

SIXTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
First Regular Session )



Senate  
Office of the Secretary

'13 JUL -9 A9:17

SENATE

S.B. No. **673**

RECEIVED BY: *ja*

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Introduced by Senator LOREN LEGARDA

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#### EXPLANATORY NOTE

This bill seeks to recognize and protect the rights of the Filipino seafarers, integrate programs and policies that concern them, and assist in their development to continuously ensure their niche in the global arena through the establishment of the Magna Carta of Filipino Seafarers.

Filipino seafarers have been plying the world's seas for over five centuries. In the 16<sup>th</sup> century, Filipino seafarers manned the ships sailing the Mexico-Manila route of the Galleon Trade.

The advent of globalization led to the steady increase in the number of registered seafarers. Today, the Philippines is considered the world's ship manning capital because it accounts for 30 percent of the 1.2 million seafarers in the global shipping fleet today. In 2011 alone, the country deployed 343,587 seafarers- a number that ushered in \$4.3 billion in remittances.

Despite the rich history and significant role of the Filipino seafarers in our society, they have been given inadequate attention. Incidents of abduction, unjust compensation and on-board accidents have been reported yet no legislation has been passed to protect and uphold the rights of the seafarers and address their specific needs.

This measure seeks to deal with the shortcoming by creating a set of laws that focuses on the conditions and needs of the Filipino seafarer. The Magna Carta of Filipino Seafarers guarantees their right to humane working conditions and just compensation through ensuring that manning and crewing agencies provide adequate information about the on-board conditions as well as local and international laws that apply to the Filipino seafarer. Seafarers should be given ample time by the agency to examine his/her contract of employment and articles of agreement before he/she signs it. To make certain of the security and safety of the overseas Filipino seafarers, they shall only be deployed in countries where their rights as Filipino sea-based migrant workers are observed and protected.

To ensure they comply with the international requirements and maintain their edge over their foreign counterparts, the Filipino seafarers will be given access to affordable and quality educational advancements and training courses.

With the passage of this bill, more Filipinos will be given the knowledge and understanding of the transnational and globalized conditions the Filipino seafarers

are experiencing through the establishment of the Filipino Seafarers' Research and Resource Center by the Commission on Higher Education, in coordination with the University of the Philippines School of Labor and Industrial relations (UP SOLAIR). The Center shall conduct studies and researches that will enhance the well-being and interests of the Filipino seafarers.

The Magna Carta provides retraining or reintegration for the Filipino seafarer after his sea-service. A Reintegration Center within the Overseas Workers Welfare Administration (OWWA) shall be established which will also serve as a promotion house for the local employment of the Filipino seafarer.

The Filipino seafarers are one of our country's important human resources. They should be given equal attention and protection for their continued growth and development, which will translate to the improvement of our country's socio-economic conditions.

In view of the foregoing, the urgent passage of this bill is sought.



**LOREN LEGARDA**  
Senator

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Introduced by Senator Loren Legarda

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AN ACT INSTITUTING  
THE MAGNA CARTA OF FILIPINO SEAFARERS

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

CHAPTER I  
GENERAL PROVISIONS

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

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

- a) To recognize the rights, contributions and unique role of Filipino seafarers, as well as their vulnerabilities, and afford them full protection before, during and after their employment;
- b) To maintain and progressively develop a pool of competent and world class domestic and international seafarers of all grades and ratings through a system of education and training and of accreditation and licensing; and
- c) To establish mechanism for the enhancement of administrative, adjudicative, social as well as welfare services for them and their families.

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

**SECTION 3. *Applicability.*** - All rights and benefits granted under this Act shall, except as may otherwise be provided herein apply to the Filipino seafarers as defined herein

**SECTION 4. Definitions.** - For purposes of this Act, the following terms shall mean as follows:

- 1) **"Authority"** refers to the document issued by the DOLE authorizing any person or entity to engage in the recruitment and placement of seafarers or OFWs;
- 2) **"Departure"** refers to actual departure from the point of hire of a Filipino a seafarer through air, sea or land travel transport to join his vessel in a Philippine or foreign port;
- 3) **"Domestic Seafarers"** refers to seafarers on board ship or vessel plying inter-island water or waters within Philippine territory;
- 4) **"Filipino Seafarers"** refers to any person who fulfills the conditions to be employed or engaged as part of the crew or complement of the ship navigating the foreign seas other than a government ship used for military or non-commercial purposes. This term includes seafarers serving on foreign maritime mobile offshore units who perform functions similar to those constituting a crew, fisherman and cruise ship personnel;
- 5) **"Informal Blacklisting"** refers to the unlawful practice of recruitment and placement services agencies, or companies to directly or indirectly prevent or deter seafarers, without valid cause from gaining productive employment whether the job applicant is for employment or reemployment;
- 6) **"License"** refers to the document issued by the DOLE authorizing any person or entity to operate a manning agency;
- 7) **"Manning or Crewing Agencies"** shall refer to any person, company, institution, agency or other organization in the public or private sector, which is engaged in recruiting seafarers in behalf of the employers or placing seafarers with employers;
- 8) **"Maritime Industry"** refers to all enterprises engaged in the business of managing and / or operating shipping lines, management of ports, stevedoring arrastre, customs brokerage and cargo surveys; of ship brokering / chartering, designing, constructing, manufacturing vessels, or component parts thereof, of shipyards and maintaining acquiring, operating, supplying, repairing and/ or dry-docks; of providing maritime services such as ship supplies, ship manning and training, maritime consultancy, ship repairs, machine shops, shipping agencies, freight forwarding and similar enterprises;
- 9) **"Master"** refers to a seafarer who has the command and is in charge of the vessel being the representative the vessel's owner.

