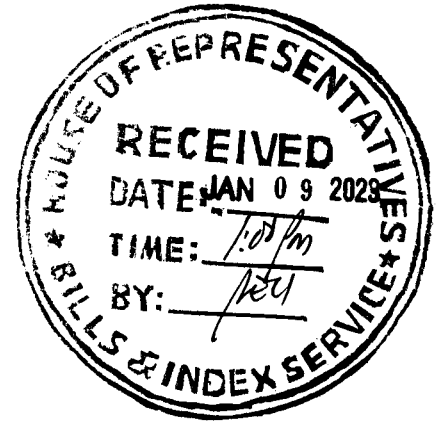


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

NINETEENTH CONGRESS
First Regular Session

House Bill No. **6741**



INTRODUCED BY REPRESENTATIVES RALPH WENDEL P. TULFO
AND JOCELYN P. TULFO

EXPLANATORY NOTE

Over the past 50 years, the Philippines has grown to become the leading contributor in the seafaring industry worldwide. According to the United Nations Conference on Trade and Development (UNCTAD) Review of Maritime Transport 2021, the Philippines is the world's largest source of seafarers, officers and ratings, comprising of over a quarter of all global merchant shipping crew.¹ In terms of number, it was reported that there were 380,000 Filipino seafarers working overseas in 2019.² While the State does not promote overseas employment, at the very least, the Philippines' leading position in the global maritime labor market is a testament to the competency, skill and ability of the Filipino people wherever they may be in the world.

Overseas Filipino Workers (OFWs), including seafarers, have been dubbed as the Philippines' modern-day heroes. This is primarily due to the fact that remittances from Overseas Filipino Workers (OFWs) make up a large portion of the Philippine economy. In 2019, data shows that OFWs contributed more than US\$30.1 Billion in remittances to the economy, including US\$6.5 billion from seafarers alone.³ OFW remittances constituted 9.3% of the Philippines' Gross Domestic Product and 7.3% of Gross National Income.⁴

Notwithstanding their designation as modern-day heroes, seafarers are still deprived of proper labor standards and rights. This is in addition to the emotional and psychological effects brought about being away from their families and from navigating the high seas for long periods of time. Among the rights they deserve are – security of tenure, retirement benefits, free or affordable training fees, access to health care, free or affordable legal services, leaves, and disability and/or death benefits. As laborers, the 1987 Constitution mandates the State to afford them with full protection.

In the spirit of protecting and upholding the fundamental rights and dignity of our seafarers, this bill seeks to institutionalize labor standards and rights which are particular to their working conditions. It is high time for our modern-day heroes to get the proper

¹ Review of Maritime Transport 2021, United Nations Conference on Trade and Development (UNCTAD), available at https://unctad.org/system/files/official-document/rmt2021_en_0.pdf (last accessed September 12, 2022).

² *Id.*

³ *Id.*

⁴ *Id.*

protection that they deserve in recognition of their significant contribution to the national economy. In view thereof, the immediate approval of this bill is earnestly sought.



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**INTRODUCED BY REPRESENTATIVES RALPH WENDEL P. TULFO
AND JOCELYN P. TULFO**

**AN ACT PROVIDING FOR A
MAGNA CARTA OF OVERSEAS FILIPINO 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 Overseas Filipino Seafarers.”

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

- (a) To recognize the rights, contributions, and unique role of 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 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

- (f) 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 ships that undertake international voyages 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;
- (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 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.

All Filipino seafarers on board Philippine registered domestic ships engaged in trade and commerce navigating exclusively between Philippine ports and within Philippine territorial or internal waters shall be covered primarily by the provisions of Presidential Decree No. 442, otherwise known as the Labor Code of the Philippines, as amended, Republic Act No. 11058, entitled "An Act Strengthening Compliance with Occupational Safety and Health Standards and Providing Penalties for Violations Thereof," and other related labor, 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:

- (1) Fails to cover the cost of the seafarer's repatriation;

- (2) Has left the seafarer without the necessary maintenance and support; or
- (3) 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) **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;
- (d) **International Convention on Standards of Training, Certification, and Watchkeeping for Seafarers** or **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;
- (e) **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;
- (f) **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;
- (g) **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, 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, professional associations of seafarers, associations promoting seafarers' welfare, and women's maritime organizations;
- (h) **Maritime Labour 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 the MLC, 2006 and of applicable Philippine laws and regulations;
- (i) **Maritime Labour Convention, 2006** or **MLC, 2006** refers to the consolidated Maritime Labour Convention approved by the International Labour Organization (ILO) in 2006 and ratified by the Philippines on August 20, 2012;
- (j) **Master** refers to a person having command of a ship and acts as the shipowners' representative;

