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SENATE
S.B. NO. 1369

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Introduced by Senator Maria Lourdes Nancy S. Binay

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

EXPLANATORY NOTE

Article II, Section 18 of the 1987 Philippine Constitution provides:

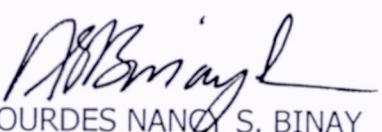
"The State affirms labor as a primary social economic force. It shall protect the rights of workers and promote their welfare."

The Philippines is the world's biggest source of seafarers accounting for approximately 380,000 of 1.5 million seafarers worldwide according to the data from the Philippine Statistical Authority and the International Maritime Organization.

Despite the significant role of the Filipino seafarers in our country they have been overlooked and lacked adequate support from the state.

Therefore, this proposed measure seeks the creation of set laws that concentrates on the welfare and needs of our Filipino seafarers. The Magna Carta of Filipino Seafarer guarantees the protection and promotion of their rights by establishing standards for their duties, requirements, training, terms and conditions of employment, repatriation, manning requirement, food and facilities, health protection and medical care, social security, settlement of disputes, reintegration, and incentives.

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


MARIA LOURDES NANCY S. BINAY
Senator

**EIGHTEENTH CONGRESS OF THE REPUBLIC
OF THE PHILIPPINES**
First Regular Session



**SENATE
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**AN ACT
ESTABLISHING THE MAGNA CARTA OF FILIPINO SEAFARERS**

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

1 **CHAPTER I**
2 **GENERAL PROVISIONS**
3

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

6

7 Sec. 2. *Declaration of Policy.* – It is hereby declared the policy of the
8 State:

9 (a) To recognize the rights, contributions and unique role of
10 Filipino seafarers as maritime professionals, as well as their
11 vulnerabilities, and afford them full protection before,
12 during and after their employment;

13 (b) To maintain and progressively develop a pool of competent
14 and world-class domestic and international seafarers for all
15 officer ranks and ratings, as well as service personnel on
16 special types of vessels, through a system of education,
17 training, accreditation and licensing;

- 1 (c) To establish mechanisms for the enhancement of
2 administrative, adjudicative, social as well as welfare
3 services for them and their families;
- 4 (d) To enact laws that ratify, adopt, and implement the
5 standards set by international conventions and agreements
6 on safety, working conditions, and working hours, among
7 others for seafarers particularly the Maritime Labour
8 Convention of 2006; and
- 9 (e) To recognize manning and recruitment entities and
10 organized labor as vital partners in promoting the skill and
11 competence of Filipino seafarers and protecting their rights
12 prior to, and post employment by offering these manning,
13 recruitment and organized labor entities fiscal and tax
14 incentives;

15 Toward these ends, the State shall endeavor to improve the Filipino
16 seafarers' working conditions, terms of employment, career prospects and
17 provide them opportunities to harness their potentials to the fullest. The State
18 shall further work to uplift the socio-economic well-being of the Filipino seafarers'
19 families.

20

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

25 This Act shall not cover the following categories of ships:

- 26 (a) Warships and naval auxiliaries;
- 27 (b) Government ships not engaged in commercial operations;
- 28 (c) Ships of traditional built, as may be defined under existing
29 rules and regulations; and
- 30 (d) Fishing vessels.

1

2 Sec. 4. *Definition of Terms.* – As used in this Act, the following terms
3 shall:

- 4 (a) “Cadet” refers to the student of maritime educational
5 institutions who is required to undergo training on-board
6 registered international ships or domestic ships to fulfill a
7 maritime academic course;
- 8 (b) “Domestic Shipping” refer to the transport of passenger or
9 cargo or both by ships duly registered and licensed under
10 Philippine law to engage in trade and commerce between
11 Philippine ports and within Philippine territorial or internal
12 waters for hire or compensation with general or limited
13 clientele whether permanent, occasional or incidental with
14 or without fixed routes and done for contractual or
15 commercial purposes;
- 16 (c) “International Maritime Convention” or “International
17 Convention” refer to any written treaty or agreement, or
18 any protocol or amendment thereto, affecting the maritime
19 industry which has come into force and effect, including the
20 Maritime Labour Convention of 2006;
- 21 (d) “License” refers to the document issued by the Department
22 of Labor and Employment (DOLE) authorizing any person or
23 entity to engage in the recruitment and placement of
24 seafarers;
- 25 (e) “Manning/Recruitment and Placement Agency” refers to any
26 Filipino person, corporation, partnership, company, etc.
27 who is engaged in the canvassing, enlisting, contracting,
28 transporting, utilizing, hiring or procuring whether for profit
29 or not, of seafarers whether domestic or international;

