

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. 78

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Introduced by **DIWA Party-list Representative Emmeline Y. Aglipay – Villar**

EXPLANATORY NOTE

The contribution of the Shipping Industry and Seafarers is estranged from the knowledge of the majority, worldwide. This is the sad reality that envelopes the industry which supports world trade and economy to an extent greater than commonly perceived.

The International Maritime Organization (IMO) recognizes that the shipping industry has a good story to tell about how it is able to safely, securely, and efficiently carry more than 90 percent of world trade within countries, and in and out of countries, from the bottom to the top of the world, making goods from one area available for the everyday survival and life of individuals in another. Trade, whether it be interisland, international, or intercontinental, would simply not be possible without shipping and the seamen and sea women that make this trade all the more possible.

The real picture of the Shipping and Seafaring Industry of the Philippines shows that the country has an estimated pool of seafarers of about 700,000. This is according to the latest available statistics (2011) by the Philippine Overseas Employment Administration. Less than 400,000 of which are deployed on ships of Philippine registry and about 369,104 are deployed on ships of foreign registry.

Overseas Filipino Seafarers (OFS) constitute 30% of the world merchant marine fleet, contributing almost 5 billion US dollars of foreign exchange earnings based on Bangko Sentral ng Pilipinas (BSP) statistics through inward dollar remittances used for the retail spending by their families, tuition fees paid to local schools for their children, domestic expenditures made for training, medical examinations, travel, communications, and other ancillary services. These have all gone towards the support of our local economy. In January 2013, BSP declared that the remittances of Overseas Filipino Workers showed positive development with the increase in remittances from both sea-based and land-based workers by 6.05 percent and 5.42 percent, respectively.

Through the decades, the Philippine maritime industry has been a self-policing industry following best practices as prescribed by international organizations/authorities such as the United Nations, the International Labor Organization, and the IMO, to name a few, abiding by international maritime regulations and conventions to sustain its competence. It is high time that presence of said industry and its distinct nature be properly recognized in Philippine laws.

This bill seeks to recognize and uphold the rights of Filipino seafarers, institute mechanisms for the enforcement and protection thereof, and provide for compulsory benefits to alleviate their condition in life.

For the promotion of Filipino seafarers' welfare, this bill also provides for regulation on conditions of employment, recruitment and placement of Overseas Filipino Seafarers. For the above purpose, this bill also seeks to provide requirements for Filipino seafarers' health protection, medical care, welfare and social protection, accommodation, recreational facilities, food and catering.

Also, this bill seeks to strengthen legal assistance, dispute resolution and voluntary arbitration for seafarers and their families. Most importantly, this bill defines and penalizes illegal recruitment and other prohibited acts to protect Filipino seafarers from abuses.

This bill also intends to recognize the unique and peculiar policies, regulations, and international conventions that govern the maritime industry which make it necessary to provide separate legislation for seafarers instead of being part of Republic Act No. 8042, otherwise known as the Migrant Workers and Overseas Filipinos Act of 1995," as amended, which is primarily for land-based OFWs.

This bill is also intended to implement the standards set by the Maritime Labor Convention of 2006 which was ratified by the Philippine Senate last August 2013. The Philippines was the 30th state to ratify the Maritime Labor Convention, thus meeting the requirement for the Convention to come into force. Upon the effectivity of the Maritime Labor Convention, the Philippines is obliged to follow through with domestic legislation that would meet the global labor standards protected by the Maritime Labor Convention.

In addition to the above, this bill recognizes the contribution of manning agencies to the national economy and enables them to benefit from incentives enjoyed by other income-generating industries in the Philippines.

The enactment of a Magna Carta of Filipino Seafarers is necessary for the State to be able to provide adequate protection and recognition to the contribution of seafarers to our society.

Considering that this bill, being a product of a joint Committee Report by the Committee on Overseas Workers' Affairs and the Committee on Labor and Employment last 16th Congress, which also considered the inputs from the tripartite deliberations headed by the Department of Labor and Employment, together with various stakeholders like the representatives of the manning agencies and seafarers, approval of this bill is earnestly sought.

Emmeline Y. Villar
EMMELINE Y. AGLIPAY – VILLAR
Representative, DIWA Party-list

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AN ACT INSTITUTING THE MAGNA CARTA OF FILIPINO SEAFARERS

Be it enacted by the Senate and House of Representatives of the Republic 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 recognize the rights, contributions and unique role of Filipino seafarers as maritime professionals, as well as their vulnerabilities, and afford them full protection before, during and after their employment;
- (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 work to uplift the socio-economic well-being of the Filipino seafarers' families.

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.

