and its implementing rules and regulations are strictly observed. The said
34 representative authorized by the DOLE and the Philippine Coast Guard shall have the power to board any
35 ship of any registry entering Philippine waters to ensure compliance with the Maritime Labour Convention
36 2006 and the possession of the Maritime Labour Certificate and Maritime Labour Compliance required by the
37 said convention.
38

39 The Secretary of Labor and Employment may authorize other government agencies or duly recognized
40 organizations to conduct inspection and issue certification in accordance with the provisions of this Act and
41 its implementing rules and regulations. The Secretary of Labor and Employment or the duly authorized
42 representative shall have the power to order immediate restitution of differences, and impose fines for
43 violations of the provisions of this Act.
44

45 The right of the Secretary of Labor and Employment in this section does not bar the lawful inspection of
46 ships in Philippine waters by the union, the inspectors of the International Transport Workers Federation
47 (ITF), Mission to Seafarers, Stella Maris, Migrante International and other Non-Governmental Organizations
48 providing ship inspections and assistance to seafarers on board ships.

1
2 If the violation or deficiency constitutes serious breach of the requirement of this Act and its implementing
3 rules and regulations, or poses imminent danger to the ships or to the life or limb of the seafarer, the
4 Secretary of Labor and Employment or the duly authorized representative may immediately order the
5 detention of the ship until the violation or deficiency is corrected. Recourse to the regular court of admiralty
6 (Regional Trial Court) for the arrest or detention of ships can also be resorted to by any crew member
7 regardless of nationality.
8

9 **SECTION. 46. *Recognized Organization.*** Recognized organizations may be authorized by the Secretary
10 of Labor and Employment to conduct the inspection of ship's premises and issue the maritime labour
11 certificate or the certificate of compliance, as appropriate, in accordance with the provisions of this Act and
12 its implementing rules and regulations.
13

14 A recognized organization must have the necessary knowledge of the requirements of this Act and its
15 implementing rules and regulations, the NILC, 2006 and other relevant international treaty or convention.
16

17 Likewise, to be recognized and authorized to issue a Maritime Labour Certificate it must also have the
18 necessary and qualified professional and technical expertise to conduct the inspection and certify to the ship's
19 compliance with established standards.
20
21

22 CHAPTER XIII 23 TERMINATION OF EMPLOYMENT AND SECURITY OF TENURE 24

25 SECTION. 47. *Termination of Employment and Security of Tenure.* 26

- 27 (a) The contractual employment of Filipino seafarers on board Philippine-registered ships operating
28 internationally, as well as those on board foreign-registered ships shall cease when the seafarers
29 complete their period of contractual service aboard the ship, sign off from the ship, and arrive at the
30 point of hire., provided that, a seafarer who has worked with the same employer, manning agency or
31 shipowner for a cumulative period equivalent to one year, shall attain the status of a regular employee
32 with similar rights and benefits as a regular employee under the Labor Code of the Philippines, PD
33 442 as amended.
34

35 The contractual employment is also terminated effective upon arrival at the point of hire for any of
36 the following reasons:
37

- 38 (1) When the seafarer signs off and is disembarked for medical reasons in the event the seafarer is
39 declared: (i) fit for repatriation; or (ii) when after an illness the seafarer is declared fit to work, but
40 the employer is unable to find employment for the seafarer on board the ship originally boarded
41 or on another ship of the employer;
42 (2) When the seafarer signs off due to the sale of the ship, lay-up of ship, discontinuance of voyage
43 or change of ship principal;
44 (3) When the seafarer voluntarily resigns in writing and signs off prior to the expiration of contract
45 within a reasonable period as may be prescribed in the implementing rules and regulations of this
46 Act; or
47 (4) When the seafarer is discharged for just causes in accordance with the provisions of Art. 282 of
48 the Labor Code of the Philippines as amended.

(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 CBA, provided that a seafarer who has worked for the same manning agent or for the same shipowner or both, for a cumulative period of one year shall enjoy the security of tenure of a regular employee as per Art 279 of the Labor Code of the Philippines as amended, and the employer is obligated to rehire and give the right of first refusal to a regular employee who qualifies, and is willing to work, for the next available vacant position of similar or higher rank. Once a seafarer has acquired the regular status, he can no longer be refused successive employment unless he resigns in writing, has abandoned his employment, or is dismissed for just cause as provided in Art 282 of the Labor Code of the Philippines as amended.