- 10) **"Officer"** refers to seafarers other than the Master who is designated by national law or regulations as an officer or is serving in that capacity such as the 3<sup>rd</sup> mate, 2<sup>nd</sup> mate, chief mate, master mariner in the ship's deck, the marine engineer officers in the engine, and other special officers needed in the vessel.
- 11) **"Philippine Port"** refers to any Philippine airport or seaport;
- 12) **"Philippine Shipping Companies"** refers to entities registered and licensed under the laws of the Philippine to engage in the business of overseas and/of domestic water transportation;
- 13) **"Point of Hire"** refers to the place indicated in the contract of employment which shall be the basis for determining commencement and termination of contract;
- 14) **"Principal" or "employer"** refers to any person, partnership or corporation registered and duly authorized to engage in overseas shipping activities engaging Filipino seafarers;
- 15) **"Rating"** refers to any member of the crew other than the Master or the Officer, who is considered as ordinary seaman, boatswain or bosun on the deck; the wiper, motorman, fitters and such other special rating needed on board the vessel.
- 16) **"Recruitment and Placement"** refers to any act of canvassing, enlisting, contracting, transporting, utilizing, hiring or procuring workers, and include referrals, contract services, promising or advertising employment, locally or abroad whether for profit or not: provided, that any person or entity, which in any manner, offers or promise employment for a fee to two (2) or more person's shall be deemed engaged in recruitment and placement.
- 17) **"Recruitment and Placement"** refers to any act of canvassing, enlisting, contracting, transporting, utilizing, hiring or procuring workers, and include referrals, contract services, promising or advertising employment, locally or abroad, whether for profit or not: provided, that any person or entity which, in any manner, offers or promises employment for a fee to two (2) or more persons shall be deemed engaged in recruitment and placement.
- 18) **"Seafarers"** refers to any person who fulfills the conditions to be employed or engaged as part of the crew or complement of the ship navigating the domestic and international water than a government ship used for military or commercial purposes.

- 19) **"Ship owner"** refers to the owner of the ship or any other organization or person, such as the manager agent or bareboat charterer, who has assumed the responsibility for operation and management of the ship from the ship owner, and who, on assuming such responsibilities, has agreed to take over all the attendant duties and responsibilities of a ship owner.
- 20) **"Vessel"** includes any ship or boat of any nature whatsoever, ordinarily engaged in maritime navigation.
- 21) **"Commission on Higher Education (CHED)"** refers to the government agency created pursuant to Republic Act No. 7722;
- 22) **"Department of Education (DepEd)"** refers to the government agency created pursuant to executive order No. 117 (30 January 1987), as amended by Republic Acts. 7722, 7796 and 9155 (11 August 2001)
- 23) **"Department of Foreign Affairs (DFA)"** refers to the government agency pursuant to Republic Act No. 7157;
- 24) **"Department of Labor and Employment"** refers to the government agency created pursuant to executive Order No. 292;
- 25) **"ILO"** refers to the International Labor Organization;
- 26) **"IMO"** refers to the International Maritime Organization;
- 27) **"Maritime Industry Authority (MARINA)"** refers to the government agency created pursuant to Presidential Decree 474;
- 28) **"Maritime Training Council"** refers to the government agency created pursuant to letter of Instruction 1404;
- 29) **"NSO"** refers to the National Statistics Office;
- 30) **"Philippine Overseas Workers Welfare Administration (OWWA)"** refers to the government agency created pursuant to Executive Order No. 797, as amended by Executive Order No. 56;
- 31) **"Philippine Coast Guard (PCG)"** refers to the government agency created pursuant to Republic Act No. 517
- 32) **"Philippine Overseas Employment Agency (POEA)"** refers to the government agency created pursuant to executive Order No. 797, as amended by Executive Order No. 56
- 33) **"Philippine Seafarer One Stop Processing Center (PSOC)"** refers to the facility center which house all relevant offices / agencies involved in providing services to seafarers in one roof, created under Administrative Order No.56

