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REGISTRATION UNIT BILLS AND INDEX SERVICE	

Introduced by **HONORABLE BELLAFLOR J. ANGARA-CASTILLO**

EXPLANATORY NOTE

With the entry into force of the Maritime Labour Convention, 2006, on 20 August 2013, the Philippines as the 30th Member State to ratify the Convention, is working on the country's compliance in ensuring all Filipino seafarers' international labor standards. Affording protection to our seafarers through a national law, regulations and other measures is a compliance-imperative for the Philippines because as a labour-supplying country, it is a major source of seafarers around the world.

According to the International Labor Organization, there are more than 1.2 million seafarers worldwide and Filipino seafarers make up 30 per cent of the seafarers on the global shipping fleet. Likewise, archipelagic as it is, with more than 1,107 islands, the Philippines is also home to thousands of local seafarers manning domestic ships navigating the Philippine waters for purposes of commerce and trade.

In view of these considerations, enacting a *Magna Carta for Seafarers* that promotes the welfare and protect the rights of Filipino seafarers becomes a matter of course. The bill seeks to ensure protection of the rights and welfare of Filipino seafarers. Specifically, it seeks to recognize the rights of Filipino seafarers, institute mechanisms for the enforcement and protection thereof, provide for compulsory benefits, and implement standards set by the MLC, 2006.

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


BELLAFLOR J. ANGARA-CASTILLO
Representative
Lone District, Province of Aurora

Introduced by HONORABLE BELLAFLOR J. ANGARA-CASTILLO

AN ACT INSTITUTING THE MAGNA CARTA OF FILIPINO SEAFARERS, AND FOR
OTHER PURPOSES

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

CHAPTER I – General Provisions

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

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

- a. To 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.

1
2 **SEC. 4. Definition of Terms. –**
3

- 4 a. **“Cadet”** refers to the student of maritime educational institutions who is required to
5 undergo training on-board registered international ships or domestic ships to fulfil a
6 maritime academic course;
7
- 8 b. **“Domestic Shipping”** refers to the transport of passenger or cargo or both by ships
9 duly registered and licensed under Philippine law to engage in trade and commerce
10 between Philippine ports and within Philippine territorial or internal waters for hire or
11 compensation with general or limited clientele whether permanent, occasional or
12 incidental with or without fixed routes and done for contractual or commercial
13 purposes;
14
- 15 c. **“International Maritime Convention”** or **“International Convention”** refers to any
16 written treaty or agreement, or any protocol or amendment thereto, affecting the
17 maritime industry which has come into force and effect, including the Maritime
18 Labour Convention, 2006;
19
- 20 d. **“License”** refers to the document issued by the Department of Labor and
21 Employment (DOLE) authorizing any person or entity to engage in the recruitment
22 and placement of seafarers;
23
- 24 e. **“Manning/Recruitment and Placement Agency”** refers to any Filipino person,
25 corporation, partnership, company, etc. who is engaged in the canvassing, enlisting,
26 contracting, transporting, utilizing, hiring or procuring whether for profit or not, of
27 seafarers whether domestic or international;
28
- 29 f. **“Maritime Industry Stakeholders”** shall refer to all private sector stakeholders,
30 engaged in the business of owning, managing, chartering and/or operating domestic
31 and international ship(s) of Philippine or foreign registry, manning of ships,
32 management of ports, stevedoring and arrastre services, ship brokering and
33 chartering, ship-building and ship repair, providing maritime services such as ship
34 supplies and provisions, maritime education and training, shipping agency, and other
35 similar activities;
36
- 37 This term shall also include *bona fide* maritime labor organizations and professional
38 associations of seafarers;
39
- 40 g. **“Master”** is a person having command of a ship;
41
- 42 h. **“Maritime Labour Certificate”** shall refer to the document that certifies that the
43 working and living conditions of the seafarers on the ship have been inspected and
44 meet the requirements of Philippine laws and regulations;
45
- 46 i. **“Officer”** means a member of the crew other than the master who has been
47 designated as such national law or regulation or in the absence of such designation
48 by collective agreement or custom;
49
- 50 j. **“Deck Officer”** means an officer qualified in accordance with the provisions of the
51 International Convention on the Standards of Training, Certification and
52 Watchkeeping for Seafarers (STCW) 1978 as amended (Chapter II);
53
- 54 k. **“Engine Officer”** means an officer qualified in accordance with the provisions of the
55 International Convention on the Standards of Training, Certification and
56 Watchkeeping for Seafarers (STCW) 1978 as amended (Chapter III);
57

