

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH (16TH) CONGRESS
First Regular Session

House Bill No. **3895**



Introduced by Hon. Joseph Gilbert F. Violago and Hon. Juan Johnny R. Revilla

EXPLANATORY NOTE

For more than five centuries starting in the 16th century, Filipino seamen have manned ships for world trade and commerce. A recent report stated that there was even a time that Filipino seafarers accounted nearly one-third of the world's 1.3 million seafarers. It is without any doubt that in the coming years, the Philippines will continue to remain a major source of global maritime labor and expertise even in the face of economic recessions.

Despite their immense contributions to the national economy and to the upliftment of poverty in the country, the particular needs of our overseas Filipino seafarers have remained unaddressed. It is unfortunate and lamentable that most of the policies and programs catering to the needs of migrant workers are designed for the conditions and situation of land-based overseas workers.

Hence, this bill proposes the establishment of a Magna Carta of Overseas Filipino Seafarers which, among others, guarantees their rights to safe and humane working conditions; just compensation; affordable and quality education and training and advancement courses; access to loans; housing and health benefits; effective insurance coverage; and reintegration—a long overdue legislation that accords them equal recognition and a strong mantle of protection and promotion of their welfare as well as for their families.

In view of the foregoing, the swift passage of this bill is most respectfully sought.


HON. JOSEPH F. VIOLAGO
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2nd District, Nueva Ecija


HON. JUAN JOHNNY R. REVILLA
Representative
OFW FAMILY Partylist

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AN ACT
ESTABLISHING A STANDARD OF PROTECTION AND PROMOTION
OF THE WELFARE OF FILIPINO SEAFARERS AND THEIR FAMILIES
AND FOR OTHER PURPOSES

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

CHAPTER I
GENERAL PROVISIONS

SECTION. 1. *Short Title.* This Act shall be known as the "*Magna Carta of Overseas Filipino Seafarers.*"

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

- a) To recognize the rights, contributions and unique role of overseas Filipino seafarers, as well as their vulnerabilities, and afford them full protection before, during and after their employment;
- b) To enact laws that ratify, adopt and implement the standards set by international conventions and agreements on the safety, working conditions and working hours, among others, for the benefit and safety of seafarers, and particularly the Maritime Labor Convention which was approved by the International Labor Organization in 2006;
- c) To maintain and progressively develop a pool of competent and world class Filipino seafarers of all grades and ratings through a system of education and training and of accreditation and licensing;
- d) To establish mechanisms for the enhancement of administrative, adjudicative, social as well as welfare services for them and their families; and
- e) To ensure the compliance of (1) owners of vessels employing Filipino seafarers, either foreign or local, and (2) manning agencies deploying Filipino seafarers with international laws and standards that protect the right of migrant workers.

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

SEC. 3. *Applicability.* All rights and benefits granted under this Act shall, except as may otherwise be provided herein, apply to the Filipino seafarers as defined herein. All rights, privileges and benefits previously enjoyed by overseas Filipino seafarers before the effectivity of

this Act, especially but not limited to those set forth in Republic Act No. 8042, or the Migrant Workers and Overseas Filipinos Act of 1995, as amended by Republic Act No. 10022, shall continue to be recognized and shall not be diminished after the effectivity of this Act.

SEC. 4. *Definitions.* For purposes of this Act, the following terms shall have the following definitions:

- a) "*Authority*" refers to the document issued by the DOLE authorizing any person or entity to engage in the recruitment and placement of seafarers or OFWs;
- b) "*CDA*" refers to the Cooperative Development Authority.
- c) "*Commission on Higher Education (CHED)*" refers to the government agency created pursuant to Republic Act No. 7722;
- d) "*Department of Education (Dep-Ed)*" refers to the government agency created pursuant to Executive Order No. 117 s. 1987, as amended by Republic Act Nos. 7722, 7796, and 9155;
- e) "*Department of Foreign Affairs (DFA)*" refers to the government agency created pursuant to Republic Act No. 7157;
- f) "*Department of Labor and Employment (DOLE)*" refers to the government agency created pursuant to Executive Order No. 292;
- g) "*Department of Transportation and Communications (DOTC)*" refers to the government agency created pursuant to Executive Order Nos. 125 and 125-a series of 1987;
- h) "*Departure*" refers to actual departure from point of hire of a Filipino seafarer through air, sea or land travel transport to join his vessel in a Philippine or foreign port;
- i) "*Insurance Commission*" refers to the government agency pursuant to Presidential Decrees No. 63, 612 and 1460.
- j) "*ILO*" refers to the International Labour Organization;
- k) "*IMO*" refers to the International Maritime Organization;
- l) "*Informal Blacklisting*" refers to the unlawful practice of manning or crewing agencies or recruitment and placement services, or companies to directly or indirectly prevent or deter seafarers, without valid cause from gaining productive employment, whether the job applicant is for employment or reemployment;
- m) "*License*" refers to the document issued by the DOLE authorizing any person or entity to operate a manning agency;
- n) "*Manning or Crewing Agencies*" or "Recruitment and Placement services" shall refer to any person, company, institution, agency or other organization in the public or private sector, which is engaged in recruiting seafarers on behalf of the employers or placing seafarers with employers;
- o) "*Maritime Industry*" refers to all enterprises engaged in the business of managing and/or operating shipping lines, management of ports, stevedoring arrastre, customs

brokerage and cargo surveys; of ship brokering/chartering, designing, constructing, manufacturing, acquiring, operating, supplying, repairing and/or maintaining vessels, or component parts thereof; of shipyards and dry-docks; of providing maritime services such as ship supplies, ship manning and training, maritime consultancy, ship repairs, machine shops, shipping agencies, freight forwarding and similar enterprises;

- p) "*Maritime Industry Authority (MARINA)*" refers to the government agency created pursuant to Presidential Decree 474;
- q) "*Maritime Training Council*" refers to the government agency created pursuant to Letter of Instruction 1404;
- r) "*Master*" refers to a seafarer who has the command and is in-charge of the vessel being the representative the vessel's owner;
- s) "*MLC 2006*" refers to the consolidated Maritime Labor Convention approved by the ILO in 2006;
- t) "*National Maritime Polytechnic*" refers to the only government-owned maritime training center in the country created pursuant to P.D. 1369 and mandated to conduct training to Filipino seafarers and maritime research;
- u) "*NSO*" refers to the National Statistics Office;
- v) "*Officers*" refers to seafarers other than the Master who is designated by law or regulation as an officer or is serving in that capacity, such as the 3rd mate, 2nd mate, chief mate, the marine engineer officers in the engine, and other special officers needed in the vessel;
- w) "*Overseas Filipino Seafarer*" refers to Filipino Seafarers employed or engaged or working in any capacity on board a ship engaged in international voyages other than a government ship used for military or non-commercial purposes. This term includes cruise ship personnel and seafarers serving on foreign maritime mobile offshore units who perform functions similar to those constituting a crew or fisherman;
- x) "*Overseas Workers Welfare Administration (OWWA)*" refers to the government agency created pursuant to Executive Order No. 126;
- y) "*Philippine Coast Guard (PCG)*" refers to the government agency created pursuant to Republic Act No. 5173;
- z) "*Philippine Overseas Employment Administration (POEA)*" refers to the government agency created pursuant to Executive Order No. 797, as amended by Executive Order No. 247;
- aa) "*Philippine Port*" refers to any point of hire which may either be a Philippine airport or seaport;
- bb) "*Philippine Ports Authority (PPA)*" refers to the government corporation created pursuant to Presidential Decree No. 505 dated July 11, 1974 as amended by, among others, Executive Order No. 159 series of 1987;
- cc) "*PRC*" refers to the Professional Regulation Commission;

- dd) "*Philippine Seafarer One Stop Processing Center (PSOC)*" refers to the facility center which houses all relevant offices/agencies involved in providing services to seafarers in one roof, created under Administrative Order No. 56 on 24 January 2003;
- ee) "*Philippine Shipping Companies*" refers to entities registered and licensed under the laws of the Philippines to engage in the business of overseas and or domestic water transportation;
- ff) "*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;
- gg) "*Principal*" or "*Employer*" refers to any person, partnership or corporation registered and duly authorized to employ Filipino seafarers in its overseas shipping activities to engage in overseas shipping activities engaging Filipino seafarers;
- hh) "*Rating*" refers to any member of the crew other than the Master or the Officer, who is considered as ordinary seaman, able seaman, boatswain or bosun in the deck; the wiper, motorman, fitters and such other special ratings needed on board the vessel;
- ii) "*Recruitment and Placement*" refers to any act of canvassing, enlisting, contracting, transporting, utilizing, hiring or procuring workers, and include referrals, contact services, promising or advertising employment, locally or abroad, whether for profit or not.
- jj) "*Seafarer or Filipino Seafarer*" refers to any Filipino who fulfills the conditions to be employed or engaged or to work on board a ship or vessel as defined herein other than a government ship used for military or non-commercial purposes, and shall include overseas Filipino seafarers.
- kk) "*Shipowner*" refers to the company or 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 ship owner, and who, on assuming such responsibilities, has agreed to take over all the attendant duties and responsibilities of a ship owner;
- ll) "*STCW 1978*" refers to the International Convention on Standards of Training, Certification and Watch-keeping for Seafarers, 1978 as amended in 1995;
- mm) "*Vessel or Ship*" includes any ship or boat of any nature whatsoever, ordinarily engaged in maritime navigation, including mobile offshore units capable of navigating under its own power;
- nn) "*Technical Education and Skills Development Authority (TESDA)*" refers to the government agency created pursuant to Republic Act No. 7796;
- oo) "*TRC*" refers to the Technical Resource Center; and
- pp) "*WHO*" refers to the World Health Organization.

CHAPTER II OVERSEAS FILIPINO SEAFARER'S RIGHTS

SEC. 5. *Right to Educational Advancement and Training.* The State shall ensure that all overseas Filipino seafarers have access to educational advancement and training at reasonable

and affordable costs.