CHAPTER XIV SETTLEMENT OF DISPUTES

SECTION. 48. *On Board and Onshore Grievance Machinery.* All ships of Philippine registry shall prescribe and observe fair, effective and expeditious on board and onshore 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 CBA. Without prejudice to any existing law, any agreement reached by the parties during the grievance negotiation shall be final and binding.

SECTION. 49. *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 No. 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 the 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, or despite a CBA, the dispute is not covered by the cases stated in Articles 261 and 262 of the Labor Code the seafarer shall have the option to submit the case to Compulsory Arbitration or to Voluntary Arbitration.

CHAPTER XV REINTEGRATION FOR OVERSEAS FILIPINO SEAFARERS

SECTION. 50. *Reintegration.* Returning or unemployed overseas Filipino seafarers may avail of the livelihood development and training programs, placements and other services offered by concerned government agencies, including the Overseas Workers Welfare Administration (OWWA), the Technical Education and Skills Development Authority (TESDA), the Technology and Livelihood Resource Center

(TLRC), the Cooperative Development Authority (CDA), the National Maritime Polytechnic (NMP) and the CHED.

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

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

SECTION. 51. *Credit Delivery and Financial Assistance.* Financial assistance for alternative sustainable livelihood programs, or for upgrading or renewing certificates of competency and training, shall be made available to seafarers by the government. Upon the approval of this act, the Landbank, Development Bank of the Philippines, Small Business Guaranty and Finance Corporation (SBGFC), the People's Credit and Finance Corporation (PCFC) and the OWWA shall set up a special credit window that will service the financing needs of the seafarers, consistent with the applicable BSP policies, rules and regulations..

SECTION. 52. The Landbank, Development Bank of the Philippines (DBP), Small Business Guaranty and Finance Corporation (SBGFC), the People's Credit and Finance Corporation (PCFC) and the OWWA shall submit a report annually to the appropriate committee of both Congress (The House Committee on Overseas Workers Affairs and the Senate Committee on Labor and Employment) on the state of implementation of this provision.

SECTION. 53. *Information Dissemination.* The Philippine Information Agency (PIA) shall ensure the proper and adequate information dissemination of the concerns and benefits of this Act to the general public, especially to the seafarers and their families, in the local government units, down to the Barangay level.

CHAPTER XVI INCENTIVES AND AWARDS GRANTED TO THE MARITIME INDUSTRY

SECTION. 54. *Incentives and Awards.* There shall be established an incentives and awards system for the maritime industry stakeholders which shall be developed and administered by the concerned government agency in consultation with the Maritime Industry Tripartite Council (MITC).

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

CHAPTER XVII GOVERNMENT AGENCIES

SECTION. 55. *Role of Government Agencies.* The following government agencies shall perform the following functions to promote the welfare and protect the rights of Filipino seafarers:

1 (a) Department of Labor and Employment (DOLE). The DOLE shall exercise sole and exclusive
2 jurisdiction in implementing the provisions of this Act and ensure that the standards set forth herein,
3 under Presidential Decree No. 442, as amended, and other laws, the Maritime Labour Convention
4 2006 and other international treaties and conventions to which the Philippines is a signatory are
5 faithfully complied with and fairly applied to Filipino seafarers.

6
7 The DOLE shall likewise determine and set appropriate benchmarks consistent with the MLC, 2006,
8 this Act and other applicable laws on employment conditions and other labor standards and
9 regulations.

10
11 (b) Department of Foreign Affairs (DFA). The DFA, through its home offices or foreign posts, shall
12 give paramount importance to the safety and well-being of Filipino seafarers, by providing adequate
13 and timely intervention and assistance, such as representing their interests with foreign authorities
14 concerned and facilitating their repatriation when they are distressed or beleaguered.

15
16 (c) Department of Health (DOH). The DOH shall regulate the activities and operations of all clinics
17 which conduct physical, optical, dental, psychological and other similar examinations, hereinafter
18 referred to as health examinations, on Filipino seafarers.