- 1 l. **"Philippine National"** shall refer to any individual who is a citizen of the Philippines,
2 or a commercial partnership or corporation organized under the laws of the
3 Philippines, at least 60% of the capital of which is owned by citizens of the
4 Philippines;
5
- 6 m. **"Philippine Seafarers' One Stop Processing Center (PSOC)"** shall refer to the
7 facility center which houses multiple offices/agencies involved in providing services
8 to seafarers in one roof;
9
- 10 n. **"Point of Hire"** refers to the place where the contract of employment was executed;
11
- 12 o. **"Recognized Organizations"** refer to organizations recognized by the DOLE to
13 carry out inspections and/or issue the Maritime Labour Certificate in accordance with
14 the scope of activities covered by their authorizations;
15
- 16 p. **"Repatriation"** refers to the process of returning a seafarer to the point of hire;
17
- 18 q. **"Seafarer"** shall refer to all persons who are employed or are engaged or work in
19 any capacity on board a ship to which the Act applies;
20
- 21 r. **"Ship"** or **"Vessel"** shall refer to any kind, class or type of craft or artificial
22 contrivance capable of floating in water, whether publicly or privately owned,
23 ordinarily engaged in commercial activities and offshore operations, except fixed
24 platform;
25
- 26 s. **"Sea Going Ship"** refers to a ship other than those which navigate exclusively
27 inland water or in water within or closely adjacent to sheltered water or areas where
28 port regulations apply;
29
- 30 t. **"Shipowner"** refers to the owner of the ship hiring Filipino seafarers to work on
31 board domestic ships and ships engaged in international trade, or any other
32 organization or person, such as the manager, agent or bareboat charterer, who has
33 assumed the responsibility for operation and management of the ship, and who, on
34 assuming such responsibilities, has agreed to take over all the attendant duties and
35 responsibilities of a shipowner under this Act, regardless of whether any other
36 organization or persons fulfil certain of the duties or responsibilities on behalf of the
37 shipowner.
38
39

40 Chapter II. Seafarer's Rights 41

42 **SEC. 5. Right to Just Terms and Conditions of Work.** – Seafarers shall have the right to:
43

- 44 a. Safe and secure workplace that complies with safety standards;
45 b. Decent working and living conditions on-board ship;
46 c. Medical care, welfare measures and other forms of health and social protection; and
47 d. Fair terms and conditions of employment including salary commensurate to their
48 rank, hours of work, and other relevant basis for wage computation, minimum
49 number of working hours, rest period consistent with Philippine laws or international
50 maritime conventions, when applicable.
51

52 **SEC. 6. Right to Self-organization, to Engage in Collective Bargaining and to**
53 **Participate in Democratic Exercises.** – Seafarers shall enjoy their right to self-
54 organization, to collective bargaining and to participate in the deliberation of issues and in
55 the formulation of policies that affect them, including the guarantee of representation in
56 governing boards or appointment in government instrumentalities.
57

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

4
5 Toward this end, relevant government agencies shall:

- 6
7 a. Regulate the operation of all educational and training institutions offering courses
8 related to seafaring;
- 9 b. Pursue grant programs such as scholarships, subsidies, loan assistance and other
10 measures that will harness the skills of Filipino seafarers toward greater
11 competitiveness to new demands in the industry; and
- 12 c. Promote quality maritime education and training that respond to the needs of the
13 industry and in accordance with minimum international maritime standards of
14 competency.

15
16 **SEC. 8. Right to Relevant Information.** – Shipowners, manning agencies, and other
17 organizations responsible for the recruitment and placement of Filipino seafarers shall be
18 mandated to provide seafarers relevant information. This right shall include the right of
19 seafarers organizations to relevant information affecting the terms and conditions of
20 employment of their members.

21
22 All ships covered by this Act shall have a copy of the Maritime Labour Convention, 2006
23 and the grievance procedures available on-board.