- 1 (k) **Ocean-Going Ship** refers to a ship other than those which navigate exclusively in
2 inland water or in water within or closely adjacent to sheltered water, or areas where
3 port regulations apply;
4
- 5 (l) **Officer** refers to a member of the crew other than the master who has been designated
6 as such by national law or regulation, or, in the absence of such designation, by
7 collective agreement or custom;
8
- 9 (m) **One-Stop-Shop Center** refers to the one-stop shop centers in various parts of the
10 country established to ensure prompt, efficient, vital, and relevant services to Overseas
11 Filipino Workers (OFWs) and other overseas Filipinos and their families, including
12 seafarers, and shall be the venue for the acquisition of relevant clearances and permits,
13 validation of overseas job offers, availment of reintegration services and all pertinent
14 seminars and workshops for all stakeholders, among others, in accordance with
15 Republic Act No. 11641, entitled "An Act Creating the Department of Migrant
16 Workers, Defining its Powers and Functions, Rationalizing the Organization and
17 Functions of Government Agencies related to Overseas Employment and Labor
18 Migration, Appropriating Funds Therefor, and For Other Purposes";
19
- 20 (n) **Point of Hire** refers to the place indicated in the contract of employment, and which
21 shall be the basis in determining the commencement of the contract;
22
- 23 (o) **Recognized Organizations** refer to organizations recognized by the DOLE to carry
24 out inspections or issue the Maritime Labour Certificate in accordance with the scope
25 of activities covered by their authorizations;
26
- 27 (p) **Repatriation** refers to the process of returning a seafarer to the point of destination,
28 which shall be at the point of hire or the seafarer's place of domicile, at the option of
29 the seafarer, or in case of incapacity or death, at the option of his/her next-of-kin;
30
- 31 (q) **Standard Employment Contract or Employment Contract or SEC** refers to a
32 government-prescribed contract containing the minimum terms and conditions of
33 employment;
34
- 35 (r) **Seafarer** refers to any Filipino who is to be employed, is employed, or is engaged to
36 work in any capacity on board a ship covered under this Act;
37
- 38 (s) **Ship or Vessel** refers to any kind, class, or type of craft or artificial contrivance capable
39 of floating in water, whether publicly or privately owned, ordinarily engaged in
40 commercial activities; and
41
- 42 (t) **Shipowner or Principal** refers to the owner of the ship employing Filipino seafarers
43 to work on board Philippine ships that undertake international voyages and foreign-
44 registered ships engaged in international trade, or any other organization or person,
45 such as the manager, agent, or bareboat charterer, who has assumed the responsibility
46 for the operation and management of the ship from the shipowner, and who, in
47 assuming such responsibilities, has agreed to take over all the attendant duties and
48 responsibilities of a shipowner under this Act, regardless of whether any other
49 organization or persons fulfill certain duties or responsibilities on behalf of the
50 shipowner.

**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;
- (d) Fair terms and conditions of employment, including salary commensurate to their rank, hours of work, paid sick leave or sickness benefits, the maximum number of hours of work, and minimum hours of rest periods, consistent with Philippine laws or international maritime conventions; and
- (e) Compensation and benefits in the event of death or long-term disability for occupational injuries, illnesses, hazards.

SEC. 6. Right to Self-Organization, to Engage in Collective Bargaining, and to Participate in Democratic Exercises. – Seafarers shall enjoy the right to self-organization, to collectively bargain, to form or join international organization of seafarers or network with seafarers of different nationalities, and to participate in the deliberation of issues and in the formulation of policies that affect them, including, as far as practicable, representation in governing boards or appointment in government agencies or instrumentalities.

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

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

Toward this end, relevant government agencies shall:

- (a) Regulate the operation of all educational and training institutions offering courses related to seafaring;
- (b) Pursue grant programs, such as scholarships, subsidies, loan assistance, and other measures that will harness the skills of seafarers toward greater competitiveness given the new and evolving demands in the industry;
- (c) Promote quality maritime education and training that respond to the needs of the industry and in accordance with minimum international maritime standards of competency; and
- (d) Afford enhanced access to educational advancement and training of women in the seafaring industry.

1 The Commission on Higher Education (CHED) and the Maritime Industry Authority
2 (MARINA) shall work together to mainstream gender and development in the curricula of
3 maritime institutions and training centers.

4
5 **SEC. 8. Right to Information.** – Shipowners, manning agencies, and other organizations
6 responsible for the recruitment and placement of seafarers, shall provide seafarers relevant
7 information, including the terms and conditions of employment, company policies affecting
8 seafarers, obligations of seafarers, conditions and realities attending to their profession, and
9 necessary laws and regulations of countries covered by their sojourn. In addition, the seafarers
10 shall, at all times, be furnished a copy of the duly executed Standard Employment Contract,
11 as well as the results of the medical examination conducted on him/her. This right shall also
12 include the right of seafarers' organizations to relevant information affecting the terms and
13 conditions of employment of their members, subject to provisions of Republic Act No. 10173,
14 otherwise known as the Data Privacy Act of 2012.

15
16 All ships covered by this Act shall have a copy of the MLC, 2006, the grievance procedures
17 available on board, duly executed Standard Employment Contract of seafarers, and when
18 there is a collective bargaining agreement (CBA), a copy of such agreement, which shall be
19 readily accessible and available to the seafarers.