Toward this end, the State shall:

- a) Regulate the operation of all educational, training and review institutions offering courses related to seafaring;
- 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) Ensure that requirements on training and upgrading as mandated by manning and crewing agencies for employment, reemployment or promotion purposes shall take into account the seafarers' right to spend quality time with his family.

SEC. 6. *Right to Relevant Information.* The State shall ensure that manning or crewing agencies shall provide overseas Filipino seafarers with adequate and relevant information to make them understand their rights, benefits, obligations, conditions and realities attendant to their profession, and laws and regulations of countries covered by their sojourn.

Toward this end, manning or crewing agencies, and other organizations responsible for the recruitment and employment of overseas Filipino seafarers shall be mandated to make every contract of employment, the computation and manner by which salaries are remitted to their allottees, and the specific privileges and benefits available in the contract of employment, accessible to their recruits or clientele.

All Filipino seafarers shall have access to an efficient, adequate and accountable system for finding employment on board ship without charge to the seafarer.

SEC. 7. *Right to Humane Conditions of Work and Right to Just Compensation.* The State shall guarantee overseas Filipino seafarers the right to humane conditions of work, the right to a safe and secure workplace that complies with safety standards, the right to decent working and living conditions on board ship, the right to health protection, medical care, welfare measures and other forms of social protection, the right to fair terms of employment and the right to standard salary commensurate to their rank, hours of work and other relevant basis for wage computation, minimum number of working hours, rest day, vacation pay, and "end-of-contract" pay in accordance with the agreement of the parties concerned and with existing domestic and international law.

SEC. 8. *Rights to Self-organization, to Engage in Collective Bargaining and to Participate in Democratic Exercises.* The State shall ensure Filipino seafarers, especially overseas Filipino seafarers, of 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, to include, but not limited to the CHED, TESDA, PRC, POEA, OWWA, MARINA.

SEC. 9. *Right to Legal Representation.* Overseas Filipino seafarers who are victims of illegal recruitment, illegal dismissal or suspension and other forms of violation of contracts shall have the right to free legal assistance and protection at government expense. Courts, administrative agencies, and other tribunals shall ensure a speedy and impartial disposition of their cases.

Every seafarer accused of committing any offense in violation of any provision of his or her contract has the right to due process, an impartial tribunal and administrative body, and an

expeditious payment of damages and liability in cases where the judgment is favorable to the Filipino seafarer.

SEC. 10. *Right to Repatriation.* Overseas Filipino seafarers shall have a right to be repatriated at no cost to them under the circumstances and/or conditions provided under Section 15, as well as other pertinent provisions, of R.A. 8042.

SEC. 11. *Right against Discrimination and other Rights and Privileges.* Equal remuneration for work of equal value shall apply to all overseas Filipino seafarers employed on the same ship without discrimination based upon race, color, sex, religion, political opinion, national extraction or social origin. All other rights and privileges of seafarers recognized or granted under the MLC 2006, and other subsequent conventions with even better rights and privileges for seafarers which may be approved by the International Labor Organization, the United Nations or other international bodies in the future, shall be enjoyed by overseas Filipino seafarers.

SEC. 12. *Right to Speedy Processing of All Documents and Claims.* The processing of all documents needed by, and claims of, Filipino seafarers shall be speedy and not subject to any unreasonable delay.

SEC. 13. *Right to Consultation on All Matters Affecting Seafarers.* Seafarers and seafarers' organizations shall be consulted by concerned government departments and/or agencies before adopting any policy, law, executive issuance, rule or regulation that may directly or indirectly affect them and/or their families and beneficiaries.

SEC. 14. *Right Against Being Charged and/or Treated as a Criminal Suspect in Accident and/or Pollution Cases.* No criminal case shall be filed against a seafarer and no seafarer shall be treated as a criminal suspect in accident and/or pollution cases unless there is a *prima facie* evidence that the said accident and/or the cause of the pollution is directly the result of the deliberate criminal deed of the seafarer concerned.

SEC. 15. *Right to Communication.* The right of the Filipino seafarer to communicate shall not be violated in any way, subject to reasonable restrictions that shall be stated in his employment contract which shall be clearly explained to him before the signing of the said contract.

SEC. 16. *Right of Seafarers, Seafarer-Applicants, Seafarer-Trainees, Cadets, Interns and Similar Persons Against Exploitation, Any Kind of Physical Harm, Hazing, Sexual Harrassment, Virtual Peonage, Slavery, Drudgery, Involuntary, Unpaid and/or Underpaid Servitude.* The right of seafarers, seafarer-applicants, seafarer-trainees, cadets, interns and similar persons against exploitation, any kind of physical harm, hazing, sexual harrassment, virtual peonage, slavery, drudgery, involuntary, unpaid and/or underpaid servitude shall be guaranteed by the state. Towards this end, the practice of subjecting the said persons to involuntary, unpaid and/or underpaid work or servitude and/or virtual peonage, slavery and drudgery shall henceforth be stopped and any work or servitude of the said persons shall henceforth be with fair and reasonable pay/remuneration and with proper observation/implementation of existing labor laws, rules and regulations. any kind of exploitation, physical harm, hazing and/or sexual harrassment against the said persons shall likewise be strictly prohibited.

CHAPTER III

PHILIPPINE SEAFARER ONE STOP PROCESSING CENTER

SEC. 17. *Philippine Seafarer One Stop Processing Center (PSOC).* The PSOC, as established under Administrative Order No. 56, and tasked to operationalize and make available

to the public, an integrated document processing center for the seafarers and the general public to conduct official transactions, shall have the services of the following government offices:

- a) Department of Foreign Affairs (DFA)
- b) Overseas Workers Welfare Administration (OWWA);
- c) Philippine Overseas Employment Administration (POEA)
- d) Department of Health (DOH)
- e) Commission on Higher Education (CHED);
- f) Professional Regulation Commission (PRC);
- g) Technical Education and Skills Development Authority (TESDA);
- h) Maritime Industry Authority (MARINA);
- i) National Telecommunications Office (NTC);
- j) Maritime Training Council (MTC);
- k) National Bureau of Investigation (NBI);
- l) Social Security System (SSS);
- m) Insurance Commission (IC)
- n) Philippine Health Insurance Corporation (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.

SEC. 18. *Rationalizing Government Systems and Procedures.* The government offices enumerated under Section 17 hereof shall, within three (3) months from the effectivity of this Act, and in consultation with Filipino seafarers' organizations, recruitment agency associations, and non-government organizations concerned, rationalize and streamline policies, rules, and procedures governing the documentation, licensing, certification, recruitment, hiring and deployment of overseas Filipino seafarers and the OFWs, in general.

Said offices, through the PSOC, shall enforce the streamlining of policies and procedures involved in overseas employment with the view of cutting the time required for documentary processing, simplifying licensing and certification procedures, and facilitating the extension of welfare and support services to their respective clients.

These streamlining efforts shall focus on, among others:

- a) Simplification of systems and procedures and reduction of documentary requirements;
- b) Implementation of the full disclosure policy;
- c) Formulation and implementation of a system of registration of overseas Filipino seafarers and other OFWs, the registration, accreditation, and licensing of private manning or crewing agencies, and all other related regulatory function;
- d) Elimination of unnecessary and duplicative requirements that go beyond the requirements as defined in the STCW 1978, as amended;
- e) Formulation of a regulated employment standard setting by prescribing minimum provisions of the employment contract, in conformity with labor standards under Philippine laws and regulations;
- f) Regulation placement fee policy;
- g) Formulation of rules that ensure speedy disposition of illegal recruitment cases;

- h) Development and implementation of an effective information program, in coordination with manning or crewing agencies for the purpose of informing the seafarers of their rights, obligations, benefits, and option attending to specific situations that they may face in the course of their employment; and
- i) Formulation of rules that shall further ensure the implementation of the law on the exemption from any tax of all the remittances into the country of overseas Filipino seafarers and the protection of said seafarers from vague, unnecessary and/or exorbitant remittance fees and charges and likewise rules that shall ensure that the rate of currency exchange, unless otherwise provided, shall, in accordance with laws or regulations, be at the prevailing market rate or the official published rate and not unfavorable to the seafarer.

CHAPTER IV MANDATORY REQUIREMENTS FOR FILIPINO SEAFARERS

SEC. 19. *Mandatory Minimum Requirements.* To be eligible for employment, a seafarer must:

- a) Be a Filipino Citizen;
- b) Be at least eighteen (18) years old;
- c) Be fit for duty as certified by the government-accredited institution authorized to conduct physical and medical examination for overseas employment without violating the basic right of a seafarer or seafarer-applicant to choose the government-accredited clinic that will perform the said physical, medical, optical and/or dental examination; *Provided*, that seafarers who have been refused a certificate or have had a limitation imposed on their ability to work, in particular with respect to time, field of work or trading area, shall be given the opportunity to have a further examination by another independent medical practitioner or by an independent medical referee duly certified as such by the Secretary of labor and employment; *Provided further*, that unless a shorter period is required by reason of the specific duties to be performed by the seafarer concerned or is required under STCW 1978, as amended, a medical certificate shall be valid for a maximum period of two (2) years unless the seafarer is under the age of eighteen (18), in which case the maximum period of validity shall be one (1) year and a certification of color vision shall be valid for a maximum period of six (6) years; *Provided finally*, that a medical certificate issued in accordance with the requirements of STCW 1978, as amended shall be accepted by the manning or crewing agencies and that the government-accredited clinics, manning or crewing agencies, medical practitioners, examiners, shipowners, seafarers' representatives and all other persons concerned with the conduct of medical fitness examinations of seafarer candidates and serving seafarers should follow the ILO/WHO guidelines for conducting pre-sea and periodic medical fitness examinations for seafarers, including any subsequent versions, and any other applicable international guidelines published by the International Labor Organization, the International Maritime Organization or the World Health Organization;
- d) Meet the qualification and certification requirements prescribed by the DOLE and the standard requirements under the STCW 1978, as amended, and other International Labor Organization-prescribed relevant standards;
- e) Be registered with and duly certified by the DOLE as eligible for overseas employment; and

- f) Comply with other qualification requirements as may be prescribed by the DOLE in keeping with international demands.