24
25 **SEC. 9. Right to Consultation.** – Seafarers, shipowners and legitimate seafarers' and
26 shipowners' organizations, as well as other relevant stakeholders, shall be adequately
27 consulted before adopting any maritime policy, executive issuance, rule or regulation or in
28 the enactment of any maritime law that may directly affect them and/or their families and
29 beneficiaries.

30
31 **SEC. 10. Right Against Discrimination.** – Upon employment, seafarers shall have the
32 right against discrimination by sole reason of race, sex, religion and political opinion. Career
33 opportunities shall be promoted and appropriate working and living conditions shall be
34 guaranteed equally among male and female seafarers.

35
36 **SEC. 11. Right to Free Legal Representation.** – Seafarers who are victims of violations of
37 the provisions of this Act and who cannot afford the services of a competent and
38 independent counsel shall have the right to free legal assistance and protection at
39 government's expense subject to existing rules and regulations.

40
41 **SEC. 12. Right to Access to Communication.** – Seafarers, especially during their free
42 time or off-duty shall have reasonable access to ship-to-shore telephone communications,
43 and email and internet facilities, where available.

44 45 46 Chapter III. Seafarer's Duties

47
48 **SEC. 13. Seafarers shall have the following duties:**

- 49
50 1. To comply with and observe the terms and conditions of his/her employment
51 contract;
 - 52
53 2. To abide by lawful and reasonable company personnel policies;
 - 54
55 3. To be obedient to the lawful commands of the Master or any person who shall
56 lawfully succeed him/her and to comply with the shipowner's/principal's policy on
57 safety and operational procedures and instructions given in connection therewith;
- 58

4. To be diligent in his/her duties relating to the ship, its stores, equipment and cargo, whether on board, in transit or ashore;
5. To conduct himself/herself at all times in an orderly and respectful manner towards shipmates, passengers, shippers, stevedores, port authorities, and other persons who have official business with the ship; and
6. To take personal responsibility for his health at all times by practicing a healthy lifestyle.

Chapter IV. Minimum Requirements for Seafarers

SEC. 14. *Minimum Age.* – No person below eighteen years old (18), 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.

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

Seafarer shall hold a valid medical certificate issued by a medical facility duly accredited by the Department of Health 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 his/her post at sea safely and effectively during the period of validity of the certificate.

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

SEC. 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.

SEC. 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.

Chapter V. Cadetship

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

SEC. 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/school on the other, which shall embody the following terms and conditions:

1. The cadet's full name, date of birth, age (at least 16 years old) and birthplace;
2. The maritime institution's/school's name and address;

3. The shipowner's name and address, if applicable;
4. The place and date when the cadet's agreement is entered into;
5. The capacity in which the cadet is to be trained;
6. The amount of the cadet's allowance or stipend, if applicable;
7. 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; and
8. 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.

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 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 Standard Employment Contract (SEC) approved by the Department of Labor and Employment shall be observed.

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

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

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

1
2 The minimum hours of rest for every seafarer shall not be less than ten (10) hours. Hours of
3 rest may be divided into no more than two periods, one of which shall be at least six (6)
4 hours in length, and the interval between consecutive periods of rest shall not exceed
5 fourteen (14) hours.

6
7 In exceptional cases, seafarers in watchkeeping duties may be required to work beyond
8 fourteen (14) hours: *Provided*, That the rest period is not less than seventy (70) hours in any
9 seven-day period. This exception shall not be allowed for more than two (2) consecutive
10 weeks. The intervals between two (2) periods of exceptions shall not be less than twice the
11 duration of the exception.

12
13 **SEC. 24. Paid Annual Leave.** – Whenever applicable, the seafarers shall be paid an
14 annual leave to be calculated on the basis of a minimum of 2.5 calendar days per month of
15 employment.

