

Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City

**EIGHTEENTH CONGRESS**  
First Regular Session

H. B. No. 1568



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Introduced by **HONORABLE ROMMEL RICO T. ANGARA**

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

**EXPLANATORY NOTE**

Out of the 1.6 million seafarers, up to 30 percent of which is Filipino. According to the 2016 data from the Philippine Overseas Employment Administration (POEA), some 442, 820 Filipino seafarers are deployed. The contribution of the Filipino seafarers in our economy is reflected by the foreign remittances brought in to our country in 2018 amounting to US\$6.14 billion or 19 percent of the total remittances for the said year.

The existing labor laws and social legislation, particularly the Overseas Filipinos and Migrant Workers' Act of 1996 (RA 8042), do not adequately address the needs of seafarers nor do they adhere to internationally recognized instruments, such as those of the International Labor Organization (ILO) and the International Maritime Organization (IMO).

In view of these considerations, it is imperative to enact a *Magna Carta for Seafarers* that promotes the welfare and protect the rights of Filipino seafarers. As a measure that aims to comprehensively protect the rights of Filipino seafarers, the foregoing bill aims to fill the gaps in legislation.

This Magna Carta for Filipino Seafarers seeks to strengthen the protection of rights and advancement of the welfare of the Filipino seafarers, institute mechanisms for the enforcement and protection thereof, provide for compulsory benefits, and implement standards set by the Maritime Labour Convention.

In view of the foregoing, this bill is earnestly sought.

  
**ROMMEL RICO T. ANGARA**  
Representative  
Lone District, Province of Aurora

Introduced by HONORABLE ROMMEL RICO T. ANGARA

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

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

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- CHAPTER I – General Provisions**
- Section 1. *Short Title.* – This Act shall be known as the "*Magna Carta of Filipino Seafarers.*"
- Sec. 2. *Declaration of Policies.* – It is hereby declared the policy of the State:
- a) To 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.
- Sec. 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 built, as may be defined under existing rules and regulations;  
and
- d) Fishing vessels.

Sec. 4. *Definition of Terms.* – For the purposes of this Act, the following terms shall be defined as follows:

- (a) *Cadet* refers to the student of maritime educational institutions who is required to undergo training on-board registered international ships or domestic ships to fulfil 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, etc. 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 sectors stakeholders, engaged in the business of owning, managing, chartering and/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 meet the requirements of Philippine laws and regulations;
- (i.a) *Officer* refers to a member of the crew other than the master who has been designated as such national law or regulation or in the absence of such designation by collective agreement or custom;
- (i.b) *Deck Officer* refers to an officer qualified in accordance with the provisions of the International Convention on the Standards of Training, Certification and Watchkeeping for Seafarers (STCW) 1978 as amended, Chapter II;
- (i.c) *Engine Officer* refers to an officer qualified in accordance with the provisions of the International Convention on the Standards of Training, Certification and Watchkeeping for Seafarers (STCW) 1978 as amended, Chapter III;
- (j) *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;
- (k) *Philippine Seafarers' One Stop Processing Center (PSOC)* refers to the facility center which houses multiple offices/agencies involved in providing services to seafarers in one roof;
- (l) *Point of Hire* refers to the place where the contract of employment was executed;
- (m) *Recognized Organizations* refer to organizations recognized by the DOLE to carry out inspections and/or issue the Maritime Labour Certificate in accordance with the scope of activities covered by their authorizations;
- (n) *Repatriation* refers to the process of returning a seafarer to the point of hire;
- (o) *Seafarer* refers to all persons who are employed or are engaged or work in any capacity on board a ship to which the Act applies;
- (p) *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;
- (q) *Sea Going Ship* refers to a ship other than those which navigate exclusively inland water or in water within or closely adjacent to sheltered water or areas where port regulations apply; and
- (r) *Shipowner* refers to the owner of the ship hiring 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

1 and responsibilities of a shipowner under this Act, regardless of whether any other  
2 organization or persons fulfil certain of the duties or responsibilities on behalf of  
3 the shipowner.

4 **CHAPTER II – Seafarer’s Rights**

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

- 7 a) a safe and secure workplace that complies with safety standards;
- 8 b) decent working and living conditions on-board ship;
- 9 c) medical care, welfare measures and other forms of health and social protection;
- 10 and
- 11 d) fair terms and conditions of employment including salary commensurate to their  
12 rank, hours of work, and other relevant basis for wage computation, minimum  
13 number of working hours, rest period consistent with Philippine laws or  
14 international maritime conventions, when applicable.

