



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



EIGHTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 7418

Introduced by CIBAC Party-List Representatives
EDUARDO "BRO. EDDIE" C. VILLANUEVA and DOMINGO C. RIVERA

AN ACT INSTITUTING THE MAGNA CARTA OF FILIPINO SEAFARERS

EXPLANATORY NOTE

Article XIII, Section 3 of the 1987 Philippine Constitution provides that the State shall afford full protection to labor, local, and overseas. One category of these overseas workers are the seafarers whose numbers have steadily increased throughout the years.

In fact, the Philippines is known to be one of the largest supplier of seafarers in the world,¹ and the seafarers' contribution to the Philippine economy is undeniable with their remittances. According to the *Bangko Sentral ng Pilipinas* (BSP), Filipino seafarers have remitted over USD6.53 billion in 2019² alone. Despite their significant contributions, however, they are often overshadowed by the country's land-based overseas workers.

In addition, the country's current laws protecting migrant workers, particularly Republic Act No. 8042, as amended, also known as the Overseas Filipinos and Migrant Workers Act, do not adequately address the needs of seafarers, especially considering the peculiar circumstances that they are facing while working aboard ocean-going ships. For example, Filipino seafarers face the risk of abuse, exploitation

¹ Global Supply and Demand for Seafarers. International Chamber of Shipping.

² Overseas Filipinos' Cash Remittances. Bangko ng Sentral ng Pilipinas. Available at <http://www.bsp.gov.ph/statistics/keystat/ofw2.htm> (Date last accessed: July 26, 2020).

and contract violations by their employers in the open seas with limited access to welfare services from Philippine embassies abroad.

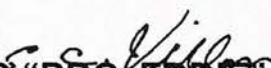
Thus, there is a need to prioritize and promote the welfare and the protection of the rights of Filipino seafarers. This bill, among others, seeks to establish the rights of seafarers; enumerate the duties of employers, seafarers and government agencies; and setting minimum standards for the training, accommodation, work facilities, education, repatriation, occupational safety and health of seafarers.

This bill also mandates the Philippine Overseas Employment Administration and the Maritime Industry Authority to maintain a registry of seafarers. On the other hand, the Department of Labor and Employment is mandated to formulate the Maritime Occupational Safety and Health Standards (MOSHS) pursuant to the provisions of Republic Act No. 11058, otherwise known as the "Occupational Safety and Health Law" and pertinent maritime conventions and treaties ratified by the Philippines.

During the celebration of the 2020 Day of the Seafarers in June, the International Maritime Organization (IMO) called on the Member States "to recognize seafarers as key workers – and to provide them with the support, assistance and travel options open to all key workers during the pandemic."³

This bill is an answer to IMO's call.

In view of the foregoing, the immediate approval of this bill is highly recommended.


HON. EDUARDO "BRO. EDDIE" C. VILLANUEVA


HON. DOMINGO C. RIVERA

³ UN Day of the Seafarer highlights sacrifice of key workers at sea during pandemic. International Maritime Organization. Available at <http://www.imo.org/en/MediaCentre/PressBriefings/Pages/20-DOTS-2020.aspx> (date last accessed: July 27, 2020).



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SEAFARERS**

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

**CHAPTER I
DECLARATION OF POLICY**

SECTION 1. Short Title. – This Act shall be known as the "Magna Carta of 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 Filipino seafarers as essential maritime professionals and their vulnerabilities, and afford them full protection before, during and after their employment;
- (b) To maintain and progressively develop a pool of competent and world-class seafarers through a system of education, training, accreditation and licensing;
- (c) To establish mechanisms for the enhancement of administrative, adjudicative, social, and welfare services for them and their families;
- (d) To enact laws that adopt, and implement the standards set by international conventions and agreements on working and living conditions, and occupational

safety and health, among others, for seafarers particularly the Maritime Labour Convention, 2006; and

- (e) To recognize ship owners, and recruitment and placement entities as vital partners in promoting the skills, competencies and rights and welfare of Filipino seafarers.

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

CHAPTER II GENERAL PROVISIONS

SEC. 3. Coverage. – This Act shall cover:

- (a) All Filipino seafarers engaged, employed, or working in any capacity, on-board Philippine or foreign-registered ships, except those engaged, employed or working in the following categories of ships:
 - (1) Warships and naval auxiliaries;
 - (2) Government ships not engaged in commercial operations;
 - (3) Ships of traditional built, as may be defined under existing rules and regulations; and
 - (4) Fishing vessels as may be defined by appropriate rules and regulations to be issued by the Department of Labor and Employment (DOLE) in consultation with relevant stakeholders.
- (b) All Filipino seafarers on-board Philippine registered domestic ships shall be covered primarily by equivalent provisions of the Labor Code of the Philippines, as amended, and related social and welfare benefits law. For this purpose, the DOLE shall issue the appropriate rules and regulations to govern the employment of domestic seafarers.

SEC. 4. Definition of Terms. – As used in this Act, the following terms shall have the following meaning:

- (a) **Cadet** refers to the student of maritime educational institutions who is required to undergo training on-board registered international or domestic ships to fulfil a maritime academic course, maritime degree or certification requirement;
- (b) **Deck Officer** refers to an officer qualified in accordance with Chapter II of the International Convention on the Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW, 1978), as amended;