SEC. 20. Education. A Filipino seafarer must have successfully completed the required basic courses as provided for in the curriculum approved by the Commission on Higher Education or the TESDA. The implementing rules and regulations of this Act shall set the educational and/or training requirements for each classification of Filipino seafarers.

SEC. 21. Training. A Filipino seafarer must undergo and successfully complete the required basic training proper to his/her position as set forth under the STCW '95, as amended, and under the ILO Conventions of which the Philippines is a signatory, as prescribed by the competent government agency regulating maritime training.

Where in-service training and assessment of competence for the Filipino seafarer is required for purposes of certification under the STCW 1978, as amended, the person conducting the same either on board or ashore must meet the qualifications prescribed under the aforesaid section of the STCW 1978, as amended.

A seafarer shall not be permitted to work on a ship unless he has successfully completed training for personal safety on board ship with the appropriate certificate therefor.

The state shall ensure that requirements on training and upgrading as mandated by manning and crewing agencies for employment, reemployment or promotion purposes shall take into account the seafarers' right to spend quality time with his family. Trainings that are not specifically required by the employer in order for the seafarer to be able to do his job properly or that are not required by international conventions to be undergone by all seafarers shall not be made mandatory to all seafarers. The state shall first consult all seafarers' organizations before making any training mandatory to all seafarers.

CHAPTER V GOVERNMENT AGENCIES

SEC. 22. Role of Government Agencies. In addition to the provisions of Section 23 of R.A. 8042, as amended by R.A. 10022, the following government agencies shall perform the following to further promote the welfare and protect the rights of overseas Filipino seafarers and, whenever practicable, all overseas Filipinos:

- a) **Department of Foreign Affairs.** The DFA, through its home offices or foreign posts, shall take priority action or make representation with the foreign authority concerned to protect the rights of Filipino seafarers and other overseas Filipinos and extend immediate assistance, including the repatriation of distressed or beleaguered Filipino seafarers and other overseas Filipinos, and to encourage other countries to ratify the MLC 2006 or enact a law that will include most, if not all, the provisions of the said convention. The DFA shall consult the competent authorities of countries whose ships employ Filipino seafarers and/or where ports are located wherein ships that have Filipino seafarers on board are docking with the aim of providing and improving Filipino seafarers' welfare facilities and services, both in port and on board ships, and of organizing international sports competitions among overseas Filipino seafarers as well as international seminars on the subject of welfare of seafarers at sea and in port. The DFA, with the assistance of appropriate intergovernmental and other international organizations, shall endeavor, in cooperation with other countries, to achieve the greatest possible uniformity of action for the promotion of occupational safety and health protection, and prevention of accidents. Furthermore, the DFA shall make representations in countries employing Filipino seafarers or whose ships have Filipino seafarers on board with the end in view of ensuring that overseas Filipino seafarers are paid with at least the minimum wages that

are in conformity with internationally-set or accepted standards and that any Filipino seafarer who has any monetary claim or who has been paid at a rate lower than the minimum wage are enabled to obtain or recover said claim through an inexpensive and expeditious judicial or other procedure. The DFA shall also provide legal assistance to Filipino seafarers wherever and whenever such assistance is needed by them.

b) **Commission on Higher Education.** The CHED shall ensure the promotion of quality and efficiency in maritime education through advocacy and accountability.

(b.1) *Commission on Higher Education and the Technical Education and Skills Development Authority.* The CHED and the 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 '95, as amended.

(b.2) *Commission on Higher Education and Maritime Training Council.* The CHED, in coordination with MTC, 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.

c) **Department of Labor and Employment.** The DOLE shall ensure that labor and social welfare laws in foreign countries are fairly and faithfully applied to Filipino seafarers and whenever applicable, to other overseas Filipinos, including the grant of legal assistance and the referral to proper medical centers or hospitals:

c.1) *Maritime Training Council.* The MTC shall be responsible in the formulation, adoption and enforcement of regulatory measures for the observance of both the accredited training centers and agencies and the trainees to ensure quality standards and mechanisms of training and competence of overseas Filipino seafarers, adhering to the standards set by the STCW 1978 as amended or the International Convention on Standards of Training, Certification and Watch-keeping for Seafarers of 1978, as amended, in regular consultation with the organizations of accredited maritime training centers;

c.2) *Philippine Overseas Employment Administration.* In pursuit of promoting the well-being of the Filipino seafarers, the POEA shall:

a) Look into and improve on the working conditions and terms of employment of officers and crew members who are Filipino citizens and employed by foreign vessels;

b) 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;

c) Observe and conduct a comprehensive and updated system of pre-employment and pre-departure orientation seminars or briefings to seafarer job applicants, departing seafarers and other maritime workers scheduled for deployment to foreign vessels. It shall also undertake studies and distribute relevant materials for use in pre-employment and pre-departure orientation seminars of maritime workers and other related activities. All these shall be at

no cost to the seafarer job applicant, and the departing seafarer.

- d) Accredite, regulate and supervise pre-employment and pre-departure orientation seminars or briefings of authorized manning or crewing agencies;
 - e) Formulate and undertake programs and projects for the effective and efficient utilization of the seafarers' welfare fund;
 - f) Keep, analyze and publish a record or statistics of all occupational accidents, injuries and diseases wherein information on the numerical data, nature, causes and effects of the said accidents, injuries and diseases, whether at sea or in port, is included and following the system or model of recording such statistics established by the International Labor Organization;
 - g) Undertake research into general trends and into such hazards as are revealed by statistics in order to provide a sound basis for measures to promote occupational safety and health protection and prevention of accidents, injuries and diseases which are due to particular hazards of maritime employment;
 - h) Process and approve seafarers' employment contracts which shall strictly adhere to the pertinent provisions of this Act and the MLC 2006;
 - i) Informal blacklisting is not committed by any manning or crewing agency;
 - j) Provide services to assist overseas Filipino seafarers and their immediate dependents and families; and
 - k) Perform such other duties as may be essential in giving assistance to overseas Filipino seafarers and their families.
- d) **The Philippine Coast Guard.** The Philippine Coast Guard (PCG) shall ensure that provisions on seafarers' rights, working and living conditions, documentary requirements, safety, health and sanitary standards and all other provisions of this Act and of the MLC 2006 are being followed/implemented by all foreign-flag vessels, as part of the port state controlled inspection, that are within or entering the Philippine territory giving special attention to ships with at least one Filipino seafarer on board. The PCG shall have the power to prevent such ships that are found to be in violation of any provision of this Act or the aforementioned Convention from leaving Philippine territory and hold the said ships in a Philippine port until corrective measures have been implemented to the satisfaction of the competent authority/agency of the Philippine government. Towards these ends, the PCG shall conduct inspections of all foreign flag vessels that are within or entering the Philippine territory. The PCG shall take the necessary measures so that duly qualified technical experts and specialists may be called upon, as needed, to assist in the work of inspectors. During inspections, the PCG shall interview as many Filipino seafarers on board the ship being inspected as possible in order to ascertain their working conditions and/or grievances, if any, observe and detect any sub-standard working condition and/or violation of the MLC 2006 and/or Philippine laws, rules and regulations and refer them to the nearest appropriate government agency concerned which shall immediately implement the necessary measures to address the sub-standard working conditions, seafarers' grievances, and violations of the MLC 2006 and/or Philippine laws, rules and regulations before the said ship leaves the Philippine port/territory. The PCG shall hold an official inquiry into any serious marine casualty, leading to injury or loss of life, that involves the same ships that are

within or entering the Philippine territory. The final report of an inquiry shall be made public. A report becomes final after the DOTC has made a ruling on an appeal or, when no such appeal was filed, after the lapse of the reglementary period within which an appeal is required to be filed.

- e. **Maritime Industry Authority.** Pursuant to P.D. 474, MARINA, in collaboration and coordination with the DOLE, shall look into and promote improvements in the working conditions and terms of employment of the officers and crew vessels of Philippine registry, and of such officers and crew members who are Philippine citizens and employed by foreign vessels, as well as of personnel of other shipping enterprises, and to assist in the settlement of disputes between the owner or manager of these enterprises and their personnel.

SEC. 23. Filipino Seafarers' Research and Resource Center. The CHED shall coordinate with the University of the Philippines School of Labor and Industrial Relations (UP SOLAIR) and the National Maritime Polytechnic for the establishment of an interdisciplinary research and resource center on overseas Filipino seafarers affairs. The center shall primarily conduct studies and researches which shall enhance the well-being and interests of overseas Filipino seafarers and their competitiveness in the global maritime market.

CHAPTER VI DOCUMENTATION, LICENSURE AND EXAMINATIONS

SEC. 24. Documentation. Overseas Filipino seafarers are considered documented when they possess the following documents:

- 1) Seafarers Identification and Record Book (SIRB) and Certificate of Competency issued by the MARINA and the Seafarer's Registration Certificate (SRC) issued by the POEA;
- 2) Certificate of Completion of Training of prescribed courses issued by the accredited training centers and the valid Certificate of Competency issued by the PRC for marine officers and the TESDA for ratings and support level crew or by the assessment center duly accredited by the MTC;
- 3) Licensure Certificate if the seafarer is a marine officer;
- 4) Employment contracts that have been processed and approved by the POEA;
- 5) Such other documents as may be required by law.

SEC. 25. Licensure and Examination. The Professional Regulatory Commission (PRC) shall be the lead agency in administering licensure examinations and the issuance of such licensure certificates to Filipino seafarers in the officer level, except those categorized as Harbor Pilots and Major and Minor Patrons for local shipping which authority shall devolve to the MARINA.