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

20 Sec. 7. *Right to Educational Advancement and Training at Reasonable and*  
21 *Affordable Costs.* – Seafarers shall have access to educational advancement and training  
22 at reasonable and affordable costs. Toward this end, relevant government agencies shall:

- 23 a) Regulate the operation of all educational and training institutions offering courses  
24 related to seafaring;
- 25 b) Pursue grant programs such as scholarships, subsidies, loan assistance and other  
26 measures that will harness the skills of Filipino seafarers toward greater  
27 competitiveness to new demands in the industry; and
- 28 c) Promote quality maritime education and training that respond to the needs of the  
29 industry and in accordance with minimum international maritime standards of  
30 competency.

31 Sec. 8. *Right to Relevant Information.* – Shipowners, manning agencies, and other  
32 organizations responsible for the recruitment and placement of Filipino seafarers shall be  
33 mandated to provide seafarers relevant information. This right shall include the right of  
34 seafarers organizations to relevant information affecting the terms and conditions of  
35 employment of their members. All ships covered by this Act shall have a copy of the  
36 Maritime Labour Convention, 2006 and the grievance procedures available on-board.

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

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

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

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

### 17                               **CHAPTER III – Seafarer’s Duties**

18       Sec. 13. *Duties of Seafarers.* – Seafarers shall have the following duties:

- 19       1. To comply with and observe the terms and conditions of his/her employment  
20       contract;
- 21       2. To abide by lawful and reasonable company personnel policies;
- 22       3. To be obedient to the lawful commands of the Master or any person who shall  
23       lawfully succeed him/her and to comply with the shipowner’s/principal’s policy on  
24       safety and operational procedures and instructions given in connection therewith;
- 25       4. To be diligent in his/her duties relating to the ship, its stores, equipment and cargo,  
26       whether on board, in transit or ashore;
- 27       5. To conduct himself/herself at all times in an orderly and respectful manner towards  
28       shipmates, passengers, shippers, stevedores, port authorities, and other persons  
29       who have official business with the ship; and
- 30       6. To take personal responsibility for his health at all times by practicing a healthy  
31       lifestyle.

### 32                               **CHAPTER IV – Minimum Requirements for Seafarers**

33       Sec. 14. *Minimum Age.* – No person below eighteen years old (18), other than a  
34 cadet, shall be employed, engaged, or otherwise allowed to work on board Philippine  
35 registered ships operating domestically or internationally as well as those on-board  
36 foreign registered ships.

1       Sec. 15. *Medical Certificates.* – No seafarer shall be employed, engaged, or  
2 otherwise allowed to work on board a domestic or ocean-going ship unless certified as  
3 medically fit to perform his/her duties.

4       Seafarer shall hold a valid medical certificate issued by a medical facility duly  
5 accredited by the Department of Health in accordance with its existing rules and  
6 regulations.

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

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

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

14       Sec. 17. *Recruitment and Placement.* – Only duly licensed manning or placement  
15 and recruitment agency shall be allowed to operate and engage in the recruitment and  
16 placement of seafarers, in accordance with the rules and regulations as may be issued  
17 by the Secretary of Labor and Employment.

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

19       Sec. 18. *Contracting or Subcontracting of Services.* – Contracting or subcontracting  
20 work arrangement involving seafarers on-board domestic ships shall be governed by  
21 existing rules and regulations issued by the department of labor and employment.

## 22                                   **CHAPTER V – Cadetship**

23       Sec. 19. *Applicability.* – The following provisions of this Act shall be applicable in  
24 the shipboard training of cadets: Sec. 8 (Right to Relevant Information); Sec. 10 (Right  
25 Against Discrimination); Sec. 11 (Right to Free Legal Representation); Sec. 12 (Right  
26 to Access to Communication); Sec. 15 (Medical Certificate); Chapter VII (Repatriation);  
27 Chapter IX (Accommodation, Recreational Facilities, Food and Catering); and Sec. 42  
28 (On-board and Onshore Grievance Machinery).