- 34) "PRC" refers to the International Convention on Standards of Training, Certification and Watch-keeping for Seafarers of 1978, as amended;
- 35) "STCW '78" refers to the International Convention on Standards of Training, Certification and Watch-keeping for Seafarers of 1978, as amended;
- 36) "Technical Education and Skills Development Authority" refers to the government agency created pursuant to Republic Act No. 7796;
- 37) "TLC" refers to the Technical and Livelihood Center; and
- 38) "CDA" refers to the Cooperative Development Authority

## CHAPTER II FILIPINO SEAFARER'S RIGHTS

**SECTION 5. *Access to Educational Advancement and Training.*** - The State shall ensure Filipino Seafarers, whether plying the domestic or international waters, access to educational advancement and training at reasonable and affordable costs.

Toward this end, the State shall:

- 1) Regulate the operation of all educational and review institutions offering courses related to seafaring;
- 2) Pursue grant programs such as scholarships, subsidies, load assistance and other measures that will harness the skills of Filipino seafarers toward greater comprehensive to new demands in the industry; and
- 3) Ensure that requirements on training and upgrading as mandated by manning and crewing agencies for employment, reemployment or promotion purposes shall take into account the seafarer right to spend quality time with his family.

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

Toward this end, manning or crewing agencies, and other organizations responsible for the recruitment and employment of Filipino seafarers, whether plying domestic or international waters, shall be mandated to make contract of

employment, the computation and manner by which salaries are remitted to their allottees, and the specific privileges and benefits available in the contract of employment accessible to their recruits or clientele.

**SECTION 7. *Right to Humane Conditions of Work and Right to Just Compensation.*** - The State shall guarantee Filipino Seafarers the right to humane conditions of work and the right to standard salary compensatory to their rank, hours of work and other relevant basis for wage computation, minimum number of working hour, rest day, vacation pay, and "end-of-contract" pay in accordance with the agreement of the parties concerned and with existing domestic and international law.

**SECTION. 8. *Right to Self-organization to engage in Collective Bargaining and to participate n democratic exercises.*** - The State shall ensure Filipino seafarers of their right to self-organization, to collective bargaining and to participate in the deliberation of issues and in the formulation of policies that affect them, including the guarantee of representation in governing boards or appointment in government instrumentalities, to include, but not limited to, the CHED, TESDA, PRC, POEA, OWWA, MARINA.

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

Every seafarer accused of committing any offense in violating of any provision of his or her contract has the right to due process, an impartial tribunal and administrative body, and an expeditious payment of damages and liability in cases where the judgment is favorable to the Filipino Seafarer.

### CHAPTER III

#### PHILIPPINE SEAFARER ONE STOP PROCESSING CENTER

**SECTION 10. *Philippine Seafarer One Stop Processing Center (PSOC).*** - The PSOC, as established under Administrative Order No. 56, has been tasked to



operational and make available to the public, an integrated document processing center for the seafarers and the general public to conduct official transactions.

PSOC shall have the services of the following government offices:

- 1) Overseas Workers Welfare Administration (OWWA);
- 2) Commission on Higher Education (CHED);
- 3) Professional Regulation Commission (PRC);
- 4) Technical Education and Skills Development Authority (TESDA);
- 5) Maritime Industry Authority (MARINA);
- 6) National Telecommunication Office (NTC);
- 7) Maritime Industry Council (MTC);
- 8) Department of Foreign Affairs (DFA);
- 9) National Bureau of Investigation (NBI);
- 10) Social Security System (SSS);
- 11) Pag-Ibig Fund;
- 12) Philippine Coast Guard (PCG);
- 13) National Statistics Office (NSO); and
- 14) Such other government offices that the Secretary of DOLE may deem necessary.

**SECTION 11. *Rationalizing Government System and Procedures.*** - the government offices enumerated under Section 9 hereof shall within three (3) months from the effectivity of this Act, and in consultation with seafarers organizations, recruitment agency association, and non-government organizations concerned, rationalize and streamline policies, rule and procedures governing the documentation licensing, certification, recruitment, hiring and deployment of seafarers and the OFWs, in general.

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

These streamlining efforts shall focus on, among others:

- 1) Simplification of systems and procedures and reduction of documentary requirements;
- 2) Implementation of the full disclosure policy;

- 3) Formulation and implementation of a system of registration of seafarers and the other OFWs, the registration, accreditation, and licensing of private manning or crewing agencies, and all other related regulatory function;
- 4) Elimination of unnecessary duplicative requirements that go beyond the requirements as defined in the STCW '78, as amended;
- 5) Formulation of regulated employment standard setting by prescribing minimum provisions of the employment contract in conformity with labor standard under Philippine laws and regulations;
- 6) Regulation of rule that ensure speedy disposition of illegal recruitment cases;
- 7) Formulation of rules that ensure speedy disposition of illegal recruitment cases; and
- 8) Development and implementation of an effective information program, in coordination with manning or crewing agencies for the purpose of informing the seafarers of their rights, obligations benefits and option attending to specific situations that they may face in the course of their employment.