- 1 (f) "Maritime Industry Stakeholders" refers to all private
2 sectors stakeholders, engaged in the business of owning,
3 managing, chartering and/or operating domestic and
4 international ship(s) of Philippine or foreign registry,
5 manning of ships, management of ports, stevedoring and
6 arrastre services, ship brokering and chartering, ship-
7 building and ship repair, providing maritime services such
8 as ship supplies and provisions, maritime education and
9 training, shipping agency, and other similar activities. This
10 term shall also include bona fide maritime labor
11 organizations and professional associations of seafarers;
- 12 (g) "Master" refers to a person having command of a ship;
- 13 (h) "Maritime Labour Certificate" refers to the document that
14 certifies the working and living conditions of the seafarers
15 on the ship have been inspected and meet the
16 requirements of Philippine laws and regulations;
- 17 (i) "Officer" refers to a member of the crew other than the
18 master who has been designated as such under national
19 law or regulation or in the absence of such designation by
20 collective agreement or custom;
- 21 (j) "Deck Officer" refers to an officer qualified in accordance
22 with the provisions under Chapter II of the 1978
23 International Convention on the Standards of Training,
24 Certification and Watchkeeping for Seafarers (STCW);
- 25 (k) "Engine Officer" means an officer qualified in accordance
26 with the provisions under Chapter III of the 1978
27 International Convention on the Standards of Training,
28 Certification and Watchkeeping for Seafarers (STCW);
- 29 (l) "Philippine Seafarers' One Stop Processing Center (PSOC)"
30 refers to the facility center which houses multiple

1 offices/agencies involved in providing services to seafarers
2 in one roof;

3 (m) "Point of Hire" refers to the place where the contract of
4 employment was executed;

5 (n) "Recognized Organizations" refers to organizations
6 recognized by the DOLE to carry out inspections and/or
7 issue the Maritime Labour Certificate in accordance with the
8 scope of activities covered by their authorizations;

9 (o) "Repatriation" refers to the process of returning a seafarer
10 to the point of hire;

11 (p) "Seafarer" refers to all persons who are employed or are
12 engaged or work in any capacity on board a ship to which
13 the Act applies;

14 (q) "Ship" or "Vessel" refers to any kind, class or type of craft
15 or artificial contrivance capable of floating in water,
16 whether publicly or privately owned, ordinarily engaged in
17 commercial activities and offshore operations, except fixed
18 platform;

19 (r) "Sea Going Ship" refers to a ship other than those which
20 navigate exclusively inland water or in water within or
21 closely adjacent to sheltered water or areas where port
22 regulations apply; and

23 (s) "Shipowner" refers to the owner of the ship hiring Filipino
24 seafarers to work on board domestic ships and ships
25 engaged in international trade, or any other organizations
26 or person, such as the manager, agent or bareboat
27 charterer, who has assumed the responsibility for operation
28 and management of the ship, and who, on assuming such
29 responsibilities, has agreed to take over all the attendant
30 duties and responsibilities of a shipowner under this Act,

1 regardless of whether any other organizations or persons
2 fulfill certain of the duties or responsibilities on behalf of
3 the shipowner.

4

5 **CHAPTER II**
6 **SEAFARER'S RIGHTS**
7

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

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

20

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

27

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

- 1 Toward this end, relevant government agencies shall:
- 2 (a) Regulate the operation of all educational and training
3 institutions offering courses related to seafaring;
- 4 (b) Pursue grant programs such as scholarships, subsidies, loan
5 assistance and other measures that will harness the skills of
6 Filipino seafarers toward greater competitiveness to new
7 demands in the industry; and
- 8 (c) Promote quality maritime education and training that
9 respond to the needs of the industry and in accordance
10 with minimum international maritime standards of
11 competency.

12

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

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

20

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

26

27 Sec. 10. *Right Against Discrimination.* – Upon employment, seafarers shall
28 have the right against discrimination by sole reason of race, sex, religion and
29 political opinion. Career opportunities shall be promoted and appropriate working

1 and living conditions shall be guaranteed equally among male and female
2 seafarers.