- (c) **Domestic Shipping** refers to the transport of passenger or cargo or both by ships duly registered and licensed under Philippine law to engage in trade and commerce between Philippine ports and within Philippine territorial or internal waters for hire or compensation with general or limited clientele, whether permanent, occasional or incidental with or without fixed routes and done for contractual or commercial purposes;
- (d) **Engine Officer** refers to an officer qualified in accordance with Chapter III of the International Convention on the STCW, 1978 as amended;
- (e) **International Maritime Convention or International Convention** refers to any written treaty or agreement, or any protocol or amendment thereto, affecting the maritime industry which has come into force and effect, including the Maritime Labour Convention, 2006;
- (f) **Maritime Industry Stakeholders** refer to all private sector stakeholders, engaged in the business of owning, managing, chartering or operating domestic and international ship(s) of Philippine or foreign registry, manning of ships, management of ports, stevedoring and arrastre services, ship brokering and chartering, ship-building and ship repair, providing maritime services such as ship supplies and provisions, maritime education and training, shipping agency, and other similar activities. This term shall also include *bona fide* maritime labor organizations and professional associations of seafarers;
- (g) **Maritime Labor Certificate** refers to the document that certifies that the working and living conditions of the seafarers on the ship have been inspected and are compliant with the requirements of Philippine laws and regulations;
- (h) **Maritime Labour Convention, 2006, or MLC, 2006** refers to the consolidated Maritime Labor Convention approved by the International Labor Organization (ILO) in 2006 and ratified by the Philippines on August 20, 2012;
- (i) **Master** refers to a person having command of a ship and acts as the shipowners' representative;
- (j) **Officer** refers to a member of the crew other than the master who has been designated as such by national law or regulation or, in the absence of such designation, by collective agreement or custom;
- (k) **One-Stop Service Center for OFWs** refers to the one-stop centers in various parts of the country where government frontline services are made accessible to Overseas Filipino Workers (OFWs), including seafarers. Agencies at these centers shall include the Department of Labor and Employment (DOLE), Department of Foreign Affairs (DFA), Philippine Overseas Employment Administration (POEA), Overseas Workers Welfare Administration (OWWA), Technical Education and Skills Development Authority (TESDA), Professional Regulation Commission (PRC), Maritime Industry Authority (MARINA), Home Development Mutual Fund (HDMF), Philippine Health Insurance Corporation (PhilHealth), Social Security System (SSS), Philippine Statistics Authority (PSA), Bureau of Immigration (BI), National Bureau of Immigration (NBI), Commission

on Higher Education (CHED), Philippine National Police (PNP), and Bureau of Internal Revenue (BIR);

- (l) **Point of Hire** refers to the place indicated in the contract of employment, and which shall be the basis in determining the commencement and termination of the contract;
- (m) **Recognized Organizations** refer to organizations recognized by the DOLE to carry out inspections or issue the Maritime Labour Certificate in accordance with the scope of activities covered by their authorizations;
- (n) **Repatriation** refers to the process of returning a seafarer to the point of hire;
- (o) **Seafarer** refers to any person who is employed or is engaged to work in any capacity on board a ship covered under this Act;
- (p) **Sea-Going Ship** refers to a ship other than those which navigate exclusively in inland water or in water within or closely adjacent to sheltered water, or areas where port regulations apply;
- (q) **Ship or Vessel** refers to any kind, class or type of craft or artificial contrivance capable of floating in water, whether publicly or privately owned, ordinarily engaged in commercial activities and offshore operations, except fixed platform;
- (r) **Shipowner** refers to the owner of the ship employing Filipino seafarers to work on board domestic ships and ships engaged in international trade, 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, and who, in assuming such responsibilities, has agreed to take over all the attendant duties and responsibilities of a shipowner under this Act, regardless of whether any other organization or persons fulfill certain duties or responsibilities on behalf of the shipowner; and
- (s) **Maritime Accident** refers to any unforeseen occurrence or physical event connected to the navigation, operations, maneuvering or handling of ships, or the machinery, equipment, material, or cargo on board such ships which may result in the detention of seafarers.

CHAPTER III SEAFARER'S RIGHTS

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

- (a) A safe and secure workplace that complies with safety standards;
- (b) Decent working and living conditions on-board a ship;
- (c) Medical care and confirmatory tests, welfare measures and other forms of health and social protection; and

- 1
2 (d) Fair terms and conditions of employment, including salary commensurate to their
3 rank, hours of work, paid sick leave or sickness benefits, minimum number of
4 working hours and rest periods consistent with Philippine laws or international
5 maritime conventions.
6

7 **SEC. 6. Right to Self-organization, to engage in Collective Bargaining and to**
8 **Participate in Democratic Exercises.** – Seafarers shall enjoy the right to self-
9 organization, to collectively bargain and to participate in the deliberation of issues and
10 in the formulation of policies that affect them, including the guarantee of representation
11 in governing boards or appointment in government instrumentalities.
12

13 **SEC. 7. Right to Educational Advancement and Training at Reasonable and**
14 **Affordable Costs.** – Seafarers shall have access to educational advancement and
15 training at reasonable and affordable costs.
16

17 Toward this end, relevant government agencies shall:
18

- 19 (a) Regulate the operation of all educational and training institutions offering courses
20 related to seafaring;
21
22 (b) Pursue grant programs such as scholarships, subsidies, loan assistance and
23 other measures that will harness the skills of Filipino seafarers toward greater
24 competitiveness given the new demands in the industry; and
25
26 (c) Promote quality maritime education and training that respond to the needs of the
27 industry and in accordance with minimum international maritime standards of
28 competency.
29

30 In addition, any fee or other charges imposed on cadets, interns, apprentices,
31 on-the-job trainees or other persons similarly situated shall be charged to maritime
32 institutions.
33

34 **SEC. 8. Right to Information.** – Shipowners, manning agencies, and other
35 organizations responsible for the recruitment and placement of Filipino seafarers shall
36 provide seafarers relevant information, including the terms and conditions of
37 employment, company policies affecting seafarers, obligations of seafarers, conditions
38 and realities attending to their profession, and laws and regulations of countries
39 covered by their sojourn. In addition, the seafarers must, at all times, be furnished a
40 copy of the results of medical examination conducted on him/her. This right shall also
41 include the right of seafarers' organizations to relevant information affecting the terms
42 and conditions of employment of their members.
43

44 All ships covered by this Act shall have a copy of the Maritime Labour
45 Convention, 2006, the grievance procedures available on-board and when there is a
46 collective bargaining agreement, a copy of such agreement which shall be readily
47 accessible to the seafarers.
48

49 **SEC. 9. Right to Consultation.** – Seafarers, shipowners and legitimate seafarers'
50 and shipowners' organizations, as well as other maritime stakeholders, shall be

adequately consulted before adopting any maritime policy, executive issuance, rules or regulations or in the enactment of any maritime law that may directly affect the seafarers and/or their families and beneficiaries.

