

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

THIRTEENTH CONGRESS
First Regular Session

House Bill No. 1804

Introduced by the **Honorable ROILO GOLEZ**

EXPLANATORY NOTE

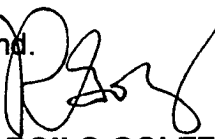
This bill seeks to create the National Seafarers Administration to look into and protect the interest and welfare of seamen employee overseas.

A National Seamen Board was created in 1974 to develop and maintain a comprehensive program for Filipino Seafarers employed overseas. However, the Board was abolished in 1982 with the creation of the Philippine Overseas Employment Administration under Executive Order No. 797 which has been empowered to formulate and undertake a systematic program for promoting and monitoring the overseas' employment of Filipino workers and protect their rights to fair and equitable employment practices which also include seamen. An Advisory Board for Seamen was also created which was composed of private sector to advise the Philippine Overseas Employment Administration on its overseas operations.

While many commend the performance of the Philippine Overseas Employment Administration in protecting the rights and promoting the welfare of Filipino overseas workers, the overseas seamen continually claim that they have been overlooked by the government. The agency concerned may not be aware but the seamen feel that they are not fully protected. Considering the nature of their work, the problem they are encountering are very much different from the land based overseas workers. The problems of these workers are so complicated that a body fully concentrating on the seabased workers is necessary.

The National Seafarers Administration to be composed of full-time officials, not just an advisory group, is being proposed. The Administration will be in charged of formulating policies and programs for the protection and promotion of rights and welfare of seamen assigned aboard foreign vessel.

Approval of the bill is strongly recommend.



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AN ACT
CREATING THE NATIONAL SEAFARERS ADMINISTRATION,
PRESCRIBING ITS POWERS AND FUNCTIONS, AND APPROPRIATING
FUNDS THEREFOR

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

SECTION 1. *Title.* - This Act shall be known as the "National Seafarers Administration Act of 2004".

SEC. 2. *Declaration of Policy.* - It is hereby declared the policy of the State to afford full protection to labor, local and overseas, organized and unorganized, and promote full employment and equality of employment opportunities for all.

Pursuant to the foregoing state policy, The Philippines, through this Act, shall consolidate and institutionalize the existing government efforts in affecting meaningful programs on employment promotion, maritime manpower development and utilization, and welfare and seafarers integrated in one agency.

SEC. 3. *Creation of the National Seamen Administration.* - There is hereby created a National Seafarers Administration, hereinafter referred to as the Administration, which shall be organized within sixty (60) days from the date of approval of this Act.

The Administration, as an attached agency, shall be under the administrative supervision of the Department of Labor and Employment.

SEC. 4. *Objectives.* - The Administration shall have the following objectives:

a) To establish and maintain a centralized government agency that would attend to the entire needs of Filipino seafarers by providing them the necessary services, supervision, regulation and guidance in the pursuit of

their profession prior, during and after their employment on board domestic as well as overseas trade and fishing vessels;

b) To give full and complete effect to the International Maritime Organization Standards of Trainings, Certification, and Watch keeping for Seafarers, 1978 (IMO STCW-78) as amended in 1995 so as to ensure that from the point of view of safety of life at sea and protection of the maritime environment, seafarers on board ships are qualified and fit for duties;

c) To develop, organize, maintain and operate an integrated maritime manpower development system that would undertake the training, certification and/or licensing and qualification of Filipino seafarers in accordance with International Maritime Organization Standard of Training Certification and Watch keeping for Seafarers IMO STCW - 78 and International Labor Organization (ILO) Conventions, governing pre-employment qualification requirements and documentation for both domestic and overseas manning and fishing industries;

d) To upgrade the knowledge and skill of Filipino seafarers in modern ships technologies so as to meet the increasing demand of domestic and foreign shipping companies for competent and trained seafarers;

e) To promote skills training of Filipino seafarers in safety of life and property at sea in order to minimize if not totally eradicate sea disasters which are attributed to human factors;

f) To organize, maintain and operate an exclusive adjudication and welfare office for domestic as well as overseas seafarers and fishermen that would protect their welfare under just and humane conditions of work and wages, and promote a sound and stable manning industry;

g) To establish, maintain and operate a seafarers market promotion and information office which shall enhance employment opportunity to Filipino seafarers;

h) To encourage and monitor foreign exchange receipts from the earnings of overseas Filipino seafarers and fishermen as a major contribution to the upliftment of our national economy, in coordination with the Department of Finance and the Bangko Sentral.