20
21 **SEC. 9. Right to Information of a Seafarer's Family or Next-of-Kin.** – In critical incidents,
22 such as accidents or deaths on board or offshore, piracy, abandonment of vessel, and other
23 similar cases, the seafarer's family or next-of-kin shall be immediately informed of the incident,
24 including investigation reports, action/s taken, and plans by the shipowner and the manning
25 agency concerned.

26
27 In addition, it shall be the duty of the shipowner and the manning agency, within a reasonable
28 period of time, to report to the Department of Migrant Workers (DMW) and the Overseas
29 Workers Welfare Administration Act (OWWA) such incident and the details of the family or
30 next-of-kin of the concerned seafarer/s, which shall subsequently provide the appropriate
31 assistance.

32
33 **SEC. 10. Right to Safe Passage and Safe Travel.** – Seafarers shall be accorded the rights to
34 safe passage and safe travel, including the right to embark and disembark in third countries
35 when in transit, and the right to be repatriated and return home.

36
37 **SEC. 11. Right to Consultation.** – Seafarers and maritime stakeholders shall be adequately
38 consulted before adopting any maritime policy, executive issuance, rules or regulations, or in
39 the enactment of any maritime law that may directly affect the seafarers and/or their families
40 and beneficiaries.

41
42 **SEC. 12. Right against Discrimination.** – Seafarers shall have the right to be protected from
43 discrimination on the basis of race, age, sex, religion, or political opinion, as well as on the
44 basis of disablement, taking into consideration the inherent requirements of the particular job
45 or undertaking. Career opportunities shall be promoted, and appropriate working and living
46 conditions shall be guaranteed equally among male and female seafarers.

47
48 **SEC. 13. Right to be Protected Against All Forms of Harassment and Bullying.** – Seafarers
49 shall be protected against all forms of harassment and bullying while on board their ships.
50 The shipowner shall put policies in place for the protection of all crew members. Maritime
51 stakeholders and seafarers shall ensure that harassment and bullying do not take place.

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

3
4 **SEC. 14. Right to Free Legal Representation.** – Seafarers who are victims of violations of the
5 provisions of this Act or whose contracts have been breached, who cannot afford the services
6 of a competent and independent counsel, shall have the right to free legal assistance and
7 protection at the government's expense, and to the fair and speedy disposition of the case,
8 including the expeditious settlement of any money claims, subject to existing rules and
9 regulations.

10
11 **SEC. 15. Right to Access to Communication.** – Seafarers, especially during their free time or
12 when they are not on duty, shall have reasonable access to ship-to-shore telephone
13 communications, email, and internet facilities, where available.

14
15 **SEC. 16. Right to Record of Employment or Certificate of Employment.** – The seafarer shall
16 have a right to the record of his/her employment on board the ship, or a certificate of
17 employment, specifying the length of service, the position the seafarer occupied, an account
18 of his/her final wages, and such other relevant information.

19
20 **SEC. 17. Right to Fair Treatment in the Event of a Maritime Accident.** – In the event of a
21 maritime accident, seafarers shall be treated fairly. They shall be entitled to all the rights under
22 the ILO/International Maritime Organization (IMO) 2006 Guidelines on Fair Treatment of
23 Seafarers in the Event of a Maritime Accident and its amendments.

24
25
26 **CHAPTER IV**
27 **WOMEN IN THE MARITIME INDUSTRY**
28

29 **SEC. 18. Discrimination Against Women Seafarers.** In addition to the right against
30 discrimination on the basis of sex, women seafarers shall be protected from the following
31 discriminatory acts:

- 32
33 (a) Payment of a lesser compensation, including wage, salary or other form of
34 remuneration and fringe benefits, to a male seafarer as against a female seafarer, for
35 work of equal value; and
36
37 (b) Favoring a male seafarer over a female seafarer with respect to promotion, training
38 opportunities, study and scholarship grants, solely on account of their sexes.

39
40 **SEC. 19. Gender and Development.** Shipowners and manning agencies shall formulate
41 gender and development policies. In addition, all maritime training institutions shall ensure
42 that appropriate gender-sensitive policies are in place to promote the rights of women to
43 adequate training and opportunities, free from discrimination, harassment and bullying.

44
45
46 **CHAPTER V**
47 **SEAFARER'S DUTIES**
48

49 **SEC. 20. Duties of a Seafarer.** – Seafarers shall have the following duties:
50

- 1 (a) To comply with and observe the terms and conditions of the Standard Employment
2 Contract;
- 3
- 4 (b) To abide by lawful and reasonable company personnel policies;
- 5
- 6 (c) To follow and observe the chain of command of the vessel, and to comply with the
7 relevant and reasonable policies and procedures on board the ship or while ashore,
8 taking into consideration his/her religious freedom;
- 9
- 10 (d) To be diligent in the performance of duties relating to the ship, its stores, equipment,
11 and cargo, whether on board, in transit, or ashore;
- 12
- 13 (e) To continually improve his/her professional competency by keeping up-to-date with
14 the latest technological and scientific knowledge applied in the maritime fields,
15 constant reading and diligent studies, and keen observation of shipboard activities;
- 16
- 17 (f) To be, at all times, orderly and respectful to the shipmates, passengers, shippers,
18 stevedores, port authorities, and other persons who have official business with the
19 ship; and
- 20
- 21 (g) To take personal responsibility for his/her health while on board by maintaining a
22 healthy lifestyle and complying with medically prescribed instructions.
- 23
- 24

25 CHAPTER VI 26 MINIMUM REQUIREMENTS FOR SEAFARERS 27

28 **SEC. 21. Minimum Age.** - No person below eighteen (18) years old, other than a cadet, shall
29 be employed, engaged, or otherwise allowed to work on board Philippine-registered ships
30 navigating international waters, as well as on board foreign-registered ships.