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

21 22 23 Chapter VII. Repatriation

24
25 **SEC. 25. Repatriation.** – Seafarers shall be entitled to repatriation. All costs related to the
26 repatriation and/or transport of the personal effects of a seafarer shall be borne by or
27 charged to the shipowner and the manning agency concerned. The expenses of repatriation
28 shall include the transportation charges, pay and allowances from the moment the seafarers
29 leave the ship until they reach the repatriation destination, the accommodation and the food
30 of the seafarer during the journey and transportation of 30 kilogram of the seafarers’
31 personal luggage to the repatriation destination. However, in cases where the termination of
32 employment is due solely to the fault of the seafarer, the shipowner or manning agency
33 shall not in any manner be responsible for the cost of the repatriation of the former and/or
34 his/her personal effects.

35
36 **SEC. 26. Emergency Repatriation for Seafarers On-board Foreign Registered Ships.**
37 The Overseas Workers Welfare Administration (OWWA), in coordination with the
38 Department of Foreign Affairs (DFA) and in appropriate situations, with international
39 agencies, shall undertake the repatriation of seafarers in cases of war, epidemics,
40 abandonment of ships by shipowners, disasters or calamities, natural or man-made, and
41 other similar events without prejudice to reimbursement by the responsible shipowner or
42 manning/recruitment and placement agency within sixty days of notice. In such case, the
43 POEA shall simultaneously identify and give notice to the shipowner or agency concerned.

44
45 The DFA shall take lead in the repatriation of the effected seafarers in areas where there
46 are no Philippine Overseas Labor Offices (POLO) present.

47
48 **SEC. 27. Repatriation for Seafarers On-board Domestic Ships.** – The provisions on
49 repatriation shall also apply to seafarers working on domestic ships. Seafarers on-board
50 domestic ships shall be entitled to emergency repatriation in cases of war, epidemics,
51 abandonment of ships by shipowners, disasters or calamities, natural or man-made, and
52 other similar events.

53 54 55 Chapter VIII. Manning Requirement

56
57 **SEC. 28. Manning Levels.** – All ships of Philippine registry shall have the required
58 minimum manning levels in accordance with the requirements prescribed by MARINA.
59

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

4 **SEC. 29. Crew Competence.** – Every member of the crew of a ship of Philippine Registry
5 shall possess the appropriate certificate of competency setting forth his competence to
6 serve in the capacity and perform the functions involved at the level of responsibility, for the
7 position held, for the type, tonnage, power, means of propulsion, and trading patterns of the
8 ships concerned.
9

10 The certificate of competency shall attest to the fact that the seafarer to whom it is issued
11 meets the requirements for service, age, qualification, and examinations for the position
12 held by him/her.
13

14 **SEC. 30. Registry of Seafarers.** – The POEA, for ocean-going ships of foreign registry and
15 MARINA for domestic and ocean-going ships of Philippine registry shall maintain a registry
16 of all seafarers in the Philippines. The registry shall contain the relevant information or data
17 to promote employment opportunities for seafarers whether on board or ashore, or allow for
18 further training and education to support skills development and competencies of seafarers
19 in order to secure or improve employment opportunities as may be provided in the
20 Implementing Rules and Regulations.
21

22 **Chapter IX. Accommodation, Recreational Facilities, Food and Catering**

23
24
25 **SEC. 31. Application.** – The requirements of this Chapter for crew accommodation and
26 recreational facilities covering ships of Philippine Registry shall be applicable to the
27 following:
28

- 29 a. All ocean-going ships and domestic ships constructed on or after the date when the
30 Maritime Labor Convention of 2006 come into force;
31
- 32 b. All second hand ships, whether ocean-going or domestic, acquired or leased, and
33 entered in the Philippine Registry after the entry date into force of the said
34 Convention unless provided exemption by the relevant Philippine government
35 agency; and
36
- 37 c. All ships constructed prior to the entry into force of the Maritime Labor Convention,
38 2006, as the case may be, which undertake major or substantial structural
39 alterations after the entry into force of the Convention unless provided exemption by
40 the relevant Philippine government agency.
41

42 **SEC. 32. Accommodation Facilities.** – Unless otherwise exempted herein or by
43 appropriate regulations, all ships of Philippine registry shall have safe, decent and adequate
44 accommodations for seafarers taking into account the need to protect the health and safety
45 of seafarers working or living on board.
46