i) To represent the Philippine Government in all international and regional meetings, conferences and/or conventions concerning maritime labor, training and certification of seafarers;

j) To keep under constant review all unratified International Maritime Conventions pertaining to human resources and recommend its ratification and compliance; and

k) To provide technical assistance and other linkages with the Commission on higher Education (CHED) in all matters pertaining to education and training and skills development of seafarers.

SEC. 5. *General Powers and Functions of the Administration.* - The Administration shall have the power to regulate and supervise the manpower development and hiring of Filipino seafarers by shipping companies, entities or persons on board domestic as well as overseas trade vessels.

SEC. 6. *The Governing Board.* - The Administration shall have a tripartite governing board hereinafter referred to as the Board which shall serve as the management and policy-making body. The Board shall be authorized to organize a Technical Working Committee on a permanent or ad hoc basis. The Board shall be composed of nine (9) members to be appointed by the President: three (3) representatives from the Government Sector with the Secretary of the Department of Labor and Employment as *ex-officio* Chairman; three (3) representatives from the management sector, one of whom shall come from the association of ship owners in the overseas trade, another from the inter-island/domestic shipowner's association and the last from the manning agent's association; and three (3) representatives from the labor sector, one of whom shall come from the unions of seafarers in the overseas trade, another from the unions of seafarers in the domestic trade and the last to be proposed by the above-stated unions.

The members of the Board shall be entitled to a per diem of one thousand pesos (PhP 1,000.00) for actual attendance in meetings which shall not exceed two thousand pesos (PhP 2,000.00) per month. The members of the Technical Working Committee shall be entitled to a per diem of five hundred pesos (PhP 500.00) for actual attendance in meetings but which shall not exceed two thousand pesos (PhP 2,000.00) per month.

SEC. 7. *Powers and Functions of the Board.* - The Board shall be the highest policy making-body of the Administration. It shall exercise overall administrative supervision over the Administration to insure the efficient implementation of policies and programs laid down by the Board. The Chairman shall appoint the officials and employees of the Administration upon the recommendation of the Board and subsequent approval of the Civil Service Commission. The Board shall have the following functions:

a) Promote and protect the rights and well-being of the Filipino seabased workers for domestic and overseas employment to fair and equitable recruitment and employment practices;

(b) Regulate private sector participation in the recruitment and placement of domestic and overseas seabased workers by setting up a licensing and registration system;

c) Formulate, in coordination with appropriate entities concerned, a system for promoting and monitoring the domestic and overseas employment of Filipino seabased workers taking into consideration their welfare and domestic manpower requirements;

(d) Exercise original and exclusive jurisdiction to hear and decide all claims arising out of an employee-employer relationship or by virtue of any

law or contract involving Filipino seabased workers for domestic and overseas employment including disciplinary cases; and all pre-employment cases which are administrative in character involving or arising out of violation of requirement of laws, rules and regulations including money claims arising therefrom, or violation of the conditions for issuance of license or authority to recruit workers. All prohibited recruitment activities and practices defined by virtue of existing laws, shall be prosecuted in the regular courts in close coordination with the concerned departments or agencies;

(e) Promote the development of skills and careful selection of Filipino seabased workers for domestic and overseas employment;

(f) Undertake the overseas market development activities for placement of Filipino seabased workers;

(g) Secure the best terms and conditions of employment of Filipino seabased contract workers and ensure compliance therewith; and

(h) Establish and maintain close relationship and enter into joint projects with the Department of Foreign Affairs, Philippine Tourism Authority, Ninoy Aquino International Airport Authority, Department of Justice, Department of Budget and Management and other relevant government entities, in the pursuit of its objectives. The Board shall also establish and maintain joint projects with private organizations, domestic or foreign, in the furtherance to its objectives.

