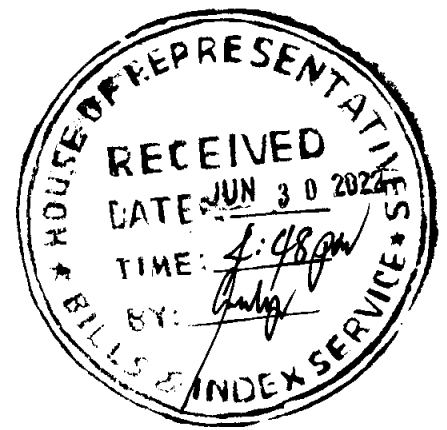


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

NINETEENTH CONGRESS
First Regular Session

House Bill No. **368**



INTRODUCED BY REPRESENTATIVE MARISSA "DEL MAR" P. MAGSINO

**AN ACT
INSTITUTING A MAGNA CARTA
FOR FILIPINO SEAFARERS**

EXPLANATORY NOTE

The United Nations Conference on Trade and Development (UNCTAD) report revealed that Asia is the largest seafarer-supplying region in the world. The Philippines remains to be the largest provider of seafarers and officers globally, having delivered a \$6.4 billion in income in 2020 alone.

In 2012, the International Labour Organization (ILO) remarked that the ratification by the Philippines of the International Maritime Labor Convention of 2006 is a "global milestone" for decent work for seafarers. The Philippines was the 30th member to have joined the group of "first 30" ILO countries to "demonstrate their commitment to ensuring decent work for seafarer".

Nearly ten (10) years since the said ratification, various measures which have tried to codify the rights of Filipino seafarers have languished in the archives of the Legislature. This has caused and continue to cause Filipino seafarers to be in constant risk of being subjected to the circumvention of laws and rules, as well as abuses which were unfortunately even more highlighted during the pandemic. Ambiguous contract arrangements, vague definitions under the laws, and obscure provisions have allowed issues to deluge Filipino seafarers.

What the pandemic should have sparked is a renewed zest in pushing for legislation that would protect the rights and promote the welfare of Filipino seafarers whose remittances have helped boost the economy. While we recognize their invaluable contribution to our nation, we must match that with gusto in crafting legislation that would ensure that their rights are laid down clearly, and the arrangements they are subjected to are constantly monitored.

Our commitment to join the international community in ensuring decent work and safe working conditions for seafarers cannot be palpably felt until we legislate this measure which seeks to institute the Magna Carta of Filipino Seafarers. Lest we forget, no less that Article XIII, Section 3 of the 1987 Constitution provides that the State shall "afford full protection to labor, local and overseas." While several laws have been crafted

such as the Overseas Filipinos and Migrant Workers Act, they remain to be insufficient in directly targeting the unique needs and setup of seafarers.

There can be no better time than now, in ensuring that a specific law which would guarantee that the seafarers whose employment is of distinct nature, is finally passed. We should not wait another decade, or worse, another pandemic, before we respond to this sector from whom we have gain so much.

In view of the foregoing, approval of this measure is earnestly sought.


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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 seafarers as essential maritime professionals, acknowledge their vulnerabilities, and afford them full protection before, during, and after their employment;
- (b) To recognize that seafarers are a special category of key workers providing essential services, and given the global nature of the shipping industry and the different jurisdictions that seafarers may be brought into contact with, they are in need of special protection;
- (c) To encourage the participation of women in the seafaring profession and contribute meaningfully to the achievement of national development goals as productive members of the community;
- (d) To maintain and progressively develop a pool of competent and world-class seafarers through a system of education, training, certification, and licensing;
- (e) To establish and enhance mechanisms of administrative, adjudicative, social, and welfare services for seafarers and their families;
- (f) To enact laws that adopt and implement the standards set by international conventions and agreements regarding the working and living conditions and occupational safety and health, among others, of seafarers, particularly the Maritime Labour Convention, 2006 (MLC, 2006); and

(g) To recognize shipowners, maritime higher education institutions, and licensed manning agencies as vital partners in promoting the rights, welfare, skills, and competencies of seafarers.

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

CHAPTER II

GENERAL PROVISIONS

Sec. 3. *Coverage.* – This Act shall cover:

(a) All Filipino seafarers who are to be engaged, engaged, employed, or working in any capacity, on board Philippine or foreign-registered ships, except those to be engaged, engaged, employed, or working in the following categories of ships:

(1) Warships, naval auxiliaries, and Coast Guard vessels;

(2) Government ships not engaged in commercial operations;

(3) Ships of traditional built, as may be defined under existing rules and regulations; and

(4) Finishing vessels, as may be defined by appropriate rules and regulations to be issues by the Department of Labor and Employment (DOLE), in consultation with the Bureau of Fisheries and Aquatic Resources and other relevant stakeholders.

For the purpose of this Act, a seafarer is deemed “to be engaged” as such if the seafarer has been contracted for overseas employment but has yet to leave the Philippines.

(b) All Filipino seafarers on board Philippine registered domestic ships engaged in trade and commerce between Philippine ports and within Philippine territorial or internal waters shall be covered primarily by equivalent provisions of the Labor Code of the Philippines, as amended, and related social and welfare benefits laws. 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) *Abandonment* – refers to a situation where, in violation of the terms of the employment contract, the shipowner: (i)

Fails to cover the cost of the seafarer's repatriation;

(ii) Has left the seafarer without the necessary maintenance and support; or

(iii) Has otherwise unilaterally severed their ties with the seafarer, including failure to pay contractual wages for a period of at least two (2) months;

(b) *Cadet* – refers to a student of a maritime educational institution who is required to undergo training on board registered international or domestic ships to fulfill a maritime degree or technical course;

(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) *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 MLC, 2006;

(e) *International Convention on Standards of Training, Certification, and Watchkeeping for Seafarers (STCW)* – refers to the international convention that establishes the minimum standards relating to training, certification, and watchkeeping for seafarers, which the Philippines acceded to on May 22, 1984;

(f) *Manning Agency* – refers to a natural or juridical person duly licensed by the Secretary of the Department to engage in the recruitment and placement of seafarers;

(g) *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;

(h) *Maritime Industry Stakeholders* – refer to all private 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 ports, stevedoring and arrastre services, ship brokering and chartering, shipbuilding 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, professional associations of seafarers, associations promoting seafarers' welfare, and women's maritime organizations.