#### **CHAPTER IV**

#### **MANDATORY REQUIREMENTS FOR FILIPINO SEAFARERS**

**SECTION 12. *Mandatory Minimum Requirements.*** - To be eligible for employment, a seafarer must:

- 1) Be a Filipino Citizen;
- 2) Be at least, eighteen (18) years old, except as may be determined by the Secretary of Labor and Employment;
- 3) Be fit for duty as certified by the government- accredited institution authorized to conduct physical and medical examination for overseas employment;
- 4) Meet the qualification and certification requirements prescribed by the DOLE agency concerned and the standard requirements under the STCW '78 as amended, and other international instruments prescribed relevant standards;
- 5) Registered with and duly certified by the DOLE agency concerned as eligible for overseas employment if serving an ocean going vessels, and as eligible for local employment if serving on board domestic or inter-island vessels; and
- 6) Other qualification requirements as may be prescribed by the DOLE in keeping with international demands.

**SECTION 13. *Role of Government Agencies.*** - The following government agencies shall perform the following to promote the welfare and protect the rights of Filipino seafarers and whenever practicable, all overseas Filipinos:

- 1) Department of Foreign Affairs. The DFA, through its home offices or foreign posts, shall take priority action or make representation with the foreign authority concerned to protect the rights of Filipino seafarers and other overseas Filipinos and extend immediate assistance, including the repatriation of distressed or beleaguered Filipino seafarers and other overseas Filipinos;
- 2) Commission on Higher Education (CHED) shall ensure the promotion of quality and efficiency in maritime education through advocacy and accountability.
  - a) Commission on Higher Education and Technical Education and Skills Development Authority. The TESDA shall ensure that the curricula for the seafarer's education and training are in consonance with the demands of global maritime industry as well as with the requirement of STCW '78 as amended.
  - b) Commission on Higher Education and Maritime Training Council. The CHED, in coordination with MTC and responsible for the continuous and comprehensive research, review and upgrading of the system of education, training, certification and recruitment of all maritime schools and institutions, as well as the manning or crewing agencies and regulatory commissions.
- 3) Department of Labor and Employment. The DOLE shall ensure that labor and social welfare laws in foreign countries are fairly and faithfully applied to Filipino seafarers and whenever applicable to other overseas Filipinos, including the grant of legal assistance and the referral to proper medical centers or hospitals;
  - a) Maritime Training Council. The MTC shall be responsible in the formulation, adoption and enforcement of regulatory measures for the observance of both the accredited training centers and agencies and the trainees to ensure quality standard and mechanisms of training and competence of local seafarers.
  - b) Maritime Industry Authority. The MARINA shall be responsible in the formulation, adoption and enforcement of regulations governing and

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

- c) Philippine Overseas Employment Agency. In pursuit of promoting the well being of the Filipino seafarers, the POEA shall:
1. Look into the improve on the working conditions and terms of employment of the officers and crew of vessels of Philippine registry, and of such officers and crew members who are Filipino citizens and employed by foreign vessels;
  2. Develop an effective system of monitoring and gathering welfare concerns for purposes of determining future welfare programs, monitoring existing welfare activities and addressing current welfare issues prioritize according to urgency;
  3. Observe and conduct a comprehensive and updated system of pre-departure orientation seminars or briefings to departing seafarers and other maritime workers scheduled for deployment. It shall also undertake studies and distribute relevant materials for use in pre-departure orientation seminars of maritime workers and other related activities;
  4. Accredite, regulate and supervise pre-departure orientation seminars or briefings of authorized manning or crewing agencies;
  5. Formulate and undertake programs and projects for the effective and efficient utilization of the seafarers welfare fund;
  6. Provide services to assist maritime worker and their immediate dependents and families; and
  7. Perform such other duties as may be essential in giving assistance to seafarers and their families.

**SECTION 14. *Filipino Seafarers' Research and Resources Center.*** - The CHED shall coordinate with the University of the Philippines School of Labor and Industrial Relations (UP SOLAIR) for the establishment of an interdisciplinary research and resource center of Filipino seafarers and maritime affairs. The center shall primarily conduct studies and researches which shall enhance the well-being and interests of Filipino seafarers and their competitiveness in the global maritime market.