31
32 **SEC. 22. Medical Certificates.** - No seafarer shall be employed, engaged, or otherwise
33 allowed to work on board Philippine-registered ships navigating international waters or
34 ocean-going ship unless a medical certificate has been issued declaring the seafarer to be fit to
35 work.

36
37 For this purpose, the seafarer shall hold a valid medical certificate issued by a medical facility
38 duly accredited by the Department of Health (DOH), in accordance with its rules and
39 regulations.

40
41 The medical certificate shall certify that the person is expected to meet the minimum
42 requirements to perform the duty specific to the person's post safely and effectively during
43 the validity of the certificate.

44
45 During the conduct of a medical examination, the seafarer shall have the responsibility of
46 answering truthfully all questions relating to his/her medical condition and/or medical
47 history, including previously known illness, injury, or medical treatment, and to make a
48 complete inventory of medication prescribed to him/her by physicians; Provided, that the
49 processing of the medical information of the seafarer shall at all times comply with the
50 provisions of the Data Privacy Act of 2012.

1
2 For the purposes of this Section, a medical certificate issued in accordance with the
3 requirements of STCW shall be accepted.
4

5 **SEC. 23. Training and Qualifications.** - Only seafarers certified by appropriate government
6 agencies in compliance with the STCW and other applicable international standards, shall
7 work, be employed, or be engaged on board a ship.
8

9 **SEC. 24. Recruitment and Placement.** - Only duly licensed manning agencies shall be allowed
10 to operate and engage in the recruitment and placement of seafarers, in accordance with rules
11 and regulations as may be issued by the Secretary of Labor and Employment, or the Secretary
12 in-charge of migration-related matters, including the deployment of seafarers.
13

14 In all cases, no amount or fee, including placement fees, shall be charged to the seafarer in
15 relation to his/her recruitment and placement.
16
17

18 **CHAPTER VII**

19 **TERMS AND CONDITIONS OF EMPLOYMENT**

20

21 **SEC. 25. Standard Employment Contract for Seafarers.** - There shall be a Standard
22 Employment Contract in writing between the shipowner and the seafarer, which shall include,
23 but not be limited to, the following information and terms:
24

- 25 (a) Seafarer's full name, date of birth, age, birthplace, permanent, and/or residential
26 address;
27
- 28 (b) Seafarer's Record Book Number, Seafarer's Identity Document Number, Seafarer's
29 Registration Number, and other necessary documentation required of seafarers by
30 other appropriate government agencies;
31
- 32 (c) Shipowner's name and address;
33
- 34 (d) Place where and date when the seafarer's employment agreement is entered into;
35
- 36 (e) Duration of the contract;
37
- 38 (f) Point of hire;
39
- 40 (g) Capacity in which the seafarer is to be employed;
41
- 42 (h) Amount of the seafarer's salary, and the formula used for calculating the same;
43
- 44 (i) Maximum hours of work and minimum hours of rest;
45
- 46 (j) Wages and wage-related benefits, which shall include, but is not limited to, overtime
47 pay, holiday pay, vacation leave pay, premium pay, paid leaves, and 13th-month pay,
48 if applicable;
49

- 1 (k) Compensation and benefits for occupational injury, illness, or death;
2
3 (l) Social security and welfare benefits, including the compulsory insurance coverage as
4 provided under Republic Act No. 8042, as amended by Republic Act No. 10022,
5 otherwise known as the Migrant Workers Act, and Section 6(n) of Republic Act No.
6 11641, otherwise known as the Department of Migrant Workers Act;
7
8 (m) Stipulations on repatriation or similar undertakings;
9
10 (n) Separation pay and retirement pay, if applicable;
11
12 (o) Reference to the CBA, if applicable; and
13
14 (p) Other benefits in accordance with law, company policy, or CBA.
15

16 The employment contract shall be in a working language or in the English language, executed
17 in four (4) original copies before the commencement of the employment. The shipowner and
18 the seafarer shall each have a signed original of the agreement. In addition, a signed original
19 shall be made available on board the ship.
20

21 For ocean-going Philippine-registered ships or foreign-registered ships, the DMW shall issue
22 a Standard Employment Contract containing the minimum standards to be observed in the
23 employment of seafarers. The Standard Employment Contract shall be reviewed and updated
24 regularly and must, at all times, be consistent with the MLC, 2006, and other existing treaties
25 and conventions governing seafarers, which the Philippines has ratified or will ratify in the
26 future.
27

