

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

SIXTEENTH CONGRESS
FIRST REGULAR SESSION

House Bill No. **3754**



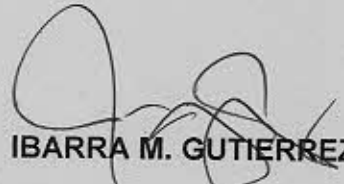
**Introduced by AKBAYAN Representatives Walden F. Bello
and Ibarra M. Gutierrez III**

Explanatory Note

With the Philippines deploying over 300,000 overseas Filipino seafarers (OFS) in international ocean-going vessels, the government's continuous efforts to ensure their protection and welfare has been strengthened through the recent ratification of international seafarers' bill of rights, making the Philippines the 30th member-state to sign the International Labor Organization's Maritime Labor Convention 2006. This act shows the international commitment of the Philippines to being one of the progressive member-states that actively protects its international seafarers.

In an article in Inquirer Global Nation, columnist Tina G. Santos reported that according to Secretary Baldoz, around 300,000 overseas Filipino seafarers stand to benefit from the ratification of the MLC 2006. Aimed towards better protection before, during and after deployment, increase in competency building, education and training, and increase in overall competitiveness and professional advantage of our Filipino overseas seafarers, this bill seek to strengthen the rights of our OFS through stronger compensation benefits, clearer institutional accountabilities and more hardworking protective mechanisms that can empower the Philippine institutions in their protection of OFS within and beyond our borders. This bill seeks to forge clearer accountability of specific institutions when it comes to protection of OFS, and to ensure just compensation of our OFS and relevant social protection.


WALDEN F. BELLO


IBARRA M. GUTIERREZ III

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**AN ACT TO ESTABLISH THE STANDARD OF PROTECTION AND
PROMOTION OF THE WELFARE OF SEAFARERS AND THEIR FAMILIES
AND FOR OTHER PURPOSES**

Chapter I – General Provisions

Section 1. Short Title. – This Act shall be known as the “Seafarers Act.”

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

- a) To recognize the rights, contributions and unique role of Filipino seafarers as maritime professionals, as well as their vulnerabilities, and afford them full protection before, during and after their employment;
- b) To maintain and progressively develop a pool of competent and world-class domestic and international seafarers for all officers, ranks and ratings, as well as service personnel on special types of vessels, through a system of education, training, accreditation and licensing;
- c) To establish mechanisms for the enhancement of administrative, adjudicative, social as well as welfare services for them and their families;
- d) To enact laws that ratify, adopt, and implement the standards set by international conventions and agreements on safety, working conditions, and working hours, among others for seafarers particularly the Maritime Labor Convention of 2006;
- e) To recognize manning and recruitment entities as vital partners in promoting the skill and competence of Filipino seafarers and protecting their rights prior to, and post employment by offering these manning and recruitment entities fiscal and tax incentives.
- f) To allow the deployment of Filipino seafarers as overseas workers on vessels navigating the foreign seas or to installations located offshore or on high seas whose owners/employers are compliant with international laws and standards that protect the rights of

migrant workers, and also compliant with the minimum standard employment contract as well as rules and regulations on sea-based workers prescribed by the Philippine Overseas Employment Administration (POEA).

Toward these ends, the State shall endeavor to improve the Filipino seafarers' working conditions, terms of employment, career prospects and provide them opportunities to harness their potentials to the fullest as well as promote and provide incentives to the sea-based manning industry. The State shall further work to uplift the socio-economic well-being of the Filipino seafarers' families.

Section 3. Applicability. – This Act shall cover Filipino seafarers working on board coastal and ocean-going ships of Philippine or foreign registry.

All rights, privileges and benefits previously enjoyed by Filipino seafarers before the effectivity of this Act, including those set forth in P.D. 442, as amended, and Republic Act No. 8042, as amended by RA 10022, shall not be diminished after the effectivity of this Act.

Section 4. Definition of Terms.