**CHAPTER VI**  
**DOCUMENTATION, LICENSURE AND EXAMINATIONS**

**SECTION 15. *Documentation.* -**

- a. For purposes of documentation, the Filipino seafarers shall be categorized as local and overseas seafarers.
- b. Local seafarers are considered documented when they possess the following documents:
  - 1) Seafarers identification and Record Book (SIRB) and Certificate of Competency issued by the MARINA;
  - 2) Certificate of Completion of Training of prescribed courses issued by the accredited training centers;
  - 3) Licensure Certificate if the seafarer is a harbor Pilot or a Major or Minor Patron.
- c. Overseas seafarers are considered documented when they possess the following documents;
  - 1) Seafarers Identification and Record Book (SIBR) and Certificate of Competency issued by the MARINA and the Seafarer's Registration Certificate (SRC) issued by the POEA;
  - 2) Certificate of Completion of Training of prescribed courses issued by the accredited training centers and the valid Certificate of Competency issued by the PRC for marine officers and TESDA for ratings and support level crew or by the assessment center duly accredited by the MTC;
  - 3) Licensure Certificate if the seafarer is a marine officer;
  - 4) Such other documents as may be required.

**SECTION 16. *Licensure and Examination.* -** The Professional Regulatory Commission (PRC) shall be the lead agency in administering licensure examinations and the issuance of such licensure certificates to seafarers in the officer level. Except those categorized as harbor Pilots and Major and Minor Patrons for local shipping which authority shall devolve to the MARINA.

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

The issuance of licenses and endorsement certificates to seafarers shall not require pre-conditions other than what are required under the STCW '78 as amended and other specific laws enacted for the purpose of regulating the profession.

**SECTION 17. *Integrated Documentation System.*** - The DOLE, in coordination with government agencies concerned, shall develop an integrated Documentation System (IDS) for the purpose of integrating and systematizing the documentation of education, training licensing, and certification among Filipino Seafarers. Said IDS shall contain all relevant information in the seafarer, including education, training, licensure examinations and certification taken, it shall be used by the seafarers in all his transactions with government, manning or crewing agencies, and other pertinent bodies.

As such, agencies of the government concerned shall develop and implement an information system that shall connect their respective databases for the purposes of data storage sharing and generation pursuant to section 20 of Republic Act No. 8042.

## CHAPTER VII

### RECRUITMENT AND PLACEMENT

#### A. The Recruitment and Placement Industry

**SECTION 18. *Private Sector Participation in the Recruitment and Placement of Filipino Seafarers.*** - Pursuant to national development objectives and in order to harness and maximize the use of private sector resources and initiative in the development and implementation of a comprehensive employment program, the private sector shall participate in the recruitment and placement of Filipino seafarers locally and overseas: *Provided,* That such recruitment and placement procedures are consistent with the provisions stipulated under this Act and such other guidelines, rules and regulations as may be promulgated by the DOLE

**SECTION 19. *Capitalization in the Recruitment and Placement Industry.*** - Individuals or corporations, partnership or entities applying for a license or authority or renewal thereof shall be required a minimum capitalization and such other requirements as may be prescribed by DOLE.

The same shall be obliged to pay such escrow deposits and surety bonds, in an amount and conditions as may be prescribed by the DOLE to guarantee

compliance with all terms and conditions of the contract of employment and applicable laws.

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

**SECTION 20. *Non-Transferability of License.*** – No license or authority shall be used directly or indirectly by any person other than the one in whose favor it was issued or at any place other than that stated in the license, nor may such license or authority be transferred, conveyed or assigned to any person or entity except under such guidelines as may be prescribed by the DOLE.

Any transfer of business address, appointment or designation of any agent or representative, including the establishment of additional offices anywhere shall acquire prior approval from the Secretary of the DOLE.

**SECTION 21. *Suspension and/or Cancellation of License or Authority.*** – The Secretary of DOLE shall have the power to suspend or cancel and in both instance impose fine any license or authority of this act or of other applicable provisions of laws rules and regulations.

**SECTION 22. *Persons and Entitles Prohibited from Engaging in Recruitment and Placement Industry.*** – The following are prohibited from engaging directly or indirectly, in the recruitment and placement industry:

1. Any official or employees of DOLE, DFA and their attached agencies or other government agencies involved in the implementation of this Act, or their relatives within the fourth civil degree of consanguinity or affinity;
2. Persons and entitles engaged in the business of travel agency or engaged in business as sales agent or airline and/or shipping companies, or their offices, directors or partners.