- 1 (i) *Maritime Labour Certificate* – refers to the document that certifies that the
2 working and living conditions of the seafarers on the ship have been inspected
3 and are compliant with the requirements of the MLC, 2006 and of applicable
4 Philippine laws and regulations;
- 5 (j) *Maritime Labour Convention, 2006 (MLC, 2006)* – refers to the consolidated
6 Maritime Labour Convention approved by the International Labour Organization
7 (ILO) in 2006 and ratified by the Philippines on August 20, 2012;
- 8 (k) *Master* – refers to a person having command of a ship and acts as the
9 shipowners' representative;
- 10 (l) *Ocean-Going Ship* – refers to a ship other than those which navigate exclusively
11 in inland water or in water within or closely adjacent to sheltered water, or areas
12 where port regulations apply;
- 13 (m) *Officer* – refers to a member of the crew other than the master who has been
14 designated as such by national law or regulation, or, in the absence of such
15 designation, by collective agreement or custom;
- 16 (n) *One-Stop-Shop Center for OFWs (OSSCO)* – refers to the one-stop centers in
17 various parts of the country established to ensure prompt, efficient, vital, and
18 relevant services to Overseas Filipino Workers (OFWs) and other overseas
19 Filipinos and their families, including seafarers. The OSSCOs shall be the venue
20 for the acquisition of relevant clearances and permits, validation of overseas job
21 offers, availment of reintegration services and all pertinent seminars and
22 workshops for all stakeholders, among others. In all cases and as far as
23 practicable, the OSSCOs shall be co-located with POEA regional offices. Agencies
24 at these centers shall, as far as practicable, include the Department of Labor and
25 Employment (DOLE), the Department of Foreign Affairs (DFA), Philippine
26 Overseas Employment Administration (POEA), Overseas Workers Welfare
27 Administration (OWWA), Technical Education and Skills Development Authority
28 (TESDA), Professional Regulation Commission (PRC), Maritime Industry
29 Authority (MARINA), Department of Health (DOH), Philippine Coast Guard
30 (PCG), Home Development Mutual Fund (HDMF), Philippine Health Insurance
31 Corporation (PhilHealth), Social Security System (SSS), Philippine Statistics
32 Authority (PSA), Bureau of Immigration (BI), National Bureau of Investigation
33 (NBI), Commission on Higher Education (CHED), Philippine National Police
34 (PNP), Bureau of Internal Revenue (BIR), and such other government agencies as
35 may be appropriate;
- 36 (o) *Point of Hire* – refers to the place indicated in the contract of employment, and
37 which shall be the basis in determining the commencement of the contract;
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- 1 (p) *Recognized Organizations* – refer to organizations recognized by the DOLE to
2 carry out inspections or issue the Maritime Labour Certificate in accordance with
3 the scope of activities covered by their authorizations;
- 4 (q) *Repatriation* – refers to the process of returning a seafarer to the point of
5 destination, which shall be at the point of hire or the seafarer's place of domicile,
6 at the option of the seafarer, or in case of incapacity or death, at the option of
7 his/her next-of-kin;
- 8 (r) *Standard Employment Contract (SEC) or Employment Contract* – refers to a
9 government-prescribed contract containing the minimum terms and conditions
10 of employment;
- 11 (s) *Seafarer* – refers to any Filipino who is to be employed, is employed, or is
12 engaged to work in any capacity on board a ship covered under this Act;
- 13 (t) *Ship or Vessel* – refers to any kind, class, or type of craft or artificial contrivance
14 capable of floating in water, whether publicly or privately owned, ordinarily
15 engaged in commercial activities; and
- 16 (u) *Shipowner or Principal* – refers to the owner of the ship employing Filipino
17 seafarers to work on board domestic ships and ships engaged in international
18 trade, or any other organization or person, such as the manager, agent, or
19 bareboat charterer, who has assumed the responsibility for the operation and
20 management of the ship from the shipowner, and who, in assuming such
21 responsibilities, has agreed to take over all the attendant duties and
22 responsibilities of a shipowner under this Act, regardless of whether any other
23 organization or persons fulfill certain duties or responsibilities on behalf of the
24 shipowner.

25 CHAPTER III

26 SEAFARER'S RIGHTS

27 Sec. 5. *Right to Just Terms and Conditions of Work.* – Seafarers shall have the
28 right to:

- 29 (a) A safe and secure workplace that complies with safety standards;
- 30 (b) Decent working and living conditions on board of ship;
- 31 (c) Medical care and confirmatory tests, welfare measures, and other forms of health
32 and social protection;
- 33 (d) Fair terms and conditions of employment, including salary commensurate to
34 their rank, hours of work, paid sick leave or sickness benefits, the maximum
35 number of workers' hours, and minimum hours of rest periods, consistent with
36 Philippine laws or international maritime conventions; and

1 (e) Compensation and benefits in the event of death or long-term disability for
2 occupational injuries, illnesses, hazards.

3 Sec. 6. *Right to Self-Organization, to Engage in Collective Bargaining, and to*
4 *Participate in Democratic Exercises.* – Seafarers shall enjoy the right to self-
5 organization, to collectively bargain, to form or join international organization of
6 seafarers or network with seafarers of different nationalities, and to participate in the
7 deliberation of issues and in the formulation of policies that affect them, including the
8 guarantee of representation in governing boards or appointment in government
9 instrumentalities.

10 Women seafarers shall also have the right, and be encouraged, to join, assist, or
11 form labor unions or associations, or form networks with women seafarers of different
12 nationalities.

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

16 Towards this end, relevant government agencies shall:

17 (a) Regulate the operation of all educational and training institutions offering
18 courses related to seafaring;

19 (b) Pursue grant programs, such as scholarships, subsidies, loan assistance, and
20 other measures that will harness the skills of seafarers toward greater
21 competitiveness given the new and evolving demands in the industry;

22 (c) Promote quality maritime education and training that respond to the needs of the
23 industry and in accordance with minimum international maritime standards of
24 competency; and

25 (d) Afford enhanced access to educational advancement and training of women in the
26 seafaring industry.

27 CHED and MARINA shall work together to mainstream gender and development in the
28 curricula of maritime institutions and training centers.

29 Sec. 8. *Right to Information.* – Shipowners, manning agencies, and other
30 organizations responsible for the recruitment and placement of seafarers, shall provide
31 seafarers relevant information, including the terms and conditions of employment,
32 company policies affecting seafarers, obligations of seafarers, conditions and realities
33 attending to their profession, and necessary laws and regulations of countries covered
34 by their sojourn. In addition, the seafarers shall, at all times, be furnished a copy of the
35 duly executed Standard Employment Contract, as well as the results of the medical
36 examination conducted on him/her. This right shall also include the right of seafarers'

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1 organizations to relevant information affecting the terms and conditions of employment
2 of their members.