29       Sec. 20. *Shipboard Training Agreement for Cadets.* – There shall be a written  
30 agreement between the shipowner on one hand, and the cadet and the maritime  
31 institution/school on the other, which shall embody the following terms and conditions:

- 32       a) The cadet's full name, date of birth, age (at least 16 years old) and birthplace;
- 33       b) The maritime institution's/school's name and address;
- 34       c) The shipowner's name and address, if applicable;
- 35       d) The place and date when the cadet's agreement is entered into;
- 36       e) The capacity in which the cadet is to be trained;



- f) The 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 Sec. 21 of this Act; and
- h) 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 Department of Labor and Employment (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 seventy percent (70%) of students enrolled in their Bachelor of Science in Marine Transportation (BSMT) or BSMarE programs are able to secure cadet berths in connection with their studies. CHED, in coordination with MARINA, shall ensure that only BSMT or BSMarE programs in MHEIs that meet the above requirement are conferred approved or accredited status.

## **CHAPTER VI – Terms and Condition of Employment**

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

- a) the seafarer's full name, date of birth or age, and birthplace;
- b) the shipowner's name and address;
- c) the place where and date when the seafarer's employment agreement is entered into;
- d) the capacity in which the seafarer is to be employed;
- e) the 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



1 shipowner and the seafarer shall each have a signed original of the agreement. A signed  
2 original shall be made available on-board the ship.

3 For seafarers on-board foreign registered ships, the Standard Employment  
4 Contract (SEC) approved by the Department of Labor and Employment shall be observed.

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

7 *Sec. 22. Wages.* – Upon effectivity of this Act, the Regional Tripartite Wages and  
8 Productivity Boards shall set the minimum wage rates of the seafarers on-board ships  
9 engaged in domestic shipping, taking into account the peculiarities of the employment  
10 arrangement of seafarers and the criteria as determined pursuant to Republic Act No.  
11 6727: *Provided,* That wages for actual work hours and days shall not be lower than the  
12 applicable minimum wage rates in the head office of the shipowner. Wages shall be paid  
13 at least once every two weeks or twice a month at intervals not exceeding sixteen (16)  
14 days.

15 *Sec. 23. Hours of work and hours of rest.* – The normal hours of work of seafarer  
16 shall not exceed eight (8) hours a day. If the seafarer is allowed to work beyond eight  
17 (8) hours, the maximum hours of work shall not exceed fourteen (14) hours in any  
18 twenty-four (24)-hour period and seventy-two (72) hours in any seven-day period.

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

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

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

31 For ships licensed to engage in domestic shipping, the rules found in Book Three  
32 Chapter III, on "Holidays, Service Incentives Leave and Service Charges" of the Labor  
33 Code of the Philippines shall continue to apply and shall be considered as substantially  
34 complying with international standards unless higher annual leave is already provided  
35 under the Collective Bargaining Agreement or by the shipowner as company practice or  
36 policy.

## **CHAPTER VII – Repatriation**

*Sec. 25. Repatriation.* – Seafarers shall be entitled to repatriation. All costs related to the repatriation and/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 30 kg of the seafarers' personal luggage to the repatriation destination. However, in cases where the termination of employment is due solely to the fault of the seafarer, the shipowner or manning agency shall not in any manner be responsible for the cost of the repatriation of the former and/or his/her personal effects.

*Sec. 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.

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

*Sec. 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**

*Sec. 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.

*Sec. 29. Crew Competence.* – Every member of the crew of a ship of Philippine Registry shall possess the appropriate certificate of competency setting forth his competence to serve in the capacity 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.

1 The certificate of competency shall attest to the fact that the seafarer to whom it  
2 is issued meets the requirements for service, age, qualification, and examinations for the  
3 position held.

4 Sec. 30. *Registry of Seafarers.* – The POEA, for ocean-going ships of foreign  
5 registry and MARINA for domestic and ocean-going ships of Philippine registry shall  
6 maintain a registry of all seafarers in the Philippines. The registry shall contain the  
7 relevant information or data to promote employment opportunities for seafarers whether  
8 on board or ashore, or allow for further training and education to support skills  
9 development and competencies of seafarers in order to secure or improve employment  
10 opportunities as may be provided in the Implementing Rules and Regulations.