- (a) **"Authority"** refers to the document issued by the Department of Labor and Employment (DOLE) authorizing any person or entity to engage in the recruitment and placement of seafarers;
- (b) **"Coastal Ship"** refers to any Philippine flag vessel licensed to carry passengers or cargo, or both, in any port in the Philippines;
- (c) **"Coastal Trade"** refers to trade engaged in by a coastal ship within Philippine waters;
- (d) **"Cadet"** refers to a student of maritime educational institution, who is required to undergo onboard training to complete the educational requirements for a maritime degree or technical course;
- (e) **"Departure"** refers to the actual departure from the point of hire of a Filipino seafarer through air, sea or land travel to join his/her ship in a Philippine or foreign port;
- (f) **"Domestic Seafarers"** refers to any seafarers employed on board a ship or vessel plying inter-island waters or waters within Philippine territory;
- (g) **"Foreign Registry"** refers to the official public register of vessels of a country other than the Philippines;
- (h) **"International Maritime Convention"** or **"International Convention"** refers to any written treaty or agreement, or any protocol or amendment thereto, affecting the maritime industry which has come into force and effect, including the Maritime Labour Convention, 2006;
- (i) **"License"** refers to the document issued by the DOLE authorizing any person or entity to operate a manning or recruitment and placement agency;

1 "Manning Agency" refer to any person, company, institution, licensed to engage in recruitment and deployment of overseas Filipino seafarers on board ships of foreign registry in behalf of its foreign principals;

- (j) **"Maritime Industry"** shall refer to all stakeholders engaged in the business of owning, managing, chartering and/or operating coastal or ocean-going ship(s) of Philippine or foreign registry, manning of ships, management of ports, stevedoring and arraste services, ship brokering and chartering, ship-building and ship repair, providing maritime services such as ship supplies and provisions, maritime education and training, shipping agency, and other similar activities;
- (k) **"Master"** refers to a seafarer who is licensed and authorized to command and/or navigate a ship by law or regulation and appointed as representative of the shipowner;
- (l) **"Officers"** refers to seafarers who are licensed by law or regulation to serve in such capacity, such as Master Mariner, Chief Officer, 2nd Officer, and 3rd Officer for the Deck department and Chief Engineer, 2nd Engineer, 3rd Engineer, and 4th Engineer for the Engine Department;
- (m) **"Overseas Filipino Worker (OFW)"** or **"Migrant Workers"** shall refer to a person who is to engaged, is engaged or has been engaged in a remunerated activity in a state of which he or she is not a citizen or on board a vessel navigating the foreign seas other than a government ship used for military or non-commercial purposes or on an installation located offshore or on the high seas;
- (n) **"Philippine National"** shall refer to any individual who is citizen of the Philippines, or a commercial partnership or corporation organized under the laws of the Philippines, at least 60% of the capital of which is owned by citizens of the Philippines;
- (o) **"Philippine Port"** shall refer to any Philippine airport or seaport;
- (p) **"Philippine Seafarers' One Stop Processing Center (PSOC)"** shall refer to the facility center which houses all relevant offices/agencies involved in providing services to seafarers in one roof;
- (q) **"Philippine Shipping Companies"** shall refer to entities registered and licensed under the laws of the Philippines to engage in the business of overseas and/or domestic water transportation;
- (r) **"Philippine Waters"** refers to the inland waters, archipelagic waters, territorial sea and exclusive economic zone of the Philippines, as defined by law and as recognized by international conventions;
- (s) **"Point of Hire"** refers to the place indicated in the contract of employment which shall be the basis for determining commencement and termination of contract;
- (t) **"Principal" or "Employer"** refers to any person, partnership or corporation hiring Filipino seafarers to work on board coastal and ocean-going ships;
- (u) **"Rating"** refers to any member of the crew other than the Officers as defined herein

- (v) **"Recruitment and Placement"** refers to any act of canvassing, enlisting, contracting, transporting, utilizing, hiring or procuring workers, and includes referrals, contract services, promising or advertising employment, locally or abroad, whether for profit or not: Provided, that any person or entity, which in any manner, offers or promises employment for a fee to two (2) or more persons shall be deemed engaged in recruitment and placement;
- (w) **"Recruitment and Placement Agency"** refers to any Filipino person, corporation, partnership, company, etc. who is engaged in recruiting seafarers for placement or employment on board ships of Philippine or foreign registry;
- (x) **"Repatriation"** refers to a process of returning a person back to one's point of hire.
- (y) **"Philippine Registry"** refers to the official public register under the authority of the Registrar of Ships which shall hold the record of all vessels and its encumbrance registered under Philippine laws;
- (z) **"Seafarer"** refers to any person who is employed or engaged or works in any capacity on board a ship covered by this Act;
- (aa) **"Overseas Filipino Seafarer (OFS)"** – refers to a seafarer employed on board a ship plying outside inland waters, archipelagic waters or territorial seas of the Philippines;
- (bb) **"Ocean-going ship"** refers to any Philippine or foreign-registered ship which is authorized to carry passenger or cargo, or both, in trade between a Philippine port and a foreign port, or between two foreign port;
- (cc) **"Shipowner"** refers to the owner of the ship or any other organization or person, such as the manager, agent or bareboat charterer, who has assumed the responsibility for operation and management of the ship from the shipowner, and who, on assuming such responsibilities, has agreed to take over all the attendant duties and responsibilities of a shipowner under this Act.