3 All ships covered by this Act shall have a copy of the MLC, 2006, the grievance
4 procedures available on-board, duly executed Standard Employment Contract of
5 seafarers, and when there is a collective bargaining agreement (CBA), a copy of such
6 agreement, which shall be readily available to the seafarers.

7 *Sec. 9. Right to Information of a Seafarer's Family or Next-of-Kin.* – In critical
8 incidents, such as accidents or deaths on board or offshore, piracy, abandonment of
9 vessel, and other similar cases, the seafarer's family or next-of-kin shall be immediately
10 informed of the incident, including investigation reports, action/s taken, and plans by
11 the shipowner and the manning agency concerned. In addition,
12 it shall be the duty of the shipowner and the manning agency, within a reasonable
13 period of time, to report to the POEA and the OWWA such incident and the details of
14 the family or next-of-kin of the concerned seafarer/s.

15 *Sec. 10. Right to Safe Passage and Safe Travel.* – Seafarers shall be accorded the
16 rights to safe passage and safe travel, including the right to embark and disembark in
17 third countries when in transit, and the right to be repatriated and return home.

18 *Sec. 11. Right to Consultation.* – Seafarers and maritime stakeholders shall be
19 adequately consulted before adopting any maritime policy, executive issuance, rules or
20 regulations, or in the enactment of any maritime law that may directly affect the
21 seafarers and/or their families and beneficiaries.

22 *Sec. 12. Right against Discrimination.* – Seafarers shall have the right to be
23 protected from discrimination on the basis of race, age, sex, religion, or political
24 opinion, as well as on the basis of disablement, taking into consideration the inherent
25 requirements of the particular job or undertaking. Career opportunities shall be
26 promoted, and appropriate working and living conditions shall be guaranteed equally
27 among male and female seafarers.

28 *Sec. 13. Right to be Protected Against All Forms of Harassment and Bullying.* –
29 Seafarers shall be protected against all forms of harassment and bullying while on board
30 their ships. The shipowner shall put policies in place for the protection of all crew
31 members. Maritime stakeholders and seafarers shall ensure that harassment and
32 bullying do not take place.

33 Shipowners and manning agencies shall also establish helplines and grievance
34 mechanisms for all victims of harassment and bullying.

35 *Sec. 14. Right to Free Legal Representation.* – Seafarers who are victims of
36 violations of the provisions of this Act or whose contracts have been breached, who
37 cannot afford the services of a competent and independent counsel, shall have the right

1 to free legal assistance and protection at the government's expense, and to the fair and
2 speedy disposition of the case, including the expeditious settlement of any money
3 claims, subject to existing rules and regulations.

4 Sec. 15. *Right to Access to Communication.* – Seafarers, especially during their
5 free time or when they are not on duty, shall have reasonable access to ship-to-shore
6 telephone communications, email, and internet facilities, where available.

7 Sec. 16. *Right to Record of Employment or Certificate of Employment* – At the
8 expiration of the employment contract of the seafarer, the seafarer shall be given a
9 record of his/her employment on board the ship, or a certificate of employment,
10 specifying the length of service, the position the seafarer occupied, an account of his/her
11 final wages, and such other relevant information.

12 Sec. 17. *Right to Fair Treatment in the Event of a Maritime Accident* – In the
13 event of a maritime accident, seafarers shall be treated fairly. They shall be entitled to all
14 the rights under the ILO/International Maritime Organization (IMO) 2006 Guidelines
15 on Fair Treatment of Seafarers in the Event of a Maritime Accident and its amendments.

16 CHAPTER IV

17 WOMEN IN THE MARITIME INDUSTRY

18 Sec. 18. *Discrimination Against Women Seafarers.* – In addition to the right
19 against discrimination on the basis of sex, women seafarers shall be protected from the
20 following discriminatory acts:

- 21 (a) Payment of a lesser compensation, including wage, salary or other form of
22 remuneration and fringe benefits, to a male seafarer as against a female seafarer,
23 for work of equal value; and
- 24 (b) Favoring a male seafarer over a female seafarer with respect to promotion,
25 training opportunities, study, and scholarship grants, solely on account of their
26 sexes.

27 Sec. 19. *Gender and Development.* – Shipowners and manning agencies shall
28 formulate gender and development policies. In addition, all maritime training
29 institutions shall ensure that appropriate gender-sensitive policies are in place to
30 promote the rights of women to adequate training and opportunities, free from
31 discrimination, harassment, and bullying.

32 CHAPTER V

33 SEAFARER'S DUTIES

34 Sec. 20. *Duties of a Seafarer.* – Seafarers shall have the following duties:

- 35 (a) To comply with and observe the terms and conditions of the Standard
36 Employment Contract;

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- (b) To abide by lawful and reasonable company personnel policies;
- (c) To follow and observe the chain and command of the vessel, and to comply with the relevant and reasonable policies and procedures on board the ship or while ashore, taking into consideration his/her religious freedom;
- (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 continually improve his/her professional competency by keeping abreast with the latest technological and scientific knowledge applied in the maritime fields, constant reading and diligent studies, and keen observation of shipboard activities;
- (f) 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
- (g) To take personal responsibility for his/her health while on board by maintaining a healthy lifestyle and complying with medically prescribed instructions.

CHAPTER VI

MINIMUM REQUIREMENTS FOR SEAFARERS

Sec. 21. *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-registered ships operating domestically or internationally, as well as on board foreign-registered ships.

Sec. 22. *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 rules and regulations.

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

During the conduct of a medical examination, the seafarer shall have the responsibility of answering truthfully all questions relating to his/her medical condition and/or medical history, including previously known illness, injury, or medical treatment, and to make a complete inventory of medication prescribed to him/her by physicians; *Provided*, that the processing of the medical information of the seafarer

shall at all times comply with the provisions of Republic Act No. 10173 or the Data Privacy Act of 2012.

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

Sec. 23. Training and Qualifications. – Only seafarers certified by appropriate government agencies in compliance with the STCW and other applicable international standards, shall work, be employed, or be engaged on board a ship.

Sec. 24. Recruitment and Placement. – Only duly licensed manning agencies 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, or the Secretary in-charge of migration-related matters, including the deployment of seafarers.

In all cases, no amount or fee, including placement fees, shall be charged to the seafarer in relation to his/her recruitment and placement.