3 Sec. 11. *Right to Free Legal Representation.* – Seafarers who are victims
4 of violations of the provisions of this Act and who cannot afford the services of a
5 competent and independent counsel shall have the right to free legal assistance
6 and protection at government's expense subject to existing rules and regulations.
7

8 Sec. 12. *Right to Access to Communication.* – Seafarers, especially during
9 their free time or off-duty shall have reasonable access to ship-to-shore
10 telephone communications, and email and internet facilities, where available.
11

12 **CHAPTER III**
13 **SEAFARER'S DUTIES**
14

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

- 16 (1) To comply with and observe the terms and conditions of
17 his/her employment contract;
- 18 (2) To abide by lawful and reasonable company personnel
19 policies;
- 20 (3) To be obedient to the lawful commands of the Master or
21 any person who shall lawfully succeed him/her and to
22 comply with the shipowner's/principal's policy on safety and
23 operational procedures and instructions given in connection
24 therewith;
- 25 (4) To be diligent in his/her duties relating to the ship, its
26 stores, equipment and cargo, whether on board, in transit
27 or ashore;
- 28 (5) To conduct himself/herself at all times in an orderly and
29 respectful manner towards shipmates, passengers,

- 1 shippers, stevedores, port authorities, and other persons
2 who have official business with the ship; and
3 (6) To take personal responsibility for his health at all times by
4 practicing a healthy lifestyle.

5 **CHAPTER IV**
6 **MINIMUM REQUIREMENTS FOR SEAFARERS**
7

8 Sec. 14. *Minimum Age.* – No person below eighteen years old (18), other
9 than a cadet, shall be employed, engaged, or otherwise allowed to work on
10 board Philippine registered ships operating domestically or internationally as well
11 as those on-board foreign registered ships.
12

13 Sec. 15. *Medical Certificates.* – No seafarer shall be employed, engaged,
14 or otherwise allowed to work on board a domestic or ocean-going ship unless
15 certified as medically fit to perform his/her duties.
16

17 Seafarers shall hold a valid medical certificate issued by a medical facility
18 duly accredited by the Department of Health (DOH) in accordance with its
existing rules and regulations.
19

20 The medical certificate shall certify that the person is expected to be able
21 to meet the minimum requirements for performing the duty specific to his/her
22 post at sea safely and effectively during the period of validity of the certificate.
23

24 For the purpose of this section, a medical certificate issued in accordance
25 with the requirements of the STCW shall be accepted.
26

27 Sec. 16. *Training and Qualifications.* – Only seafarers certified by
28 appropriate government agencies shall work, be employed or be engaged on-
29 board a ship.
30

31 Sec. 17. *Recruitment and Placement.* – Only duly licensed manning or
32 placement and recruitment agency shall be allowed to operate and engaged in
33

1 the recruitment and placement of seafarers, in accordance with the rules and
2 regulations as may be issued by the Secretary of Labor and Employment.

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

5

6 Sec. 18. *Contracting or Subcontracting of Services.* – Contracting or
7 subcontracting work arrangement involving seafarers on-board domestic ships
8 shall be governed by existing rules and regulations issued by the Department of
9 Labor and Employment.

10

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13

CHAPTER V CADETSHIP

14 Sec. 19. *Applicability.* – The following provisions of this Act shall be
15 applicable in the shipboard training of cadets:

- 16 (a) Sec. 8 (Right to Relevant Information);
17 (b) Sec. 10 (Right Against Discrimination);
18 (c) Sec. 11 (Right to Free Legal Representation);
19 (d) Sec. 12 (Right to Access to Communication);
20 (e) Sec. 15 (Medical Certificate);
21 (f) Chapter VII (Repatriation);
22 (g) Chapter IX (Accommodation, Recreational Facilities, Food
23 and Catering); and
24 (h) Sec. 42 (On-Board and Onshore Grievance Machinery).

25

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

- 1 (a) The cadet's full name, date of birth, age (at least 16 years
2 old) and birthplace;
- 3 (b) The maritime institution's/school's name and address;
- 4 (c) The shipowner's name and address, if applicable;
- 5 (d) The place and date when the cadet's agreement is entered
6 into;
- 7 (e) The capacity in which the cadet is to be trained;
- 8 (f) The amount of the cadet's allowance or stipend, if
9 applicable;
- 10 (g) Required number of hours of training and rest which would
11 not be less than the prescribed hours of work and rest in
12 Sec. 21 of this Act; and
- 13 (h) Other benefits in accordance with law, company policy or
14 agreements.