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 a 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 done 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 and professional associations of seafarers;

(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;

(i) *Officer* refers to a member of the crew other than the master who has been designated as such by national law or regulation or, in the absence of such designation by collective agreement or custom;

(j) *Deck Officer* refers to an officer qualified in accordance with Chapter IT of the International Convention on the Standards of Training, Certification and Watchkeeping for Seafarers (STCW) 1978, as amended;

(k) *Engine Officer* refers to an officer qualified in accordance with Chapter III of the International Convention on the Standards of Training, Certification and Watchkeeping for Seafarers (STCW) 1978, as amended;

(l) *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;

(m) *Philippine Seafarers' One Stop Processing Center (PSOC)* refers to the facility which houses multiple offices or agencies involved in providing services to seafarers in one roof;

(n) *Point of Hire* refers to the place where the contract of employment was executed;

(o) *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;

(p) *Repatriation* refers to the process of returning a seafarer to the point of hire;

(q) *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;

(r) *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, except fixed platform;

(s) *Sea Going Ship* refers to a ship other than those which navigate exclusively inland water or water within or closely adjacent to sheltered water or areas where port regulations apply;

(t) *Shipowner* refers to the owner of the ship employing Filipino seafarers to work on board domestic ships and 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, on 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 fulfill 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 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.

SECTION 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.

SECTION 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.

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.

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. 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 2006 and the grievance procedures available on board.

SECTION 9. Right to Consultation. – Seafarers, shipowners and legitimate seafarers' and shipowners' organizations, as well as other relevant stakeholders, shall be adequately consulted before adopting any maritime policy, executive issuance, rule or regulation or in the enactment of any maritime law that may directly affect them or their families and beneficiaries.

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

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

SECTION 12. Right to Access to Communication. – Seafarers, especially during their free time or off-duty shall have reasonable access to ship-to-shore telephone communications, and email and internet facilities, where available.

CHAPTER III **SEAFARERS' DUTIES**

SECTION 13. Seafarers shall have the following duties:

- (a) To comply with and observe the terms and conditions of the employment contract;
- (b) To abide by lawful and reasonable company personnel policies;
- (c) To be obedient to the lawful commands of the Master or the Master's lawful successor, and to comply with the shipowner's/principal's policy on safety and operational procedures and instructions given in connection therewith;
- (d) To be diligent in the performance of duties relating to the ship, its stores, equipment and cargo, whether on board, in transit or ashore;
- (e) To be, at all times, orderly and respectful to the shipmates, passengers, shippers, stevedores, port authorities, and other persons who have official business with the ship; and
- (f) To take personal responsibility to be healthy at all times by practicing a healthy lifestyle.

CHAPTER IV **MINIMUM REQUIREMENTS FOR SEAFARERS**

SECTION 14. 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 those on board foreign registered ships.

SECTION 15. 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 for 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 validity of the certificate.

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

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

SECTION 17. 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.

No amount or fee shall be charged to the seafarer in the recruitment and placement.

SECTION 18. Contracting or Subcontracting of Services. – Contracting or subcontracting work arrangement involving seafarers on board domestic ships shall be governed by existing rules and regulations issued by the Department of Labor and Employment (DOLE).

CHAPTER V **CADETSHIP**

SECTION 19. Applicability. -The shipboard training of cadets shall be governed by Sections 8, 10, 11, 12, 15, 42 and Chapters VII and IX hereof

SECTION 20. 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, which shall include the following information and terms:

- (a) Cadet's full name, date of birth, birthplace and age, which should be at least

- years old;
- (b) Name and address of the maritime institution or school;
 - (c) Name and address of the shipowner, if applicable;
 - (d) Place and date when the cadet's agreement is entered into;
 - (e) Capacity in which the cadet is to be trained;
 - (f) Amount of the cadet's allowance or stipend, if applicable;
 - (g) Required number of hours of training and rest which would not be less than the prescribed hours of work and rest in Section 21 of this Act;
 - (h) Duties and responsibilities of the sponsoring company, Maritime Higher Education Institutions, and cadets, as may be provided under the Standard Cadet Training Agreement on Ships Engaged in International Voyage of the Philippine Overseas Employment Administration (POEA); and
 - (i) Other benefits in accordance with law, company policy or agreements.

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

Maritime Higher Education Institutions (MHEIs) shall demonstrate that over the last three (3) years, an average of at least sixty percent (60%) of students enrolled in their Bachelor of Science in Marine Transportation (BSMT) or Bachelor of Science in Marine Engineering (BSMarE) programs are able to secure cadet berths in connection with their studies. The Commission on Higher Education (CHED), in coordination with the Maritime Industry Authority (MARINA), shall ensure that only BSMT or MSMarE programs in MHEIs that meet the above requirement are conferred approved or accredited.

CHAPTER VI TERMS AND CONDITIONS OF EMPLOYMENT

SECTION 21. Standard Employment Agreement for Seafarers. - There shall be an agreement in writing between the shipowner and the seafarer, which shall include the following information and terms:

- (a) Seafarer's full name, date of birth or age, and birthplace;
- (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, and
- (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.