CHAPTER VII

TERMS AND CONDITIONS OF EMPLOYMENT

Sec. 25. Standard Employment Contract for Seafarers. – There shall be a Standard Employment Contract 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, permanent, and/or residential address;
- (b) Seafarer's Record Book Number, Seafarer's Identity Document Number, and POEA Seafarer's Registration 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) Maximum hours of work and minimum hours of rest;
- (j) Wages and wage-related benefits, which shall include, but is not limited to, overtime pay, holiday pay, vacation leave pay, premium pay, paid leaves, and 13th-month pay, if applicable;

- (k) Compensation and benefits for occupational injury, illness, or death;
- (l) Social security and welfare benefits, including the compulsory insurance coverage as provided under Republic Act No. 8042, as amended by Republic Act No. 10022, otherwise known as The Migrant Workers Act;
- (m) Stipulations on repatriation or similar undertakings;
- (n) Separation pay and retirement pay, if applicable;
- (o) Reference to the CBA, if applicable; and
- (p) Other benefits in accordance with law, company policy, or CBA.

The employment contract 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. In addition, 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 containing the minimum standards to be observed in the employment of seafarers. The Standard Employment Contract shall be reviewed and updated regularly and must, at all times, be consistent with the MLC, 2006, and other existing treaties and conventions governing seafarers, which the Philippines has ratified or will ratify in the future.

Sec. 26. Maximum Hours of Work and Minimum 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 (7)-day period.

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

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

Seafarers shall be granted reasonable periods of shore leaves while the vessel is docked for the benefit of their health and well-being, subject to proportionate and specifically adopted rules, regulations, and measures of the Port State.

1 Sec. 27. *Paid Annual Leave.* - Unless a higher annual leave is already provided in
2 the employment contract, or under a CBA, or by the shipowner as company practice or
3 policy, the seafarers shall be paid an annual leave, to be calculated on the basis of a
4 minimum of 4.5 calendar days per month of employment, without prejudice to any
5 future increases as may be prescribed by laws, rules, or regulations; provided, that the
6 following shall not be counted as part of the annual paid leave:

- 7 (a) Public and customary holidays of the Philippines, whether or not they fall during
8 the paid annual leave;
- 9 (b) Periods of incapacity for work (i) resulting from illness or injury; (ii) due to
10 maternity or paternity leave in accordance with law;
- 11 (c) Temporary shore leave granted to a seafarer while employed; or
- 12 (d) Compensatory leave of any kind.

13 Sec. 28. *Wages.* - Without prejudice to higher rates provided under the Standard
14 Employment Contract, or under a CBA, or by the shipowner as company practice or
15 policy, the minimum wage applicable to seafarers on board ocean-going ships of
16 Philippine or foreign registry shall be as provided in the Standard Employment
17 Contract, which in no case be lower than the prevailing industry standard on ocean
18 going seafaring wage rates for officers and other members of the ship's crew, and
19 regularly paid in full at least once a month.

20 Sec. 29. *Remittance of Wages.* - Shipowners shall provide the appropriate
21 facilities and assistance to the seafarer to enable the seafarer to remit his/her wages to
22 his/her designated allottee/s in the Philippines through any authorized Philippine bank
23 or financial intermediary; Provided, that such allotment shall not be less than eighty
24 percent (80%) of the seafarer's monthly basic salary.

25 Sec. 30. *Limitations on Wage Deductions.* - A deduction from the seafarer's
26 wages shall not be made without his/her written consent unless the deduction is
27 provided for in the contract of employment and/or is authorized by law.

28 Sec. 31. *Personal Effects.* - A seafarer may bring a reasonable number of articles
29 for personal use on board the ship; Provided, that this shall not inconvenience the ship
30 or cargo or pose any risk on board the ship. If the seafarers' personal effects are lost or
31 damaged as a result of shipwreck, loss or stranding, abandonment of the vessel, or as a
32 result of fire, flooding, collision, or piracy, the shipowner shall reimburse him/her for
33 said loss or damage, subject to limits prescribed by existing rules and regulations, unless
34 a higher limit is provided under the existing CBA, but in no case lower than
35 international standards.

36 Sec. 32. *Social Welfare Benefits.* - Without prejudice to established policy, CBA,
37 or other applicable social agreement, all seafarers shall be members of, and receive the

benefits conferred by, the Overseas Workers Welfare Administration (OWWA), Social Security System (SSS), Employees' Compensation and State Insurance Fund, PhilHealth, HDMF, or Pag-IBIG Fund, and other applicable social protection laws, rules and regulations, as may now or hereafter be created in favor of Filipino workers and/or OFWs.

Sec. 33. *Sick Leave and Sickness Benefits During Public Health Emergencies.* – A seafarer who has contracted an illness or disease during public health emergencies, such as epidemics or pandemics, while in transit, or is under quarantine, shall be entitled to paid sick leave and sickness benefits until the seafarer joins the vessel.

Sec. 34. *Anti-Harassment and Bullying Policies on Board Ships.* – Shipowners shall ensure protection to seafarers with policies and accessible procedures to address harassment and bullying on board ships.

CHAPTER VIII

ACCOMODATION, RECREATION FACILITIES,

FOOD AND CATERING IN SHIPS

Sec. 35. *Application* – The requirements of this Chapter 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 MLC, 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, insofar as they can be reasonably refitted, unless provided exemption by the relevant Philippine government agency; and
- (c) All ships constructed prior to the entry into force of the MLC, 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. 36. *Accommodation Facilities.* – Unless otherwise exempted herein or by appropriate regulations, all ships 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. There shall be a basic shipboard facility for women, such as separate sleeping rooms.

Sec. 37. *Requirements for Sanitation.* – All ships 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 workstations. Separate sanitation facilities shall also be provided for male and female crew members of the ship.

Sec. 38. *Recreation Facilities.* – Unless otherwise exempted herein or by appropriate regulations, all ships shall have recreation facilities, amenities, and services that are appropriate and accessible to 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 onshore.

Sec. 39. *Food and Catering.* – All ships shall ensure protection and promotion of the health of the seafarer. Toward this end, 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 of the seafarers on board the ship. The food and drinks in 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 IX

MEDICAL CARE AND MARITIME OCCUPATIONAL

SAFETY AND HEALTH STANDARDS

Sec. 40. *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 until the sick or injured seafarer has recovered or until the sickness or incapacity has been declared of a permanent character.

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

The health protection and medical care under this Section shall be provided at no cost to the seafarer, in accordance with rules and regulations issued for this purpose.

Sec. 41. *Protection of Seafarers from Epidemics, Pandemics, or Other Public Health Emergencies.*— Seafarers on ships should be covered by adequate measures for protection from health-related outbreaks, such as epidemics and pandemics, including the provision of personal protective supplies and equipment, as appropriate.