28 **SEC. 26. Maximum Hours of Work and Minimum Hours of Rest.** - The normal hours of
29 work of a seafarer shall not exceed eight (8) hours a day with one (1) rest day per week. If the
30 seafarer is required to work beyond eight (8) hours, the maximum hours of work shall not
31 exceed fourteen (14) hours in any 24-hour period, and seventy-two (72) hours in any seven
32 (7)-day period.
33

34 The minimum hours of rest for every seafarer shall not be less than ten (10) hours in a 24-hour
35 period. The hours of rest may be divided into two periods, one of which shall be at least six
36 (6) hours in length, and the interval between the two periods of rest shall not exceed fourteen
37 (14) hours.
38

39 In exceptional cases, seafarers in watchkeeping duties may be required to work beyond
40 fourteen (14) hours: Provided, that the rest period is not less than seventy (70) hours in any
41 seven-day period; Provided, further, that such watchkeeping duties shall not be allowed for
42 more than two (2) consecutive weeks; Provided, finally, that the intervals between the two (2)
43 periods shall not be less than twice the duration of the exception.
44

45 Seafarers shall be granted reasonable periods of shore leaves while the vessel is docked for
46 the benefit of their health and well-being, subject to proportionate and specifically adopted
47 rules, regulations, and measures of the Port State.
48

49 **SEC. 27. Paid Annual Leave.** - Unless a higher annual leave is already provided in the
50 employment contract, or under a CBA, or by the shipowner as company practice or policy,

the seafarers shall be paid an annual leave, to be calculated on the basis of a minimum of 4.5 calendar days per month of employment, without prejudice to any future increases as may be prescribed by laws, rules, or regulations; Provided, that the following shall not be counted as part of the annual paid leave:

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

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

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

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

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

SEC. 32. Social Welfare Benefits. - Without prejudice to established policy, CBA, or other applicable social agreement, all seafarers shall be members of, and receive the benefits conferred by, the OWWA, Social Security System (SSS), Employees' Compensation and State Insurance Fund, Philippine Health Insurance Corporation (PhilHealth), Home Development Mutual Fund (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 ACCOMMODATION, 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 constructed on or after the date when the MLC, 2006 come into force;
- (b) All ocean-going second-hand ships, 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 ocean-going 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.

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 ocean-going ships shall 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 a ship, 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

1 shipowner shall provide an expeditious and effective financial security system to assist
2 seafarers in the event of their abandonment and to assure compensation for contractual claims
3 in the event of sickness, injury, or death occurring while they are serving under a seafarer's
4 employment contract, or arising from their employment under such agreement.

5 6 7 **CHAPTER X** 8 **TERMINATION OF EMPLOYMENT** 9

10 **SEC. 43. Termination of Employment. -** 11

12 (a) The employment of seafarers on board Philippine-registered ships operating
13 internationally, as well as those on board foreign-registered ships, shall cease when
14 the seafarers complete their period of contractual service aboard the ship, signs-off
15 from the ship, and arrive at the destination as specified under this paragraph (b) of
16 this Section;
17

18 (b) The employment is also terminated effective upon arrival at the point of destination,
19 which shall either be at the point of hire or the seafarer's place of domicile, at the option
20 of the seafarer, or in case of the seafarer's incapacity or death, at the option of his/her
21 next-of-kin, for any of the following reasons:
22

23 (1) When the seafarer signs-off and is disembarked for medical reasons in the event
24 the seafarer is declared: (i) fit for repatriation; or (ii) when after an illness, the
25 seafarer is declared fit to work, but the shipowner is unable to find employment
26 for the seafarer on board the ship originally boarded or another ship of the
27 shipowner;
28

29 (2) When the seafarer signs-off due to sale of the ship, lay-up of the ship,
30 discontinuance of voyage or change of ship principal, shipwreck, grounding, or
31 unseaworthiness;
32

33 (3) When the seafarer voluntarily resigns in writing and signs-off prior to the
34 expiration of contract within a reasonable period as may be prescribed in the
35 implementing rules and regulations of this Act; or
36

37 (4) When the seafarer is discharged for just causes in accordance with the provisions
38 of the Standard Employment Contract.
39

40 **SEC. 44. Extension of Employment. -** In the event of the extension of the term of a seafarer's
41 employment contract, the seafarer shall be furnished a copy of the new, or supplemental
42 contract covering the extension of his employment, with adequate time to review and obtain
43 expert advice regarding the terms and conditions of his/her extended employment, which
44 shall in no case be lower than the terms of his/her original employment. In all cases, the
45 shipowner, or a duly authorized representative or the manning agency shall ensure that the
46 seafarer has considered the effect of such an extension to any accumulated entitlement and
47 repatriation benefits, among others.
48

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

**CHAPTER XI
SETTLEMENT OF DISPUTES**

SEC 45. On board and Onshore Grievance Machinery. – All covered ships 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 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 AND REINTEGRATION**

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, which 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;

- 1
2 (b) Accommodation and food during the journey to the repatriation destination;
3
4 (c) Transportation charges, whereby the normal mode of transport should be by air;
5
6 (d) Deployment cost of the principal; and
7
8 (e) Immigration fees, fines, and penalties.
9

