

Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City

THIRTEENTH CONGRESS  
First Regular Session

House Bill No. 1931

---

Introduced by Rep. Robert Ace S. Barbers

---

EXPLANATORY NOTE

Presently, some 197,000 Filipino seafarers work in 57,000 sea-going vessels operating in the world which, according to research, compose 27% of employment in that sector. These so-called unsung heroes or modern day economic warriors have greatly contributed to our national coffers. Figures released by the Department of Labor and Employment (DOLE) clearly and sufficiently demonstrate how these overseas Filipino workers remitted around \$6.23 billion roughly P317 billion.

It is precisely because of the sheer number of current Filipino seafarers and the outbound student apprentices that legislative measures are considered imperative to ensure their safety, protect their rights and promote their welfare.

In addition, the risks involved in the seafaring job are distinctly manifest in the number of complaints lodged in various courts or quasi-judicial agencies in the country. In most cases, recruitment registered the highest number of complaints regarding exorbitant placement fees charged by manning establishments.

There are cases where the overseas Filipino seafarers are having extreme difficulties in their just claims because of taxing and protracted litigation. They find it cumbersome on their part simply because of the nature of their job. Unlike the ordinary land-based migrant workers, the Filipino seafarers normally are in a mobile state journeying from one port to another around the world.

Considering their substantial economic contribution to the country and their sheer number abroad, the Filipino seafarers must not merely be appraised by what they give back to the land of their birth through their remittances, but it should be stressed that they are live labor exports that have rights to be guarded, welfare to be ensured and benefits to be guaranteed them and their families. After all, they are the proverbial geese that lay the golden eggs for the country.

In view of the foregoing premises, therefore, the immediate passage of this bill is earnestly sought and recommended.



ROBERT ACE S. BARBERS

(c) The State recognizes the interest of Filipino seafarers and their families, the urgent need to improve and realign compensation and benefits for seafarers in order to keep them at par with prevailing international standards and those provided under collective bargaining agreements;

(d) The state shall promote and improve the social and economic status of Filipino seafarers, their living and working conditions, their terms of employment and career prospects, and attract and retain in the manning industry more seafarers with proper competency, qualification and skill.

## **II. SCOPE**

SEC. 3. Applicability - All rights and benefits granted under this Act shall, except as may otherwise be provided herein, apply to overseas seafarers as defined in this Act.

## **III. DEFINITION OF TERMS**

SEC. 4. Definitions - For purposes of this Act:

(a) "Departure" refers to the actual departure from the point of hire of the seafarer through air, sea or land travel transport to join his vessel in a Philippine or foreign port.

(b) "Master" refers to any person having command and charge of the vessel except pilots.

(c) "Manning Agency" refers to any person, partnership or corporation duly licensed under Philippine laws to recruit seafarers to work on board ships navigating the foreign seas, or on foreign maritime mobile offshore units and for other maritime activities.

(d) "Overseas Seafarer" refers to any person who fulfills the conditions to be employed or engaged as part of the crew or complement of the ship navigating the foreign seas other than a government ship used for military or non-commercial purposes. This term includes seafarers

1 serving on foreign maritime mobile offshore units who perform functions similar to those  
2 constituting a crew compliment, fisherman and cruise ship personnel.

3 (e) "Principal" or employer refers to any person, partnership or corporation registered and duly  
4 authorized to engage in overseas shipping activities engaging Filipino seafarers.

5 (f) "Point of Hire" refers to the place indicated in the contract of employment, which shall be  
6 the basis for determining commencement and termination of contract.

7 (g) "Philippine Port" refers to any Philippine airport or seaport.

8 (h) "Recruitment and Placement Service" means any person, company, institution, agency or  
9 other organization, in the public or the private sector, which is engaged in recruiting seafarers  
10 on behalf of employers or placing seafarers with employers.

11 (i) "Ship owner" means the owner of the ship or any other organization or person, such as the  
12 manager, agent or bare boat charterer, who has assumed the responsibility for operation of the  
13 ship from the ship owner and who on assuming such responsibilities has agreed to take over all  
14 the attendant duties and responsibilities.

15 (j) "STCW" refers to the international Convention on Standards of Training, Certification and  
16 Watchkeeping for Seafarers, as amended.

17 (k) "Vessel" includes any ship or boat of any nature whatsoever, ordinarily engaged in maritime  
18 navigation other than a government ship used for military or non-commercial purposes.

#### 19 IV. RECRUITMENT AND PLACEMENT

20  
21 SEC. 5. Recruitment and Placement Policies - All persons, companies, institutions, manning  
22 agencies or organizations engaged in private recruitment and placement services shall:

23 (a) Ensure that no placement fees or other charges for recruitment or for providing employment

1 to seafarers are borne directly or indirectly, in whole or part, by the seafarer; for this purpose,  
2 costs of the personal travel document and Seaman's Book shall not be deemed to be "fees or  
3 other charges for recruitment";

4 (b) Determine whether and under which conditions recruitment and placement services may  
5 place or recruit seafarers for overseas deployment;

6 (c) Specify, with due regard to the right to privacy and the need to protect confidentiality, the  
7 conditions under which seafarers' personal data may be processed by recruitment and  
8 placement services including the collection, storage, combination and communication of such  
9 data to third parties;

10 (d) Refrain from using means, mechanisms or lists intended to prevent or deter seafarers from  
11 gaining employment.