Seafarers shall have access to prompt and adequate medical care while on board, including medical advice and confidential helplines on physical and mental health, which shall be free of charge.

Shipowners shall institute preventive measures in accordance with the health regulations of the Flag State and the appropriate guidelines issued by the World Health Organization (WHO), including the necessary disinfection, decontamination, de-ratting, or other measures necessary to prevent the spread of infection or contamination. Affected seafarers shall also be properly isolated and treated pursuant to established guidelines of the Flag State, the WHO, and applicable rules and regulations.

In ports of call, seafarers in need of medical care shall have access to medical facilities onshore.

The transit of seafarers who are medically fit to work shall be facilitated and exempted from travel-related, health-related, or movement restrictions until arrival at the point of destination.

Sec. 42. *Financial Security System to Assist Seafarers in case of Occupational Injury and Other Causes.* –In accordance with the MLC, 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 sickness, injury, or death occurring while they are serving under a seafarer's employment contract, or arising from their employment under such agreement.

CHAPTER X

TERMINATION OF EMPLOYMENT

Sec. 43. Termination of Employment –

- (a) The employment of 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 destination as specified under this paragraph (b) of this Section;
- (b) The employment is also terminated effective upon arrival at the point of destination, which shall either be at the point of hire or the seafarer's place of domicile, at the option of the seafarer, or in case of the seafarer's incapacity or death, at the option of his/her next-of-kin, 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 ship owner is unable to find employment for the seafarer on board the ship originally boarded or another ship of the shipowner;
- (2) When the seafarer signs-off due to sale of the ship, lay-up of the ship, discontinuance of voyage or change of ship principal, shipwreck, grounding, or unseaworthiness;
- (3) When the seafarer voluntarily resigns in writing and signs-off prior to the 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 Standard Employment Contract.

Sec. 44. *Extension of Employment*– In the event of the extension of the term of a seafarer's employment contract, the seafarer shall be furnished a copy of the new, or supplemental contract covering the extension of his employment, with adequate time to review and obtain expert advice regarding the terms and conditions of his/her extended employment, which shall in no case be lower than the terms of his/her original employment. In all cases, the shipowner, or a duly authorized representative or the manning agency shall ensure that the seafarer has considered the effect of such an extension to any accumulated entitlement and repatriation benefits, among others.

Manning agencies and shipowners shall submit periodic reports to the POEA on the welfare and well-being of seafarers subjected to such contract extensions.

CHAPTER XI

SETTLEMENT OF DISPUTES

Sec. 45. *On board and Onshore Grievance Machinery*. – All ships of Philippine registry shall establish a grievance machinery and fair, effective, and expeditious on board and onshore 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 provided under this Section. In cases where a seafarer is a member of a legitimate trade union organization and covered by a CBA, 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. 46. *Mandatory Conciliation - Mediation.* – In the absence of an agreement or settlement at the grievance machinery level, the following rules shall apply:

(a) If there is a CBA, the matter shall be submitted for voluntary arbitration in accordance with existing laws, rules, and regulations;

(b) If there is no CBA, the parties shall have the option to submit the case to compulsory arbitration or voluntary arbitration, or conciliation-mediation services provided under Republic Act No. 10396, otherwise known as "An Act 13 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.

Sec. 47. *Maritime Industry Labor Arbitration.* – There shall be a pool of trained maritime industry conciliators-mediators and experts with the appropriate competence, integrity, and knowledge of the Philippine and global maritime industry practices and standards, MLC, 2006, and related Philippine-ratified conventions and treaties, who shall handle the mediation or conciliation or arbitration of all issues relating to the employment of seafarers.

CHAPTER XII

REPATRIATION

Sec. 48. *Seafarers' Repatriation.* - In all cases of repatriation, the affected seafarer shall be repatriated to the point of hire or the place of domicile of the seafarer, at his/her option, or in case of incapacity or death, at the option of his/her next-of-kin, and all costs related to the repatriation and/or transport of the personal effects and remains 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. 49. *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) Basic 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, in cases where the termination of employment is for just cause or upon the request of the seafarer, the cost of repatriation shall be for the account of the seafarer in accordance with the employment agreement.

The responsibility to provide for the repatriation costs shall be without prejudice to the right to civil, criminal, or other claims in accordance with law or otherwise, particularly in cases of maritime accident or death other than natural causes.

Sec. 50. *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 quarantine, whether or not the seafarers have symptoms, have been exposed or are quarantined as a safety precaution for the community, shall 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 repatriations to the destination shall be borne by the Philippine government, following the whole-of-government approach in the management of epidemics/pandemics.

Sec. 51. *Waiver of Entitlement to Repatriation.* – Entitlement to repatriation may be waived by a seafarer; Provided, That the waiver shall be written, made freely and voluntarily, with full knowledge of its consequences; Provided, however, that no such waiver shall be allowed or presumed when a seafarers is abandoned, held captive on or off the ship as a result of acts of piracy or armed robbery against the ship, or are incapable of traveling due to illness, injury or incapacity, or other cases that affect the seafarer's safety and security.

CHAPTER XIII

REINTEGRATION OF OVERSEAS FILIPINO SEAFARERS

Sec. 52. *Reintegration.* – There shall be developed and implemented a full-cycle and comprehensive national reintegration program for seafarers, which shall be embedded in all stages of migration for work beginning from pre-deployment, on-site during employment and upon return, whether voluntary or involuntary. The reintegration program shall cover the different dimensions of support needed by the seafarer, such as economic, social, psychosocial, and cultural, including skills certification and recognition of equivalency for effective employment services, and shall ensure contribution to national development through investments and transfer of technology from skilled or professional seafarers.

CHAPTER XIV

PROVISIONS APPLICABLE TO DOMESTIC SEAFARERS

Sec. 53. *Wages, Holiday Pay, Service Incentive Leave, and other Statutory Benefits.* – The minimum wage rate of seafarers on board ships engaged in domestic

1 shipping shall be determined by the Regional Wages and Productivity Boards (RTWPB),
2 taking into account the peculiarities of the employment arrangement of seafarers and
3 the criteria for wage-fixing pursuant to Republic Act No. 6727, otherwise known as the
4 "Wage Rationalization Act;" Provided, that wages for actual work hours and days shall
5 not be lower than the applicable minimum wage rates for actual work hours and days
6 shall not be lower than the applicable minimum wage rates in the place where the ship is
7 registered. Wages of domestic seafarers shall be paid in full and regularly at least twice a
8 week in a month, or at intervals not greater than sixteen (16) days as provided in the
9 Labor Code of the Philippines, as amended.