SEC. 10. Right Against Discrimination. – Upon employment, seafarers shall have the right to be protected from discrimination on the sole basis of race, age, sex, religion or political opinion. Career opportunities shall be promoted and appropriate working and living conditions shall be guaranteed equally among male and female seafarers.

SEC. 11. Right to Free Legal Representation. – Seafarers whose rights, as guaranteed under this Act, or whose contracts have been violated, who cannot afford the services of a competent and independent counsel, shall have the right to free legal assistance and protection at government's expense, subject to existing rules and regulations.

SEC. 12. Right to Access to Communication. – Seafarers, especially during their free time or when they are not on duty shall have reasonable access to ship-to-shore telephone communications, email and internet facilities, where available.

SEC. 13. Right to Record of Employment or Certificate of Employment. – At the expiration of the employment contract of the seafarer, he/she shall have the right to be given a record of his/her employment on board the ship, or a certificate of employment, specifying the length of service, the position the seafarer occupied, and such other relevant information.

SEC. 14. Right to Fair Treatment in the Event of a Maritime Accident. – In the event of a maritime accident, seafarers shall be treated fairly and shall be entitled to all the rights under the ILO/IMO 2006 Guidelines on Fair Treatment of Seafarers in the Event of a Maritime Accident, Annex to IMO Resolution A. 1056 (27) of November 30, 2011.

CHAPTER IV SEAFARER'S DUTIES

SEC. 15. Duties of a Seafarer. – Seafarers shall have the following duties:

- (a) To comply with and observe the terms and conditions of the employment contract;
- (b) To abide by lawful and reasonable company personnel policies;
- (c) To be obedient to the lawful commands of the Master or any persons who shall lawfully succeed him/her, and to comply with the relevant policies on safety and operational procedures and instructions on board the ship or while ashore;
- (d) To be diligent in the performance of duties relating to the ship, its stores, equipment and cargo, whether on board, in transit or ashore;

- (e) To be, at all times, orderly and respectful to the shipmates, passengers, shippers, stevedores, port authorities, and other persons who have official business with the ship; and
- (f) To be personally responsible for maintaining a healthy lifestyle.

CHAPTER V MINIMUM REQUIREMENTS FOR SEAFARERS

SEC. 16. Minimum Age. – No person below eighteen (18) years old, other than a cadet, shall be employed, engaged, or otherwise allowed to work on board Philippine and foreign-registered ships.

SEC. 17. Medical Certificates. – No seafarer shall be employed, engaged, or otherwise allowed to work on board a domestic or ocean-going ship unless a medical certificate has been issued declaring the seafarer to be fit to work.

For this purpose, the seafarer shall hold a valid medical certificate issued by a medical facility duly accredited by the Department of Health (DOH) in accordance with its existing rules and regulations.

The medical certificate shall certify that the person is expected to be able to meet the minimum requirements to perform the duty specific to the person's post at sea safely and effectively during the validity of the certificate.

During the course of the medical examination, the seafarer shall have the responsibility of answering truthfully all questions relating to his/her medical condition and/or medical history, including previous known illness, injury, or medical treatment, and to make a complete inventory of medication prescribed to him/her by physicians.

For the purposes of this Section, a medical certificate issued in accordance with the requirements of STCW shall be accepted.

SEC. 18. Training and Qualifications. – Only seafarers certified by appropriate government agencies shall work, be employed or be engaged on-board a ship.

SEC. 19. Recruitment and Placement. – Only duly licensed manning or placement and recruitment agency shall be allowed to operate and engage in the recruitment and placement of seafarers, in accordance with rules and regulations as may be issued by the Secretary of Labor and Employment.

In all cases, no amount or fee shall be charged to the seafarer in the recruitment and placement.

CHAPTER VI TERMS AND CONDITIONS OF EMPLOYMENT

SEC. 20. Standard Employment Contract for Seafarers. – There shall be an agreement in writing between the shipowner and the seafarer, which shall include, but not be limited to, the following information and terms:

- (a) Seafarer's full name, date of birth, age, birthplace and address;
- (b) Seafarer's Record Book Number and Seafarer's Identity Document Number;
- (c) Shipowner's name and address;
- (d) Place where and date when the seafarer's employment agreement is entered into;
- (e) Duration of the contract;
- (f) Point of hire;
- (g) Capacity in which the seafarer is to be employed;
- (h) Amount of the seafarer's salary, and the formula used for calculating the same;
- (i) Hours of work and hours of rest;
- (j) Wages and wage-related benefits, which shall include overtime pay, holiday pay, vacation leave pay, premium pay, paid leaves, 13th month pay, if applicable;
- (k) Social security and welfare benefits;
- (l) Stipulation on repatriation or similar undertakings;
- (m) Separation pay and retirement pay, if applicable;
- (n) Reference to the collective bargaining agreement, if applicable; and
- (o) Other benefits in accordance with law, company policy or agreements.

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

For ocean-going Philippine-registered ships or foreign-registered ships, the POEA shall issue a Standard Employment Contract (SEC), as approved by the DOLE, containing the minimum standards to be observed in the employment of Filipino seafarers. The SEC shall be reviewed and updated regularly and must, at all times, be consistent with the Maritime Labour Convention and other existing treaties and conventions governing seafarers, which the Philippines has ratified.

SEC. 21. Hours of Work and Hours of Rest. – The normal hours of work of a seafarer shall not exceed eight (8) hours a day with one (1) rest day per week. If the seafarer is required to work beyond eight (8) hours, the maximum hours of work shall not exceed fourteen (14) hours in any 24-hour period, and seventy-two (72) hours in any seven-day period.