The TESDA shall be the lead agency in administering examinations and the issuance of the necessary certifications to seafarers in the ratings level. The government agencies aforementioned shall formulate and undertake a systematic program of implementing government policies pertinent to the licensing of specific categories of seafarers.

The issuance of licenses and endorsement certificates to seafarers shall not require pre-conditions other than what are required under the STCW 1978, as amended, and other specific

laws enacted for the purpose of regulating the profession.

SEC. 26. *Integrated Documentation System.* The inter-agency committee created under Section 20 of R.A. 8042, as amended by R.A. 10022, shall develop an Integrated Documentation System (IDS) for the purpose of integrating and systemizing the documentation of education, training licensing, and certification among Filipino seafarers. Said IDS shall contain all relevant information on all seafarers including, but not limited to education, training, licensure examinations and certifications taken, data on active, inactive, disabled, licensed and unlicensed seafarers and those with pending labor and administrative cases. It shall be used by the seafarer in all his transactions with the government, manning or crewing agencies, and other pertinent bodies.

Such information system that shall connect their respective databases for the purposes of data storage, sharing, and generation pursuant to said Section 20 of R.A. 8042, as amended by R.A. 10022.

CHAPTER VII RECRUITMENT AND PLACEMENT

The Recruitment and Placement Industry

SEC. 27. *Private Sector Participation in the Recruitment and Placement of Filipino Seafarers.* Pursuant to national development objectives and in order to harness and maximize the use of private sector resources and initiative in the development and implementation of a comprehensive employment program, the private sector shall participate in the recruitment and placement of Filipino seafarers overseas; *Provided*, That such recruitment and placement procedures are consistent with the provisions stipulated under this Act, the Migrant Workers and Overseas Filipinos Act of 1995, as amended by R.A. 10022, and such other guidelines, rules and regulations as may be promulgated by the concerned government agencies; *Provided further*, that nothing in this section shall be deemed to prevent the state from maintaining a free public seafarer recruitment and placement service for Filipino seafarers in the framework of a policy to meet the needs of seafarers and shipowners, whether the service forms part of or is coordinated with a public employment service for all workers and employers.

SEC. 28. *Capitalization in the Recruitment and Placement Industry.* Individuals or corporations, partnerships or entities applying for license or authority or renewal thereof shall be required a minimum capitalization and such other requirements as may be prescribed by the DOLE.

The same shall be obliged to pay such escrow deposits and surety bonds, in an amount and conditions as may be prescribed by the DOLE to guarantee compliance with all terms and conditions of the contract of employment and applicable laws.

Individuals or corporations, partnerships or entities applying for license or authority or renewal thereof shall be required to pay the filing and registration fees as may be prescribed by the DOLE.

SEC. 29. *Non-Transferability of License.* No license or authority shall be used directly or indirectly by any person other than the one in whose favor it was issued or at any place other than that stated in the license, nor may such license or authority be transferred, conveyed or assigned to any person or entity except under such guidelines as may be prescribed by the DOLE.

Any transfer of business address, appointment or designation of any agent or representative, including the establishment of additional offices anywhere shall require prior approval from the DOLE. Individuals or corporations, partnerships or entities applying for license or authority or renewal thereof shall be required a minimum capitalization and such other requirements as may be prescribed by the DOLE.

approval from the Secretary of the DOLE.

SEC. 30. *Suspension and/or Cancellation of License or Authority.* The Secretary of the DOLE shall have the power to suspend or cancel and in both instances, impose fine any license or authority to recruit Filipino seafarers for overseas employment for violation of this Act or of other applicable provisions of laws, rules and regulations. In order to effectively exercise this power, the DOLE, through the POEA, shall establish an effective inspection and monitoring system for enforcing this Act and all laws, issuances and rules and regulations concerning seafarers/applicants.

SEC. 31.. *Persons and Entities Prohibited from Engaging in Recruitment and Placement Industry.* The following are prohibited from engaging, directly or indirectly, in recruitment and placement industry:

- a) Any official or employee of the DOLE, DFA and their attached agencies or other government agencies involved in the implementation of this Act, or their relatives within the fourth civil degree of consanguinity or affinity;
- b) Persons and entities engaged in the business of travel agency or engaged in business as sales agents of airline and/or shipping companies, or their officers, directors or partners.

SEC. 32. *Supervision and Control by the DOLE.* The DOLE, through POEA, shall closely supervise and control all overseas Filipino seafarer recruitment and placement services. Any licenses or certificates or similar authorizations for the operation of private services shall be granted or renewed only after verification that the seafarer recruitment and placement service concerned meets the requirements imposed under the laws and regulations. The POEA shall likewise clearly publicize costs, if any, which the seafarer will be expected to bear in the recruitment process.

SEC. 33. *Investigations of Complaints.* The POEA shall ensure that adequate resources and procedures exist for the investigation of complaints against seafarer recruitment and placement services.

SEC. 34. *Collection and Analysis of All Relevant Information on the Maritime Labour Market.* The POEA shall maintain an arrangement for the collection and analysis of all relevant information on the maritime labor market including the current and prospective supply of seafarers that work as crew classified by age, sex, rank and qualifications, and the industry's requirements, the collection of data on age or sex being admissible only for statistical purposes or if used in the framework of a programme to prevent discrimination based on age or sex.

SEC. 35. *Competence of Recruitment and Placement Services' Supervisory Staff.* The POEA shall ensure that the staff responsible for the supervision of public and private seafarer recruitment and placement services for ship's crew with responsibility for the ship's safe navigation and pollution prevention operations possess the adequate training, including approved sea-service experience, and have relevant knowledge of the maritime industry, including the relevant maritime international instruments on training, certification and labor standards.

SEC. 36. *Prescribing of Standards for Seafarer Recruitment and Placement Services.* The POEA shall prescribe operational standards and adopt codes of conduct and ethical practices for seafarer recruitment and placement services and exercise supervision of the licensing or certification system on the basis of a system of quality standards.

SEC. 37. *Collection and Analysis of All Relevant Information on the Maritime Labour Market.* The POEA shall maintain an arrangement for the collection and analysis of all relevant information on the maritime labor market including the current and prospective supply of seafarers that work as crew classified by age, sex, rank and qualifications, and the industry's requirements, the collection of data on age or sex being admissible only for statistical purposes or if used in the framework of a programme to prevent discrimination based on age or sex.

SEC. 37. *Adoption of Procedures by POEA to Ensure that Seafarers are Not Vulnerable to Exploitation.* The POEA shall prescribe procedures to be strictly followed by manning or crewing agencies to ensure that seafarers are not subjected to exploitation by the seafarer recruitment and placement services or their personnel with regard to the offer of engagement on particular ships or by particular companies and to prevent the opportunities for exploitation of seafarers arising from the issue of joining advances or any other financial transaction between the shipowner and the seafarers which are handled by the seafarer recruitment and placement services.

Recruitment and Placement Policies

SEC. 38. *Recruitment and Placement Policies.* Manning or crewing agencies engaged in private recruitment and placement services shall:

a) Ensure that no fees or other charges for seafarer recruitment or placement or for providing employment to seafarers are borne directly or indirectly, in whole or in part, by the seafarer, other than the cost of the seafarer obtaining a national statutory medical certificate, the national seafarer's book and a passport or other similar personal travel documents, not including, however, the cost of visas, which shall be borne by the shipowner;

b) Cause the reimbursement of any expenses incurred by the seafarer in connection with his/her documentation and processing for purposes of deployment, in the event that non-deployment is not the seafarer's fault or in the event of deployment or non-deployment in cases where the manning or crewing agency, in violation of the preceding paragraph (a), collected any fee or charge from the seafarer which is not allowed under this Act;

c) Ensure that Filipino seafarers' well-being and rights shall be the primary consideration in the recruitment and placement of seafarers;

d) Guarantee that recruitment, placement and deployment of Filipino seafarers shall not be made in jobs that are deemed inimical to their interests and to the Republic of the Philippines;

e) Specify, with due regard to the right to privacy and the need to protect confidentiality, the conditions under which the personal data of Filipino seafarers are processed by manning or crewing agencies including the collection, storage, combination and communication of such data to third parties;

f) Cease from furnishing or publishing any false notice or information or document in relation to recruitment and employment, including influencing or attempting to influence, whether deliberately or unintentionally, any person or entity not to employ any seafarer or the enforcement of a waiver of quit claims to any seafarer before, during and after employment, which act shall be deemed unlawful;

g) Cease from substituting or altering to the prejudice of the seafarer the employment contract approved and processed by the DOLE and withholding or denying travel or employment documents from applicant seafarer; and

h) Refrain from using means or mechanisms intended to prevent or deter seafarers from gaining employment.