12  
13 SEC. 6. Duties of Recruitment and Placement Services - It shall be incumbent upon  
14 recruitment and placement services to ensure that:

15 (a) Any seafarer recruited or placed by them is qualified and holds the documents necessary for  
16 the job concerned;

17 (b) Contracts of employment and articles of agreement are in accordance with the standard  
18 terms and conditions governing the employment of Filipino seafarers on-board ocean-going  
19 vessels as prescribed by the concerned agency of the Department of Labor and Employment  
20 (DOLE) and International Convention on Standards of Training, Certification and  
21 Watchkeeping;

22 (c) Seafarers are informed of their rights and duties under their contracts of employment and the  
23 articles of agreement prior to or in the process of engagement;

24 (d) Proper arrangements are made for seafarers to examine their contracts of employment and

the articles of agreement before and after they are signed and for them to receive a copy of the contract of employment;

(e) Adopt and implement measures which guarantee, as far as practicable, that the employer has the means to protect seafarers from being stranded in a foreign port;

(f) Maintain a register of all seafarers recruited or placed through them and ensure that the same is available for inspection by the national competent authority.

SEC. 7. Deployment - The government, through the designated DOLE agency, in the interest of protecting the welfare and safety of overseas seafarers shall formulate policies on deployment and, may at anytime, issue deployment advisories.

SEC. 8. Qualifications - To be considered eligible for overseas employment, a seafarer must:

(a) Be a Filipino citizen;

(b) Be at least 18 years old;

(c) Be of good moral character;

(d) Meet the standards of medical fitness, particularly with good eyesight and hearing as certified by a government accredited medical institution conducting physical and medical examination for seafarers;

(e) Possess the qualifications and certifications prescribed by the DOLE agency concerned as well as the requirements of the STCW as amended;

(f) Hold a valid passport/ seaman's service record book;

(g) Be registered with and duly certified by the DOLE agency concerned as eligible for overseas employment.

## V. ILLEGAL RECRUITMENT

SEC. 9. Illegal Recruitment - For purposes of this Act, illegal recruitment shall mean any act of canvassing, enlisting, contracting, transporting, utilizing, hiring, or procuring seafarers and includes referring, contract services, promising or advertising for employment abroad, whether for profit or not, when undertaken by a non-license or non-holder of authority contemplated under Article 13(f) of Presidential Decree No. 442, as amended, otherwise known as Labor Code of the Philippines: Provided, That any such non-licensee or non-holder who, in any manner, offers or promises for a fee employment abroad to two or more persons shall be deemed engaged. It shall likewise include the following acts, whether committed by any person, whether a non-licensee, non-holder, licensee or holder of authority:

(a) To charge or accept directly or indirectly any amount greater than that specified in the schedule of allowable fees prescribed by the DOLE agency concerned, or to make a seafarer pay any amount greater than that actually received by him as loan or advance;

(b) To furnish or publish any false notice or information or document in relation to recruitment or employment;

(c) To give any false notice, testimony, information or document or commit any act of misrepresentation for the purpose of securing a license or authority under the Labor Code;

(d) To induce or attempt to induce a seafarer already employed to quit his employment in order to offer him another unless the transfer is designed to liberate a seafarer from oppressive terms and conditions of employment;

(e) To influence or attempt to influence any person or entity not to employ any seafarer who has not applied for employment through his agency;

(f) To engage in the recruitment or placement of seafarers in jobs harmful to public health or morality or to the dignity of the Republic of the Philippines;

(g) To obstruct or attempt to obstruct inspection by the Secretary of Labor and Employment or

1 by his duly authorized representative;

2 (h) To fail to submit reports on the status of employment, placement vacancies, remittance of  
3 foreign exchange earnings, separation from jobs, departures and such other matters or  
4 information as may be required by the Secretary of Labor and Employment;

5 (i) To substitute or alter to the prejudice of this seafarer, employment contracts approved and  
6 verified by the DOLE agency concerned from the time of actual signing thereof by the parties  
7 up to and including the period of the expiration of the same without the approval of the  
8 Department of Labor and Employment;

9 (j) For an officer or agent of a recruitment, manning or placement agency to become an officer  
10 or member of the Board of any corporation engaged in travel agency, or to be engaged directly  
11 or indirectly in the management of a travel agency;

12 (k) To withhold or deny travel documents from applicant seafarers before departure for  
13 monetary or financial considerations other than those authorized under the Labor Code and its  
14 implementing rules and regulations;

15 (l) Failure to actually deploy without valid reason as determined by the DOLE agency  
16 concerned; and

17 (m) Failure to reimburse expenses incurred by the seafarer in connection with his  
18 documentation and processing for purposes of deployment, in cases where the deployment does  
19 not actually take place without the seafarer's fault. Illegal recruitment when committed by a  
20 syndicate or in large scale shall be considered an offense involving economic sabotage.