10 In addition, the provisions of the Labor Code of the Philippines, as amended, on
11 "Prohibitions Regarding Wages," "Wage Studies, Wage Agreements, and Wage
12 Determination," "Administration and Enforcement," "Holidays," "Service Incentive
13 Leaves and Service Charges," shall continue to apply, unless higher annual leave is
14 already provided under the CBA or by the shipowner as company practice or policy or
15 seafarers' employment agreement. In addition, domestic seafarers shall also be entitled
16 to (i) 13th month pay pursuant to Presidential Decree No. 851, as amended, (ii) paid
17 maternity leave under Republic Act No. 11210, otherwise known as the 105-Day
18 Expanded Maternity Leave Law, (iii) paid paternity leave under Republic Act No. 8187,
19 otherwise known as the Paternity Leave Act of 1996, (iv) Paid parental leave for solo
20 parents under Republic Act No. 8972, otherwise known as the Solo Parents' Welfare Act
21 of 2000; (v) paid leave for victims of violence against women and their children under
22 Republic Act No. 9262, otherwise known as the Anti-Violence Against Women and their
23 Children Act of 2004, (vi) paid special leave due to surgery for any gynecological
24 disorder, under Republic Act No. 9710, otherwise known as the Magna Carta of Women,
25 and retirement pay, pursuant to Republic Act No. 7641.

26 Domestic seafarers shall also be entitled to SSS, PhilHealth, and Employee
27 Compensation Commission (ECC) benefits, HDMF or Pag-IBIG Fund, and other
28 applicable social protection in accordance with law, regardless of the benefits already
29 provided under a contract, CBA, or company practice or policy.

30 *Sec. 54. Employment Contract.* - There shall be an agreement in writing between
31 the shipowner and the seafarer, which shall include the following terms:

- 32 (a) Seafarer's full name, date of birth, age, birthplace, permanent, and/or residential
33 address;
- 34 (b) Seafarer's Record Book Number, Seafarer's Identity Document Number;
- 35 (c) Shipowner's name and address;
- 36 (d) Place where and date when the seafarer's employment agreement is entered into;
- 37 (e) Duration of the contract;

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- (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) Maximum hours of work and minimum hours of rest;
- (j) Wages and wage-related benefits, which shall include, but is not limited to, overtime pay, holiday pay, vacation leave pay, premium pay, paid leaves, and 13th-month pay, if applicable;
- (k) Compensation and benefits for occupational injury, illness, or death;
- (l) Social security and welfare benefits, including the compulsory insurance coverage as provided under Republic Act No. 8042, as amended by Republic Act No. 10022, otherwise known as The Migrant Workers Act;
- (m) Stipulations in case of rescues or other similar undertakings;
- (n) Separation pay and retirement pay, if applicable;
- (o) Reference to the CBA, if applicable; and
- (p) Other benefits in accordance with the law, company policy, or CBA.

The foregoing employment agreement shall be executed by and between the shipowner and the seafarer before the commencement of employment, in a language or dialect understandable to both parties. The shipowner shall provide the domestic seafarer the signed original copy of the agreement and a certified true copy shall be made available on board the ship.

The DOLE shall keep a copy of the employment contract between the shipowner and the domestic seafarer.

Sec. 55. Maximum Hours of Work and Minimum Hours of Rest – The provision of Section 26 shall also apply to domestic seafarers. In addition, waiting time shall not be considered as compensable working time if the seafarer is completely relieved from his/her duty and can use the time effectively for his/her own purpose.

Sec. 56. 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, and applicable rules and regulations issued by DOLE. In case the termination of employment is initiated by the shipowner, the substantial and procedural aspects of due process shall be observed.

Sec. 57. Rescue of 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 rescues in cases of war, epidemics, abandonment of ships by shipowners, disasters, or

calamities, whether natural or man-made, and other similar events. The Philippine Coast Guard and MARINA shall undertake and assist in the rescue of seafarers on board domestic ships.

Sec. 58. *Contracting or Subcontracting of Services.* - The contracting or subcontracting of seafarers for work on-board domestic ships shall be governed by existing rules and regulations issued by the DOLE.

CHAPTER XV

MANNING LEVELS AND COMPLIANCE AND ENFORCEMENT

OF SHIPS OF PHILIPPINE REGISTRY

Sec. 59. *Manning Levels.* – All ships of Philippine registry shall have the required minimum manning levels as prescribed by the Maritime Industry Authority (MARINA). They shall, at all times, be manned by a crew that is adequate in terms of size and qualifications taking into account the need to operate the vessel safely and efficiently.

Sec. 60. *Crew Competence.* – Every member of the crew of a ship of Philippine Registry shall possess, in addition to the required medical certificate, the appropriate certificate of competency issued by the relevant government agency/ies, setting forth his/her competence to serve in the capacity, and perform the functions involved at the level of responsibility, for the position held, for the type, tonnage, power, means of propulsion, and trading patterns of the ships concerned.

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

Sec. 61. *Compliance and Certification.* – All ships of Philippine registry shall comply with the provisions of this Act. The shipowner and master shall ensure the compliance of the ship with this Act and its implementing rules and regulations, who shall be made principally liable for any violation thereof.

For this purpose, a Maritime LabourCertificate, or a certificate of compliance, as applicable, shall be issued in accordance with the implementing rules and regulations of this Act.

Sec. 62. *Inspection and Enforcement.* —

(a) The Secretary of Labor or the appropriate Secretary in-charge of migration related matters, or his/her duly authorized representative, shall have the authority to inspect ail ships of Philippine registry, domestic or ocean-going, to ensure compliance with labor standards and occupational safety and health as provided under this Act.

1 The enforcement and compliance monitoring activities may be coordinated and
2 conducted by the DOLE with the relevant government agencies, including
3 MARINA and PCG, in conjunction with their schedules for inspection and
4 certification.

5 The Secretary of Labor or the appropriate Secretary in-charge of migration-
6 related matters, or his/her duly authorized representative shall have the power to
7 order immediate correction of, and impose fines for, violations of the relevant
8 provisions of this Act.

9 If the violation or deficiency constitutes a serious breach of the requirement of
10 this Act and its implementing rules and regulations or poses an imminent danger
11 to the ships, and/or to the life or limbs of the seafarer, the Secretary of Labor or
12 the appropriate Secretary in-charge of migration-related matters, or his/her duly
13 authorized representative shall coordinate with the PCG to order the detention of
14 the ship immediately until the violation or deficiency is corrected or until a plan
15 of action to rectify the non-conformities is shown to be implemented in an
16 expeditious manner.