SEC. 39. *Duties of Manning and Crewing Agencies.* It shall be incumbent upon

manning and crewing agencies to ensure that:

- a) Any seafarer recruited or placed by them is qualified and is in possession of the documents necessary for the job concerned;
- b) The contract of employment and articles of agreement are in accordance with the MLC 2006 and applicable laws and regulations and any collective bargaining agreement that forms part of the employment agreement;
- c) The Filipino seafarer is informed of his/her rights and duties under his/her contract of the employment and the articles of agreement prior to and in the process of engagement;
- d) Proper arrangements and opportunities are given for the Filipino seafarer to examine his/her contract of employment and the articles of agreement before and after he/she signed such pertinent documents and for him/her to receive a copy of the duly-signed contract of employment;
- e) Adequate information about the conditions attending to the situations on-board the vessel and overseas, as well as international laws and regulations which apply to the Filipino seafarer in the course of his/her employment or sojourn shall be provided to the seafarer, any of his/her relatives or to any individual, non-government organization or government agency that requests for such information;
- f) A registry of all seafarers recruited or placed through them shall be put in place and shall be available for inspection by the competent authority;
- g) As far as practicable, the shipowner has the means to protect seafarers from being stranded in a foreign port;
- h) They shall examine and respond to any complaint concerning their activities and advise the competent authority of any unresolved complaint;
- i) Their operations shall be in conformity with the standardized system of licensing or certification or other form of regulation prescribed by the implementing rules and regulations of this Act. This system shall be established, modified or changed only after consultation with the shipowners' and seafarers' organizations concerned. In the event of doubt as to whether the consolidated maritime labor convention applies to a private recruitment and placement service, the question shall be determined by the Secretary of labor and employment after consultation with the shipowners' and seafarers' organizations concerned;
- j) Filipino seafarers or seafarer-applicants are advised on the possible problems of signing on a ship that flies the flag of a state which has not ratified the MLC 2006, until it is satisfied that standards equivalent to those fixed by the said convention are being applied. measures taken to this effect shall not be in contradiction with the principle of free movement of workers stipulated by the treaties to which the two states concerned may be parties;
- k) An up-to-date list of the ships for which the seafarer recruitment and placement services provide seafarers are maintained and that there is a means by which the manning and crewing agencies can be contacted in an emergency at all hours;
- l) Procedures to ensure that requests for information or advice by families of seafarers

while the seafarers are at sea are dealt with promptly and sympathetically and at no cost;

m) The Filipino seafarers that they recruit/place serve only on ships that have the required documents and a sufficient number of seafarers on board to ensure that the said ships are operated safely and are manned by crews that are adequate, in terms of size and qualifications;

n) Informal blacklisting is not committed;

o) Procedures are adopted to verify that ventilation, heating, sleeping, food and catering, recreation, medical care, laundry, sanitary and other conditions and facilities onboard ships where Filipino seafarers are placed are in conformity with the MLC 2006 or applicable collective bargaining agreements concluded between a shipowner and a representative seafarers' organization and, as a matter of policy, supplying seafarers only to shipowners that offer terms and conditions of employment to seafarers which comply with applicable laws or regulations or collective agreements or the MLC 2006; and

p) Payments due to seafarers are made at no greater than monthly intervals and in accordance with any applicable collective agreement and that seafarers shall be given a monthly account of the payments due and the amounts paid, including wages, additional payments and the rate of exchange used where payment has been made in a currency or at a rate different from the one agreed to.

SEC. 40. *Violation of any of the Provisions of the Two Immediately Preceding Sections.*

An administrative finding by the POEA of any violation of any of the provisions of the two immediately preceding sections shall cause the manning or crewing agency concerned to suffer the penalty of cancellation of its license to operate in the Philippines.

Hiring, Deployment and Employment

SEC. 41. *Hiring by Certain Employers.* Members of the diplomatic corps, foreign governments and international organizations may hire Filipino seafarers; *Provided*, That the provisions of this Act and other applicable laws, guidelines, rules and regulations are followed.

SEC. 42. *Deployment of Overseas Filipino Seafarers.* The provisions on the deployment of migrant workers under Section 4 of R.A. 8042, as amended by R.A. 10022, shall govern the deployment of overseas Filipino seafarers.

SEC. 43. *Termination or Ban on Deployment.* Notwithstanding the provisions of the preceding section, in pursuit of the national interest or when public welfare so requires, the POEA Governing Board, after consultation with the Department of Foreign Affairs, may, at any time, terminate or impose a ban on the deployment of overseas Filipino seafarers.

SEC. 44. *Prohibition Against Indiscriminate Deployment of Filipino Seafarers.* The indiscriminate deployment of following Filipino seafarers shall be deemed prohibited:

a) Those below eighteen (18) years old or such minimum age requirement as may be determined by the DOLE consistent with internationally-recognized conventions;

b) Those medically diagnosed to be unfit to work for the job being applied;

c) Those technically non-qualified for overseas employment;

d) Those whose employment contract was not processed and approved by the POEA;

- e) Any other factor which the DOLE may deem prohibited consistent with internationally recognized conventions.

SEC. 45.. *Visitorial Powers of the DOLE.* The Secretary of the DOLE or his/her duly designated representative may, at any time, inspect vessels and ships within Philippine jurisdiction of the accredited principal/shipowner to determine compliance with safety standards and living conditions of seafarers.

CHAPTER VIII ILLEGAL RECRUITMENT

SEC. 46. *Illegal Recruitment and Penalties.* The provisions of Sections 6 and 7 of R.A. 8042, as amended by R.A. 10022, in their entirety, shall apply to any act of illegal recruitment, or any other prohibited act as defined and/or enumerated therein, committed against any overseas Filipino seafarer, and shall be meted with penalties as provided thereunder.

SEC. 47. *Prohibition on Officials and Employees.* It shall be unlawful for any official or employee of any government agency 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 Filipino seafarers, as defined under this Act. The penalties provided for under Section 8 of R.A. 8042 shall be imposed upon them.

SEC. 48. *Venue.* A criminal action arising from illegal recruitment as herein defined 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 commission of the offense.

SEC. 49. *Mandatory Period for Filing of Illegal Recruitment Cases.* The preliminary investigation of cases under this Act shall be terminated within a period of thirty (30) calendar days from the date of their filing. Where the preliminary investigation is conducted by a prosecution officer and a *prima facie* case is established, the corresponding information shall be filed in court within twenty-four (24) hours from the termination of the investigation.

SEC. 50. *Illegal Recruitment by Judge.* If the preliminary investigation is conducted by a judge and a *prima facie* case is found to exist, the corresponding information shall be filed by the proper prosecution officer within forty-eight (48) hours from the date of receipt of the record of the case.

SEC. 50. *Prescriptive Periods.* Illegal recruitment cases under this Act shall prescribe in ten (10) years after the commission of the prohibited act: *Provided, however,* That illegal recruitment cases involving economic sabotage as defined herein shall prescribe in twenty (20) years.

SEC. 51. *Free Legal Assistance; Preferential Entitlement Under the Witness Protection Program.* A mechanism for free legal assistance for victims of illegal recruitment shall be established in the anti-illegal recruitment branch of the POEA including its regional offices. Such mechanism shall include coordination and cooperation with the Department of Justice, the Integrated Bar of the Philippines, and other non-governmental organizations and volunteer groups.

Notwithstanding the provisions of Republic Act No. 6981 to the contrary, any person who is the a victim of illegal recruitment, or who is willing to be a witness in behalf of the government, shall be entitled to the Witness Protection Program provided thereunder.

CHAPTER IX CONDITIONS OF EMPLOYMENT

SEC. 52. *Employment Agreement.* The POEA and other concerned government agencies shall ensure that in every employment agreement entered into by overseas Filipino seafarers, the employer shall provide for a written agreement in English, which shall be drawn up with the seafarer concerning ship work. The agreement shall contain, among others, the following:

- a) The seafarer's full name, date of birth, age and birthplace;
- b) The shipowner's name and address;
- c) The place where and date when the seafarer's employment agreement is entered into;
- d) The wage agreed upon, including overtime pay their method of computation and manner of payment. in no case shall the parties agree to wages lower than the basic minimum wage prescribed by appropriate government agencies, in conformity with internationally-accepted standards, at the time of engagement;
- e) The amount of paid annual leave or, where applicable, the formula used for calculating it;
- f) The termination of the agreement and the conditions thereof, including: (i) if the agreement has been made for an indefinite period, the conditions entitling either party to terminate it, as well as the required notice period, which shall not be less for the shipowner than for the seafarer; (ii) if the agreement has been made for a definite period, the date fixed for its expiry; and (iii) if the agreement has been made for a voyage, the port of destination and the time which has to expire after arrival before the seafarer should be discharged;
- g) The health, safety and social security protection benefits to be provided to the seafarer by the shipowner including a provision that shall ensure that measures, in accordance with the MLC 2006, are in place on the ship to provide seafarers with a right to material assistance and support from the shipowner with respect to the financial consequences of sickness, injury or death occurring while they are serving under a seafarers' employment agreement or arising from their employment under such agreement which shall not affect any other legal remedies that a seafarer may seek;
- h) The seafarer's entitlement to repatriation and a provision that shall prohibit shipowners 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 laws or regulations or other measures or applicable collective bargaining agreements, to be in serious default of the seafarer's employment obligations;
- i) Reference to the collective bargaining agreement, if applicable;
- j) The capacity in which the seafarer is to serve;
- k) A provision stating that equal remuneration for work of equal value shall apply to all seafarers employed on the same ship without discrimination based upon race, colour, sex, religion, political opinion, national extraction or social origin;
- l) A provision stating that the seafarers' employment agreement, specifying the applicable wages or wage rates, shall be carried on board the ship and that information on the amount of wages or wage rates shall be made available to each seafarer by

h) The seafarer's entitlement to repatriation and a provision that shall prohibit shipowners 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

providing at least one signed copy of the relevant information to the seafarer in a language which the seafarer understands;

m) A provision stating that wages shall be paid in legal tender and, where appropriate, they may be paid by bank transfer, bank cheque, postal cheque or money order;

n) A provision stating that on termination of engagement, all remuneration due shall be paid without undue delay;

o) For seafarers whose wages are fully or partially consolidated, a provision which shall specify clearly the number of hours of work expected of the seafarer in return for this remuneration, and any additional allowances which might be due in addition to the consolidated wage, and in which circumstances;

p) A provision stating that adequate penalties shall be borne by the employer or other appropriate remedies shall be given the seafarer when shipowners delay deliberately and unduly, or fail to make, payment of all remuneration due;

q) A provision stating that wages shall be paid directly to the seafarer's designated bank account unless the seafarer requests otherwise in writing;

r) A provision stating that the shipowner shall impose no limit on the seafarer's freedom to dispose of his/her remuneration except when there is express provision in laws or regulations or in an applicable collective agreement and the seafarer has been adequately informed of the conditions for such deductions;

s) A provision stating that the deductions shall not in total exceed the limit that may have been established by laws or regulations or collective agreements or court decisions for making such deductions and that no deductions shall be made from a seafarer's remuneration in respect of obtaining or retaining employment;

t) A provision stating that monetary fines against seafarers other than those authorized by laws or regulations, collective agreements or other measures shall be prohibited;

u) A provision stating that, at the request of the seafarer, the competent authority shall have the power to inspect stores and services provided on board ship to ensure that fair and reasonable prices are applied for the benefit of the seafarer or seafarers concerned;

v) A provision stating that, to the extent that seafarers' claims for wages and other sums due in respect of their employment are not secured in accordance with the provisions of the International Convention on Maritime Liens and Mortgages, 1993, such claims should be protected in accordance with the protection of Workers' Claims Convention, 1992.