19
20 The DOH shall determine and prescribe the nature of the health examination that shall be required
21 of a seafarer, ensuring that such examination will genuinely determine the seafarer's state of health,
22 considering the duties that the seafarer shall be required to perform on board. The DOH shall
23 likewise prescribe the contents of the medical certificate to ensure that such certification will
24 genuinely reflect the seafarer's state of health.

25
26 (d) Philippine Overseas Employment Administration (POEA). The POEA shall look review the
27 contracts of employment and the working conditions of the officers and crew of vessels of
28 Philippine registry operating internationally, and of such officers and crew members who are Filipino
29 citizens and employed by foreign vessels to ensure that these comply with the prescribed standards.

30
31 (e) Overseas Workers Welfare Administration (OWWA). The OWWA, through its welfare officers or
32 coordinating officers, shall provide the Filipino seafarers and their families all the assistance they may
33 need in the enforcement of contractual obligations by agencies and their principals.

34
35 The OWWA shall likewise formulate and implement welfare programs for overseas Filipino seafarers
36 and their families while they are abroad and upon their return. It shall ensure the awareness by the
37 overseas Filipino seafarers and their families of these programs and other related governmental
38 programs.

39
40 (f) Maritime Industry Authority (MARINA). The MARINA shall ensure that all maritime education
41 including the curricula and training programs are structured and delivered in accordance with written
42 programs, methods and media of delivery, procedures and course materials, international standards
43 as prescribed under the STCW Convention. The MARINA shall ensure that the guidelines for the
44 Flag State on Fair Treatment of Seafarers in the Event of a Maritime Accident be observed.

45
46 (g) Philippine Coast Guard (PCG). The PCG, in line with its function to assist in the enforcement of
47 applicable laws within the maritime jurisdiction of the Philippines, shall assist the DOLE in the
48 enforcement of Department Orders and other issuances implementing the ILO MLC 2006, including

orders to detain vessels found in gross violation of pertinent laws, rules and regulations. In addition, the PCG shall be the agency tasked in ensuring that the Guidelines for the Port State/ Coastal State on Fair Treatment of Seafarers in the Event of a Maritime Accident, be observed.

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

SECTION. 56. *Philippine Seafarers ' One Stop Processing Center (PSOC).* The PSOC shall operationalize and make available to the public an integrated document processing center for the seafarers and the general public to conduct official transactions. The agencies that are 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; and
- (o) Such other government agencies that the Secretary of Labor and Employment may deem appropriate to be included in the PSOC.

Further, the PSOC for its initial operation, shall create a pilot PSOC in areas identified with the highest number of seafarers. The data gathered for the PSOC shall be made accessible to and shall be utilized by the maritime sector and stake holders. The local government units (LGUs) are encouraged either to reduce the amount of local taxes, fees and charges imposed or to exempt document or transaction pertaining to the process of the PSOC.

CHAPTER XVIII FINAL PROVISIONS

SECTION. 57. *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 and Employment, or the duly authorized representative of the Secretary of Labor and Employment, 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.

SECTION. 58. *Transitory Provision.* All rights, privileges and benefits previously enjoyed by Filipino seafarers by law or jurisprudence, 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. 8042, otherwise known as the "Migrant Workers and Overseas Filipinos Act of 1995", as amended, shall continue to be recognized and shall not be diminished.

SECTION. 59. *Implementing Rules and Regulations.* The DOLE, in coordination with the DFA, the MARINA and other concerned agencies, shall formulate the rules and regulations to implement this Act within ninety (90) days after its effectivity.

SECTION. 60. *Separability Clause.* If, for any reason, any section, clause or term of this Act is held to be illegal, invalid, or unconstitutional, such parts not affected by such declaration shall remain in full force and effect.

SECTION. 61. *Repealing Clause.* All laws, presidential decrees, issuances, executive orders, letters of instruction, rules and regulations inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION. 62. *Effectivity.* This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.


Approved,


REP. FERDINAND R. GAITE
Bayan Muna Partylist


REP. CARLOS ISAGANI T. ZARATE
Bayan Muna Partylist

REP. EUFEMIA C. CULLAMAT
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