Chapter II. Seafarer's Rights

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

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

Section 6. Right to Self-organization, to engage in Collective Bargaining and to participate in democratic exercises – Seafarers shall enjoy their right to self-organization, to collective bargaining and to participate in the

deliberation of issues and in the formulation of policies that affect them, including the guarantee of representation in governing boards or appointment in government instrumentalities.

Section 7. Right to Educational Advancement and Training at Reasonable and Affordable Costs. – Seafarers shall have access to educational advancement and training at reasonable and affordable costs.

Toward this end, relevant government agencies shall:

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

Section 8. Right to Relevant Information. – Seafarers shall have adequate and relevant information regarding their rights, benefits, obligations, conditions and realities attendant to their profession, their duties, responsibilities and obligations.

Toward this end, manning agencies, and other organizations responsible for the recruitment and placement of Filipino seafarers shall be mandated to provide seafarers information on the computation and payment of salaries and specific privileges and benefits available in their contract of employment.

The State shall provide seafarers access to an efficient, adequate and accountable system for finding employment on board ship without charge to the seafarer.

Section 9. Right to Consultation. – Seafarers and seafarers' organizations or unions as well as concerned maritime industry representatives shall be adequately consulted before adopting any policy, law, executive issuance, rule or regulation that may directly or indirectly affect them and/or their families and beneficiaries.

Section 10. Right Against Discrimination. – Seafarers shall have the right against discrimination by sole reason of race, sex, religion, ethnicity, political opinion, socio-economic status, age or medical history. Career opportunities shall be promoted and appropriate working and living conditions shall be guaranteed equally among male and female seafarers.

Section 11. Right to Legal Representation. – Seafarers shall have the right to free access to courts and quasi-judicial bodies and adequate legal assistance shall not be denied to any person by reason of poverty (who are

victims of violations of the provisions of this Act, shall have the right to free legal assistance and protection at government's expense).

Section 12. Right to Access to Communication. – Seafarers, especially during their free time or off-duty, shall be given access to communication and they shall be allowed to use the internet, mobile phone and other communication facilities.

Chapter III. Seafarer's Duties

Section 13. Seafarer shall have the following duties:

1. To comply with and observe the terms and conditions of his/her employment contract;
2. To abide by the Code of Discipline;
3. To be obedient to the lawful commands of the Master or any person who shall lawfully succeed him/her and to comply with the shipowner's/principal's policy on safety and operational procedures and instructions given in connection therewith;
4. To be diligent in his/her duties relating to the ship, its stores and cargo, whether on board, in boats or ashore.
5. To conduct himself/herself at all times in an orderly and respectful manner towards shipmates, passengers, shippers, stevedores, port authorities, and other persons who have official business with the ship.
6. To take personal responsibility for his health at all times by practicing a healthy lifestyle.

Chapter IV. Minimum Requirements for Seafarers

Section 14. Minimum Age. – No person below eighteen (18) years old shall be employed, engaged, or otherwise allowed to work on board a coastal or ocean-going ship.

Section 15. Education. – A Filipino seafarer must have at least finished high school or successfully completed the required academic requirement for a maritime degree provided for in the curriculum approved by the Commission on Higher Education, or must have completed the basic training courses for the position applied for as required by MARINA for ratings. The implementing rules and regulations of this Act shall set the educational and/or training requirement for each classification of seafarers.

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

Seafarer shall hold a medical certificate issued by a medical facility duly accredited by the DOH. It is hereby declared a policy of the State to mandate all government hospitals to conduct competitive medical examination/s. The costs of medical certificate shall be shouldered by the employer/principal shipowner.

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

Any seafarer who has been refused the issuance of a medical certificate or who has been issued a medical certificate but stating a limitation on his or her ability to work, or any limitation with respect to time of work, or number of hours of work, or trading area, shall be given the opportunity to seek further medical examination by another duly qualified medical clinic or practitioner accredited by DOH at the option of the ship owner or manning agency; Provided that, the cost of such medical examination shall be shouldered by the seafarer.

The validity of the medical certificate shall not exceed a period of two (2) years.

Section 17. Training. – No seafarer shall be employed, engaged, or otherwise allowed to work on board a coastal or ocean-going ship unless he/she is properly trained and certified as competent or otherwise qualified to perform his/her duties on board in accordance with the standards of international maritime convention(s) providing for seafarer's training, qualification, competency or certification.