w) A provision that shall ensure that the ship shall carry on board and serve food and drinking water of appropriate quality, nutritional value and quantity that adequately covers the requirements of the ship and takes into account the differing cultural and religious backgrounds and that seafarers on board the ship shall be provided with food free of charge during the period of engagement;

x) A provision that shall ensure that all seafarers on ships are covered by adequate measures for the protection of their health and that they have access to prompt and adequate medical care whilst working on board and that the said protection and care shall be provided at no cost to the seafarers;

y) A provision that shall state that the seafarer, while sailing within a POEA-declared high-risk zone or zones, shall receive double the amount of his basic wage, overtime pay, and leave pay and that on any death, injury or illness while sailing within the said zone or zones, the seafarer shall also be entitled to a double amount of compensation and benefits. the same provision shall also state that the higher pay and higher death and disability compensation and benefits provided herein shall be limited to the duration of vessel's transit through the high risk zone or zones and in case of detention of the seafarer, the duration thereof, and that the master must immediately notify his shipowner and/or manning agent and the crew on board the date and time of his vessel's entry and exit from the coverage of the POEA-declared high risk zone or zones and, likewise, that the master shall inform the seafarer of the voyage passing through the high risk area as soon as the voyage schedule is known;

z) Provisions on adequate leave and rest periods in conformity with the standards set by the MLC 2006; and

aa) The duration of the employment contract.

The terms and conditions for employment of an overseas Filipino seafarer shall be set out or referred to in a clear written legally enforceable agreement and shall be consistent with the standards set out in the MLC 2006 providing the seafarer with decent working and living conditions on board the ship, among others. The shipowner and seafarer concerned shall each have a signed original of the seafarers' employment agreement.

The minimum notice period to be given by the overseas Filipino seafarers and the shipowners for the early termination of a seafarers' employment agreement shall not be shorter than seven (7) days. A notice period shorter than the minimum may be given in circumstances which are recognized under the implementing rules and regulations of this Act or the applicable agreements as justifying termination of the employment agreement at shorter notice or without notice. In determining those circumstances, the implementing rules and regulations of this Act shall include provisions that shall ensure that the need of the seafarer to terminate, without penalty, the employment agreement on shorter notice or without notice for compassionate or other urgent reasons is taken into account.

SEC. 53. *POEA-Prescribed Seafarers' Employment Agreement.* The POEA shall prescribe a sample seafarer's employment agreement which shall strictly adhere to the standards set by this Act and the MLC 2006 especially on, but not limited to, salaries and wages and the payments and remittances thereof, and which shall also contain all the necessary provisions for the adequate protection and well-being of Filipino seafarers, including, but not limited to, mandatory Social Security System (SSS) coverage of all Filipino seafarers with employers' contributions and mandatory insurance coverage as approved by the Insurance Commission (IC) which shall include all the benefits provided for in R.A. 10022 as a minimum. The manning or crewing agencies shall see to it that any and all seafarers' employment agreements that are processed and/or consummated in the course of their recruitment and placement activities shall strictly adhere to the aforementioned convention of 2006 and to the said sample agreement prescribed by the POEA as a minimum guarantee for the protection of Filipino seafarers. Furthermore, the said employment agreement shall contain, among others, a provision that all seafarers shall be paid for their work regularly and in full in accordance with their employment agreements, safeguards against prolonged exposure to vibration on board ship and provisions on seafarers' complaint/grievance handling procedures, on-shore and on-board, and masters'/captains'/employers' disciplinary procedures that shall comply with at least the minimum requirements of the aforementioned convention in order to ensure maximum possible protection of all Filipino seafarers. Nothing in this section shall be deemed to prevent the

negotiation and/or consummation of such agreements that may contain higher than the minimum standards set by the POEA and/or the consolidated Maritime Labor Convention of 2006.

SEC. 54. *Voluntary and Free Acceptance of Agreement.* Overseas Filipino seafarers signing a seafarers' employment agreement shall be given an opportunity to examine and seek advice on the agreement before signing, as well as such other facilities as are necessary to ensure that they have freely entered into an agreement with a sufficient understanding of their rights and responsibilities.

SEC. 55. *Collective Bargaining Agreements (CBAs).* To the extent compatible with Philippine law and practice, overseas Filipino seafarers' employment agreements shall be understood to incorporate any applicable CBAs. In furtherance of this, the POEA shall undertake measures to ensure that where a collective bargaining agreement forms all or part of a seafarers' employment agreement, a copy of that agreement shall be available on board and where the language of the seafarers' employment agreement and any applicable collective bargaining agreement is not in English, the following shall also be available in English: (a) a copy of a standard form of the agreement; and, (b) the portions of the collective bargaining agreement that are subject to a port state inspection.

SEC. 56. *Accessibility of Information and Record of Employment On Board Ship and in Ports to be Visited.* The POEA shall undertake measures to ensure that clear information as to the conditions of overseas Filipino seafarers' employment can be easily obtained on board by seafarers, including the ship's master. Such information, including a copy of the seafarers' employment agreement, is also accessible for review by officers of a competent authority, including those in ports to be visited, both local and foreign. Seafarers shall be given a document containing a record of their employment on board the ship.

SEC. 57. *Seafarer Compensation for Ship's Loss or Foundering, Hours of Work, Overtime Work and Pay, Leaves and Shipboard Working Arrangements.* The manning or crewing agencies shall ensure that the standards set by the MLC 2006 concerning overseas Filipino seafarer compensation for the ship's loss or foundering, hours of work, overtime work and pay, entitlement to leaves and shipboard working arrangements are met in any and all seafarers' employment agreements that are processed and/or consummated in the course of their recruitment and placement activities.

SEC. 58. *Salaries, Wages, Allotment and Remittances.* All overseas Filipino seafarers shall be paid for their work regularly and in full in accordance with their employment agreements. It shall be mandatory for them to remit a portion of their earnings to their families, dependents, and/or beneficiaries in accordance with rules and regulations prescribed by the Secretary of DOLE.

SEC. 59. *Limitations on Wage Deductions.* A deduction from the Filipino seafarer's wages shall not be made without his/her written consent, unless the deduction is provided for in the contract of employment and is authorized by law.

SEC. 60. *Rest Periods.* A seafarer shall be allowed reasonable rest periods in accordance with international standards and the Labor Code. He/she shall be entitled to adequate time for rest and sleep. The period of rest shall, during any 24-hour period, amount to not less than 10 hours.

SEC. 61. *Shore Leave.* The seafarer shall be allowed shore leave when practicable, upon the consent of the master or deputy, taking into consideration the operation and safety of the vessel and the seafarer.

SEC. 62. *Short Manning and Saved Wages.* In the event that the whole or part of the voyage is carried out with a smaller crew than what was previously appointed, or if the number of the active members of the crew is reduced prior to or during the voyage, the wages saved due to this circumstances shall be distributed proportionately among the members of the active crew who assumed additional work resulting therefrom.

SEC. 63. *Personal Effects.* A seafarer may bring a reasonable number of articles for personal use: *Provided, however,* That this does not involve inconvenience to the ship or cargo or pose any health risk on board. If the seafarers' personal effects are lost or damaged as a result of shipwreck, loss or stranding, abandonment of the vessel, or as a result of fire, flooding, collision or piracy, the employer shall reimburse him / her for said loss or damage.

CHAPTER X HEALTH AND SAFETY

SEC. 64. *Prevention of Health Hazards.* Work on board the vessel must be organized and executed in such a manner that the seafarer's protection is ensured. When a seafarer is assigned to work, due regard shall be paid to his qualifications to undertake the work on a safe and sound basis. Provisions shall be made to ensure that the seafarer is well-informed of the hazards inherent in the work, and that he is given the proper guidance and adequate practice necessary to avoid such hazards.

SEC. 65. *Sanitary Conditions.* Measures should be undertaken to ensure cleanliness and proper hygiene on board. The master shall ensure that the crew is provided a well-balanced diet. He should also guarantee that the crew receives the necessary vaccination or inoculation as required by the circumstances or the laws of the country of which the vessel may enter.

SEC. 66. *Health and Prevention of Accidents.* Practical measures should be taken by the Maritime Training Council to bring to the attention of young seafarers information concerning the prevention of accidents and the protection of their health on board ships. Such measures could include adequate instruction in courses, official accident prevention publicity intended for young persons and professional instruction and supervision of young seafarers.

SEC. 67. *Harmful Substances.* Education and training of young seafarers both ashore and on board ships should include guidance on the detrimental effects on their health and well-being of the abuse of alcohol and drugs and other potentially harmful substances, and the risk and concerns relating to HIV/AIDS and of other health risk related activities.

SEC. 68. *Medical Examination and Medical Service.* A seafarer engaged to perform services on board shall secure a medical certificate to the effect that he is not suffering from any illness or mental or physical defect rendering him unfit for work or which may constitute danger to other persons on board. Any member of the crew may also be required to submit to a medical examination, at the expense of the ship owner, should the master have reason to believe that such examination is necessary to monitor and maintain the health and environmental conditions on board the vessel.

SEC. 69. *Protection from Sexual Harassment.* It shall be the duty of the master and the employer to prevent the commission of acts constituting sexual harassment and to provide measures for the resolution, settlement or prosecution of acts of sexual harassment.