47 **SEC. 33. Requirements for Sanitation.** – All ships of Philippine registry shall have
48 sanitation facilities meeting the minimum standards for health and hygiene and accessible
49 to seafarers on-board. The sanitation facilities shall be located at convenient places,
50 allowing for easy access to work stations. Separate facilities shall be provided for male and
51 female crew.
52

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

56 Domestic ships are exempted from this requirement considering the trading patterns and
57 length of voyages of such ship which allow the crew to go home or to have access and
58 make use of comparable facilities on land.
59

1 **SEC. 35. Food and Catering.** – The shipowner shall ensure protection and promotion of
2 the health of the seafarer. Whenever applicable, shipowners shall ensure that ships carry
3 on-board and serve free food and drinking water of appropriate quality, quantity and
4 nutritional value that adequately cover the requirements of the ship and take into
5 consideration the differing cultural and religious backgrounds. The foods and drinks and the
6 preparation thereof shall be in accordance with the standards of the Sanitation Code of the
7 Philippines and pertinent laws, rules and regulations.
8
9

10 Chapter X. Health Protection and Medical Care

11
12 **SEC. 36. Medical Care On-Board Ships and Ashore.** – The shipowner shall provide
13 adequate medical services and medicine chest on-board, and access to shore facilities for
14 the protection of the health of the seafarers, as well as the corresponding medical and/or
15 trained personnel who shall provide first-aid and medical care pursuant to the Maritime
16 Occupational Safety and Health Standards and other pertinent laws, rules and regulations.
17

18 The shipowner shall ensure that seafarers have access to treatment for sickness or injury,
19 hospitalization and dental treatment.
20

21 The seafarer shall have the right to consult a qualified physician or dentist without delay in
22 ports of call, where practicable.
23
24

25 Chapter XI. Welfare and Social Security Protection

26
27 **SEC. 37. Social Welfare Benefits.** – Without prejudice to established policy, collective
28 bargaining agreement or other applicable social agreement, all seafarers shall be covered
29 by the Social Security System, Employees' Compensation and State Insurance Fund,
30 Philhealth, Pag-IBIG Fund and other applicable laws.
31
32

33 Chapter XII. Compliance and Enforcement

34
35 **SEC. 38. Compliance and Certification.** – All ships of Philippine registry shall comply with
36 the provisions of this Act. The shipowner or master shall ensure the compliance of the ship
37 with this Act and its implementing rules and regulations.
38

39 The shipowner and master, as acting shipowner's representative, shall be made principally
40 liable for any violation of the provisions of this Act and its implementing rules and
41 regulations.
42

43 For this purpose, a Maritime Labour Certificate or a certificate of compliance, as applicable,
44 shall be issued in accordance with the implementing rules and regulations. DOLE, DFA and
45 MARINA, in consultation with shipowners and seafarers' organizations, shall formulate the
46 said implementing rules and regulations.
47

48 **SEC. 39. Inspection and Enforcement.** – For purposes of this Act, the Secretary of Labor
49 or his/her duly authorized representative, shall have the sole and exclusive authority to
50 inspect all Philippine ships, domestic or ocean-going to ensure compliance with the
51 provisions of this Act.
52

53 The Secretary of Labor and Employment may authorize other government agencies or duly
54 recognized organizations to conduct inspection and issue certification in accordance with
55 the provisions of this Act and its implementing rules and regulations.
56

57 Unless directly exercised by the Secretary of Labor and Employment, the duly authorized
58 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 his/her 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, and/or to the life or limbs of the seafarer, the Secretary of Labor and Employment or his/her duly authorized representative may order the detention of the ship immediately until the violation or deficiency is corrected.

SEC. 40. *Recognized Organization.* – Recognized organizations may be authorized by the Secretary of Labor and Employment 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

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

It 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 on-board his 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 in writing, voluntarily resigns and signs-off prior to 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 ship shall be governed by the provisions of the Labor Code of the Philippines, as amended.

Chapter XIV. Settlement of Disputes

SEC. 42. *On-board and Onshore Grievance Machinery.* – All ships of Philippine registry shall have 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.