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

22 Maritime Higher Education Institutions (MHEIs) shall demonstrate that
23 over the last three (3) years, an average of at least seventy percent (70%) of
24 students enrolled in their Bachelor of Science in Marine Transportation (BSMT) or
25 BSMarE programs are able to secure cadet berths in connection with their
26 studies. CHED, in coordination with MARINA, shall ensure that only BSMT or
27 MSMarE programs in MHEIs that meet the above requirement are conferred
28 approved or accredited status.

29
30

1
2 **CHAPTER VII**
3 **TERMS AND CONDITIONS OF EMPLOYMENT**

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

- 7 (a) the seafarer's full name, date of birth or age, and
8 birthplace;
- 9 (b) the shipowner's name and address;
- 10 (c) the place where and date when the seafarer's employment
11 agreement is entered into;
- 12 (d) the capacity in which the seafarer is to be employed;
- 13 (e) the amount of the seafarer's salary, and the formula used
14 for calculating the same;
- 15 (f) hours of work and hours of rest;
- 16 (g) wages and wage-related benefits, which include the
17 following:
- 18 (1) overtime pay;
- 19 (2) holiday pay;
- 20 (3) premium pay;
- 21 (4) paid leaves; and
- 22 (5) 13th month pay, if applicable;
- 23 (h) social security and welfare benefits;
- 24 (i) stipulation on repatriation or similar undertakings;
- 25 (j) separation pay and retirement pay, if applicable;
- 26 (k) reference to collective bargaining agreement, if applicable;
27 and
- 28 (l) other benefits in accordance with law, company policy or
29 agreements.

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

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

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

10

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

19

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

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

29 In exceptional cases, seafarers in watchkeeping duties may be required to
30 work beyond fourteen (14) hours provided that the rest period is not less than

1 seventy (70) hours in any seven-day period. This exception shall not be allowed
2 for more than two (2) consecutive weeks. The intervals between two (2) periods
3 of exceptions shall not be less than twice the duration of the exception.

4

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

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

14

15 **CHAPTER VII**
16 **REPATRIATION**
17

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

29

1 Sec. 26. *Emergency Repatriation for Seafarers On-board Foreign*
2 *Registered Ships.* – The Overseas Workers Welfare Administration (OWWA), in
3 coordination with the Department of Foreign Affairs (DFA) and in appropriate
4 situations, with international agencies, shall undertake the repatriation of
5 seafarers in cases of war, epidemics, abandonment of ships by shipowners,
6 disasters or calamities, natural or man-made, and other similar events without
7 prejudice to reimbursement by the responsible shipowner or
8 manning/recruitment and placement agency within sixty (60) days of notice. In
9 such case, the POEA shall simultaneously identify and give notice to the
10 shipowners or agency concerned.

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

13 Sec. 27. *Repatriation for Seafarers On-board Domestic Ships.* – The
14 provisions on repatriation shall also apply to seafarers working on domestic
15 ships. Seafarers on-board domestic ships shall be entitled to emergency
16 repatriation in cases of war, epidemics, abandonment of ships by shipowners,
17 disasters or calamities, natural or man-made, and other similar events.

18

19 **CHAPTER VIII**
20 **MANNING REQUIREMENT**
21

22 Sec. 28. *Manning Levels.* – All ships of Philippine registry shall have the
23 required minimum manning levels in accordance with the requirements
24 prescribed by MARINA.

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

28

29 Sec. 29. *Crew Competence.* – Every member of the crew of a ship of
30 Philippine Registry shall possess the appropriate certificate of competency setting

1 forth his competence to serve in the capacity and perform the functions involved
2 at the level of responsibility, for the position held, for the type, tonnage, power,
3 means of propulsion, and trading patterns of the ships concerned.

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

7

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

16

17 **CHAPTER IX**
18 **ACCOMMODATION, RECREATIONAL FACILITIES, FOOD AND CATERING**
19

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

- 23 (a) All ocean-going and domestic ships constructed on or after
24 the date when the Maritime Labor Convention of 2006
25 came into force;
- 26 (b) All second hand ships, whether ocean-going or domestic,
27 acquired or leased, and entered in the Philippine Registry
28 after the entry date into force of the said Convention unless
29 provided exemption by the relevant Philippine government
30 agency; and

1 (c) All ships constructed prior to the entry into force of the
2 Maritime Labour Convention, 2006, as the case may be,
3 which undertake major or substantial structural alterations
4 after the entry into force of the Convention unless provided
5 exemption by the relevant Philippine government agency.