11 **CHAPTER IX – Accommodation, Recreational Facilities, Food and Catering**

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

- 15 a) All ocean-going ships and domestic ships constructed on or after the date when  
16 the Maritime Labor Convention of 2006 came into force;
- 17 b) All second hand ships, whether ocean-going or domestic, acquired or leased, and  
18 entered in the Philippine Registry after the entry date into force of the said  
19 Convention unless provided exemption by the relevant Philippine government  
20 agency; and
- 21 c) All ships constructed prior to the entry into force of the Maritime Labor Convention,  
22 2006, as the case may be, which undertake major or substantial structural  
23 alterations after the entry into force of the Convention unless provided exemption  
24 by the relevant Philippine government agency.

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

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

34 Sec. 34. *Recreational Facilities.* – Unless otherwise exempted herein or by  
35 appropriate regulations, all ships of Philippine registry shall have recreational facilities,  
36 amenities, and services appropriate and accessible for seafarers.

Domestic ships are exempted from this requirement taking into consideration 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.

Sec. 35. *Food and Catering.* – The shipowner shall ensure protection and promotion of the health of the seafarer. Whenever applicable, shipowners shall ensure that ships carry on-board and 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. The 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**

Sec. 36. *Medical Care On-board Ships and Ashore.* – The shipowner shall provide adequate medical services and medicine chest on-board, and access to shore facilities for the protection of the health of the seafarers, as well as the corresponding medical and/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 dental 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**

Sec. 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**

Sec. 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.

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

5 *Sec. 39. Inspection and Enforcement.* – For purposes of this Act, the Secretary of  
6 Labor or his/her duly authorized representative, shall have the sole and exclusive  
7 authority to inspect all Philippine ships, domestic or ocean-going to ensure compliance  
8 with the provisions of this Act.

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

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

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

19 If the violation or deficiency constitutes serious breach of the requirement of this  
20 Act and its implementing rules and regulations or poses imminent danger to the ships,  
21 and/or to the life or limbs of the seafarer, the Secretary of Labor or his/her duly authorized  
22 representative may order the detention of the ship immediately until the violation or  
23 deficiency is corrected.

24 *Sec. 40. Recognized Organization.* – Recognized Organizations may be authorized  
25 by the Secretary of Labor to conduct inspection and issue certification in accordance with  
26 the provisions of this Act and its implementing rules and regulations.

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

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

### 33 **CHAPTER XIII – Termination of Employment**

34 *Sec. 41. Termination of Employment.* –

35 A. The employment of Filipino seafarers on-board Philippine-registered ships operating  
36 internationally as well as those on-board foreign-registered ships shall cease when the

1 seafarer completes his period of contractual service aboard the ship, signs-off from  
2 the ship and arrives at the point of hire.

3 It is also terminated effective upon arrival at the point of hire for any of the  
4 following reasons:

- 5 1. When the seafarer signs-off and is disembarked for medical reasons in the event  
6 the seafarer is declared: (a) fit for repatriation; or (b) fit to work but the employer  
7 is unable to find employment for the seafarer on-board his former ship or another  
8 ship of the employer;
- 9 2. When the seafarer signs-off due to ship's sale, lay-up of ship, discontinuance of  
10 voyage or change of ship principal, as provided for in the POEA Standard  
11 Employment Contract;
- 12 3. When the seafarer in writing, voluntarily resigns and signs-off prior to expiration  
13 of contract within a reasonable period as may be prescribed in the IRR of this Act;  
14 or
- 15 4. When the seafarer is discharged for just causes in accordance with the provisions  
16 of the POEA Standard Employment Contract.

17 B. The termination of employment of a seafarer on-board domestic ships shall be  
18 governed by the provisions of the Labor Code of the Philippines, as amended.

#### 19 **Chapter XIV. Settlement of Disputes**

20 *Sec. 42. On-board and Onshore Grievance Machinery.* – All ships of Philippine  
21 registry shall have a fair, effective and expeditious on-board and on-shore grievance  
22 machinery at no cost to the seafarer in accordance with the implementing rules and  
23 regulations of this Act.

24 In cases where a seafarer is a member of a legitimate trade union organization,  
25 any grievance shall, as a condition precedent to conciliation-mediation, undergo the  
26 grievance machinery with the involvement of the union as established in the CBA. Without  
27 prejudice to any existing law, any agreements reached by the parties during grievance  
28 machinery shall be final and binding.