- 17 (b) The Philippine Coast Guard (PCG) shall have the authority to conduct port state
18 control inspections of vessels, including all foreign-flagged vessels, calling at any
19 port of the Philippines, for the promotion of safety of life and property at sea,
20 control and prevention of maritime pollution, and verification of compliance with
21 the minimum standards of training and social condition of officers and crew on
22 board the ships. The PCG shall assist relevant agencies in the enforcement of the
23 provisions of this Act and its implementing rules and regulations, and the MLC,
24 2006.

25 The conduct of port state controls shall be in accordance with international
26 conventions and instruments ratified or to be ratified in the future. The PCG
27 Commandant or his/her duly authorized representative shall have the power to
28 order immediate correction of, and impose fines for, violations of the relevant
29 provisions of this Act.

30 The PCG shall prohibit a ship from leaving port upon the order of the Secretary of
31 Labor or the appropriate Secretary in-charge of migration-related matters, or in
32 case of finding of non-compliance with the provisions of this Act and the MLC,
33 2006 and/or its amendments and the conditions on board are clearly hazardous
34 to the safety, health, or security of seafarers. In all cases, the prohibition to leave
35 the port shall be in place until the same have been rectified or until a plan of
36 action to rectify the non-conformities is shown to be implemented in an
37 expeditious manner, and cleared by the Secretary of Labor or the appropriate
38 Secretary in-charge of migration-related matters.

Sec. 63. *Recognized Organizations.* - Recognized organizations may be authorized by the Secretary of Labor to conduct inspection and issue certification in accordance with the provisions of this Act and its implementing rules and regulations.

A recognized organization shall have the necessary knowledge of the requirements of this Act and its implementing rules and regulations, MLC, 2006, and other relevant international treaties or conventions. A recognized organization shall also have the necessary and qualified professional, technical, and support expertise to carry out the conduct of inspection and issuance of certification.

CHAPTER XVI

SHIPBOARD TRAINING OF CADETS

Sec. 64. *Applicability.* -The provisions of Sections 5 to 17 (Seafarers' Rights), Sections 18 to 19 (Women in the Maritime Industry), Section 22 (Medical Certificate), Sections 35 to 39 (Accommodation, Recreation Facilities, Food and Catering in Ships), Section 40 (Medical Care On Board Ships and Ashore), Sections 45 to 47 (Settlement of Disputes), and Sections 48 to 50 (Repatriation) shall apply with respect to the training of cadets.

Sec. 65. *Shipboard Training Agreement for Cadets.* -There shall be a written agreement among the shipowner, the cadet, and the maritime institution or school, which shall embody the following information, terms, and conditions;

- (a) Cadet's full name, date of birth, birthplace, and age, which should be at least 16 years old;
- (b) Name and address of maritime institution or school;
- (c) Name and address of shipowner and its manning and placement agency, if applicable;
- (d) Place and date when the agreement is entered into;
- (e) Capacity in which the cadet is to be trained;
- (f) The amount of the cadet's allowance or stipend, if applicable;
- (g) Required number of hours of training and rest which shall not be less than the prescribed hours of rest in Section 23 of this Act;
- (h) Duties and responsibilities of the sponsoring company, the Maritime Higher Educational Institution (MHEIs), and cadets, as may be provided under the Standard Cadet Training Agreement on Ships Engaged in International Voyage of the Philippine Overseas Employment Administration (POEA); and
- (i) Other benefits in accordance with existing laws, company policy, or agreements.

In no case shall cadets perform activities outside of the scope of the cadet shipboard training program. The foregoing agreement shall be in a language familiar to

1 and understood by all parties or in English, executed in four (4) original copies
2 before the commencement of the shipboard training. The shipowner, cadet and the
3 maritime institution/school shall each have a signed original of the agreement, and an
4 electronic copy thereof shall be submitted to the DOLE, through the Bureau of Working
5 Conditions (BWC). A signed original copy shall also be made available on-board the
6 ship.

7 Sec. 66. *No Discrimination of Women for Shipboard Training.* -Women cadets
8 shall be accorded equal access to training and shall not be discriminated against for
9 shipboard training.

10 CHAPTER XVII

11 INCENTIVES AND AWARDS GRANTED TO THE MARITIME INDUSTRY

12 Sec. 67. *Incentives and Awards.* – There shall be established an incentives and
13 awards system for the maritime industry stakeholders, which shall be developed and
14 administered by the concerned government agency upon consultation with the Maritime
15 Industry Tripartite Council (MITC).

16 Under such rules and regulations that may be promulgated, deserving
17 shipowners, seafarers, manning, and other organizations or entities shall be
18 commended or awarded for their outstanding performance in upholding the rights of
19 seafarers and complying with this Act.

20 21 22 CHAPTER XVIII

23 ROLE OF GOVERNMENT AGENCIES

24 Sec. 68. *Role of Government Agencies.* – The following government agencies
25 shall perform the following functions to promote the welfare and protect the rights of
26 seafarers:

27 (a) Commission on Higher Education (CHED). CHED shall set the standards and
28 monitor the performance of maritime education programs and maritime higher
29 education institutions, ensuring that quality maritime education, including
30 curricula and training programs, are structured, and delivered in accordance with
31 the written programs, methods, and media of delivery, procedures, and course
32 materials compliant with international standards prescribed under the STCW
33 Convention and its amendments. For this purpose, CHED shall be in close
34 coordination with the MARINA.

35 (b) Department of Labor and Employment (DOLE). DOLE shall ensure that the
36 standards set forth under this Act, Presidential Decree No. 442, as amended, and

1 other domestic laws, the MLC, 2006 and other international treaties and
2 conventions to which the Philippines is a signatory are faithfully complied with
3 and fairly applied to seafarers.

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

7 (c) Department of Foreign Affairs (DFA). DFA, through its consular offices or
8 foreign service posts, in coordination with the appropriate government agency,
9 shall take priority action or make representation with the foreign authority
10 concerned to protect the rights of seafarers and extend immediate assistance,
11 including the repatriation of distressed or beleaguered seafarers.

12 (d) Department of Health (DOH). DOH shall regulate the activities and operations of
13 all clinics which conduct medical, physical, optical, dental, psychological, and
14 other similar examinations, hereinafter referred to as health examinations, on
15 seafarers.

16 The DOH shall determine and prescribe the nature of the medical examination
17 that shall be required of a seafarer, ensuring that such examination will genuinely
18 determine the seafarer's State of health, considering the duties that he/she shall
19 be required to perform on board. The DOH shall likewise prescribe the contents
20 of the medical certificate to ensure that such certification will genuinely reflect
21 the seafarer's state of health.