The State shall promote quality and relevant maritime education and training that responds to the needs of the industry and in accordance with international maritime standards.

Section 18. Recruitment and Placement. – Unless otherwise provided under this Act and/or its implementing rules and regulations, no amount or fee shall be charged in the recruitment and placement of a seafarer.

Only duly licensed manning or placement and recruitment agency shall be allowed to operate and engage in the recruitment and placement of seafarers, in accordance with rules and regulations as may be issued by the Secretary of Labor and Employment.

In case of failure of the recruitment and placement agency or the relevant shipowner to meet its obligations, the seafarers shall be compensated for monetary loss by way of insurance or an appropriate measure.

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Chapter V. Terms and Condition of Employment

Section 19. Standard Employment Agreement for Seafarers. – There shall be an agreement in writing between the shipowner and the seafarer, which shall include the following terms:

- a. The seafarer's full name, date of birth or age, and birthplace;
- b. The shipowners name and address;
- c. The place where and date when the seafarer's employment agreement is entered into;

- d. The capacity in which the seafarer is to be employed
- e. The amount of the seafarer's salary, and the formula used for calculating the same;
- f. Hours of work;
- g. Wages and wage-related benefits, which include the following: overtime pay, holiday pay, premium pay, paid leaves, 13th month pay;
- h. Social security and welfare benefits;
- i. Stipulation on repatriation or similar undertakings;
- j. Separation pay and retirement pay;
- k. Other benefits in accordance with law, company policy or agreements; and
- l. The amount of paid annual leave, or where applicable, the formula used for computation.

The foregoing employment agreement shall be in a working language and in English, executed in three (3) original copies before the commencement of the employment. The seafarer must be given the opportunity to seek legal advice before signing the contract. The shipowner and the seafarer shall each have a signed original of the agreement. A signed original shall be made available on board the ship.

However, for overseas Filipino seafarers, the Standard Employment Contract (SEC) approved by the Governing Board of the Philippine Overseas Employment Administration (POEA) shall be observed; Provided, that in the absence of a reliever, the employment contract of a seafarer shall not be extended more than three (3) months from the date of the expiration of the contract, in which case the seafarers shall be allowed to disembark or shall be repatriated to the point of hire.

When there is a collective bargaining agreement, a copy thereof must be maintained on-board the ship.

The ship owner shall be liable to bear the costs for the seafarers working on their ships in respect to sickness and injury of the seafarers occurring from the time they commenced their duty and the date upon which they are deemed duly repatriated, or arising from their employment.

Section 20. Wages. – Upon effectivity of this Act, the Regional Tripartite Wages and Productivity Boards shall set the minimum wage rates of the seafarers onboard ships engaged in domestic shipping, taking into account the peculiarities of the employment arrangement of seafarers. Provided, that wages for actual work hours and days shall not be lower than the applicable minimum wage rates in the domicile or head office of the shipowner, whichever is higher. Wages shall be paid at least once every two weeks or twice a month at intervals not exceeding sixteen (16) days.

Section 21. Freedom to stipulate. – The seafarer and the shipowner are allowed to stipulate and mutually agree on other terms and conditions exceeding the minimum standards, provided the at the additional provisions are mutually beneficial to both parties and are not contrary to law, public policy and morals.

Section 22. Hours of work and hours of rest – The normal hours of work of seafarer shall be eight (8) hours but in no case exceed fourteen (14) hours in any 24-hour period and seventy-two (72) hours in any 7-day period.

The minimum hours of rest for seafarers shall not be less than 10 hours in any 24-hour period and 77 hours in any 7-day period.

Musters, fire-fighting and lifeboat drills prescribed by national laws and regulations and by international instruments, shall be conducted in a manner that minimizes the disturbance of rest periods and does not induce fatigue.

When a seafarer is on call, such as when a machinery space is unattended, the seafarer shall have an adequate compensatory rest period if the normal period of rest is disturbed by call-outs to work.

It is required that records of seafarers' daily hours of work or of their daily hours of rest be maintained to allow monitoring of compliance with international standards. The records shall be in a standardized format established by the competent authority taking into account any available guidelines of the International Labor Organization (ILO).

Provided that, for ships licensed to engaged in coastal trade only the rules found in Book Three, "Conditionals of Employment", Title I "Working Conditions and Rest Periods, Chapter I, "Hours of Work", Chapter II, "Weekly Rest Periods", and Chater II, "Holidays, Service Incentive Leaves and Service Charges" of the "Labor Code of the Philippines", Presidential Decree No. 442, as amended, shall continue to apply and shall be considered as substantially complying with international standards.