21 Illegal recruitment is deemed committed by a syndicate if carried out by a group of three (3)  
22 or more persons conspiring or confederating with one another. It is deemed committed in large  
23 scale if committed against three (3) or more persons individually or as a group.

24 The persons criminally liable for the above offenses are the principals, accomplices and

accessories. In case of juridical persons, the officers having control, management or direction of their business shall be liable.

SEC. 10. Penalties --

(a) Any person found guilty of illegal recruitment shall suffer the penalty of imprisonment of not less than six (6) years and one (1) day but not more than twelve (12) years and a fine of not less than Two hundred thousand pesos (P200,000.00) nor more than Five hundred thousand pesos (P500,000.00).

(b) The penalty of life imprisonment and a fine of not less than Five hundred thousand pesos (P500,000.00) nor more than One Million pesos (P1,000,000.00) shall be imposed if illegal recruitment constitutes economic sabotage as defined herein: Provided, however, That the maximum penalty shall be imposed if the person illegally recruited is less than eighteen (18) years of age or committed by a non-license or non-holder of authority.

SEC. 11. Prohibition on Officials and Employees - It shall be unlawful for any official or employee of the DOLE agency concerned, or other government agencies involved in the implementation of this Act, or their relatives within the fourth civil degree of consanguinity or affinity, to engage, directly or indirectly in the business of recruiting overseas seafarers as defined in this Act. The penalties provided in the immediate preceding paragraph shall be imposed upon them.

SEC. 12. Venue - A criminal action arising from the illegal recruitment as defined herein shall be filed with the Regional Trial Court of the province or city where the offense was committed or where the offended party actually resides at the time of the commission of the

1 offense: Provided, That the court where the criminal action is first filed shall acquire  
2 jurisdiction to the exclusion of the other courts: Provided, however, first the aforestated  
3 provisions shall also apply to those criminal actions that have already been filed in court at the  
4 time of effectivity of this Act.

5  
6 SEC. 13. Money Claims - Notwithstanding any provision of law to the contrary, the Labor  
7 Arbiters of the National Labor Relations Commission (NLRC) shall have the original and  
8 exclusive jurisdiction to hear and decide, within ninety (90) calendar days after the filing of the  
9 complaint, the claims arising out of an employer-employee relationship or by virtue of any law  
10 or contract involving Filipino overseas seafarers including claims for actual, moral, exemplary  
11 and other forms of damages.

12 The liability of the principal/employer and the recruitment, manning or placement agency for  
13 any and all claims under this section shall be joint and several. This provision shall be  
14 incorporated in the contract for overseas employment and shall be a condition precedent for its  
15 approval. The performance bond to be filed by the recruitment, manning or placement agency,  
16 as provided by law, shall be answerable for all money claims or damages that may be awarded  
17 to the seafarers. If the recruitment, manning or placement agency is a juridical being, the  
18 corporate officers and directors and partners as the case may be, shall themselves be jointly and  
19 solidarity liable with the corporation or partnership for the aforesaid claims and damages.

20 Such liabilities shall continue during the entire period or duration of the employment  
21 contract and shall not be affected by any substitution, amendment or modification made locally  
22 or in a foreign country of the said contract. Any compromise/amicable settlement or voluntary  
23 agreement on money claims inclusive of damages under this section shall be paid upon the  
24 approval of the settlement by the appropriate authority.

1 In case of termination of overseas employment without just, valid or authorized cause as  
2 defined by law or contract, the seafarer shall be entitled to the full reimbursement of his  
3 placement fee with interest at twelve percent (12%) per annum, plus his salaries for the  
4 unexpired portion of his employment contract or for three (3) months for every year of the  
5 unexpired term, whichever is less.

6 Noncompliance with the mandatory period for resolutions of cases provided under this  
7 section shall subject the responsible officials to any or all of the following penalties:

8 (a) The salary of such official who fails to renders his decision or resolution within the  
9 prescribed period shall be, or caused to be, withheld until the said official complies therewith;

10 (b) Suspension for not more than ninety (90) days; or

11 (c) Dismissal from the service with qualification to hold any appointive public office for five (5)  
12 years.

13 Provided, however, that the penalties herein provided shall be without prejudice to any  
14 liability which any such official may have incurred under other existing laws or rules and  
15 regulations as a consequence of violating the provisions of this paragraph.