SEC. 9. *General Powers and Functions of the Administrator and the Deputy Administrator.* -

(a) The Administrator - The Administrator shall be the Chief Executive Officer of the Administration and, in exercising his functions, shall establish and maintain close functional relationship with the Bureau of Local Employment of the Department of Labor and Employment and other government and private entities concerning manpower development and employment of seafarers in relation to the needs of the industries, and shall direct and supervise the overall operation of the Administration. The Administrator shall have the following functions and duties:

(1) Assume full responsibility of implementing the purpose and objectives of the Administration;

(2) Formulate, develop and subject to the approval of the Board, implement programs and measures that would effectively carry out the policies laid down by the Board;

(3) Execute and administer all approved policies, programs and measures, and allocate appropriate resources for their operations;

(4) Recommend to the Board the appointment of all supervisory, technical, clerical and other personnel of the Administration;

(5) Represent the Administration in all its official transactions or dealings and to authorize with his signature legal contracts, annual reports, financial statements, correspondences and other documents;

(6) Submit to the Board at the end of every calendar year an annual report on the operation of the Administration; and

(7) Perform other duties and functions as may be authorized by law or as directed by the Secretary of Labor and Employment or his designated permanent representative;

(b) The Deputy Administrator - The Deputy Administrator shall be the assistance of the administrator in all matters pertaining to the overall operations of the Administration. He shall have the following duties and responsibilities:

(1) Advise and assist the Administrator in the formulation and implementation of policies and programs of the Administration;

(2) Evaluate the effectiveness of the Administration's organizational and functional systems in the rendition of an efficient delivery of services, and if necessary recommend appropriate measures to improve performances of cognizant offices in the Administration;

(3) Oversee and coordinate the operational activities of the Administration, and shall be responsible to the Administrator for their economical but efficient and effective services;

(4) Act as Chairman of the Personnel Selection and Promotions Board, and shall be responsible for the welfare, morale and discipline or personnel in the Administration;

(5) As deputy to the Administrator, assume the powers, duties and responsibilities of the Administrator as may be authorized by law or as directed by his immediate superior; and

(6) Perform such other duties and responsibilities as may be authorized by law or as directed by his immediate superior.

SEC. 10. *Functions of the Principal Offices.* - For proper coordination and effective implementation of the purpose and objectives of the Administration, each principal subordinate office shall perform the following functions:

(a) The Manpower Development Office - The Manpower Development Office shall implement policies and guidelines toward promotion of skills and professional competence of seafarers, and in the furtherance thereof, the office shall :

1) Develop and establish training standards for Filipino seafarers;

(2) In coordination with concerned government agencies, accredit, regulate and supervise maritime training centers;

(3) Issue Seafarers Identity document or Seaman's Service Record Book as prescribed by ILO Convention No. 108 and other rules and regulations governing the issuance of said document;

(4) Issue certificates of proficiency and/or Endorsement of Certificates in conformity with IMO-ILO Convention on STCW-78, and ILO Convention Nos. 74 and 69, and other qualification requirements of the shipping industries, in coordination with the Marine Board of Examiners for Engine and deck Officers of the Professional Regulation Commission;

(5) Establish and maintain a centralized registry of properly trained and certified seafarers for domestic and overseas trade and fishing vessels; and

(6) Perform such other functions as may be directed by the Administrator.