10 However, in cases where the termination of employment is for just cause or upon the request
11 of the seafarer, the cost of repatriation shall be for the account of the seafarer in accordance
12 with the employment agreement.
13

14 The responsibility to provide for the repatriation costs shall be without prejudice to the right
15 to civil, criminal or other claims in accordance with law or otherwise, particularly in cases of
16 maritime accident or death other than natural causes.
17

18 **SEC. 50. Quarantine and Medical Expenses in Repatriation Due to Infection, Epidemics or**
19 **Pandemic.** – Before or during the process of repatriation, the expenses of medical care and
20 board and lodging for periods spent by seafarers in self-isolation or quarantine, whether or
21 not the seafarers have symptoms, have been exposed or are quarantined as a safety precaution
22 for the community, shall be covered by the shipowner or manning agency until the seafarers
23 have been duly repatriated to the repatriation destination. Thereafter, medical care and
24 quarantine expenses after repatriation to the destination shall be borne by the Philippine
25 government, following the whole-of-government approach in the management of
26 epidemics/pandemics.
27

28 **SEC. 51. Waiver of Entitlement to Repatriation.** – Entitlement to repatriation may be waived
29 by a seafarer; Provided, That the waiver shall be written, made freely and voluntarily, with
30 full knowledge of its consequences; Provided, however, that no such waiver shall be allowed
31 or presumed when a seafarer is abandoned, held captive on or off the ship as a result of acts
32 of piracy or armed robbery against the ship, or are incapable of traveling due to illness, injury
33 or incapacity, or other cases that affect the seafarer's safety and security.
34

35 **SEC. 52. Reintegration.** – In accordance with the Department of Migrant Workers Act,
36 seafarers may avail of the full-cycle and comprehensive national reintegration program for
37 seafarers, which shall be embedded in all stages of migration for work beginning from pre-
38 deployment, on-site during employment and upon return, whether voluntary or involuntary,
39 through the National Reintegration Center for OFWs. The reintegration program shall cover
40 the different dimensions of support needed by the seafarer, such as economic, social,
41 psychosocial, and cultural, including skills certification and recognition of equivalency for
42 effective employment services, and shall ensure contribution to national development
43 through investments and transfer of technology from skilled or professional seafarers.
44

45
46 **CHAPTER XIII**
47 **MANNING LEVELS AND COMPLIANCE AND ENFORCEMENT OF SHIPS OF**
48 **PHILIPPINE REGISTRY**
49

SEC. 53. Manning Levels. - Covered 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. 54. Crew Competence. - Every member of the crew of a ship of an ocean-going 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. 55. Compliance and Certification. - All ocean-going 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 Labour Certificate or a certificate of compliance, as applicable, shall be issued in accordance with the implementing rules and regulations of this Act.

SEC. 56. Inspection and Enforcement. -

- (a) The Secretary of DMW, or his/her duly authorized representative, shall have the authority to inspect all covered ships of Philippine registry to ensure compliance with labor standards and occupational safety and health as provided under this Act.

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

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

If the violation or deficiency constitutes a serious breach of the requirement of this Act and its implementing rules and regulations or poses an imminent danger to the ships, and/or to the life or limbs of the seafarer, the Secretary of DMW, or his/her duly authorized representative shall coordinate with the PCG to order the detention of the ship immediately until the violation or deficiency is corrected or until a plan of action to rectify the non-conformities is shown to be implemented in an expeditious manner.

- (b) The Philippine Coast Guard (PCG) shall have the authority to conduct port state control inspections of vessels, including all foreign-flagged vessels, calling at any port of the Philippines, 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

1 PCG shall assist relevant agencies in the enforcement of the provisions of this Act and
2 its implementing rules and regulations, and the MLC, 2006.

3
4 The conduct of port state controls shall be in accordance with international
5 conventions and instruments ratified or to be ratified in the future.

6
7 The PCG Commandant or his/her duly authorized representative shall have the
8 power to order immediate correction of, and impose fines for, violations of the relevant
9 provisions of this Act.

10
11 The PCG shall prohibit a ship from leaving port upon the order of the Secretary of
12 DMW, or in case of finding of non-compliance with the provisions of this Act and the
13 MLC, 2006 and/or its amendments and the conditions on board are clearly hazardous
14 to the safety, health, or security of seafarers. In all cases, the prohibition to leave the
15 port shall be in place until the same have been rectified or until a plan of action to
16 rectify the non-conformities is shown to be implemented in an expeditious manner,
17 and cleared by the Secretary of DMW.

18
19 **SEC. 57. Recognized Organizations.** - Recognized organizations may be authorized by the
20 Secretary of DMW to conduct inspection and issue certification in accordance with the
21 provisions of this Act and its implementing rules and regulations.

22
23 A recognized organization shall have the necessary knowledge of the requirements of this Act
24 and its implementing rules and regulations, MLC, 2006, and other relevant international
25 treaties or conventions.

26
27 A recognized organization shall also have the necessary and qualified professional, technical,
28 and support expertise to carry out the conduct of inspection and issuance of certification.