16  
17 SEC. 14. Mandatory Periods for filing of Illegal Recruitment Cases - The preliminary  
18 investigations of cases under this Act shall be terminated within a period of thirty (30) calendar  
19 days from the date of their filing. Where the preliminary investigation is conducted by a  
20 prosecution officer and *prima facie* case is established, the corresponding information shall be  
21 filed in court within twenty-four (24) hours from the termination of the investigation. If the  
22 preliminary investigation is conducted by a judge and a *prima facie case* is found to exist, the  
23 corresponding information shall be filed by the proper prosecution officer within forty-eight  
24 (48) hours from the date of receipt of the records of the case.

1 SEC. 15. Prescriptive periods - Illegal recruitment cases under this Act shall prescribe five  
2 (5) years after the commission of the prohibited act: Provided, however, That illegal recruitment  
3 cases involving economic sabotage as defined herein shall prescribe in twenty (20) years after  
4 the commission of the prohibited act.

5  
6 SEC. 16. Free Legal Assistance - Preferential Entitlement Under the Witness Protection  
7 Program - A mechanism for free legal assistance for victims of illegal recruitment shall be  
8 established within the DOLE including its regional offices. Such mechanism must include  
9 coordination and cooperation with the Department of Justice, the Integrated Bar of the  
10 Philippines, and other non-governmental organizations and volunteer groups.

11 The provisions of Republic Act No. 6981 to the contrary notwithstanding, any person who is  
12 a victim of illegal recruitment shall be entitled to the Witness Protection Program provided  
13 thereunder.

## 14 15 VI. CONDITIONS OF EMPLOYMENT AND SOCIAL WELFARE BENEFITS

### 16 17 The Employment Agreement

18 SEC. 17. Employment Agreement - The employer shall provide for a written employment  
19 agreement being drawn up with the seafarers concerning ship work. The agreement shall  
20 contain the terms and conditions stipulated in the standard employment contract drawn up by  
21 the DOLE agency concerned, in particular the seafarer's period of employment which includes  
22 the commencement and duration of the seafarer's contract; seafarer's right to free passage and  
23 his service records; provision on rest periods; calculation and payment of the seafarer's wages  
24 and remittances; accounting of wages; limitations on wage deductions; saved wages; seafarer's

1 place of discharge and notice of termination; and port of departure.

3 Health and safety

4 SEC. 18. Prevention of Health Hazards - Work on board the vessel must be so organized and  
5 executed that the seafarer's life, health and welfare is well and appropriately looked after. When  
6 a seafarer is assigned to work, due regard shall be paid to his qualifications to undertake the  
7 work on a safe and sound basis. Provisions shall be made to ensure that the seafarer is informed  
8 of the hazards inherent in the work, and that he is given the proper guidance and adequate  
9 practice necessary to avoid such hazards.

11 SEC. 19. Sanitary Conditions - Measures should be undertaken to control hygiene,  
12 accommodation and cleanliness on board. The master shall ensure that the crew is provided a  
13 good and sufficient diet. He should also guarantee that the crew receives the necessary  
14 vaccination or inoculation as required by the circumstances or the laws of any country within  
15 the territorial jurisdiction of which the vessel may enter.

17 SEC. 20. Medical Examination and Medical Service - A Seafarer engaged to perform  
18 services on board a ship shall produce a medical certificate to the effect that he is not suffering  
19 from any illness or physical or mental defect rendering him unfit for service or which cannot  
20 constitute a danger to other persons on board. Any member of the crew may also be required to  
21 submit to a medical examination if the master has reason to believe that such examination is  
22 necessary to monitor and maintain the health and environmental conditions on board the vessel.  
23 The ship owner shall shoulder the expenses for the medical examination and services referred to  
24 in this section.

1        SEC. 21. Protection from Sexual Harassment - It shall be the duty of the master and the  
2        employer to prevent or deter the commission of sexual harassment and to provide procedures  
3        for the resolution, settlement or prosecution of acts of sexual harassment. Sexual harassment is  
4        committed by an employer, employee, supervisor, agent of the employer, or any other person  
5        who, having authority, influence or moral ascendancy over another in a work environment,  
6        demands, requests or otherwise requires any sexual favor from another, regardless of whether  
7        the demand, request or requirement is accepted by the subject of the said act.

8  
9        SEC. 22. Facilities for Women Seafarers - The Employer shall insure the safety and health of  
10        women seafarers by providing adequate quarters and facilities. Medical services for women-  
11        related conditions shall likewise be made available when necessary.

12  
13        SEC. 23. Discrimination Against Pregnancy - It shall be unlawful for an employer to require  
14        as a condition for employment or continuation of employment that a woman seafarer shall not  
15        get pregnant during the term of employment. A pregnant seafarer shall be entitled to apply for  
16        leave of absence immediately upon discovery of pregnancy or assigned to other suitable work.

17  
18        SEC. 24. Requirements for Ship Safety and Seaworthiness - Every ship owner shall develop,  
19        implement and maintain a safety management system (SMS) in all ships in accordance with  
20        international maritime law, standards and conventions.