1 The minimum hours of rest for every seafarer shall not be less than ten (10) hours
2 in a 24-hour period. The hours of rest may be divided into two periods, one of which
3 shall be at least six (6) hours in length, and the interval between the two periods of
4 rest shall not exceed fourteen (14) hours.

5
6 In exceptional cases, seafarers in watchkeeping duties may be required to work
7 beyond fourteen (14) hours: *Provided*, That the rest period is not less than seventy
8 (70) hours in any seven-day period; *Provided further*, That such watchkeeping duties
9 shall not be allowed for more than two (2) consecutive weeks; *Provided, finally*, That
10 the intervals between the two (2) periods shall not be less than twice the duration of
11 the exception.

12
13 **SEC. 22. Paid Annual Leave.** – Unless a higher annual leave is already provided in
14 the employment contract, or under a collective bargaining agreement (CBA) or by the
15 shipowner as company practice or policy, the seafarers shall be paid an annual leave
16 to be calculated on the basis of a minimum of 2.5 calendar days per month of
17 employment; *Provided*, That the following shall not be counted as part of the annual
18 paid leave:

- 19
20 (a) Public and customary holidays of the Philippines, whether or not they fall during
21 the paid annual leave;
22
23 (b) Periods of incapacity for work (i) resulting from illness or injury; (ii) due to
24 maternity or paternity leave in accordance with law;
25
26 (c) Temporary shore leave granted to a seafarer while employed; or
27
28 (d) Compensatory leave of any kind.

29
30 **SEC. 23. Wages.** – The minimum wage applicable to Filipino seafarers onboard
31 ocean-going ships of Philippine or foreign registry shall be as provided in the POEA
32 SEC, which in no case be lower than the prevailing industry standard on ocean-going
33 seafaring wage rates for officers and ratings, and regularly paid in full at intervals not
34 greater than once a month.

35
36 **SEC. 24. Remittance of Wages.** – Shipowners shall provide the appropriate facilities
37 and assistance to the seafarer to enable the seafarer to remit his/her wages to his/her
38 designated allottee/s in the Philippines through any authorized Philippine bank or
39 financial intermediary; *Provided*, That such allotment shall not be less than eighty
40 percent (80%) of the seafarer's monthly basic salary.

41
42 **SEC. 25. Limitations on Wage Deductions.** – A deduction from the seafarer's wages
43 shall not be made without his/her written consent, unless the deduction is provided for
44 in the contract of employment and/or is authorized by law.

45
46 **SEC. 26. Personal Effects.** – A seafarer may bring a reasonable number of articles
47 for personal use on-board the ship: *Provided*, That this act shall not inconvenience the
48 ship or cargo or pose any risk on board the ship. If the seafarers' personal effects are
49 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 in accordance with the international standards.

SEC. 27. Social Welfare Benefits. – Without prejudice to established policy, collective bargaining agreement or other applicable social agreement, all seafarers shall be covered by the Social Security System (SSS), Employees' Compensation and State Insurance Fund, PhilHealth, HDMF or Pag-IBIG Fund and other applicable social protection in accordance with law.

CHAPTER VII ACCOMMODATION, RECREATION FACILITIES, FOOD AND CATERING IN SHIPS

SEC. 28. Application. – The requirements of this Chapter for crew accommodation and recreation facilities covering ships of Philippine Registry shall be applicable to the following:

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

SEC. 29. Accommodation Facilities. – Unless otherwise exempted herein or by appropriate regulations, all ships to which Filipino seafarers are sent on-board to work, whether Philippine or foreign-registered, shall have safe, decent and adequate accommodations for seafarers taking into account the need to protect the health and safety of seafarers working or living on board the ship.

SEC. 30. Requirements for Sanitation. – All ships to which Filipino seafarers are deployed to shall have sanitation facilities that meet the minimum standards for health and hygiene, which shall be accessible to seafarers on board. The sanitation facilities shall be located at convenient places, allowing for easy access to work stations. As far as practicable, separate facilities shall be provided for male and female crew.

SEC. 31. Recreation Facilities. – Unless otherwise exempted herein or by appropriate regulations, all ships to which Filipino seafarers are deployed to shall have recreation facilities, amenities, and services that are appropriate and accessible for seafarers; *Provided*, That domestic ships shall be exempted from this requirement considering that their trading patterns and length of voyages allow their crew to go home or to make use of comparable facilities on land.

SEC. 32. Food and Catering. – All ships covered under this Act to which Filipino seafarers are deployed to shall ensure protection and promotion of the health of the seafarer. Shipowners shall ensure that ships carry on-board and serve free food and drinking water of appropriate quality, quantity and nutritional value that adequately cover the requirements of the ship and take into consideration the differing cultural and religious backgrounds. The foods and drinks and the preparation thereof shall be in accordance with the standards of the Sanitation Code of the Philippines and pertinent laws, rules and regulations and/or with international standards. In all cases, the ship's cooks shall be trained and qualified.

CHAPTER VIII MEDICAL CARE AND MARITIME OCCUPATIONAL SAFETY AND HEALTH STANDARDS

SEC. 33. Medical Care On-board Ships and Ashore. – The shipowner shall provide adequate medical facility, equipment, paraphernalia and medical supplies, including medicines on board, and shall ensure access to shore facilities for the health of seafarers, as well as the corresponding medical or trained personnel who shall provide first-aid and medical care.

The medicine chest and its contents, the medical equipment, and the medical guide on board shall be maintained and inspected regularly to ensure that labeling, expiry dates, and conditions of storage of all medicines, and the directions for their use are checked, and all equipment are functioning properly.

The shipowner shall ensure that seafarers have access to medical treatment for any illness or injury, hospitalization and dental treatment.

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

SEC. 34. Financial Security System to Assist Seafarers in case of Occupational Injury and Other Causes. – In accordance with the Maritime Labor Convention, 2006 on Financial Security for vessels, the shipowner shall provide an expeditious and effective financial security system to assist seafarers in the event of their abandonment and to assure compensation for contractual claims in the event of death or long-term disability of seafarers due to an occupational injury, illness or hazard.