29
30
31 **CHAPTER XIV**
32 **SHIPBOARD TRAINING OF CADETS**
33

34 **SEC. 58. Applicability.** - The provisions of Sections 5 to 17 (Seafarers' Rights), Sections 18 to
35 19 (Women in the Maritime Industry), Section 22 (Medical Certificate), Sections 35 to 39
36 (Accommodation, Recreation Facilities, Food and Catering in Ships), Section 40 (Medical Care
37 On Board Ships and Ashore), Sections 45 to 47 (Settlement of Disputes), Sections 48 to 52
38 (Repatriation and Reintegration) shall apply with respect to the training of cadets.

39
40 **SEC. 59. Shipboard Training Agreement for Cadets.** - There shall be a written agreement
41 among the shipowner, the cadet, and the maritime institution or school, which shall embody
42 the following information, terms, and conditions:

- 43
44 (a) Cadet's full name, date of birth, birthplace, and age, which should be at least 16 years
45 old;
46
47 (b) Name and address of maritime institution or school;
48
49 (c) Name and address of shipowner and its manning and placement agency, if applicable;
50

- 1 (d) Place and date when the agreement is entered into;
2
3 (e) Capacity in which the cadet is to be trained;
4
5 (f) The amount of the cadet's allowance or stipend, if applicable;
6
7 (g) Required number of hours of training and rest which shall not be less than the
8 prescribed hours of rest in Section 23 of this Act;
9
10 (h) Duties and responsibilities of the sponsoring company, the Maritime Higher
11 Educational Institution (MHEIs), and cadets, as may be provided prevailing cadet
12 training agreement standards; and
13
14 (i) Other benefits in accordance with existing laws, company policy, or agreements.
15

16 In no case shall cadets perform activities outside of the scope of the cadet shipboard training
17 program.
18

19 The foregoing agreement shall be in a language familiar to and understood by all parties or in
20 English, executed in four (4) original copies before the commencement of the shipboard
21 training. The shipowner, cadet and the maritime institution/school shall each have a signed
22 original of the agreement, and an electronic copy thereof shall be submitted to the DMW. A
23 signed original copy shall also be made available on-board the ship.
24

25 **SEC. 60. No Discrimination of Women for Shipboard Training.** - Women cadets shall be
26 accorded equal access to training and shall not be discriminated against for shipboard training.
27
28

29 CHAPTER XV 30 INCENTIVES AND AWARDS GRANTED TO THE MARITIME INDUSTRY 31

32 **SEC. 61. Incentives and Awards.** - There shall be established an incentives and awards
33 system for the maritime industry stakeholders, which shall be developed and administered
34 by the concerned government agency upon consultation with the Maritime Industry Tripartite
35 Council (MITC).
36

37 Under such rules and regulations that may be promulgated, deserving shipowners, seafarers,
38 manning, and other organizations or entities shall be commended or awarded for their
39 outstanding performance in upholding the rights of seafarers and complying with this Act.
40
41

42 CHAPTER XVI 43 ROLE OF GOVERNMENT AGENCIES 44

45 **SEC. 62. Role of Government Agencies.** - The following government agencies shall perform
46 the following functions to promote the welfare and protect the rights of seafarers:
47

- 48 (a) **Commission on Higher Education (CHED).** CHED shall set the standards and
49 monitor the performance of maritime education programs and maritime higher
50 education institutions, ensuring that quality maritime education, including curricula

and training programs, are structured and delivered in accordance with the written programs, methods, and media of delivery, procedures, and course materials compliant with international standards prescribed under the STCW Convention and its amendments. For this purpose, CHED shall be in close coordination with the MARINA.

- (b) **Department of Migrant Workers (DMW).** The DMW shall review and improve on the working conditions and terms of employment of the officers and crew of vessels covered under this Act. It shall likewise ensure that the standards set forth under this Act, the MLC, 2006, and other international treaties and conventions to which the Philippines is a signatory are faithfully complied with and fairly applied to seafarers. To this end, the DMW shall establish an effective system for inspection and certification as provided under this Act to ensure that the working and living conditions of seafarers are met and continue to be met pursuant to the MLC, 2006.

It 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.

It 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.

It shall extend immediate assistance to seafarers, or their families or next-of-kin, including the repatriation of distressed seafarers, and any other analogous help or intervention.

- (c) **Department of Foreign Affairs (DFA).** DFA, through its consular offices or foreign service posts, in coordination with the appropriate government agency, shall take priority action or make representation with the foreign authority concerned to protect the rights of seafarers.

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

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

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

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

5
6 (f) **Maritime Industry Authority (MARINA).** The MARINA shall ensure that the
7 examination, licensing, and certification system for seafarers are in accordance with
8 the requirements prescribed under the STCW Convention, international agreements,
9 other conventions relevant thereto, and other applicable laws, rules, and regulations.

10
11 (g) **Philippine Coast Guard (PCG).** The PCG shall undertake port state control
12 inspections of vessels calling at any port of the Philippines, in accordance with
13 international conventions and standards, for the promotion of safety of life and
14 property at sea, control and prevention of maritime pollution, and verification of
15 compliance with the minimum standards of training and social condition of officers
16 and crew on board the ships.