21        The SMS shall include the following minimum functional requirements:

22        (a) A safety and environmental protection policy;

23        (b) Instructions and procedures to ensure safe operation of ships and protection of the  
24        environment in compliance with relevant international and flag state legislation;

1 (c) Defined levels of authority and lines of communication between and among, shore and  
2 shipboard personnel;

3 (d) Procedures to ensure that the ship is maintained in conformity with relevant rules and  
4 regulations;

5 (e) Procedures to identify and promote the reliability of equipment and technical systems to  
6 prevent sudden operational failure, which may result in hazardous situations;

7 (f) Measures for the regular testing of stand-by arrangements and equipment or technical  
8 systems that are not in continuous use;

9 (g) Procedures for reporting accidents and violations or non-compliance of this Section; and,

10 (h) Procedures to prepare for and respond to emergency situations.

11 If more than half of the crew makes a complaint to the master regarding any violation of,  
12 deficiency or non-compliance with the foregoing paragraph and such violation, deficiency or  
13 non-compliance poses a danger to persons, property or the environment after taking into  
14 account the size and type of the ship and the length and nature of the voyage, or if the chief  
15 engineer or first mate makes a similar complaint, the master shall take steps to ensure that the  
16 ship will not sail unless and until such violation, deficiency or non-compliance is corrected to  
17 the extent that the danger has been removed, without prejudice to other applicable provisions of  
18 relevant international laws, standards and conventions.

19  
20 SEC. 25. Short Manning - Where a vessel's complement falls short of the minimum manning  
21 requirements, for whatever reasons the wages saved thereby shall be distributed evenly among  
22 the members of the reduced complement, or where applicable, as maybe provided for in a  
23 collective bargaining agreement.

1 SEC. 26. War and Warlike Operations Allowance - If at the time of the signing of the  
2 contract, an area is declared a war or war-risk trading area and the seafarer binds himself in  
3 writing to sail into that area, the agreement shall be properly appended to the contract for  
4 verification and approval by the DOLE agency concerned. The seafarer shall comply with the  
5 agreement or shall bear his cost of repatriation when he opts not to sail into war or war-risk  
6 trading area.

7 The seafarer when sailing within war-risk trading area shall be entitled to such premium pay  
8 as the recognized competent authority may determine.

9  
10 Social Security and Disability Benefits

11 SEC. 27. Care of the Sick or Injured - In case of illness or injury during the term of  
12 employment, the master shall arrange for the seafarer to receive proper nursing care on board or  
13 ashore, including medical attention, medicines and maintenance.

14 The Sick or injured seafarer shall continue to receive his wages during the time he is under  
15 contract.

16 If the work related injury or illness requires medical and/or dental treatment in a foreign port,  
17 the employer shall be liable for the full cost of such medical, serious dental, surgical and  
18 hospital treatment as well as board and lodging until the seafarer is declared fit to work or to be  
19 repatriated.

20  
21 SEC. 28. Care for Repatriated Seafarer - If after repatriation, the seafarer still requires  
22 medical attention arising from said work related injury or illness, he shall be so provided at cost  
23 to the employer until such time he is declared fit or degree of his disability has been established  
24 by the employer-designated physician.

1 SEC. 29. Disability - In case of work related total or partial disability of the seafarer during  
2 the term of employment caused by either injury or illness the seafarer shall be compensated in  
3 accordance with the schedule of benefits prescribed by the DOLE agency concerned.

4 Computation of his benefits arising from an illness or disease shall be governed by the rates and  
5 the rules of compensation applicable at the time the illness or disease was contracted.

6 No compensation shall be payable with respect to any injury, incapability, disability or death  
7 of the seafarer resulting from his willful or criminal act: Provided however, That the employer  
8 can prove that such injury, incapability, disability or death is directly attributable to the  
9 seafarer.

10 When requested, the employer shall furnish the seafarer a copy of all pertinent medical  
11 reports or records at no cost to the seafarer.

12  
13 SEC. 30. Compensation and Benefits for Death- In case of work-related death of the seafarer  
14 during the terms of his employment, the employer shall pay his beneficiaries the corresponding  
15 death benefits. The benefits shall be separate and distinct from and shall be in addition to  
16 whatever benefits the seafarer is entitled to under Philippine laws and regulations, Social  
17 Security System, Overseas Workers Welfare Administration and Pag-ibig, if applicable.

18  
19 SEC. 31. Employer's Liability in Case of Death - When the seafarer dies as a result of work-  
20 related injury or illness during the term of employment, the employer's liability are as follows:

21 (a) The employer shall pay the deceased's beneficiary all outstanding obligations due the  
22 seafarer under his Contract;

23 (b) The employer shall notify the next of kin and make arrangement for burial or for the  
24 repatriation of the coffin. The master shall also inform the nearest Philippine Embassy or

Foreign Service of the death. The remains and personal effects of the seafarer shall be transported to the Philippines at employer's expense except if the death occurred in a port where local government laws or regulations do not permit the transport of such remains. In case death occurs at sea, the disposition of the remains shall be handled or dealt with in accordance with the master's best judgement. In all cases, the employer/master shall communicate with the manning agency to advise for disposition of the seafarer's remains; and

(c) The employer shall pay the seafarer's burial expenses.