Section 23. Paid Annual Leave. Whenever applicable, the seafarers shall be paid an annual leave to the calculated on the basis of a minimum of 2.5 calendar days per month of employment.

Chapter VI. Repatriation.

Section 24. Right to be Repatriated. Seafarers have a right to be repatriated at no cost to themselves in the followings circumstances:

- a. If the seafarer's employment agreement expires while they are abroad;
or
- b. Upon the expiry of the period of notice given in accordance with the provisions of the seafarer's employment agreement, when the seafarers' employment agreement is terminated:

1. By the shipowner; or
2. By the seafarer for justified reasons;
- c. When the seafarer is no longer able to carry out her or his duties under the employment agreement or cannot be expected to carry them out in the specific circumstances;
- d. In any event after serving a period of nine (9) months on board.

The following are deemed to be circumstances covered by paragraph (b) and (c) above:

- a. Illness or injury or other medical condition which requires the seafarer's repatriation when found medically fit to travel;
- b. Shipwreck;
- c. The shipowner not being able to continue to fulfil their legal or contractual obligations as an employer of the seafarers by reason of insolvency, sale of ship, change of ship's registration or any other similar reason;
- d. The ship being bound for a war zone to which the seafarer does not consent to go; and
- e. Termination or interruption of employment in accordance with an industrial award or collective agreement, or termination of employment for any other similar reason.

Section 25. Prohibition on advance payments by seafarers towards the cost of repatriation. Shipowners are prohibited from requiring that seafarers make an advance payment towards the cost of repatriation at the beginning of their employment, and also from recovering the cost of repatriation from the seafarers' wages or other entitlements except where the seafarer has been found, in accordance with national laws or regulations or other measures or applicable collective bargaining agreements, to be in serious default of the seafarer's employment obligations.

Section 26. Financial Security for a Seafarer Repatriation. All ships that fly the flag of the Philippines must provide the competent authority with evidence of financial security to ensure that seafarers are duly repatriated.

Section 27. Repatriation Entitlements. Shipowners are responsible, as a minimum, for the following costs and seafarer's repatriation entitlements:

- a. Passage to the destination selected for repatriation in accordance with paragraph below;
- b. Accommodation and food from the moment the seafarers leave the ship until they reach the repatriation destination;
- c. Pay and allowances from the moment the seafarers leave the ship until they reach the repatriation destination;
- d. Transportation of 30 kilograms (kg.) of the seafarers' personal luggage to the repatriation destination; and
- e. Medical treatment when necessary until the seafarers are medically fit to travel to the repatriation destination.

Section 28. Mandatory Repatriation of Underage Seafarers. Upon discovery or information of a Filipino seafarer whose actual age falls below eighteen (18) years of age, the nearest Philippine consulate office shall, without delay, repatriate the said seafarer and advise the DFA and DOLE as soon as possible of such discovery and other relevant information.

Section 29. Destination of Repatriation. Shipowners are responsible for repatriation arrangements by appropriate and expeditious means. The normal mode of transport is by air. Seafarers have the right to be repatriated, at their choice to one of the following destinations with which the seafarers have a substantial connection:

- a. The place at which the seafarer agreed to enter into the engagement;
- b. The place stipulated by collective agreement;
- c. The seafarer's country of residence; or
- d. Such other place as may be mutually agreed at the time of engagement.

The provisions in this Act are without prejudice to any right of the shipowner to recover the costs of repatriation under third-party contractual arrangements.

If the shipowner fails to make arrangements for or to meet the cost of repatriation of seafarers:

- a. The competent authority will arrange for the repatriation of the seafarers concerned;
- b. Costs incurred in repatriating seafarers shall be recoverable from the shipowner concerned;
- c. The expenses of repatriation shall in no case be a charge upon the seafarers, except as provided above in paragraph 3;
- d. The ship or other ships of the shipowner concerned may be detained by the competent authority until the reimbursement has been made.

A Copy of the present provisions regarding repatriation written in an appropriate language must be carried on board a ship that flies the flag of the Philippines and must be available to seafarers.

Every possible practical assistance shall be given to a seafarer stranded in a foreign port pending repatriation and in the event of delay in the repatriation of the seafarer. Where the foreign seafarers are stranded in a port of the Philippines, the competent authority shall ensure that the consular or local representative of the flag State and the seafarer's State of nationality or State of residence, as appropriate, are informed immediately.

Section 30. Repatriation at the Cost of the Seafarer. – Any seafarer engaged on an ocean-going ship shall bear his or her own cost for repatriation in the following cases:

- a. If the seafarer is discharged for just cause;

- b. If the seafarer requests for an early termination of his or her contract, in which case, the seafarer shall be also liable for the cost of transportation for his or her replacement;
- c. Additional cost of repatriation due to delay, detour, or taking a different route other than the most direct route to the point of hire as provided in the preceding section.