(b) The Licensing, Accreditation and Placement Office - The Licensing, Accreditation and Placement Office shall undertake a systematic program of implementing the Administration's policies of promoting, regulating and monitoring the employment of seafarers as well as the operation of private manning agencies. Pursuant thereto, the offices shall:

(1) Establish, operate and maintain a licensing and accreditation system to regulate the recruitment and the placement of seafarers in accordance with ILO Convention No. 9 and in conformity with existing Philippine laws, rules and regulations governing employment of seafarers;

(2) Process the application for licenses or authority to operate private manning agencies and supervise and regulate the operations of the said agency;

(3) Prepare and implement an inspection program for the effective supervision and evaluation of the activities of private manning or shipping agencies;

(4) Process all shipboard contracts and/or shipping articles, and secure the best possible terms and conditions of employment for seafarers;

(5) Hear cases involving violations of rules and regulations on the recruitment and placement; violations of the conditions of licenses or authority including complaints for suspension and

cancellation or revocation thereof, and recommend to the Administrator appropriate actions as deemed necessary;

(6) Register and issue seamen's registration cards to all employable and qualified seafarers and fishermen desiring to be employed on board domestic as well as overseas trade and fishing vessels; and

(7) Perform such other functions as may be directed by the Administrator.

(c) The Welfare Office - The Welfare Office shall undertake measures to enhance the well-being of seafarers. In this regard, it shall perform the following functions:

(1) Conduct pre-departure orientation seminars or briefings to departing seafarers scheduled for employment. It shall also undertake studies and development materials for use in pre-departure orientation seminar of seafarers and other related activities;

(2) Accredite, regulate and supervise pre-departure orientation seminars or briefings of authorized manning or shipping agencies;

(3) Formulate and undertake programs and projects for the effective and efficient utilization of seafarers welfare funds;

(1) Provide services to assist the seafarers and their immediate dependents and families; and

(5) Perform such other duties as may be directed by the Administrator.

(d) The Adjudication Office. - The Adjudication Office shall undertake measures towards industrial peace. In this regard, it shall perform the following functions:

(1) Establish and maintain a speedy and efficient conciliation and adjudication machinery, the resolution of which shall be made in every case within thirty (30) days from submission thereof;

(2) Exercise exclusive jurisdiction over all cases involving seafarers employer-employee relationship including money claims of both parties: *Provided*, That each case shall be decided within ninety (90) days from the time the issues are joined or from the date of filing of said claim;

(3) Hear complaints and/or adjudicate cases or illegal recruitment or exaction of excessive employment fees: *Provided*, That each case shall be disposed of within sixty (60) days from the filing thereof; and

(4) Perform such other duties as may be directed by the Administrator.

(e) The Research, Standard and Marketing Development Office - The Research, Standard and Marketing Development Office shall formulate, develop, and implement a comprehensive maritime manpower export development and market promotion strategies geared towards enhancement of seafarers employment opportunities in domestic and overseas markets. In furtherance thereto, it shall perform the following functions:

(1) Conduct researches, studies and statistics on the trend and other data on both domestic and overseas shipping, and manning industries for use as materials in policy formulate, market promotion and manpower development program;

(2) Based on researches and studies, formulate and develop standards for the Administration's manning offices;

(3) Provide appropriate data and statistics in the formulation of plans and programs of the Administrations;

(4) Provide support services and materials for the reproductions and publication of all printed materials of the Administration;

(5) Develop, establish and maintain a public information system and such facilities that would educate and orient seafarers regarding the Administration's policies, programs, and activities affecting their professions; and

(6) Perform such other functions as may be directed by the Administration.

(e) The Administrative Office - The Administrative Office shall be responsible for providing the Administration with services relating to personnel information, records, supplies, equipment, collection and disbursements, security and custodial works. It shall provide the Administration with staff advice and assistance on budgetary, financial and management matters.

SEC. 11. *Organization and Functions of Field Offices.* - Whenever it becomes necessary for the Administration to expand its operation to major seaports or outports, it shall establish such number of field offices which shall be the operating arm of the Administration in those areas. These field offices shall assume the responsibilities of implementing and administering the function of the Administration at those levels and the location, composition, organization and functional requirements of the field offices shall be determined by the Secretary of Department of Labor and Employment upon the recommendation of the Administration.