#### **B. Recruitment Placement Policies**

**SECTION 23. *Recruitment and Placement Policies.*** – Manning or crewing agencies engaged in private recruitment and placement service shall:

1. Make certain that placement fees or another charges for recruitment or for providing employment to seafarer shall not be borne directly or indirectly, in whole or in part, by the seafarers other than those authorized by law.
2. For this purpose, the costs of the personal travel documents and Seaman's Book shall not be deemed as "fees and other charges for recruitment,"
3. Cause the reimbursement of any expenses incurred by the seafarer in connection with his/her documentation and processing for purposes of development, in the event where non-deployment is not the seafarer's fault;
4. Ensure that the Filipino seafarers well-being and right shall be the primary consideration in the recruitment and placement of seafarers;
5. Guarantee that recruitment, placement and deployment of Filipino seafarers shall not be made in jobs that are deemed inimical to their interest and to the Republic of the Philippines;
6. Specify, with due regard to the right to privacy and the need to protect confidentially, the conditions under which the personal data of Filipino seafarers are processed by the manning or crewing agencies including the collection, storage combination and communication of such data to third parties;
7. Cease from furnishing or publishing any false notice or information or document in relations to recruitment and employment, including or attempting to induce a seafarer already employed to quit his/her employment and offering another employment or influencing or attempting to influence whether deliberately or unintentionally, any person or entity not to employ any seafarer or the enforcement of a waiver of quit claims to any seafarer before during and after employment, which act shall be deemed unlawful;
8. Cease from substituting or altering to the prejudice of the seafarer the employment contract approved and process by the DOLE and withholding or denying travel or employment documents from applicant seafarer considerations other than those authorized under this Act the implementing rules and regulations promulgated pursuant to this Act; and
9. Refrain from using means or mechanisms intended to prevent or deter seafarers from gaining employment.

**SECTION 24. *Duties of Manning and Crewing Agencies.*** - It shall be incumbent upon manning and crewing agencies to ensure that:



1. Any seafarer recruited or placed by them is qualified and is in possession of the documents necessary for the job concerned;
2. The contract of employment and articles of agreement are in accordance with the standard terms and conditions governing the employment of the Filipino seafarer on board ocean-going vessel as prescribed by the concerned agency of the DOLE;
3. The Filipino seafarer is informed of his/her rights and duties under his/her contract of the employment and the article of agreement prior to and in the process of engagement;
4. Proper arrangements and opportunities are given for the Filipino seafarer to examine his/her contract of employment and the articles of agreement before and after he/she signed such pertinent documents and for him/her to receive a copy of the duly-signed contract of employment;
5. Adequate information about the conditions attending to the situations on board the vessel and overseas, as well as local and international laws and regulations which apply to the Filipino seafarer in the course of his/her employment or sojourn shall be provided; AND
6. A registry of all seafarer recruited or placed through them shall be put in place and shall be available for inspection by the competent authority.

### **C. Hiring, Deployment and Employment**

**SECTION 25. *Hiring by Certain Employers.*** - Members of the diplomatic corps, foreign government and international organizations may hire Filipino seafarer; provided, that the provisions of this Act and other applicable guidelines, rules and regulations are followed.

**SECTION 26. *Selective Development of Overseas Filipino Seafarers.*** - Deployment of overseas Filipino seafarer shall be allowed only in countries where the rights of overseas Filipino seafarers are observed and protected.

Any of the following legal instruments shall be recognized as guarantee on the part of the receiving country for the protection of the rights of overseas Filipino seafarers:

1. The receiving country has existing labor and social laws protecting the rights of overseas seafarer;
2. It is a signatory to a multi-lateral convention, declaration or resolution relating to the protection of overseas seafarer;
3. It has a bilateral agreement or arrangement with the Philippine government protecting the rights of overseas seafarer; or
4. It is taking positive concrete measures to protect the rights of overseas seafarer;

**SECTION 27. *Ban on Restrictions on Deployment.*** - Notwithstanding the provisions of the immediately preceding section, the DOLE, in pursuit of national interest or when public welfare so requires, may, at any time, terminate or impose such restrictions or ban on the deployment of overseas Filipino seafarer.

**SECTION 28. *Prohibitions against Indiscriminate Deployment of Filipino Seafarer.*** - The indiscriminate deployment of following Filipino seafarer shall be deemed prohibited:

1. Those below eighteen (18) years old or such minimum age requirements as may be determined by the DOLE;
2. Those medically diagnosed to be unfit to work for the job being applied;
3. Those whose employment non-qualified for overseas employment;
4. Those whose employment contract was not processed and approved by the POEA; and
5. Any other factor that the DOLE may deem prohibited.

**SECTION 29. *Visitorial Powers of the DOLE.*** - The Secretary of the DOLE or his/her duly designated representative may, at any time inspect vessels and ships within Philippine jurisdiction of the accredited principal / ship-owner to determine compliance with safety standards and living conditions of seafarer.

## **CHAPTER VIII ILLEGAL RECRUITMENT**

**SECTION 30. *Illegal Recruitment.*** - For purposes of this Act, illegal recruitment shall refer to any act of canvassing, enlisting, contracting, transporting,

utilizing, hiring, or procuring seafarer and includes referring, contract servicing, promising, or advertising of employment for abroad whether for profit or not when undertaken by a non-licensee or non-holder of authority contemplated under Article 13 (f) of Presidential Decree No. 422, as amended, otherwise known as the Labor Code of the Philippines: *Provided*, That any such non-license or non-holder who, in any manner, offers as promises for a fee employment abroad to two or more person's shall be deemed engaged.