6

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

11

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

17

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

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

25

26 *Sec. 35. Food and Catering.* – The shipowner shall ensure protection and
27 promotion of the health of the seafarer. Whenever applicable, shipowners shall
28 ensure that ships carry on-board and serve free food and drinking water of
29 appropriate quality, quantity and nutritional value that adequately cover the
30 requirements of the ship and take into consideration the differing cultural and

1 religious backgrounds. The foods and drinks and the preparation thereof shall be
2 in accordance with the standards of the Sanitation Code of the Philippines and
3 pertinent laws, rules and regulations.

4

5 **CHAPTER X**
6 **HEALTH PROTECTION AND MEDICAL CARE**
7

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

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

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

18

19 **CHAPTER XI**
20 **WELFARE AND SOCIAL SECURITY PROTECTION**
21

22 Sec. 37. *Social Welfare Benefits.* – Without prejudice to established policy,
23 collective bargaining agreement or other applicable social agreement, all
24 seafarers shall be covered by the Social Security System, Employees'
25 Compensation and State Insurance Fund, Philhealth, Pag-IBIG Fund and other
26 applicable laws.

27

28 **CHAPTER XII**
29 **COMPLIANCE AND ENFORCEMENT**
30

31 Sec. 38. *Compliance and Certification.* – All ships of Philippine registry
32 shall comply with the provisions of this Act. The shipowner or master shall

1 ensure the compliance of the ship with this Act and its implementing rules and
2 regulations.

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

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

11

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

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

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

24 The Secretary of Labor and Employment or his/her duly authorized
25 representative shall have the power to order immediate correction of, and
26 impose fines for violation of the provisions of this Act.

27 If the violation or deficiency constitutes serious breach of the requirement
28 of this Act and its implementing rules and regulations or poses imminent danger
29 to the ships, and/or to the life or limbs of the seafarer, the Secretary of Labor or

1 his/her duly authorized representative may order the detention of the ship
2 immediately until the violation or deficiency is corrected.

3

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

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

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

14

15 **CHAPTER XIII**
16 **TERMINATION OF EMPLOYMENT**
17

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

19 (A) The employment of Filipino seafarers on-board Philippine-
20 registered ships operating internationally as well as those
21 on-board foreign-registered ships shall cease when the
22 seafarer completes his period of contractual service aboard
23 the ship, signs-off from the ship and arrives at the point of
24 hire.

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

27 (1) When the seafarer signs-off and is
28 disembarked for medical reason in the event
29 the seafarer is declared: (a) fit for
30 repatriation; or (b) fit to work but the

- 1 employer is unable to find employment for the
2 seafarer on-board his former ship or another
3 ship of the employer;
- 4 (2) When the seafarer signs-off due to ship's sale,
5 lay-up of ship, discontinuance of voyage or
6 change of ship principal, as provided for in the
7 POEA Standard Employment Contract;
- 8 (3) When the seafarer in writing, voluntarily
9 resigns and signs-off prior to expiration of
10 contract within a reasonable period as may be
11 prescribed in the IRR of this Act; or
- 12 (4) When the seafarer is discharged for just
13 causes in accordance with the provisions of
14 the POEA Standard Employment Contract.
- 15 (B) The termination of employment of a seafarer on-board
16 domestic ships shall be governed by the provisions of the
17 Labor Code of the Philippines, as amended.

18

19 **CHAPTER XIV**
20 **SETTLEMENT OF DISPUTES**

21

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

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

1
2 Sec. 43. *Mandatory Conciliation-Mediation and Arbitration.* – Seafarers
3 whether engaged, employed or working on-board ships of Philippine registry or
4 other registries, shall avail of the conciliation-mediation services of the DOLE
5 pursuant to Republic Act No. 10396 and its Implementing Rules and Regulations,
6 by filing a request for assistance before the conciliation-mediation desks at the
7 Regional/Field/Provincial Offices of the DOLE or its attached agencies.