Sexual harassment is herein defined as an act committed by an employer, employee, supervisor, agent of the employer, any other person who, having authority, influence or moral ascendancy over another in a work, training, cadetship, internship environment demands, requests or otherwise requires any sexual favor from another, regardless of whether the and on board ships should include guidance on the detrimental effects on their health and well-being of the abuse of alcohol and drugs and other potentially harmful substances, and the risk and concerns relating to HIV/AIDS and of other health risk related activities.

demand, request or requirement is accepted by the subject of the said act.

CHAPTER XI SOCIAL WELFARE SERVICES AND BENEFITS

SEC. 70. *Partial Disability.* In case of partial disability of the overseas Filipino seafarer during the term of his/her employment caused by either injury or illness, the seafarer shall be compensated in accordance with the schedule of the benefits prescribed by the law. Computation of his/her benefits arising from an illness or disease shall be governed by the rates and the rules of compensation applicable at the time the illness or disease was contracted.

The employer shall, upon request, furnish the seafarer a copy of all pertinent medical reports or records at no cost to the latter.

SEC. 71. *Permanent Disablement or Death.* In the event of death or permanent disablement of the overseas Filipino worker within the duration of his/her employment contract, the seafarer shall be, at the minimum, compensated in accordance with the schedule of benefits, standards and procedures provided under the compulsory insurance policy as mandated in Section 86 hereof.

SEC. 72. *Seafarer's Loan Guarantee Fund.* The OWWA, in coordination with government financial institutions, shall institute financing schemes that will expand the grant of pre-departure loan and family assistance loan to overseas Filipino seafarers in accordance with Section 21 of RA No. 8042. All other laws, rules and regulations and OWWA board resolutions that may be enacted/adopted in the future, which shall grant OWWA loans to overseas Filipino workers and/or their families/beneficiaries, shall be deemed to include Filipino seafarers working abroad and/or their families/beneficiaries.

SEC. 73. *Housing and Provident Benefits.* Seafarers shall be provided access to the government's housing program through membership in the Home Development Mutual Fund (Pag-ibig Fund).

SEC. 74. *Care of the Sick or Injured.* In case of illness or injury during the term of employment, the master shall arrange for the seafarer to receive proper nursing care on board or ashore, including medical attention, medicines and attention.

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

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

SEC. 75. *Care for Repatriated Seafarers.* If after repatriation, the overseas seafarers still require medical attention arising from said injury or illness, he shall be so provided, at cost to the employer until such time he is declared fit and the degree of his disability has been established by the employer-designated physician.

For this purpose, the seafarer shall submit himself to a post-employment medical examination by a company-designated physician within three (3) working days upon his return except when he is physically incapacitated to do so, in which case, a written notice to the agency within the same period is deemed as compliance. Failure of the seafarer to comply with the

mandatory reporting requirement shall result in his forfeiture of his right to claim the above benefits.

SEC. 76. *Social Security Benefits.* All overseas Filipino seafarers shall be members of the welfare fund of the Overseas Workers Welfare Administration (OWWA), the Pag-ibig Fund (Home Development Mutual Fund), the Social Security System (SSS) and the Philippine Health Insurance Corporation (Philhealth).

SEC. 77. *Welfare Facilities And Services.* The Department of Labor And Employment, in coordination with the Department of Transportation and Communications, Philippine Ports Authority and other relevant government agencies shall ensure the provision of such welfare facilities and services as may be required, in appropriate ports/airports of the country to be known as seafarers' welfare centers. The DOLE, in coordination with the aforementioned agencies shall take measures designed to expedite the free circulation among ships, seafarers, central supply agencies and welfare establishments of welfare materials such as films, books, newspapers and sports equipment for use by seafarers on board their ships and in welfare centers ashore. International seminars on the subject of welfare of seafarers at sea and in port shall be organized. Where appropriate, facilities for religious observances, legal services and personal counselling shall be provided in the said welfare centers.

CHAPTER XII DISCIPLINARY AND DISPUTE SETTLEMENT PROCEDURE

SEC. 78. *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;
- b) To make operational on board the vessel the grievance machinery provided in this contract and ensure its free access at all times by the seafarer; and
- c) To ensure the protection and safety of seafarers at all times.

SEC. 79. *Duties of the Seafarer.*

- a) To faithfully comply with and observe the terms and conditions of his contract, violations of which shall be subject to disciplinary sanctions;
- b) To treat the ship and the cargo with proper care out his duties as a whole with due responsibility;
- c) To comply with company rules, regulations and policies consistent with the rules and regulations issued by the DOLE;
- d) To conduct himself in an orderly and respectful manner towards passengers and shippers stevedores, port authorities and other persons official business with the ship. Each shall treat his / her colleagues on board with due consideration; and
- e) To observe the grievance procedure outlined in this Act.

SEC. 80. *Disciplinary Procedures.* The employer/master shall serve seafarers with a written notice containing the grounds for the charges as well as the date, time and place for a

formal investigation of the charges against the seafarer concerned.

The employer/master or his/her authorized representative shall conduct the investigation or hearing, giving the seafarer the opportunity to explain or defend himself against the charges. An entry on the investigation shall be made in the ship's logbook. If, after the investigation or hearing, the employer/master is convinced that the imposition of a penalty is justified, the employer/master shall issue a written notice of penalty and the reason therefor to the seafarer, with copies furnished to the manning or crewing agency which deployed the said seafarer.

The aggrieved seafarer may appeal in writing within a period of five (5) days from the date the master rendered decision to a Grievance Resolution Committee composed of one (1) representative from the ratings to be chosen by the concerned seafarer, one (1) representative from the officer level to be chosen by the master, and one (1) neutral party to be agreed on by the concerned seafarer and shipmaster.

The Grievance Resolution Committee shall review the appeal within a period of not more than fifteen (15) days from the date of appeal. Execution of judgment is deemed suspended upon filing of the appeal.

SEC. 81. *Grievance Machinery.*

a) If the seafarer considered himself aggrieved, he shall make his complaint in accordance with the following procedures:

1. The seafarer shall approach the head of the Department in which he is assigned to explain his grievance;
2. The seafarer shall state his grievance in writing and in an orderly manner, and shall choose a proper time when his complaint or grievance can be properly heard;
3. The Department Head shall seek to resolve the complaint or grievance and, where solution is not possible at his level refer the complaint or grievance to the Master;
4. If the seafarer is not satisfied with the decision of the Master, he may appeal to the Grievance Resolution Committee which shall be composed of the one (1) representative from the ratings to be chosen by the concerned seafarer, one (1) representative from the officer level to be chosen by the Master, and one (1) neutral party to be agreed on by the concerned seafarer and shipmaster;
5. The Grievance Resolution Committee shall seek to address and resolve the grievance within a period of fifteen (15) days upon receipt of written appeal;
6. If no satisfactory result is achieved, the seafarer concerned may appeal to the management of the company or with a Philippine Labor Attache or consular officer overseas; and
7. The master shall afford such facilities necessary to enable the seaman to transmit his appeal.

b) The grievance machinery shall be availed of by the parties to the dispute irrespective of whether or not their contractual relationship is covered by a collective bargaining agreement. The procedure shall be a condition precedent prior to the assumption by the voluntary arbitrator or panel of voluntary arbitrators or the labor arbiter of their original

and exclusive jurisdiction. When availed by the seafarer, the grievance procedure and all actions or decisions agreed upon shall be properly documented for the protection and interest of both parties. Speedy resolution of cases shall be given utmost priority.

c) The grievance resolution committee shall include, among others in its resolution, order or decision a certification of whether or not the relationship of the parties to the dispute are covered by a collective bargaining agreement, and the referral of the dispute to the appropriate venue.

SEC. 82. *Dispute Settlement.* The procedure herein stated shall be without prejudice to the other actions that may be brought by the seafarer before the jurisdiction of the concerned regular courts and/or NLRC; or to the exclusive and original jurisdiction of the voluntary arbitrator or panel of arbitrators appointed from the accredited voluntary arbitrators of the National Conciliation and Mediation Board (NCMB) of DOLE.

SEC. 83. *Voluntary Arbitration.* Pursuant to the constitutional mandate on the preferential use of voluntary modes of dispute settlement, the DOLE shall adopt procedural guidelines in the conduct of voluntary arbitration proceedings involving the maritime sector, and promote the use of voluntary arbitration as a mode to achieve speedy resolution of cases.

SEC. 84. *Money Claims.* All claims arising out of an employer-employee relationship or by virtue of any law or contract involving Filipino seafarers for overseas deployment including claims for actual, moral, exemplary and other forms of damages shall be governed by the provisions of Section 10 of R.A. 8042, as amended by R.A. 10022.

SEC. 85. *Prescriptive Period.* Recognizing the particular nature of overseas shipboard employment, all monetary claims arising from the overseas Filipino seafarer's contract shall prescribe within three (3) years from the date of the seafarer's return to the point of hire.

CHAPTER XIII
MANDATORY LIABILITY INSURANCE POLICY

SEC. 86. *Mandatory Liability Insurance Coverage.* The State shall establish a system of protection, by way of insurance to compensate seafarers for monetary loss that they may incur as a result of the failure of a recruitment and placement service or the relevant shipowner under the seafarers' employment agreement to meet its obligations to them. Towards this end, each overseas Filipino seafarer shall be covered by a compulsory insurance policy at no cost to the said worker. Such insurance policy shall be effective for the duration of the migrant worker's employment contract and shall cover at the minimum all the benefits stated under Section 37-A of R.A. 8042, as amended by R.A. 10022.

Only reputable private life, non-life and composite insurance companies duly licensed and accredited by the Insurance Commission (IC) which are in existence and operational for at least ten (10) years, with a net worth of at least Five Hundred Million Pesos (P500,000,000.00) based on the audited financial statement submitted and approved under the Philippine Financial Reporting Standards (PFRS), with a current year certificate of authority and with an IC-approved policy, shall be qualified to provide for this insurance coverage.

Insurance companies who have directors, partners, officers, employees or agents with relatives within the fourth civil degree of consanguinity or affinity who work or have interest in any of the recruitment/placement/manning agencies or in any government agencies involved in the overseas employment program shall be disqualified from providing this insurance coverage.