1
2 In cases where a seafarer is a member of a legitimate trade union organization, any
3 grievance shall, as a condition precedent to conciliation-mediation, undergo the grievance
4 machinery with the involvement of the union as established in the CBA. Without prejudice to
5 any existing law, any agreements reached by the parties during grievance machinery shall
6 be final and binding.
7

8 **SEC. 43. *Mandatory Conciliation-Mediation and Arbitration.*** – Seafarers whether
9 engaged, employed or working on-board ships of Philippine registry or other registries, shall
10 avail of the conciliation-mediation services of the DOLE pursuant to Republic Act No. 10396
11 and its Implementing Rules and Regulations, by filing a request for assistance before the
12 conciliation-mediation desks at the Regional/Field/Provincial Offices of the DOLE or its
13 attached agencies.
14

15 In case of failure of conciliation-mediation in cases where seafarers are covered by CBA,
16 the case shall be submitted for Voluntary Arbitration in accordance with Articles 261 and
17 262 of the Labor Code, as amended. In cases where seafarers are not covered by the CBA,
18 the seafarer shall have the option to submit the case to Compulsory Arbitration or Voluntary
19 Arbitration.
20

21 22 **Chapter XV. Reintegration for Overseas Filipino Seafarers** 23

24 **SEC. 44. *Reintegration.*** – For overseas Filipino seafarers, returning or unemployed
25 seafarers may avail of the livelihood development, training programs and placements
26 services offered by concerned government agencies, including the Overseas Workers
27 Welfare Administration (OWWA), Commission on Higher Education (CHED), Technical
28 Education and Skills Development Authority (TESDA), Technology Resource Center (TLC),
29 Cooperative Development Authority (CDA), and National Maritime Polytechnic (NMP).
30

31 These agencies shall formulate skills upgrading or retraining curricula to meet the needs of
32 returning or unemployed seafarers. The participation of the maritime industry, in particular,
33 port and shipping industry, and maritime educational institutions shall be likewise solicited
34 by the DOLE in devising the appropriate retraining and local job placement programs for
35 unemployed seafarers.
36

37 The National Reintegration Center for OFWs (NRCO) shall attend to the needs of returning
38 seafarers. The NRCO shall provide a mechanism for their reintegration into the Philippine
39 society, serve as a promotion house for their local employment, and tap their skills and
40 potentials for national development.
41

42 43 **Chapter XVI. Incentives and Awards Granted to the Maritime Industry** 44

45 **SEC. 45 *Incentives and Awards.*** – There shall be established an incentives and awards
46 system for the maritime industry stakeholders which shall be developed and administered
47 by the concerned government agency in consultation with the Maritime Industry Tripartite
48 Council (MITC).
49

50 Under such rules and regulations that may be promulgated, deserving shipowners,
51 seafarers, manning and other organizations or entities shall be incentivized or awarded for
52 their outstanding performance in upholding the rights of seafarers or complying with this
53 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;

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 take priority action or make representation with the foreign authority concerned to protect the rights of Filipino seafarers and extend immediate assistance, including the repatriation of distressed or beleaguered Filipino seafarers;

- c. **Department of Health (DOH).** The Department of Health (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 Department of Health 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 he/she 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 officer or in his absence, the coordinating officer, shall provide the Filipino seafarers and his family all the assistance they may need in the enforcement of contractual obligations by agencies and/or by 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 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. National Statistics Office (NSO).

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 and Employment, his/her duly authorized representative or the duly authorized representative of recognized organization, shall be subjected to administrative fines and penalties in accordance with the IRR.

Any person who, without proper delegation, exercises the authority granted to the Secretary of Labor and Employment under Sections 38 and 39 of this Act shall be punished with a fine of not less than One hundred thousand pesos (P100,000.00) nor more than Four hundred thousand pesos (P400,000.00), or imprisonment of not less than one (1) year nor more than four (4) years, or both at the discretion of the court. The offense provided herein shall prescribe after five (5) years from its commission.

SEC. 49. 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.

SEC. 50. Transitory Provisions. – 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 after the effectivity of this Act.

SEC. 51. Repealing Clause. – All laws or parts thereof, decrees, orders, rules and regulations deemed inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 52. Separability Clause. – If any provision of this Act is declared unconstitutional or invalid, the other provisions not affected thereby shall remain in full force and effect.

SEC. 53. Effectivity Clause. – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) newspapers of general circulation, whichever comes first.

Approved,