CHAPTER IX TERMINATION OF EMPLOYMENT

SEC. 35. Termination of Employment. –

- (a) The employment of Filipino seafarers on-board Philippine-registered ships operating internationally, as well as those on-board foreign-registered ships shall cease when the seafarers complete their period of contractual service aboard the ship, signs-off from the ship and arrive at the point of hire.
- (b) The employment is also terminated effective upon arrival at the point of hire for any of the following reasons:

- (1) When the seafarer signs-off and is disembarked for medical reasons in the event the seafarer is declared: (i) fit for repatriation; or (ii) when after an illness, the seafarer is declared fit to work, but the employer is unable to find employment for the seafarer on-board the ship originally boarded or another ship of the employer;
- (2) When the seafarer signs-off due to sale of the ship, lay-up of ship, discontinuance of voyage or change of ship principal;
- (3) When the seafarer voluntarily resigns in writing and signs-off prior to expiration of contract within a reasonable period as may be prescribed in the implementing rules and regulations of this Act; or
- (4) When the seafarer is discharged for just causes in accordance with the provisions of the POEA standard employment contract.

CHAPTER X SETTLEMENT OF DISPUTES

SEC. 36. On-board and Onshore Grievance Machinery. – All ships of Philippine registry shall establish a grievance machinery and a fair, effective and expeditious on-board and on-shore procedures, at no cost to the seafarer, for the resolution of grievances or complaints.

Any grievance or complaints shall first be referred to the appropriate grievance mechanism established in accordance with this Act. In cases where a seafarer is a member of a legitimate trade union organization and covered by a collective bargaining agreement, he/she shall be assisted by a union designated representative in the proceedings. Any agreements reached by the parties at the grievance proceedings shall be final and binding.

SEC. 37. Mandatory Conciliation - Mediation. – In the absence of an agreement or settlement at the grievance machinery level, Filipino seafarers engaged, employed or working on-board ships of Philippine registry or other registries, shall avail of the conciliation-mediation services pursuant to Republic Act No. 10396, otherwise known as "An Act Strengthening Conciliation-Mediation as a Voluntary Mode of Dispute Settlement for all Labor Cases, Amending for this Purpose Article 228 of Presidential Decree No. 442, as amended, Otherwise Known as the 'Labor Code of the Philippines'" and its implementing rules and regulations by filing a request for conciliation-mediation before the POEA, or at the appropriate Regional Branch of the National Conciliation and Mediation Board (NCMB) or the National Labor Relations Commission (NLRC).

SEC. 38. Maritime Industry Labor Arbitration. – The seafarer, whether or not covered by a collective bargaining agreement (CBA), or the shipowner or manning agent, may manifest before the conciliator-mediator to submit the complaint for Voluntary Arbitration, or to endorse the same before the appropriate regional branch of the NLRC for Compulsory Arbitration, in case the parties failed to agree on a compromise settlement.

For this purpose, a pool of trained maritime industry conciliator-mediators and experts shall be made available by the DOLE at the POEA, NCMB and NLRC. It shall also establish, in consultation with the maritime industry stakeholders, accreditation standards for Maritime Industry Voluntary Arbitrators that require competence, integrity and knowledge of the Philippine and global maritime industry practices and standards, MLC, 2006, and related Philippine ratified conventions and treaties.

CHAPTER XI REPATRIATION

SEC. 39. Seafarers' Repatriation. – Should the need for repatriation of the seafarers arise, all costs related to the repatriation and transport of the personal effects of seafarers, including the provision on financial security in case of abandonment of seafarers, shall be borne by or charged to the shipowner or the manning agency concerned to expedite the repatriation without prior determination of the cause of repatriation or termination of the seafarer's employment.

SEC. 40. Repatriation Expenses; Advance and Recovery. – The repatriation expenses that shall be borne by or charged to the shipowner or the manning agency concerned shall include:

- (a) pay and allowances from the moment the seafarers leave the ship until they reach the repatriation destination;
- (b) accommodation and food during the journey to the repatriation destination;
- (c) transportation charges, the normal mode of transport should be by air;
- (d) deployment cost of the principal; and
- (e) Immigration fees, fines and penalties.

However, after the seafarer has returned to the country, the shipowner or manning agency concerned may recover the cost of repatriation from the seafarer if the termination is determined to be solely due to his or her fault.

SEC. 41. Quarantine and Medical Expenses in Repatriation Due to Infection, Epidemics or Pandemic. – Before or during the process of repatriation, the expenses of medical care and board and lodging for periods spent by seafarers in self-isolation or in quarantine, whether or not the seafarers have symptoms, have been exposed or are quarantined as a safety precaution, must be covered by the shipowner or manning agency until the seafarers have been duly repatriated to the repatriation destination. Thereafter, medical care and quarantine expenses after repatriation to the destination shall be covered by the OWWA.

SEC. 42. Repatriation Destination. – The repatriation destination, at the option of the seafarers, may either be the place indicated in the SEC as the point of hire, or the place stipulated under the collective bargaining agreement.

1 **SEC. 43. Emergency Repatriation for Seafarers On-board Foreign Registered**
2 **Ships.** – In cases of war, epidemics, abandonment of ship by shipowners, natural or
3 manmade disasters or calamities, and other similar events, the Department of Foreign
4 Affairs (DFA), in coordination with the POEA and OWWA, and in appropriate situations
5 with international agencies, shall undertake the repatriation of seafarers.
6

7 The DFA shall draw from the Emergency Repatriation Fund (ERF) provided
8 under the General Appropriations Act (GAA) to defray the expenses involved in the
9 repatriation of seafarers while the POEA shall require the manning agencies to effect
10 the repatriation of seafarers within forty-eight (48) hours, unless prevented from doing
11 so for justifiable or valid reasons. A manning agency that fails to repatriate a seafarer
12 within the prescribed period without justifiable cause shall suffer the penalty of
13 suspension or cancellation of license in accordance with pertinent rules and
14 regulations
15