Illegal recruitment when committed by a syndicate or in a large scale shall be considered an offense involving economic sabotage.

Illegal recruitment is deemed committed by a syndicate if carried out by a group of three (3) members or more persons conspiring or confederating with one another. It is deemed committed in large scale if committed against three (3) or more persons individually or as a group. Illegal recruitment is also deemed committed in a large scale if the financial or material consideration involved amounts to more than One Hundred Thousand Pesos (P100,000.00), regardless of the number of persons involved.

The persons criminally liable for the above offenses are the principals, accomplice and accessories. In case of juridical persons, the officers having control, management or direction of their business shall be liable.

#### **SECTION 31. Penalties. -**

1. Any person found guilty of illegal recruitment shall suffer the penalty of imprisonment of not less than six (6) years and one (1) day but not more than twelve (12) years and a fine of not less than Two Hundred Thousand Pesos (P200,000.00) nor not more than Five Hundred Thousand Pesos (P500,000.00).
2. The penalty of life imprisonment and a fine of not less than Five Hundred Thousand Pesos (P500,000.00) nor more than One Million Pesos (P1,000,000.00) shall be imposed if illegal recruitment constitutes economic sabotage as defined in the preceding article: *Provided, however*, That the maximum penalty shall be imposed if the person illegally recruited is less than eighteen (18) years of age or that the act of illegal recruitment is committed by a non-license or non-holder of authority

**SECTION 32. Prohibition on Officials and Employees. -** It shall be unlawful for any official or employee of the DOLE agency concerned or other government agencies involved in the implementation of this Act, or their relatives within the

fourth civil degree of consanguinity or affinity, to engage directly or indirectly, in the business of recruiting Filipino seafarers, as defined under this Act. The penalties provided for in the preceding paragraphs shall be imposed upon them.

**SECTION 33. *Venue.*** - A criminal action arising from illegal recruitment as herein defined shall be filed with the Regional Trial Court of the province or with city where the offense was committed or where the offended party actually resides at the time of commission of the offense.

**SECTION 34. *Mandatory Period for Filing of illegal Recruitment Cases.*** - The preliminary investigation of cases under this Act shall be terminated within a period of thirty (30) calendar days from the date of their filing. Where the preliminary investigation is conducted by a prosecution officer and a prima facie case is established, the corresponding information shall be filed in court within twenty-four (24) hours from the termination of the investigation.

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

**SECTION 35. *Prescriptive Periods.*** - Illegal recruitment cases under this Act shall prescribe in five (5) years after the commission of the prohibited act; provided, however, that illegal recruitment cases involving economic sabotage as defined herein shall prescribe in twenty (20) years.

**SECTION 36. *Free Legal Assistance; Preferential Entitlement Under the Witness Protection Program.*** - A mechanism for free legal assistance for victims of illegal recruitment shall be made available by the pertinent agencies of government. Such mechanism shall include coordination and cooperation among the DOLE, DOJ, the IBP, and other non-government organization and volunteer groups.

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

## CHAPTER IX CONDITIONS OF EMPLOYMENT

**SECTION 37. *Employment Agreement.*** - The employer shall provide for a written agreement, which shall be drawn up with the seafarer concerning ship work. The agreement shall contain the following:

1. The Capacity in which the seafarer is to serve;
2. The arrangement made as to the place of discharge and notice to terminate the agreement;
3. Provisions on rest periods;
4. The wage agreed upon, its method of computation and manner of payment. In no case shall the parties agree to wages lower than the basic minimum wage prescribe by appropriate government agencies at the time of engagement; and
5. The duration of the employment contract.

**SECTION 38. *Allotment and Remittances.*** - It shall be mandatory for all seafarers to remit a portion of their earning to their families, dependents, and/or beneficiaries in accordance with rules and regulations prescribed by the Secretary of DOLE.

**SECTION 39. *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 is authorized by law.

**SECTION 40. *Rest Periods.*** - a seafarer shall be allowed reasonable rest periods in accordance with International standards and the Labor Code. He/she shall entitled to adequate time for rest and sleep. The period of rest shall during any 24-hour period, amount to not less than 10 hours.

**SECTION 41. *Shore Leave.*** - The seafarer shall be allowed shore leave when practicable, upon the consent of the master of deputy, taking into consideration the operation and safety of the vessel and the seafarer.

**SECTION 42. *Short Manning and Save Wages.*** - In the event that the whole or part of the voyage is carried out with as smaller crew than what it was previously appointed, or if the number of the active members of the crew is reduced prior to or during voyage, the wages saved due to this circumstances shall be distributed

proportionately among the members of the active crew who assumed additional work resulting therefrom.