SEC. 12. *Staffing Pattern.* - The organizational framework and staffing pattern of the Administration shall be prescribed and approved by the Secretary of Labor and Employment within sixty (60) days after the approval of this Act. The compensation plan of the Administration shall at least be patterned after that of the Philippine Overseas Employment Administration.

With regard to appointments to positions in the approved staffing pattern, optimum consideration shall be made conforming to the objective of setting up and maintaining in the Administration the highest standards of integrity, efficiency and competence.

In addition to other forms of incentive that may be granted by the Board, all personnel of the Administration shall be entitled to the benefits normally accorded to government employees.

SEC. 13. *Special Provisions.* - In implementing the provisions of this Act, the Administration may call upon the government agency or instrumentality for technical and personnel assistance. And in order to strengthen its coordinative functions, the Administration shall hire and train appropriate technical personnel which may be assigned to other government agencies involved in the implementation of laws, rules and regulations relative to the operations of the Administration.

SEC. 14. *Transitory Provisions.* - The Maritime Training Council, and all offices, departments, branches, divisions or sections of the Philippine Overseas Employment Administration, Overseas Workers Welfare Administration, the Maritime Industry Authority, the Philippine Coast Guard, and the Marine Board of Examiners for Engine and Deck of the Professional Regulation Commission under Presidential Decree No. 97, as amended, Maritime Section of the Commission on Higher Education, Maritime Section on National Telecommunication Commission, and other government agencies and instrumentalities performing any of the functions provided for under paragraphs "a" and "e" and each of the subparagraphs therein of Section 11 of this Act are hereby transferred with their personnel, records, files, supplies, vehicles, equipment, furnitures, funds and other properties to the National Seafarers Administration.

For purposes of affecting a smooth, orderly and expeditious organizational and functional transition period, the following shall among others govern such undertakings:

(a) The Administration shall coordinate with agencies and instrumentalities mentioned in this Section in order to minimize the disruption of the usual services being rendered to the public and its clientele;

(b) Officials and employees of all agencies concerned shall not be deprived of re-employment to the Administration nor shall there be a diminution in their ranks or salaries, unless a contrary existing law so provides; and

(c) Employees affected by the creation of the Administration shall be given preference for appointment in the Administration on the basis of merit and fitness: *Provided*, That those who may be laid off for cause or by option of voluntary phase out, shall be given gratuity equivalent to one (1) month's salary for every year of service, in addition to all benefits to which they are entitled under existing laws and regulations.

SEC. 15. *Penal Provisions.* - Any person, association, corporation or entity who violates any provisions of this Act, or the rules and regulations mad thereof shall upon conviction be punished or fined in accordance to the degree of offense as the court or adjudicating administration may impose in accordance with existing civil or penal laws of the Philippines: *Provided*. That in case the violation is committed by an association, corporation or entity, the penalty shall be imposed on the responsible officers, directors, and/or owner of the said entities: *Provided finally*, That nothing in this Act shall prevent the National Seafarers Administration from instituting administration penalties for violations of any regulations that it may promulgate.

SEC. 16. *Appropriations.* - The amount necessary for the implementation of this Act shall be taken from the funds of all offices, departments, branches, divisions or sections of the Philippine Overseas Employment Administration, the Maritime Industry Authority, the Maritime Training Council, the Philippine Navy, and the Marine Board of Examiners for Engine and Deck of the Professional Regulation Commission under Presidential Decree No. 97, as amended, and other government agencies and instrumentalities performing any of the functions and programs provided for this Act. Thereafter such sums as may be needed for the operation and maintenance of the Administration shall be included in the annual General Appropriations Act.

SEC. 17. *Repealing Clause.* - All laws, ordinances, rules and regulations, and other issuances or parts thereof which are inconsistent with this Act, are hereby repealed or modified accordingly.

SEC. 18. *Separability Clause.* - If for any reason any section or provision of this Act is declared unconstitutional or invalid, the other sections or provisions thereof, shall not be affected thereby.

SEC. 19. *Effectivity.* - This Act shall take effect upon its complete publication in at least two (2) national newspapers of general circulation.

Approved,