SEC. 32. Payment of Benefits - The employer shall ensure expeditious arrangements for the payment of death or personal injury benefits provided in this title. The employer shall likewise arrange for adequate insurance coverage.

Prompt payment of the seafarer's claim shall be ensured by the employer and all valid contractual claims shall be promptly paid in full. The employer or all its insurers should not persuade seafarers to accept payments less than the amount of benefits they are entitled to. The seafarer or his family shall not be precluded from demanding for the full amount he is entitled to despite the execution of a waiver or quit claim.

## **VII. DISCIPLINARY AND DISPUTE SETTLEMENT PROCEDURE**

SEC. 33. Duties of the Employer/Master -

(a) To faithfully comply with the stipulated terms and conditions of the employment contract, particularly the prompt payment of wages, remittance of allotment and the expeditious settlement of valid claims of the seafarer; and

(b) To make operational on board the vessel the grievance machinery provided in this contract

1 and ensure its free access at all times by the seafarer.

2  
3 SEC. 34. Duties of the Seafarer -

4 (a) To faithfully comply with and observe the terms and conditions of his contract, violations of  
5 which shall be subject to disciplinary action;

6 (b) To treat the ship and the cargo with proper care and carry out his duties as a whole with due  
7 responsibility;

8 (c) To comply with company rules, regulations; and policies consistent with the rules and  
9 regulations issued by the DOLE;

10 (d) To conduct himself in an orderly and respectful manner towards passengers and shippers  
11 stevedores, port authorities and other persons official business with the ship. Each shall treat  
12 his her colleagues on board with due consideration; and

13 (e) To observe the grievance procedure outlined in this Act.  
14

15 SEC. 35. Disciplinary procedures - The Master shall furnish erring seafarers with a written  
16 notice containing the grounds for the charges. The date, time and place for a formal  
17 investigation of the charges against the seafarer concerned shall likewise be indicated in said  
18 notice.

19 The Master or his authorized representative shall conduct the investigation or hearing,  
20 giving the seafarer the opportunity to explain or defend himself against the charges. An entry  
21 on the investigation shall be made in the ship's logbook. If after the investigation or hearing,  
22 the Master is convinced that imposition of a penalty is justified, the Master shall issue a written  
23 notice of penalty and the reasons therefor to the seafarer, with copies furnished to the manning  
24 agency which deployed said seafarer.

1 The aggrieved seafarer may appeal in writing within a period of five (5) days from the date  
2 the Master rendered decision to a grievance resolution committee composed of one (1)  
3 representative from the ratings to be chosen by the concerned seafarer, one (1) representative  
4 from the officers level to be chosen by the Master, and one (1) neutral party to be agreed on by  
5 the concerned seafarer and shipmaster.

6 The grievance resolution committee shall review the appeal within a period of not more than  
7 fifteen (15) days from the date of appeal. Execution of judgement is deemed suspended upon  
8 filing of the appeal.

9  
10 SEC. 36. Grievance Machinery -

11 (a) If the seafarer considers himself aggrieved, he shall make his complaint in accordance with  
12 the following procedures:

13 1. The seafarer shall first approach the head of the Department in which he is assigned to  
14 explain his grievance.

15 2. The seafarer shall make his grievance in writing and in an orderly manner and should  
16 choose a time when his complaint or grievance can be properly heard.

17 3. The Department head shall seek to resolve the complaint or grievance and, where solution  
18 is not possible to his level, refer the complaint or grievance to the Master who shall handle the  
19 case personally.

20 4. If the seafarer is not satisfied with the decision of the Master, he may appeal following  
21 the Procedure on Disciplinary and Dispute Settlement under Sec. 35 Par. 3. - Disciplinary  
22 Procedures.

23 5. The grievance resolution committee shall seek to address and resolve the grievance  
24 within a period of fifteen (15) days upon receipt of written appeal.

1        6. If no satisfactory result is achieved, the seafarer concerned may appeal to the  
2 management of the company or with The Philippine Labor Attaché or consular officer overseas  
3 or be paid within four (4) months from the approval of the settlement by the appropriate  
4 authority.

5        In case of termination of overseas employment without just, valid or authorized cause as  
6 defined by law or contract, the seafarer shall be entitled to his or her salary for the unexpired  
7 portion of his employment contract.

8        7. If after the grievance procedure the master finds that the seafarer violated the terms of  
9 his contract or has committed breach of discipline, the Master shall discipline the seafarer or, if  
10 warranted, terminate his employment.