22 (e) Philippine Overseas Employment Administration (POEA). POEA shall review and
23 improve on the working conditions and terms of employment of the officers and
24 crew of vessels of Philippine registry, and of such officers and crew members who
25 are Filipino citizens and employed by foreign vessels.

26 (f) Overseas Workers' Welfare Administration (OWWA). The OWWA, through its
27 welfare officer or, in his absence, the coordinating officer, shall provide the
28 seafarers and his/her family all the assistance they may need in the enforcement
29 of contractual obligations by agencies and/or by their principals. The OWWA
30 shall likewise formulate and implement welfare programs for overseas Filipino
31 seafarers and their families while they are abroad and upon their return. It shall
32 ensure the awareness by the overseas Filipino workers and their families of these
33 programs and other related governmental programs.

34 (g) Maritime Industry Authority (MARINA). The MARINA shall ensure that the
35 examination, licensing, and certification system for seafarers are in accordance
36 with the requirements prescribed under the STOW Convention, international
37 agreements, other conventions relevant thereto, and other applicable laws, rules,
38 and regulations.

(h) National Maritime Polytechnic. The NMP shall strengthen its research capability to provide studies/resources for evidenced-based policy decision-making and program development, and continuously address gaps in the protection and welfare of the seafarers.

The NMP shall also continue to develop, enhance, and increase the accessibility of its gender and women empowerment and training courses for seafarers to the maritime industry, which shall be made available in any format, including digital and/or e-learning format.

(i) Philippine Coast Guard (PCG). The PCG shall undertake port state control inspections of vessels calling at any port of the Philippines, in accordance with international conventions and standards, for the promotion of safety of life and property at sea, control and prevention of maritime pollution, and verification of compliance with the minimum standards of training and social condition of officers and crew on board the ships.

The PCG shall likewise, in line with its function to assist in the enforcement of applicable laws within the maritime jurisdiction of the Philippines, assist the DOLE in the enforcement of the rules and regulations issued for the purpose of implementing the MLC, 2006, including orders to detain vessels found in gross violation of pertinent laws, rules and regulations.

Unless otherwise provided in this Act, the mandate, power and function of all existing departments, agencies, and instrumentalities of the government, including government-owned and controlled corporations, shall remain and continue to be recognized in accordance with law or order creating them.

Sec. 69. *One-Stop Shop Center for OFWs (OSSCO)*. – There shall be established in each region a One Stop Shop Center for OFWs, which shall be co-located in the regional offices of the POEA, and shall have, as far as practicable, representatives from agencies that process the documents or issue the required licenses, permits and clearances required of seafarers.

Sec. 70. *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; Provided, that the registry of seafarers aboard ocean-going ships shall be integrated to the management information system established under the Migrant Workers and Overseas Filipinos Act, as amended. The registry shall contain updated and 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, as well as a digitalized copy of the duly executed contract.

1 POEA and MARINA shall ensure compliance with Republic Act No. 10173,
2 otherwise known as the "Data Privacy Act of 2012," and its implementing rules and
3 regulations in handling the relevant information or data of seafarers in their respective
4 registries.

5 Sec. 71. *Maritime Occupational Safety and Health Standards.* – The DOLE, in
6 consultation with the maritime industry stakeholders, shall formulate the Maritime
7 Occupational Safety and Health Standards (MOSHS) pursuant to the provisions of
8 Republic Act No. 11058, otherwise known as the "Occupational Safety and Health Law"
9 and pertinent maritime conventions and treaties ratified by the Philippines.

10 CHAPTER XIX

11 FINAL PROVISIONS

12 Sec. 72. *Administrative Fines and Penalties.* – Any shipowner, master, their
13 representatives or other person who fails or refuses to present employment records,
14 such as payrolls, daily time records, payslip, or other documents, such as medical
15 records, when required by the individual seafarer, the Secretary of Labor or his duly
16 authorized representative, or the duly authorized representative of a recognized
17 organization, shall be subjected to administrative fines ranging from One Hundred
18 Thousand Pesos (Php 100,000) to One Million Pesos (Php 1,000,000), in accordance
19 with the implementing rules and regulations of this Act.

20 Sec. 73. *Penalties for Violations of Section 68.* -Any shipowner, master, their
21 representatives who operate without, or fails to present, a valid Maritime Labour
22 Certificate, or its equivalent, shall be punished with fines ranging from One Hundred
23 Thousand Pesos (Php 100,000) to One Million Pesos (Php 1,000,000), in accordance
24 with the implementing rules and regulations of this Act.

25 Sec. 74. *Penalties for Violations of Sections 69 and 70.* – Any person who,
26 without proper authorization, exercises the authority granted to the Secretary of Labor
27 and Employment under Sections 69 and 70 of this Act shall be punished with a fine of
28 not less than Two Hundred Thousand Pesos (Php200,000) nor more than Two Million
29 Pesos (Php2,000,000), or imprisonment of not less than one (1) year nor more than
30 four (4) years, or both at the discretion of the court. The foregoing offense shall
31 prescribe after five (5) years from its commission.

32 Sec. 75. *Transitory Provision.* – All rights, privileges, and benefits previously
33 enjoyed by seafarers before the effectivity of this Act, including those set forth in
34 Presidential Decree No. 442, otherwise known as the Labor Code of the Philippines, as
35 amended, and Republic Act No. 8042, otherwise known as the "Migrant Workers and
36 Overseas Filipinos Act of 1995," as amended, shall continue to be recognized and shall
37 not be diminished after the effectivity of this Act.

1 Sec. 76. *Implementing Rules and Regulations.* – Within ninety (90) days from
2 the effectivity of this Act, the DOLE, in coordination with DFA, MARINA, CHED,
3 TESDA, PCG, POEA, OWWA, and other concerned agencies, and upon consultation
4 with relevant stakeholders, shall formulate the rules and regulations for the effective
5 implementation of this Act.

6 Sec. 77. *Separability Clause.* – If, for any reason, any section, clause, or term of
7 this Act is held to be illegal, invalid, or unconstitutional, such parts not affected by such
8 declaration shall remain in full force and effect.

9 Sec. 78. *Repealing Clause.* – All laws, presidential decrees, issuances, executive
10 orders, letters of instruction, rules, and regulations inconsistent with the provisions of
11 this Act are hereby repealed or modified accordingly.

12 Sec. 79. *Effectivity Clause.* –This Act shall take effect fifteen (15) days after its
13 publication in the Official Gazette or in a newspaper of general circulation.

Approved,