29 *Sec. 43. Mandatory Conciliation-Mediation and Arbitration.* – Seafarers whether  
30 engaged, employed or working on-board ships of Philippine registry or other registries,  
31 shall avail of the conciliation-mediation services of the DOLE pursuant to Republic Act No.  
32 10396 and its Implementing Rules and Regulations, by filing a request for assistance  
33 before the conciliation-mediation desks at the Regional/Field/Provincial Offices of the  
34 DOLE or its attached agencies.

35 In case of failure of conciliation-mediation in cases where seafarers are covered  
36 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**

Sec. 44. *Reintegration.* – For overseas Filipino seafarers, returning or unemployed seafarers may avail of the livelihood development, training programs and placements services offered by concerned government agencies, including OWWA and TESDA, TLC, and the CDA and the 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 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 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**

Sec. 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 incentivized or awarded for their outstanding performance in upholding the rights of seafarers or complying with this Magna Carta.

#### **CHAPTER XVII – Government Agencies**

Sec. 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;



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

4 b) Department of Foreign Affairs (DFA) – The DFA, through its home offices or foreign  
5 posts, shall take priority action or make representation with the foreign authority  
6 concerned to protect the rights of Filipino seafarers and extend immediate  
7 assistance, including the repatriation of distressed or beleaguered Filipino  
8 seafarers;

9 c) Department of Health (DOH) – The Department of Health (DOH) shall regulate the  
10 activities and operations of all clinics which conduct medical, physical, optical,  
11 dental, psychological and other similar examinations, hereinafter referred to as  
12 health examinations, on Filipino seafarers;

13  
14 The Department of Health shall determine and prescribe the nature of the  
15 medical examination that shall be required of a seafarer, ensuring that such  
16 examination will genuinely determine the seafarer's state of health, considering  
17 the duties that he/she shall be required to perform on board. The DOH shall  
18 likewise prescribe the contents of the medical certificate to ensure that such  
19 certification will genuinely reflect the seafarer's state of health.

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

24 e) Overseas Workers Welfare Administration (OWWA) – The OWWA through its  
25 welfare officer or in his absence, the coordinating officer, shall provide the Filipino  
26 seafarers and his family all the assistance they may need in the enforcement of  
27 contractual obligations by agencies and/or by their principals.

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

32 f) Maritime Industry Authority (MARINA) – The MARINA shall ensure that all maritime  
33 education including the curricula and training programs are structured and  
34 delivered in accordance with the written programs, methods and media of delivery,  
35 procedures and course materials compliant with international standards as  
36 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 MLC, 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 department, agency and instrumentality of the government including government owned and controlled corporation shall remain and continue to be recognized in accordance with the law or order creating them.

*Sec. 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**

*Sec. 48. Administrative Fines and Penalties.* – Any shipowner, master, their representatives 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, his duly authorized representative or the duly authorized representative of recognized organization shall be subjected to administrative fines and penalties in accordance with the IRR.

*Sec. 49. Illegal Exercise of Authority.* – Any person who, without proper delegation, exercises the authority granted to the Secretary of Labor under Sections 39 and 40 of this Act shall be punished with a fine of not less than one hundred thousand pesos (P100,000.00) nor more than four hundred thousand pesos (P400,000.00), or imprisonment of not less than one (1) year nor more than four (4) years, or both at the discretion of the court. The offense provided herein shall prescribe after five (5) years from its commission.

*Sec. 50. Implementing Rules and Regulations.* – The DOLE, in coordination with the DFA, MARINA and other agencies concerned shall formulate the rules and regulations of this Act within ninety (90) days after its effectivity.

1       Sec. 51. *Transitory Provision.* – All rights, privileges and benefits previously  
2 enjoyed by Filipino seafarers before the effectivity of this Act, including those set forth in  
3 Presidential Decree No. 442, otherwise known as the Labor Code of the Philippines, as  
4 amended, and Republic Act No. 8042, otherwise known as the “Migrant Workers and  
5 Overseas Filipinos Act of 1995,” as amended, shall continue to be recognized and shall  
6 not be diminished after the effectivity of this Act.

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

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

13       Sec. 54. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its  
14 publication in the *Official Gazette* or in at least two (2) newspapers of general circulation,  
15 whichever comes first.

Approved,