11       8. The seafarer may also seek the assistance of the highest-ranking Filipino seafarer on  
12 board.

13       (b) When availed of by the seafarer, the grievance procedure and all actions or decisions agreed  
14 upon shall be properly documented for the protection and interest of both parties.

15  
16       SEC. 37. Dispute settlement – All disputes involving seafarers are subject to the grievance  
17 machinery procedure stated in this Act and prior recourse thereto is a pre-condition to actions  
18 that may be brought by the seafarers or the company before the NLRC and the concerned  
19 DOLE agency over any disciplinary action or case, involving or arising out violations of  
20 recruitment laws, rules and regulations involving employers, principals, contracting partners  
21 and Filipino seafarers; or to the exclusive and original jurisdiction of the voluntary arbitrators or  
22 panel of arbitrators appointed from the accredited voluntary arbitrators of the National  
23 Conciliation and Mediation Board (NCMB) of the DOLE, or as may be prescribed by the  
24 collective bargaining agreement, if any; or to the courts.

1 No other action, case, dispute or controversy involving terms and conditions of employment  
2 of seafarers and matters arising from employer-employee relations, shall be filed or instituted  
3 directly in court or any government office or agency for arbitration or adjudication, unless a  
4 certification is presented to the effect that the grievance has been the subject of the grievance  
5 machinery procedure provided in this Act for possible mediation or conciliation and that no  
6 conciliation or settlement has been reached, or unless the settlement has been repudiated by the  
7 parties thereto.

8 Any award or grant in the disposition made by said agencies in accordance with this Act  
9 shall be deemed as satisfaction of all monetary claims of the complainant seafarer including  
10 those arising from quasi-delict.

11  
12 SEC. 38. Voluntary Arbitration - Pursuant to the constitutional mandate on the preferential  
13 use of voluntary modes of dispute settlement, the DOLE agency concerned shall adopt  
14 procedural guidelines in the conduct of voluntary arbitration proceedings in voluntary  
15 arbitration cases involving the maritime sector, and promote the use of voluntary arbitration  
16 among the seafarers and the various sectors of the maritime industry.

17 SEC. 39. Liability for Claims - The liability of the principal/employer and the manning  
18 agency for any claims made by an overseas seafarer under this Title shall be joint and several.

19  
20 SEC. 40. Prescription - Recognizing the peculiar nature of overseas shipboard employment,  
21 all monetary claims arising from the seafarer's contract shall be made within three (3) years  
22 from the date of the seafarer's return to the point of hire.

23  
24 **VIII. POST EMPLOYMENT AND REPATRIATION**

1        SEC. 41. Termination of Employment - The employment of the seafarer shall cease when the  
2        seafarer completes his period of contractual service aboard the vessel, signs-off from the vessel  
3        and arrives at the point of hire.

4        The employment of the seafarers is also terminated when the seafarer arrives the point of  
5        hire for any of the following reasons:

- 6        (a) When the seafarer signs-off and disembarks for medical reasons;  
7        (b) When the seafarer signs-off due to shipwreck, ship's sale, lay-up of vessel, discontinuance  
8        of voyage or change of vessel;  
9        (c) When the seafarer voluntarily resigns and signs-off prior to expiration of contract;  
10       (d) When the seafarer is discharged for just cause.

11       A seafarer certificate shall confirm the pregnancy if requested by the employer.  
12

13       SEC. 42. Termination by the Seafarer -

14       (a) A seafarer may terminate the employer-employee relationship based on the following just  
15       causes:

16           1) The ship is not in a seaworthy condition;

17           2) The principal changes;

18           3) The vessel is sold;

19           4) The vessel is shipwrecked;

20           5) The seafarer has been ill-treated on board and the master, has failed to  
21       protect him when requested to do so;

22           6) Where the voyage is discontinued or substantially altered;

23           7) After the seafarer starts on board it appears that the ship risks being seized  
24       by a belligerent power or exposed to war damage, or that such risk has increased considerably;

1 or

2 8) After the seafarer starts onboard it appears that a violent epidemic disease  
3 has broken out in the port for which the ship is bound.

4 (b) In cases mentioned in paragraph (a), subparagraphs 6-8 hereof, the seafarer may take his  
5 departure with immediate effect if the voyage has not commenced, or otherwise at the ship's  
6 first port of call after has become aware of the situation.

7

8 SEC. 43. Transfer - A seafarer may not be transferred at any port to any vessel owned or  
9 operated, manned or managed by the same employer without the seafarer's consent. Upon such  
10 transfer, the position of the seafarer and the rate of his wages and terms of services shall no in  
11 no way be inferior and the total period of employment shall not exceed that originally agreed  
12 upon. Any form of transfer shall be documented and reported by the manning agencies of the  
13 DOLE agency concerned.