The recruitment/placement/manning or crewing agency shall have the right to choose from any of the qualified and accredited insurance providers the company that will insure the seafarer it will deploy. After procuring such insurance policy, the agency shall provide an authenticated copy thereof to the seafarer. It shall then submit to the POEA the certificate of insurance coverage duly approved by the Insurance Commission as a requirement for the issuance of an Overseas Employment Certificate (OEC) to the seafarer.

Any foreign insurance company shall also be qualified to provide for the same insurance coverage, in favor of the seafarer, provided that they have a local office or subsidiary doing business in the Philippines and it conforms with current regulations of the Securities and Exchange Commission (SEC) and the Insurance Commission. Insurance coverage for the benefit of Filipino seafarers by foreign entities shall be strictly regulated by the Insurance Commission.

Any claim arising from accidental death, natural death or disablement shall be paid by the insurance company without any contest and without the necessity of proving fault or negligence of any kind on the part of the insured seafarer. Any question of dispute in the enforcement of any insurance policy issued in favor of the overseas Filipino seafarer shall be brought before the IC for mediation or adjudication regardless of the amount involved, and any decision agreed upon in said mediation or adjudication shall be immediately executory not later than thirty (30) days, notwithstanding the availability of appeal that may be resorted to by the insurance company or by the employer of the seafarer. In the event that the insurance company or foreign employer fails to accede to the said decision by non-payment of the stated compensation in favor of the seafarer or delay or by any means or strategy employed to negate, defeat, dilute or delay IC's order or decision, the manning agency shall be made liable for the same amount. Any amount of compensation awarded in favor of the Filipino seafarer shall not be reduced by way of another proceeding in another government agency that may be filed by either party to the dispute.

All the standards and procedures mentioned in the filing and settlement of claims from the insurance coverage under R.A. 10022, including its Omnibus Rules and Regulations and the Insurance Guidelines, are hereby incorporated to institute an orderly and effective system of resolution and satisfaction of claims.

CHAPTER XIV POST EMPLOYMENT

SEC. 87. Termination of Employment. The employment of the overseas Filipino seafarer shall cease when he/she:

- a) Completes his/her period of contractual service aboard the vessel, signs off from the vessel and arrives at the point of hire;
- b) Arrives at the point of hire for any of the following reasons:
 - i) Voluntarily resigns for just cause and signs off prior to expiration of contract;
 - ii) Signs-off and disembarks for health reasons;
 - iii) Signs-off due to shipwreck, lay-up of vessel, change of vessel or discontinuance of voyage; or
 - iv) Is discharged for just cause.

SEC. 88. Termination by the Seafarer. a) A seafarer may terminate the employer-employee relationship based on any of the following conditions:

- i) The ship is not seaworthy;
- ii) The principal changes;

- iii) The vessel is sold;
 - iv) The vessel is shipwrecked;
 - v) The seafarer has been ill-treated on board and the master has failed to protect him when requested to do so;
 - vi) The voyage is discontinued or substantially altered;
 - vii) After the seafarer starts on board, it appears that the ship risk being seized by a belligerent power or exposed to war damage, or that such risk is imminent or has increased considerably; and
 - viii) After the seafarer starts on board, it appears that a violent epidemic disease has broken out in the port for which the ship is bound;
- b) In cases mentioned in paragraph (a), subparagraph (vi)-(viii) hereof, the seafarer may take his/her departure with immediate effect if the voyage has not commenced or otherwise at the ship's first port of call after he has become aware of the situation.

SEC. 89. *Prohibition against Transfer of Station.* An overseas Filipino seafarer shall not be transferred at any port to any vessel owned or operated, manned or managed by the same employer without the seafarer's consent. In the event that the seafarer concerned consents with such transfer, the position of the seafarer and the rate of his/her wages and terms of services shall, in no way, be lower or inferior and the total period of employment shall not exceed that original agreed upon. Any form of transfer shall be documented and reported by the manning or crewing agency to the POEA.

SEC. 90. *Post-Employment Benefits.* Whenever applicable, in addition to the benefits a Filipino seafarer may be entitled to under the OWWA and the SSS, a retiring overseas Filipino seafarer covered by collective bargaining agreement shall be entitled to such post-employment benefits as may be provided in his/her contract or agreement.

An overseas Filipino seafarer who is not covered by a collective bargaining agreement, on the other hand, may, upon notice to his/her manning or crewing agency and principal, authorize the deduction of a specified percentage of his/her monthly wages to form part of his/her voluntary contribution to the post-employment fund. The amount to be deducted shall be placed in an account in the name of the contributing seafarer.

CHAPTER XV REPATRIATION

SEC. 91. *Repatriation.* All costs related to the repatriation and/or transport of the personal effects of an overseas Filipino seafarer shall be covered by the compulsory insurance policy mandated in Section 86 hereof.

SEC. 92. *Emergency Repatriation.* The OWWA, in coordination with the DFA and appropriate international agencies, shall undertake the repatriation of overseas Filipino seafarers in cases of war, epidemics, disasters or calamities, natural or man-made, and other similar events without prejudice to reimbursement by the responsible principal or manning/crewing agency. Filipino seafarers who are detained in a foreign port shall be dealt with promptly under due process of law and shall be provided by the DFA with appropriate consular protection and shall be repatriated promptly, especially when the family of the seafarer or the seafarer himself requests immediate repatriation.

SEC. 93. *Mandatory Repatriation of Underage Seafarers.* The provisions on mandatory repatriation of underage migrant workers under Section 16 of R.A. 8042, as amended by R.A. 10022, shall also apply to overseas Filipino seafarers.

SEC. 94. *Legal Assistance Fund.* The Legal Assistance Fund created under Section 25 of R.A. No. 8042, as amended by R.A. 10022, shall also be utilized to extend legal services to an overseas Filipino seafarer who is in distress in accordance with the guidelines, criteria and procedures promulgated therein.

CHAPTER XVI REINTEGRATION SERVICES

SEC. 95. *Retraining and Reintegration.* Returning or unemployed Filipino seafarers may avail of the livelihood development/re-training programs and placements services offered by concerned government agencies, including OWWA and TESDA, TRC, and the CDA.

These agencies shall formulate skills upgrading or retraining curricula to meet the needs of returning or unemployed Filipino 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.

SEC. 96. *Establishment of Reintegration Center.* The National Reintegration Center for Overseas Filipino Workers established under Section 18 of R.A. 8042, as amended by R.A. 10022, shall attend to the needs of returning Filipino seafarers.

SEC. 97. *Scholarship Programs.* Qualified Filipino seafarers or their immediate descendants, who intend to pursue science and technology related courses may apply for scholarships with the OWWA which shall benefit deserving overseas Filipino 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.

CHAPTER XVII COMPLIANCE AND ENFORCEMENT

SEC. 98. *Compliance and Enforcement.* All vessels employing seafarers shall comply with the provisions of this Act and its implementing rules and regulations. The shipowner or master shall be made principally liable for any violation of the provisions of this Act. To ensure effective compliance, the inspection of all vessels, whether coastal or ocean-going, or whether locally-owned or foreign, shall be made by duly authorized representatives from the DOLE, PCG, MARINA and DOH at any time. A representative of any government-recognized seafarers union shall also be allowed to participate in the said inspection, provided that his/her participation is only limited to a "observer's status" for the sole purpose of supporting any documented complaint that was previously filed by any of its members and provided, further, that such status shall be approved by any representative of the aforesaid agencies prior to an inspection that shall be conducted.

Similar to the authority of the PCG as earlier stated in Section 22 of this Act, any representative of these agencies may order the detention of a ship for a serious violation or breach of any provision under this Act and under current laws, and even without the concurrence of the other representatives duly authorized for such purpose. Each representative shall also have the power to order the immediate correction of, and impose fine for, any violation or breach of the provisions of this Act, including the investigation of any complaint for the same.

CHAPTER XVIII

SEC. 99. Nothing in this Act shall be constructed to delimit, dilute or affect the current effect of compliance, the inspection of all vessels, whether coastal or ocean-going, or whether locally-owned or foreign, shall be made by duly authorized representatives from the DOLE, PCG, MARINA and DOH at any time. A representative of any government-recognized seafarers union shall also be allowed to participate in the said inspection, provided that his/her

functions and powers of any government agency tasked in ensuring the promotion of the welfare, safety and protection of the Filipino seafarer. For better coordinative functions among various government agencies involved in the implementation of the provisions of this Act, each concerned agency shall designate or hire and train the necessary personnel for such purpose.

CHAPTER XIX PENAL PROVISIONS

SEC. 100. Any government official and personnel who fails or refuse to render service(s) and/or assistance to overseas Filipino seafarers without just cause shall, after due notice and hearing, and if found guilty, be punished with suspension from office of not less than thirty (30) days or dismissal from the service with forfeiture of retirement and other benefits.

SEC. 101. Any shipowner, master, their representatives or other person who delays, denies or refuses any representative of the aforementioned agencies to gain access to, board and inspect the ship or any part thereof, shall be punished with a fine of not less than Five Hundred Thousand Pesos (PhP 500,000.00) or imprisonment of not less than six (6) months, or both at the discretion of the court.

CHAPTER XX TRANSITORY PROVISIONS

SEC. 102. *Implementing Rules and Regulations.* The departments and agencies charged with carrying out the provisions of this Act, except as otherwise provided herein, in consultation with the Senate Committee on Labor and Employment and the House of Representatives Committee on Overseas Workers Affairs, shall, within ninety (60) days after the effectivity of this Act, formulate the necessary rules and regulations for its effective implementation.

SEC. 103. *Separability Clause.* If any provision of this Act is declared unconstitutional, the remaining provisions shall continue in force.

SEC. 104. *Repealing Clause.* All laws, presidential decrees, or issuances, executive orders, letters of instruction, rules or regulations inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 105. *Effectivity Clause.* This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) newspapers of general circulation, whichever comes first.

Approved,