Section 31. Emergency Repatriation. The DOLE, in coordination with the OWWA and the DFA, shall undertake the repatriation of seafarers in cases of war, epidemics, abandonment of ships by shipowners, disasters or calamities, natural or man-made, and other similar events without prejudice to reimbursement by the responsible shipowner or manning crewing agency.

Section 32. Repatriation in Case of Coastal Vessel. – The provisions on repatriation shall also apply to seafarers working on coastal vessels.

Chapter VII. Manning Requirement

Section 33. manning Levels. – All ships of Philippine registry shall have the required minimum manning levels in accordance with the requirements set by MARINA.

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

Section 34. Crew Competence. – Every member of the crew of a ship of Philippine Registry shall possess the appropriate certificate of competency setting forth his competence to serve in the capacity and perform the functions involved at the level of responsibility, for the position held, for the type, power, means of propulsion, and trading patterns of the ship concerned.

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

Section 35. Registry of Seafarers. – The POEA, for ocean-going ships of foreign registry and MARINA for coastal and ocean-going ships of Philippine registry shall maintain a registry of all seafarers in the Philippines. The registry shall contain the following information:

- a. The name of the seafarer;
- b. Qualifications;
- c. Record of employment;
- d. Education and training;
- e. Current certificates;
- f. Occupational category.

Such other relevant information shall be included in the registry that will allow the relevant agency to promote employment opportunities for seafarers

whether on board or ashore, or allow for further training and education to support skills development and competencies of seafarers in order to secure or improve employment opportunities.

Chapter VIII. Accommodation, Recreational Facilities, Food and Catering

Section 36. Application. The requirements of this Chapter for crew accommodation and recreational facilities covering ships of Philippine Registry shall be applicable to the following:

- a. All ocean-going ships and coastal ships constructed on or after the date when the Maritime Labor Convention of 2006 come into force;
- b. All second hand ships, whether ocean-going or coastal, acquired or leased, and entered in the Philippine Registry after the entry date into force of the said Convention unless provided exemption by the relevant Philippine government agency;
- c. All ships constructed prior to the entry into force of the MLC 2006, as the case may be, which undertake major or substantial structural alterations after the entry into force of the Convention unless provided exemption by the relevant Philippine government agency.

Section 37. Accommodation Facilities. – Unless otherwise exempted herein or by appropriate regulations, all ship of Philippine registry shall have safe, recent and adequate accommodations for seafarers taking into account the need to protect the health and safety of seafarers working or living on board.

Section 38. Requirements for Sanitation. – All ships of Philippine registry shall have access to sanitation facilities meeting the minimum standards for health and hygiene. The sanitation facilities shall be located at convenient places, allowing for easy access to work stations. Separate facilities shall be provided for male and female crew.

Section 39. Recreational Facilities. – Unless otherwise exempted herein or by appropriate regulations, all ships of Philippine registry shall have recreational facilities, amenities, and services appropriate for seafarers

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

Section 40. Food and Catering. – The shipowner shall ensure protection and promotion of the health of the seafarer. Whenever applicable, shipowners shall ensure that ships carry onboard the serve free food and drinking water of appropriate quality, quantity and nutritional value that adequately cover the requirements of the ship and take into consideration the differing cultural and religious backgrounds. The foods and drinks and the preparation thereof shall

Section 39. Recreational Facilities.

by appropriate regulations.

be in accordance with the standards of the Sanitation Code of the Philippines and pertinent laws, rules and regulations.

Chapter IX. Health Protection and Medical Care

Section 41. Medical Care Onboard Ship and Ashore. – The shipowner shall provide adequate medical services, as comparable to medical services on shore, and medicine chest on-board, and access to shore facilities for the protection of the health of the seafarers, as well as the corresponding medical and/or trained personnel who shall provide first-aid and medical care pursuant to the Occupational Safety and Health Standards and other pertinent laws, rules and regulations.

Chapter XI. Compliance and Enforcement

Section 42. Compliance. All ships of Philippine registry shall comply with the provision of the Act. The shipowner or master shall ensure the compliance of the ship with this Act and its implementing rules and regulations.

The shipowner and master shall be made principally liable for any violation of the provisions of this Act and its implementing rules and regulations.

Section 43. Enforcement. For purposes of this Act, the Secretary of Labor and his/her duly authorized representative, shall have the sole and exclusive authority to inspect all ships, coastal or ocean-going, regardless of their flag state to ensure compliance with the provisions of this Act.