14

#### 15 Repatriation

16 SEC. 44. Repatriation - The repatriation of the seafarer and the transport of his personal  
17 effects shall be the primary responsibility of the manning agency which recruited or deployed  
18 the seafarer. All costs attendant to repatriation shall be borne by or charged to the manning  
19 agency concerned and/or its principal. The expenses of repatriation shall include the  
20 transportation charges, the accommodation and the food of the seafarer during the journey.  
21 They shall also include the maintenance of the seafarer up to the time fixed for his departure.  
22 However, in cases where the termination of employment is due solely to the fault of the worker,  
23 the principal/employer or manning agency shall not in any manner be responsible for the  
24 repatriation of the former and/or his personal effects.

1        SEC. 45. Emergency Repatriation - The DOLE in coordination with appropriate government  
2        and international agencies, particularly DFA and OWWA, shall undertake the repatriation of  
3        seafarer in cases of war, epidemic, disaster or calamities, natural or man-made, and other  
4        similar events without prejudice to reimbursement by the responsible principal or manning  
5        agency. However, in cases where the principal or manning agency cannot be identified, all costs  
6        attendant to repatriation of the seaman shall be borne by the emergency repatriation.

7  
8        SECTION 46. Repatriation of Underage Seafarers - Upon discovery or being informed of the  
9        presence of a seafarer whose actual age falls below the minimum age requirement prescribed by  
10        Philippine law, the concerned Philippine foreign service officer shall without delay repatriate  
11        said seafarer and advise the Department of Foreign Affairs and the Department of Labor and  
12        Employment as soon as possible of such discovery and other relevant information.

13        For the purpose of this Act, underage seafarers would mean those who are below eighteen  
14        (18) years old.

15  
16        SEC. 47. Post-Employment Benefits - In addition to whatever benefits they are entitled to  
17        under the Social Security System and the Overseas Workers Welfare Administration, if  
18        applicable, retiring seafarers covered by collective bargaining agreements shall be entitled to  
19        such post-employment benefits as may be provided in their respective agreements. Unorganized  
20        seafarers on the other hand may, upon notice to their manning agencies and principals,  
21        authorize the deduction of a specified percentage of their monthly wages to form part of the  
22        seafarers self-contributed post-employment fund. The amount to be deducted shall be placed in  
23        an account in the name of the contributing seafarer.

## **IX. REINTEGRATION/RE-PLACEMENT SERVICES**

SEC. 48. Retraining and Re-integration - Returning or employed seafarers may avail of the livelihood development/retraining programs and re-placement services offered by the concerned agencies, including OWWA, TESDA, Technical and Livelihood Resource Center, and the Cooperative Development Authority.

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

SEC. 49. Scholarship Program - Qualified overseas seafarers or their immediate descendants, who intend to pursue science and technology related courses, may through the concerned DOLE agency apply for scholarships under the Congressional Migrant Workers Scholarship Program which shall benefit deserving overseas seafarers and/or their immediate descendants below twenty-one (21) years of age, who intend to pursue courses or training primarily in the field of science and technology.

The DOLE, in coordination with the CHED, shall establish a similar program for domestic seafarers within a period of three (3) years from the enactment of this Act.

## **X. FINAL PROVISIONS**

SEC. 50. Funding Provision - The amount necessary to carry out the provisions of this Act

1 shall be provided for in the General Appropriations Act of the year following its enactment into  
2 law and thereafter.

3  
4 SEC. 51. Enforcement - The DOLE and its designated agencies shall be charged with  
5 carrying out the provisions of this Act. Together they shall within ninety (90) days after the  
6 effectivity of this Act formulate its rules and regulations.

7 SEC. 52. Separability Clause - If any provision of this Act be declared unconstitutional, the  
8 remaining provisions shall continue to be in force.

9  
10 SEC. 53. Repealing Clause - Any law, presidential decree or issuance, executive order, letter  
11 of instruction, administrative order, rule or regulation contrary to, or inconsistent with, the  
12 provisions of this Act, is hereby repealed, modified or amended accordingly.

13  
14 SEC. 54. Effectivity Clause - This Act shall take effect fifteen (15) days after its publication  
15 in at least two (2) newspapers of general circulation.

16  
17 Approved,

/

Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City

THIRTEENTH CONGRESS  
First Regular Session

House Bill No. 1931

---

Introduced by Rep. Robert Ace S. Barbers

---

**AN ACT**  
**TO ESTABLISH A HIGHER STANDARD OF PROMOTION AND**  
**PROTECTION OF THE RIGHTS AND WELFARE OF FILIPINO OVERSEAS**  
**SEAFARERS AND FOR OTHER PURPOSES**

SECTION 1. Short Title – this Act shall be known as the “Overseas Seafarers Act.”

**I. GENERAL PROVISIONS**

SECTION 2. Declaration of Policy –

- (a) It is the policy of the State to afford protection to Filipino overseas seafarers and their families, promote their interest and safeguard their welfare;
- (b) The State through the agencies concerned shall secure the best terms and conditions of employment for Filipino overseas seafarers and ensure compliance therewith;