17
18 The PCG shall likewise, in line with its function to assist in the enforcement of
19 applicable laws within the maritime jurisdiction of the Philippines, assist the DOLE in
20 the enforcement of the rules and regulations issued for the purpose of implementing
21 the MLC, 2006, including orders to detain vessels found in gross violation of pertinent
22 laws, rules and regulations.

23
24 Unless otherwise provided in this Act, the mandate, power and function of all existing
25 departments, agencies, and instrumentalities of the government, including government-
26 owned and controlled corporations, shall remain and continue to be recognized in accordance
27 with law or order creating them.

28
29 **SEC. 63. One-Stop Shop Center.** – Seafarers may avail of the assistance of One-Stop Shop
30 Centers, as created and established under the Department of Migrant Workers Act.

31
32 **SEC. 64. Registry of Seafarers.** – The DMW shall maintain a registry of all seafarers on board
33 ocean-going vessels in the Philippines; Provided, that the registry of seafarers aboard ocean-
34 going ships shall be integrated to the management information system established under the
35 Department of Migrant Workers Act. The registry shall contain updated and relevant
36 information or data to promote employment opportunities for seafarers, whether on board or
37 ashore, or to provide a list of available training and education to support skills development
38 and competencies of seafarers, as well as a digitalized copy of the duly executed contract.

39
40 The DMW shall ensure compliance with the Data Privacy Act of 2012, and its implementing
41 rules and regulations in handling the relevant information or data of seafarers.

42
43 **SEC. 65. Maritime Occupational Safety and Health Standards.** – The DOLE, in consultation
44 with the maritime industry stakeholders, shall formulate the Maritime Occupational Safety
45 and Health Standards (MOSHS) pursuant to the provisions of Republic Act No. 11058,
46 otherwise known as the “Occupational Safety and Health Law” and pertinent maritime
47 conventions and treaties ratified by the Philippines.

48
49
50 **CHAPTER XVII**
51 **FINAL PROVISIONS**

1
2 **SEC. 66. Administrative Fines and Penalties.** – Any shipowner, master, their representatives
3 or other person who fails or refuses to present employment records, such as payrolls, daily
4 time records, payslip, or other documents, such as medical records, when required by the
5 individual seafarer, the Secretary of DMW or his duly authorized representative, or the duly
6 authorized representative of a recognized organization, shall be subjected to administrative
7 fines ranging from One Hundred Thousand Pesos (Php100,000.00) to One Million Pesos
8 (Php1,000,000.00), in accordance with the implementing rules and regulations of this Act.
9

10 **SEC. 67. Penalties for Violations of Section 55.** Any shipowner, master, their representatives
11 who operate without, or fails to present, a valid Maritime Labour Certificate, or its equivalent,
12 shall be punished with fines ranging from One Hundred Thousand Pesos (Php100,000.00) to
13 One Million Pesos (Php1,000,000.00), in accordance with the implementing rules and
14 regulations of this Act.
15

16 **SEC. 68. Penalties for Violations of Sections 56 and 57.** – Any person who, without proper
17 authorization, exercises the authority granted to the Secretary of DMW under Sections 56 and
18 57 of this Act shall be punished with a fine of not less than Two Hundred Thousand Pesos
19 (Php200,000.00) nor more than Two Million Pesos (Php2,000,000.00), or imprisonment of not
20 less than one (1) year nor more than four (4) years, or both at the discretion of the court. The
21 foregoing offense shall prescribe after five (5) years from its commission.
22

23 **SEC. 69. Transitory Provision.** – All rights, privileges, and benefits previously enjoyed by
24 seafarers before the effectivity of this Act, including those set forth in Presidential Decree No.
25 442, otherwise known as the Labor Code of the Philippines, as amended, and Republic Act
26 No. 8042, otherwise known as the “Migrant Workers and Overseas Filipinos Act of 1995,” as
27 amended, shall continue to be recognized and shall not be diminished after the effectivity of
28 this Act.
29

30 The Transition Period provided under Section 23 of the Department of Migrant Workers Act
31 shall likewise be taken into consideration.
32

33 **SEC. 70. Implementing Rules and Regulations.** – Within ninety (90) days from the effectivity
34 of this Act, the DMW, in coordination with DOLE, DFA, MARINA, CHED, TESDA, PCG,
35 OWWA, and other concerned agencies, and upon consultation with relevant stakeholders,
36 shall formulate the rules and regulations for the effective implementation of this Act.
37

38 **SEC. 71. Separability Clause.** – If, for any reason, any section, clause or term of this Act is
39 held to be illegal, invalid, or unconstitutional, such parts not affected by such declaration shall
40 remain in full force and effect.
41

42 **SEC. 72. Repealing Clause.** – All laws, presidential decrees, issuances, executive orders,
43 letters of instruction, rules, and regulations inconsistent with the provisions of this Act are
44 hereby repealed or modified accordingly.
45

46 **SEC. 73. Effectivity Clause.** – This Act shall take effect fifteen (15) days after its publication
47 in the Official Gazette or in a newspaper of general circulation.

Approved,