16 In case of failure of the manning agency to provide the repatriation within the
17 prescribed time, the POEA shall coordinate with the OWWA to advance the cost of
18 repatriation of the seafarers without prejudice to reimbursement from the concerned
19 manning agency within sixty (60) days from notice.
20

21 **SEC. 44. Prescription of Entitlement to Repatriation.** – Entitlement to repatriation
22 may lapse if the concerned seafarers do not claim it within the period prescribed in the
23 implementing rules and regulations or collective bargaining agreement, if any, except
24 when such seafarers are held captive on or off the ship as a result of acts of piracy or
25 armed robbery against the ship, or are incapable to travel due to illness, injury or
26 incapacity.
27

28 **CHAPTER XII** 29 **REINTEGRATION OF OVERSEAS FILIPINO SEAFARERS** 30

31 **SEC. 45. Reintegration.** – Returning or unemployed overseas Filipino seafarers may
32 avail of the livelihood development, training programs and placements services
33 offered by concerned government agencies, including OWWA, Technical Education
34 and Skills Development Authority (TESDA), National Maritime Polytechnic (NMP),
35 Commission on Higher Education (CHED) and other relevant government agencies
36 providing training.
37

38 These agencies shall formulate skills upgrading or retraining curricula to meet
39 the needs of returning or unemployed seafarers. The participation of the maritime
40 industry, in particular, port and shipping industry, and maritime educational institutions
41 shall be likewise solicited by the DOLE in devising the appropriate retraining and local
42 job placement programs for unemployed seafarers.
43

44 The National Reintegration Center for OFWs (NRCO) shall attend to the needs
45 of returning seafarers. For this purpose, NRCO shall provide a mechanism for their
46 reintegration into the Philippine society, serve as a promotion house for their local
47 employment, and tap their skills and potentials for national development.
48
49
50

CHAPTER XIII
PROVISIONS APPLICABLE TO DOMESTIC SEAFARERS

SEC. 46. Wages, Holiday Pay, Service Incentive Leave and other Statutory Benefits. – The minimum wage rate of Filipino seafarers onboard ships engaged in domestic shipping shall be determined by the Regional Wages and Productivity Boards (RTWPB), taking into account the peculiarities of the employment arrangement of seafarers and the criteria for wage fixing pursuant to Republic Act No. 6727, otherwise known as the "Wage Rationalization Act;" *Provided, That wages for actual work hours and days shall not be lower than the applicable minimum wage rates in the place where the ship is registered. Wages of domestic seafarers shall be paid in full and regularly at least twice a week in a month, or at intervals not greater than 16 days as provided in the Labor Code of the Philippines, as amended.*

In addition, the provisions of the Labor Code of the Philippines, as amended, on "Prohibitions Regarding Wages," "Wage Studies, Wage Agreements, and Wage Determination," "Administration and Enforcement," "Holidays," "Service Incentive Leaves and Service Charges," shall continue to apply, unless higher annual leave is already provided under the collective bargaining agreement or by the shipowner as company practice or policy or seafarers' employment agreement. In addition, domestic seafarers shall also be entitled to (i) 13th month pay pursuant to Presidential Decree No. 851, as amended, (ii) paid maternity leave under Republic Act No. 11210, otherwise known as the 105-Day Expanded Maternity Leave Law, (iii) paid paternity leave under Republic Act No. 8187, otherwise known as the Paternity Leave Act of 1996, (iv) Paid parental leave for solo parents under Republic Act No. 8972, otherwise known as the Solo Parents' Welfare Act of 2000; (v) paid leave for victims of violence against women and their children under Republic Act No. 9262, otherwise known as the Anti-Violence Against Women and their Children Act of 2004, (vi) paid special leave due to surgery for any gynecological disorder, under Republic Act No. 9170, otherwise known as the Magna Carta of Women, and retirement pay, pursuant to Republic Act No. 7641.

Domestic seafarers shall also be entitled to SSS, PhilHealth, and Employee Compensation Commission (ECC) benefits, regardless of the benefits already provided under a contract, collective bargaining agreement, or company practice or policy.

SEC. 47. Hours of Work, Hours of Rest. – As far as practicable, the provisions of Section 21 of this Act shall also apply to domestic seafarers.

SEC. 48. Termination of Employment of Domestic Seafarers. – The termination of employment of a seafarer on-board domestic ships shall be governed by the provisions of the Labor Code of the Philippines, as amended, on domestic shipping.

SEC. 49. Repatriation for Seafarers On-board Domestic Ships. – The provisions under this Act on repatriation as may be applicable shall also apply to seafarers working on domestic ships. Seafarers on-board domestic ships shall be entitled to emergency repatriation in cases of war, epidemics, abandonment of ships by shipowners, disasters or calamities, whether natural or man-made, and other similar events.

1
2 **SEC. 50. Contracting or Subcontracting of Services.** – The contracting or
3 subcontracting of seafarers for work on-board domestic ships shall be governed by
4 existing rules and regulations issued by the DOLE.
5

6 **CHAPTER XIV**
7 **MANNING LEVELS AND COMPLIANCE AND ENFORCEMENT OF**
8 **SHIPS OF PHILIPPINE REGISTRY**
9

10 **SEC. 51. Manning Levels.** – All ships of Philippine registry shall have the required
11 minimum manning levels as prescribed by the Maritime Industry Authority (MARINA).
12 They shall, at all times, be manned by a crew that is adequate in terms of size and
13 qualifications taking into account the need to operate the vessel safely and efficiently.
14

15 **SEC. 52. Crew Competence.** – Every member of the crew of a ship of Philippine
16 Registry shall possess, in addition to the required medical certificate in Section 17, the
17 appropriate certificate of competency setting forth his/her competence to serve in the
18 capacity and perform the functions involved at the level of responsibility, for the
19 position held, for the type, tonnage, power, means of propulsion, and trading patterns
20 of the ships concerned.
21

22 The certificate of competency shall attest to the fact that the seafarer to whom it
23 is issued meets the requirements for service, age, qualification, and examinations for
24 the position held.
25