For seafarers on board foreign registered ships, the Philippine Overseas Employment Administration – Standard Employment Contract (POEA-SEC) approved by the DOLE shall be observed.

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

SECTION 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.

SECTION 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.

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

For ships licensed to engage in domestic shipping, the rules found in Book Three Chapter III, on "Holidays", Service Incentives Leave and Service Charges" of the

Labor Code of the Philippines shall continue to apply and shall be considered as substantially complying with international standards unless higher annual leave is already provided under the Collective Bargaining Agreement or by the shipowner as company practice or policy.

CHAPTER VII **REPATRIATION**

SECTION 25. Seafarers Shall Be Entitled to Repatriation. All costs related to the repatriation or transport of the personal effects of seafarers 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 seafarers during the journey and transportation of 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 arises, 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 26. Emergency Repatriation for Seafarers On Board Foreign Registered Ships. - The Overseas Workers Welfare Administration (OWWA), in coordination with the Department of Foreign Affairs (DFA) and in appropriate situations, with international agencies, shall undertake the repatriation of seafarers in cases of war, epidemics, abandonment of ships by shipowners, disasters or calamities, natural or man-made, and other similar events without prejudice to reimbursement by the responsible shipowner or manning/recruitment and placement agency within sixty days of notice. In such case, the POEA shall simultaneously identify and give notice to the shipowner or agency concerned.

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

SECTION 27. Repatriation for Seafarers On board Domestic Ships. - The provisions on repatriation 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 ships by shipowners, disasters or calamities, natural or man-made, and other similar events.

CHAPTER VIII **MANNING REQUIREMENT**

SECTION 28. Manning Levels. - All ships of Philippine registry shall have the required minimum manning levels in accordance with the requirements prescribed by 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.

SECTION 29. 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 examinations for the position held.

SECTION 30. Registry of Seafarers. – To better respond to the manning requirements of ocean-going ships of foreign registry, and domestic and ocean-going ships of Philippine registry the POEA and 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, or allow for further training and education to support skills development and competencies of seafarers in order to secure or improve employment opportunities, as may be provided in the Implementing Rules and Regulations of this Act.

CHAPTER IX **ACCOMMODATION, RECREATIONAL FACILITIES, FOOD AND CATERING**

SECTION 31. Application. – The requirements of this Chapter for crew accommodation and recreational facilities covering ships of Philippine Registry shall be applicable to the following:

(a) All ocean-going ships and domestic ships constructed on or after the date when the Maritime Labor Convention of 2006 comes into force;

(b) All second-hand ships, whether ocean-going or domestic, acquired or leased, and entered in the Philippine Registry after the entry date into force of the said Convention unless provided exemption by the relevant Philippine government agency; and

(c) All ships constructed prior to the entry into force of the Maritime Labor

Convention 2006 which have undergone major or substantial structural alterations after the entry into force of the Convention, unless provided exemption by the relevant Philippine government agency.

SECTION 32. Accommodation Facilities. – Unless otherwise exempted herein or by appropriate regulations, all ships of Philippine registry shall have safe, decent and adequate accommodations for seafarers taking into account the need to protect the health and safety of seafarers working or living on board.

SECTION 33. Requirements for Sanitation. – All ships of Philippine registry shall have sanitation facilities that meet the minimum standards for health and hygiene

and are accessible to seafarers on board. The sanitation facilities shall be located at convenient places, allowing for easy access to work stations. Separate facilities shall be provided for male and female crew.

SECTION 34. Recreational Facilities. - Unless otherwise exempted herein or by appropriate regulations, all ships of Philippine registry shall have recreational facilities, amenities, and services that are appropriate and accessible to seafarers.

Domestic ships are exempted from this requirement considering the trading patterns and length of voyages of such ship which allow the crew to go home or to have access and make use of comparable facilities on land.

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

CHAPTER X **HEALTH PROTECTION AND MEDICAL CARE**

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

The shipowner shall ensure that seafarers have access to treatment for sickness or injury, hospitalization and mental treatment.

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

CHAPTER XI **WELFARE AND SOCIAL SECURITY PROTECTION**

SECTION 37. Social Welfare Benefits. - Without prejudice to established policy, collective bargaining agreement or other applicable social agreement, all seafarers shall be covered by the Social Security System, Employees' Compensation and State Insurance Fund, PhilHealth, Pag-IBIG Fund and other applicable laws.

CHAPTER XII **COMPLIANCE AND ENFORCEMENT**

SECTION 38. Compliance and Certification. - All ships of Philippine registry

shall comply with the provisions of this Act. The shipowner or master shall ensure the compliance of the ship with this Act and its implementing rules and regulations.

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

For this purpose, a Maritime Labour Certificate or a Certificate of Compliance, as applicable, shall be issued in accordance with the Implementing Rules and Regulations of this Act.