The Secretary of Labor may authorize other government agencies or duly recognized organizations in the enforcement of the provisions of this Act and its implementing rules and regulations.

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

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

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

Section 44. Maritime Labour Certificate and Declaration of Maritime Labour Compliance. All ships of Philippine registry shall have a maritime labour certificate issued by the Secretary of Labor or his/her duly authorized representative.

All ships of Philippine registry shall also have a declaration of maritime labour compliance drawn up by the shipowner or master.

A ship of less than 500 gross ton shall not be required to have a maritime labour certificate and declaration of maritime labour compliance.

A maritime labour certificate shall be valid for three (3) years subject to renewal.

Intermediate inspection may be conducted during the validity of the maritime labour certificate.

Section 45. Recognized Organization. Recognized Organizations shall be authorized by the Secretary of Labor to conduct inspection and issue certification in accordance with the provisions of this Act and its implementing rules and regulations.

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

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

Chapter XII. Termination of Employment

Section 46. Termination of Employment.

1. The shipowner, master or their representative may, after notice and hearing, terminate the services of the seafarer working on ocean-going ships any time before the expiration of the contract for any grounds as may be stipulated in the POEA-Seafarers' Standard Employment Contract (SEC) or under the company rules and regulations or code of discipline. A seafarer working on ocean-going ships may, by mere service of notice, terminate his or her services any time before the expiration of the contract for any grounds as may be stipulated therein or under company rules and regulations.
2. Seafarer working on coastal ships may, by mere notice, terminate his or her services for any of the following causes:
 - a. Serious insult on the honor and person of the seafarer by the shipowner, master or their representative;
 - b. Inhuman treatment of the seafarer by the shipowner, master or their representative;
 - c. Commission of a crime or offense against the seafarer by the shipowner, master or their representative; and
 - d. Other causes analogous to the foregoing.
3. A shipowner may, after notice and hearing, terminate the services of a seafarer working on coastal ships for any of the following causes:

- a. Serious misconduct or wilful disobedience by the seafarer of the lawful order of the shipowner, master or their representative in connection with his or her work;
- b. Gross or habitual neglect by the seafarer of his or her duties;
- c. Fraud or wilful breach by the seafarer of the trust reposed in him or her by the shipowner, master or their representative;
- d. Commission of a crime or offense by the seafarer against the person of the shipowner, master or any immediate member of his or her family; and
- e. Other causes analogous to the foregoing.

Chapter XIII. Settlement of Disputes

Section 47. On-board and on-Shore Complaint Procedure. All ships of the Philippine registry shall develop and implement a fair, effective and expeditious on-board and on-shore complaint procedures in accordance with the implementing rules and regulations of this Act

All disputes including violation of the provisions of employment agreement, termination cases and claims for damages arising from employment involving seafarers shall undergo a conciliation and mediation proceedings before the National Conciliation and Mediation Board.

Unresolved disputes including violation of the provisions of employment agreement, termination cases and claims for damages arising from employment involving seafarers shall be within the jurisdiction of the Labor Arbiters of the National Labor Relations Commission.

Voluntary arbitrators or panel of voluntary arbitrators, upon agreement of the parties, may also hear and decide all disputes including violation of contract, termination and claims for damages arising from employment involving seafarers.

Section 48. Mandatory Conciliation-Mediation. Seafarers may avail of the conciliation-mediation services of the DOLE pursuant to Republic Act 10396 and its Implementing Rules and Regulations, by filing a request for assistance before the conciliation-mediation desks at the Regional/Field/Provincial Offices of the DOLE.

Chapter XIV. Reintegration for Overseas Filipino Seafarers

Section 49. Reintegration. For overseas Filipino seafarers, returning or unemployed seafarers may avail of the livelihood development, training programs and placements services offered by concerned agencies, including OWWA and TESDA, TLC, and the CDA.

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

appropriate retraining and local job placement programs for unemployed seafarers.

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

Chapter XV. Incentives and Awards Granted to the Maritime Industry

Section 50. There shall be established an incentives and awards system for the maritime industry stakeholders which shall be developed and administered by the concerned government agency.

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

Chapter XV. Government Agencies

Section 51. Role of Government Agencies.