26 **SEC. 53. Compliance and Certification.** – All ships of Philippine registry shall
27 comply with the provisions of this Act. The shipowner and master shall ensure the
28 compliance of the ship with this Act and its implementing rules and regulations, who
29 shall be made principally liable for any violation thereof.
30

31 For this purpose, a Maritime Labour Certificate or a certificate of compliance, as
32 applicable, shall be issued in accordance with the implementing rules and regulations.
33

34 **SEC. 54. Inspection and Enforcement.** – For purposes of this Act, the Secretary of
35 Labor or his/her duly authorized representative, shall have the sole and exclusive
36 authority to inspect all Philippine ships, domestic or ocean-going to ensure compliance
37 with the provisions of this Act.
38

39 The Secretary of Labor and Employment may authorize other government
40 agencies or duly recognized organizations to conduct inspection and issue certification
41 in accordance with the provisions of this Act and its implementing rules and
42 regulations.
43

44 Unless directly exercised by the Secretary of Labor and Employment, the duly
45 authorized representative shall have the power to board ships and carry out any
46 examination, test or inquiry which they may consider necessary in order to satisfy
47 themselves that the standards are strictly observed.
48

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

4
5 If the violation or deficiency constitutes serious breach of the requirement of this
6 Act and its implementing rules and regulations or poses imminent danger to the ships,
7 and/or to the life or limbs of the seafarer, the Secretary of Labor or his/her duly
8 authorized representative may order the detention of the ship immediately until the
9 violation or deficiency is corrected.

10
11 **SEC. 55. Recognized Organization.** – Recognized organizations may be authorized
12 by the Secretary of Labor to conduct inspection and issue certification in accordance
13 with the provisions of this Act and its implementing rules and regulations.

14
15 A recognized organization shall have the necessary knowledge of the
16 requirements of this Act and its implementing rules and regulations, Maritime Labour
17 Certificate, 2006 and other relevant international treaty or convention.

18
19 A recognized organization shall also have the necessary and qualified
20 professional, technical and support expertise to carry out the conduct of inspection
21 and issuance of certification.

22 23 CHAPTER XV 24 SHIPBOARD TRAINING OF CADETS

25
26 **SEC. 56. Applicability.** – The provisions of Sections 5 to 14 (Seafarers' Rights),
27 Section 17 (Medical Certificate), Sections 29 to 32 (Accommodation, Recreation
28 Facilities, Food and Catering in Ships), Section 33 (Medical Care On-Board Ships and
29 Ashore), Sections 36 to 38 (Settlement of Disputes), Sections 39 to 44 (Repatriation)
30 shall apply with respect to the training of cadets.

31
32 **SEC. 57. Shipboard Training Agreement for Cadets.** – There shall be a written
33 agreement among the shipowner, the cadet and the maritime institution or school,
34 which shall embody the following information, terms and conditions:

- 35
36 (a) Cadet's full name, date of birth, birthplace and age, which should be at least 16
37 years old;
38
39 (b) Name and address of maritime institution or school;
40
41 (c) Name and address of shipowner and its manning and placement agency, if
42 applicable;
43
44 (d) Place and date when the agreement is entered into;
45
46 (e) Capacity in which the cadet is to be trained;
47
48 (f) The amount of the cadet's allowance or stipend, if applicable;
49

- 1 (g) Required number of hours of training and rest which shall not be less than the
2 prescribed hours of rest in Section 23 of this Act;
3
4 (h) Duties and responsibilities of the sponsoring company, the Maritime Higher
5 Educational Institution (MHEIs), and cadets, as may be provided under the
6 Standard Cadet Training Agreement on Ships Engaged in International Voyage
7 of the Philippine Overseas Employment Administration (POEA); and
8
9 (i) Other benefits in accordance with law, company policy or agreements.
10

11 The foregoing agreement shall be in a language familiar to and understood by
12 all parties or in English, executed in four (4) original copies before the commencement
13 of the shipboard training. The shipowner, cadet and the maritime institution/school
14 shall each have a signed original of the agreement and an electronic copy thereof shall
15 be submitted to the DOLE, through the Bureau of Working Conditions (BWC). A signed
16 original copy shall also be made available on-board the ship.
17

18 **CHAPTER XVI**

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

20

21 **SEC. 58. Incentives and Awards.** – There shall be established an incentives and
22 awards system for the maritime industry stakeholders which shall be developed and
23 administered by the concerned government agency, upon consultation with the
24 Maritime Industry Tripartite Council (MITC).
25

26 Under such rules and regulations that may be promulgated, deserving
27 shipowners, seafarers, manning and other organizations or entities shall be
28 commended or awarded for their outstanding performance in upholding the rights of
29 seafarers and complying with this Act.
30

31 **CHAPTER XVII**

32 **ROLE OF GOVERNMENT AGENCIES**

33

34 **SEC. 59. Role of Government Agencies.** – The following government agencies shall
35 perform the following functions to promote the welfare and protect the rights of Filipino
36 seafarers:
37

- 38 (a) **Department of Labor and Employment (DOLE).** DOLE shall ensure that the
39 standards set forth under this Act, Presidential Decree No. 442, as amended,
40 and other laws, the Maritime Labour Convention, 2006 and other international
41 treaties and conventions to which the Philippines is a signatory are faithfully
42 complied with and fairly applied to Filipino seafarers.
43

44 To this end, the DOLE shall establish an effective system for the inspection and
45 certification to ensure that the working and living conditions of seafarers are met
46 and continue to be met pursuant to the Maritime Labour Convention 2006.
47

- 48 (b) **Department of Foreign Affairs (DFA).** DFA, through its home offices or foreign
49 posts, shall take priority action or make representation with the foreign authority
50 concerned to protect the rights of Filipino seafarers and extend immediate

1 assistance, including the repatriation of distressed or beleaguered Filipino
2 seafarers.

- 3
4 (c) **Department of Health (DOH).** DOH shall regulate the activities and operations
5 of all clinics which conduct medical, physical, optical, dental, psychological and
6 other similar examinations, hereinafter referred to as health examinations, on
7 Filipino seafarers.