SECTION 39. Inspection and Enforcement. -For purposes of this Act, the Secretary of Labor or a duly authorized representative shall have the sole and exclusive authority to inspect all Philippine ships, domestic or ocean-going to ensure compliance with the provisions of this Act.

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

Unless directly exercised by the Secretary of Labor and Employment, the duly authorized representative shall have the power to board ships and carry out any examination, test or inquiry which they may consider necessary in order to satisfy themselves that the standards are strictly observed.

The Secretary of Labor and Employment or the duly authorized representative shall have the power to order immediate correction of, and impose fine for violations of the provisions of this Act.

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

SECTION 40. Recognized Organization. – Recognized organizations may be authorized by the Secretary of Labor to conduct inspection and issue certification in accordance with the provisions of this Act and its implementing rules and regulations.

A recognized organization shall have the necessary knowledge of the requirements of this Act and its implementing rules and regulations, Maritime Labour Certificate, 2006 and other relevant international treaty or convention.

A recognized organization shall also have the necessary and qualified professional, technical and support expertise to carry out the conduct of inspection and issuance of certification.

CHAPTER XIII TERMINATION OF EMPLOYMENT

SECTION 41. Termination of Employment.

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

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) fit to work, but the employer is unable to find employment for the seafarer onboard the former ship or another ship of the employer;
 - (2) When the seafarer signs-off due to ship's sale, lay-up of ship, discontinuance of voyage or change of ship principal, as provided for in the POEA Standard Employment Contract;
 - (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 IRR 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 ship shall be governed by the POEA SEC or applicable collective bargaining agreement (CBA).

CHAPTER XIV SETTLEMENT OF DISPUTES

SECTION 42. On board and Onshore Grievance Machinery. – All ships of Philippine registry shall have a fair, effective and expeditious on board and on-shore grievance machinery 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 the CBA. Without prejudice to any existing law, any agreement reached by the parties

during grievance machinery shall be final and binding.

SECTION 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.

CHAPTER XV REINTEGRATION FOR OVERSEAS FILIPINO SEAFARERS

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

These agencies shall formulate skills upgrading or retraining curricula to meet the needs of returning or unemployed seafarers. The participation of the maritime industry, in particular, port and shipping industry, and maritime educational institution 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 a mechanism 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.

CHAPTER XVI INCENTIVES AND AWARDS GRANTED TO THE MARITIME INDUSTRY

SECTION 45 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 46. Role of Government Agencies. – The following government agencies shall perform the following functions to promote the welfare and protect the rights of Filipino seafarers:

(a) Department of Labor and Employment (DOLE). - The DOLE shall ensure that the standards set forth under this Act, Presidential Decree No. 442, as amended, and other laws, the Maritime Labour Convention 2006 and other international treaties and conventions to which the Philippines is a signatory are faithfully complied with and fairly applied to Filipino seafarers;

To this end, the DOLE shall establish an effective system for the inspection and certification to ensure that the working and living conditions of seafarers are met and continue to be met pursuant to the Maritime Labour Convention 2006;

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

(C) Department of Health (DOH). - The DOH shall regulate the activities and operations of all clinics which conduct medical, physical, optical, dental, psychological and other similar examinations, hereinafter referred to as health examinations, on Filipino seafarers;

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

(d) Philippine Overseas Employment Administration (POEA). - The POEA shall look into and improve on the working conditions and terms of employment of the officers and crew of vessels of Philippine registry, and of such officers and crew members who are Filipino citizens and employed by foreign vessels;

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

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

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

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

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 47. Philippine Seafarer One Stop Processing Center (PSOC). - The PSOC, as established under Administrative Order No. 56, has been tasked to 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 Foreign Affairs (DFA)
- (b) Overseas Workers Welfare Administration (OWWA);
- (c) Philippine Overseas Employment Administration (POEA);
- (d) National Bureau of Investigation (NBI); and
- (e) Philippine Statistics Authority (PSA).

CHAPTER XVIII FINAL PROVISIONS

SECTION 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 subjected to administrative fines and penalties in accordance with the Implementing Rules and Regulations (IRR).

SECTION 49. Penalties for Violations of Sections 38 and 39. - Any person who, without proper delegation, exercises the authority granted to the Secretary of Labor under Sections and 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 15 not less than one (1) year nor more than four (4) years, or both at the discretion of the court. The offense provided herein shall prescribe after five(5)years from its commission.

SECTION 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. 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 51. Implementing Rules and Regulations. – The DOLE, in coordination with the DFA, MARINA and other concerned agencies shall formulate the rules and regulations of this Act within ninety (90) days after its effectivity.

SECTION 52. 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 53. Repealing Clause. -All laws, presidential decrees, issuances, executive orders, letters of instruction, rules or regulations inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

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

Approved,