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

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

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

- (c) Department of Health. – 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 DOH 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 – 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; develop an effective system of monitoring and gathering welfare concerns for purposes of determining future welfare programs, monitoring existing welfare activities and addressing current welfare issues prioritize according to urgency; observe and conduct a comprehensive and updated system of pre-departure orientation seminars or briefings to departing seafarers and other maritime workers; scheduled for deployment. It shall also undertake studies and distribute relevant materials for use in pre-departure orientation seminars of maritime workers and other related activities; accredit, regulate and supervise pre-departure orientation seminars or briefings of authorized manning or crewing agencies; formulate and undertake programs and projects for the effective and efficient utilization of the seafarers' welfare fund; provide services to assist maritime workers and their immediate dependents and families; and perform such other duties as may be essential in giving assistance to seafarers and their families.
- e. Overseas Workers Welfare Administration.- The OWWA through its welfare officer or in his absence, the coordinating officer, shall provide the Filipino seafarers and his family all the assistance they may need in the enforcement of contractual obligations by agencies and/or by their principals.

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

- f. Commission on Higher Education (CHED), TESDA and MTC shall ensure the promotion of quality and efficiency in maritime education through advocacy and accountability.
- g. The CHED and the Technical Education and Skills Development Authority (TESDA), shall ensure that the curricula for the seafarers' education and training are in consonance with the demands of global maritime industry as well as with the requirements of STCW '78, as amended.
- h Maritime Industry Authority (MARINA). – The MARINA shall be responsible in the formulation, adoption and enforcement of regulations

governing the quality standards and mechanisms of training and competence of local seafarers.

The CHED, in coordination with MARINA, and maritime schools and training institutions shall be responsible for the continuous and comprehensive research, review and upgrading of the system of education, training, certification and recruitment of all maritime schools and institutions, as well as the manning or crewing agencies and regulatory commissions.

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

Section 52. Prohibition on Officials and Employees. – It shall be unlawful for any official or employee of the DOLE, POEA, OWWA, DFA, 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 recruitment and placement of seafarers.

Section 53. Philippine Seafarer One Stop Processing Center (PSOC). The PSOC, as established under Administrative Order No. 56, has been tasked to operationalize and make available to the public, an integrated document processing center for the seafarers and general public to conduct official transactions.

PSOC shall have the services of the following government offices:

- a. DOLE
- b. DFA
- c. DOH
- d. POEA
- e. OWWA
- f. CHED
- g. PRC
- h. TESDA
- i. MARINA
- j. NTC
- k. DFA
- l. NBI
- m. SSS
- n. PhilHealth
- o. Pag-IBIG Fund
- p. Philippine Coast Guard (PCG)
- q. National Statistics Office (NSO); and
- r. Such other government offices that the Secretary of DOLE may deem necessary.

Chapter XVI. Penal Provisions

Section 54. Any public officer or employee, organization or person who, without proper delegation, exercises the authority granted to the Secretary of Labor under Section 42 shall be punished of a fine of not less than TEN THOUSAND PESOS (Php 10,000.00) nor more than FORTY THOUSAND PESOS (Php 40,000.00) or imprisonment of not less than one (1) year nor more than four (4) years, or both at the discretion of the court.

Section 55. Any shipowner, master, their representatives, or other person who denies or refuses the Secretary of Labor, his duly authorized representative or the duly recognized organization to access to, board, and inspect the ship or any part thereof or its principal place of office, or branch office or any part thereof to determine compliance with this Act shall be punished with a fine of not less than ONE HUNDRED THOUSAND PESOS (Php 100,000.00) nor more than FOUR HUNDRED THOUSAND PESOS (Php 400,000.00), or imprisonment of not less than one (1) year nor more than four (4) year, or both at the discretion of the court.

Section 56. Investigation of Complaints. – The DOLE and POEA shall investigate and take appropriate action on any complaint concerning any violations of this Act and its implementing rules and regulations.

Section 57. Prescriptive Periods. – Offenses defined and penalized under this Act shall prescribe in five (5) years: Provided, however, that illegal recruitment cases involving economic sabotage as defined herein shall prescribe in twenty (20) years.

Chapter XVII. Final Provisions

Section 58. Implementing Rules and Regulations. The DOLE, in coordination with the DFA, MARINA and other concerned agencies, and in consultation with the proper Committees of Congress, shall formulate its rules and regulations within ninety (90) days after the effectivity of this Act.

Section 59. Separability Clause. – If, for any reason, any section, clause or term of this Act is held to be illegal, invalid, or unconstitutional, such parts not affected by such declaration shall remain in full force and effect.

Section 60. Repealing Clause. All laws, presidential decrees, or issuance, executive orders, letters of instruction, rules or regulations inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

Section 61. Effectivity Clause. This Act shall take effect immediately after its publication in the Official Gazette or in at least two (2) newspapers of general circulation, whichever comes first.

Approved,