8
9 The Department of Health shall determine and prescribe the nature of the
10 medical examination that shall be required of a seafarer, ensuring that such
11 examination will genuinely determine the seafarer's state of health, considering
12 the duties that he/she shall be required to perform on board. The DOH shall
13 likewise prescribe the contents of the medical certificate to ensure that such
14 certification will genuinely reflect the seafarer's state of health.

- 15
16 (d) **Philippine Overseas Employment Administration (POEA).** POEA shall look
17 into and improve on the working conditions and terms of employment of the
18 officers and crew of vessels of Philippine registry, and of such officers and crew
19 members who are Filipino citizens and employed by foreign vessels.

- 20
21 (e) **Overseas Workers' Welfare Administration (OWWA).** The OWWA, through
22 its welfare officer or in his absence, the coordinating officer, shall provide the
23 Filipino seafarers and his family all the assistance they may need in the
24 enforcement of contractual obligations by agencies and/or by their principals.

25
26 The OWWA shall likewise formulate and implement welfare programs for
27 overseas Filipino seafarers and their families while they are abroad and upon
28 their return. It shall ensure the awareness by the overseas Filipino workers and
29 their families of these programs and other related governmental programs.

- 30
31 (f) **Maritime Industry Authority (MARINA).** The MARINA shall ensure that all
32 maritime education including the curricula and training programs are structured
33 and delivered in accordance with the written programs, methods and media of
34 delivery, procedures and course materials compliant with international standards
35 as prescribed under the STCW Convention.

- 36
37 (g) **Philippine Coast Guard (PCG).** The PCG, in line with its function to assist in
38 the enforcement of applicable laws within the maritime jurisdiction of the
39 Philippines, shall assist the DOLE in the enforcement of Department Orders and
40 other issuances implementing the MLC, 2006 including orders to detain vessels
41 found in gross violation of pertinent laws, rules and regulations.

42
43 Unless otherwise provided in this Act, the mandate, power and function of all
44 existing department, agency and instrumentality of the government including
45 government owned and controlled corporation shall remain and continue to be
46 recognized in accordance with the law or order creating them.

47
48 **SEC. 60. One Stop Service Center for OFWs (OSSCO).** – Within six months from
49 the implementation of this Act, at least one OSSCO shall be established in each region
50 of the country.

SEC. 61. Registry of Seafarers. – The POEA, for ocean-going ships of foreign registry, and MARINA, for domestic and ocean-going ships of Philippine registry, shall maintain a registry of all seafarers in the Philippines. The registry shall contain the relevant information or data to promote employment opportunities for seafarers, whether on board or ashore, or to provide a list of available training and education to support skills development and competencies of seafarers.

SEC. 62. Integrated Documentation System. – All concerned government agencies, in coordination with the Department of Information and Communications Technology (DICT), shall collate and integrate all relevant information with respect to Filipino seafarers in the Shared Government Information System established pursuant to Section 20 of Republic Act No. 8042, otherwise known as the “Migrant Workers and Overseas Filipinos Act of 1995,” as amended.

Information regarding seafarers shall include the education, training, licensing, and certification of seafarers, which can be used by the seafarers in all their transactions with government, manning, recruitment or placement agencies, and other pertinent bodies.

SEC. 63. Maritime Occupational Safety and Health Standards. – The DOLE, in consultation with the maritime industry stakeholders, shall formulate the Maritime Occupational Safety and Health Standards (MOSHS) pursuant to the provisions of Republic Act No. 11058, otherwise known as the “Occupational Safety and Health Law” and pertinent maritime conventions and treaties ratified by the Philippines.

CHAPTER XVIII FINAL PROVISIONS

SEC. 64. Administrative Fines and Penalties. – Any shipowner, master, their representatives or other person who fails or refuses to present employment records such as payrolls, daily time records, pay slip, or other documents when required by the Secretary of Labor, his duly authorized representative or the duly authorized representative of recognized organization shall be subjected to administrative fines ranging from One Hundred Thousand Pesos (Php100,000) to One Million Pesos (Php1,000,000), in accordance with the implementing rules and regulations of this Act.

SEC. 65. Penalties for Violations of Sections 54 and 55. – Any person who, without proper authorization, exercises the authority granted to the Secretary of Labor and Employment under Sections 54 and 55 of this Act, shall be punished with a fine of not less than Two Hundred Thousand Pesos (Php200,000.00) nor more than Two Million Pesos (Php2,000,000), or imprisonment of not less than one (1) year nor more than four (4) years, or both at the discretion of the court. The foregoing offense shall prescribe after five (5) years from its commission.

SEC. 66. Transitory Provision. – All rights, privileges and benefits previously enjoyed by Filipino seafarers before the effectivity of this Act, including those set forth in Presidential Decree No. 442, otherwise known as the Labor Code of the Philippines, as amended, and Republic Act No. 8042, otherwise known as the “Migrant Workers

1 and Overseas Filipinos Act of 1995," as amended, shall continue to be recognized and
2 shall not be diminished after the effectivity of this Act.
3

4 **SEC. 67. Implementing Rules and Regulations.** The DOLE, in coordination with the
5 DFA, the MARINA and other concerned agencies shall formulate the rules and
6 regulations of this Act within ninety (90) days after its effectivity.
7

8 **SEC. 68. Separability Clause.** – If, for any reason, any section, clause or term of this
9 Act is held to be illegal, invalid, or unconstitutional, such parts not affected by such
10 declaration shall remain in full force and effect.
11

12 **SEC. 69. Repealing Clause.** – All laws, presidential decrees, issuances, executive
13 orders, letters of instruction, rules and regulations inconsistent with the provisions of
14 this Act are hereby repealed or modified accordingly.
15

16 **SEC. 70. Effectivity Clause.** – This Act shall take effect fifteen (15) days after its
17 publication in the Official Gazette or in a newspaper of general circulation
18

19 **Approved,**
20