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

13

14 **CHAPTER XV**
15 **REINTEGRATION FOR OVERSEAS FILIPINO SEAFARERS**
16

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

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

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

1

2

3 **CHAPTER XVI**

4 **INCENTIVES AND AWARDS GRANTED TO THE MARITIME INDUSTRY**

5 Sec. 45. *Incentives and Awards.* – There shall be established an incentives
6 and awards system for the maritime industry stakeholders which shall be
7 developed and administered by the concerned government agency in
8 consultation with the Maritime Industry Tripartite Council (MITC).

9 Under such rules and regulations that may be promulgated, deserving
10 shipowners, seafarers, manning and other organizations or entities shall be
11 incentivized or awarded for their outstanding performance in upholding the rights
12 of seafarers or complying with this Magna Carta.

13

14 **CHAPTER XVII**

15 **GOVERNMENT AGENCIES**

16

17 Sec. 46. *Role of Government Agencies.* – The following government
18 agencies shall perform the following functions to promote the welfare and
19 protect the rights of Filipino seafarers:

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

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

- (b) Department of Foreign Affairs. – 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 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 absences, the coordinating officer, shall provide the Filipino seafarers and his family all the assistance they may need in the

1 enforcement of contractual obligations by agencies and/or
2 by their principals;

3 The OWWA shall likewise formulate and implement welfare
4 programs for overseas Filipino seafarers and their families
5 while they are abroad and upon their return. It shall ensure
6 the awareness by the overseas Filipino workers and their
7 families of these programs and other related government
8 programs;

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

16 (g) Philippine Coast Guard (PCG) – The PCG, in line with its
17 function to assist in the enforcement of applicable laws
18 within the maritime jurisdiction of the Philippines, shall
19 assist the DOLE in the enforcement of Department Orders
20 and other issuances implementing the MLC, 2006 including
21 orders to detain vessels found in gross violation of pertinent
22 laws, rules and regulations.

23 Unless otherwise provided in this Act, the mandate, power and function of
24 all existing department, agency and instrumentality of the government including
25 government-owned and controlled corporation shall remain and continue to be
26 recognized in accordance with the law or order creating them.

27
28 Sec. 47. *Philippine Seafarer One Stop Processing Center (PSOC)*. – The
29 PSOC, as established under Administrative Order No. 56, has been tasked to
30 operationalize and make available to the public, an integrated document

1 processing center for the seafarers and the general public to conduct official
2 transactions. The agencies that are mandated to provide services in the PSOC
3 are as follows:

- 4 (a) Department of Foreign Affairs (DFA);
5 (b) Overseas Workers Welfare Administration (OWWA);
6 (c) Philippine Overseas Employment Administration (POEA);
7 (d) National Bureau of Investigation (NBI); and
8 (e) Philippine Statistics Authority (PSA);

9

10 **CHAPTER XVIII**
11 **FINAL PROVISION**

12
13 Sec. 48. *Administrative Fines and Penalties.* – Any shipowner, master,
14 their representatives or other person who fails or refuses to present employment
15 records such as payrolls, daily time records, payslip, or other documents when
16 required by the Secretary of Labor, his duly authorized representative or the duly
17 authorized representative of recognized organizations shall be subject to
18 administrative fines and penalties in accordance with the IRR.

19

20 Sec. 49. *Illegal Exercise of Authority.* – Any person who, without proper
21 delegation, exercises the authority granted to the Secretary of Labor under
22 Sections 38 and 39 of this Act shall be punished with a fine of not less than One
23 Hundred Thousand Pesos (P100,000.00) nor more than Four Hundred Thousand
24 Pesos (P400,000.00), or imprisonment of not less than one (1) year nor more
25 than four (4) years, or both at the discretion of the court. The offense provided
26 herein shall prescribe after five (5) years from its commission.

27

28 Sec. 50. *Implementing Rules and Regulations.* – The DOLE, in
29 coordination with the DFA, MARINA and other agencies concerned shall

1 formulate the rules and regulations of this Act within ninety (90) days after its
2 effectivity.

3

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

11

12 Sec. 52. *Separability Clause.* – If any provision of this Act is held invalid or
13 unconstitutional, the same shall not affect the validity and effectivity of the other
14 provisions hereof.

15

16 Sec. 53. *Repealing Clause.* - All laws, decrees, orders, and issuances, or
17 portions thereof, which are inconsistent with the provisions of this Act, are
18 hereby repealed, amended or modified accordingly.

19

20 Sec. 54. *Effectivity Clause.* - This Act shall take effect fifteen (15) days
21 after its publication in the Official Gazette or in two (2) newspapers of general
22 circulation.

Approved,