**SECTION 43. *Personal Effects.*** - A seafarer may bring a reasonable number of articles for personal use: *Provided, however,* That this does not involve inconvenience to the ship or cargo or pose any health risk on board. If the seafarers' personal effect are lost or damaged as a result of shipwreck, loss or stranding, abandonment of the vessel, or as a result of fire, flooding, collision or piracy, the employer shall reimburse him/her for said loss or damage.

**SECTION 44. *Consideration of Seaworthiness.*** - When more than half of the crew makes a written complaint to the master regarding the seaworthiness of the ship for the forthcoming voyage, if the chief engineer or first mate make a similar complaint regarding the part of the ship, appurtenances or equipments under their respective supervision, the ship master shall be bound to have the ship examined. If the shipmaster refuses to let the ship be examined despite valid complaint to do so, the crew may refuse to proceed the voyage.

## CHAPTER X HEALTH AND SAFETY

**SECTION 45. *Prevention of Health Hazards.*** - Work on board the vessel must be organized and executive in such a manner that the seafarer's life and limb is well looked after. When a seafarer is assigned to work due regard shall be paid to his qualification to undertake then work on a safe and sound basis. Provisions shall be made to ensure that the seafarer is well informed of the hazards inherent in the work and that he is given the proper guidance and adequate practice necessary to avoid such hazards.

**SECTION 46. *Sanitary Conditions.*** - Measures should be undertaken to ensure cleanliness and proper hygiene on board. The master shall ensure that the crew is provided as well-balanced diet. He should also guarantee that the crew receives the necessary vaccination or inoculation as required by the circumstances or the laws of the country of which the vessel may enter.

**SECTION 47. *Medical Examination and Medical Service.*** - A seafarer engaged to perform services on board shall secure a medical certificate to the effect that he is not suffering from any illness or mental or physical defect rendering him unfit for work or which may constitute danger to other persons aboard. Any member of the crew may also be required to submit to a medical examination, at the

expense of such examination is necessary to monitor and maintain the health and environmental conditions on board the vessels.

**SECTION 48. *Protection from Sexual Harassment.*** - it shall be the duty of the master and the employer to prevent the commission of acts constituting sexual harassment and provide measures for the resolution, settlement or prosecution of acts of sexual harassment.

Sexual harassment is herein defined as an act committed by an employer, employee, supervisor, agent of the employer, any other person who, having authority, influence or moral ascendancy over another in a work environmental demands, request or otherwise requires any sexual favor from another, regardless of whether the demand, request or requirement is accepted by the subject of the said act.

## CHAPTER XI

### SOCIAL WELFARE SERVICE AND DISABILITY BENEFITS

**SECTION 49. *Disability.*** - In case of work-related total or partial disability of the seafarer during the term of his/her employment cause by either injury or illness, the seafarer shall be compensated in accordance with the schedule of the benefits prescribed by the law. Computation of his/her benefits arising from an illness or disease shall be governed by the rates and the rules of compensation applicable at the time the illness or disease was contracted.

No compensation shall be payable in respect in any injury, incapacity, disability or death of the seafarer resulting from his/her willful or criminal act; provided however, that the employer can prove that such injury, incapacity, disability or death is directly attributable to the seafarer.

When requested, the employer shall furnish the seafarer a copy of all pertinent medical reports or records at no cost to the seafarer.

**SECTION 50. *Employer's Liability in Case of Death.*** - When the seafarer dies as a result of injury or illness during the term of employment, the employer shall pay the beneficiary/ies of the seafarer all outstanding obligations due the seafarer under his/her employment contract; the employer is also mandated to notify the next of kin and make arrangement for burial, return or repatriation of the remains. If the death occurs in a foreign territory, the master shall also inform the nearest Philippine Embassy or Foreign Service Office of said death. The remains and



personal effects of the seafarer shall be transported to the Philippines employer's expense except if the death occurred in the port where local government laws or regulations do not permit the transport of such remains.

In case death occurs at sea, arrangements for the handling of the remains shall be drawn up and proposed by the shipmaster to the deceased next of kin. In all cases, the employer and/or shipmaster through the manning and crewing agency, shall communicate with the next of kin of the deceased and secure the next of kin's concurrence as regards the proposed arrangements covering the handling of the seafarer's remains. The employer shall also pay for the seafarer's burial expenses.

**SECTION 51. *Death Benefits.*** - In case of work-related death of the Filipino seafarer during the term of his contract, the employer shall pay his beneficiaries the corresponding death benefits.

The benefits shall be separate and distinct from and shall be in addition to whatever benefits shall be payable in case of death resulting from a willful act by the Filipino seafarer. In connection thereto, the employer can prove that such death is directly attributable to the seafarer.

**SECTION 52. *Payment of Benefits.*** - The Employer shall have ensure expeditious arrangement for the payment of death or personal injury benefits provided under this Act. The employer shall likewise arrange for adequate insurance coverage.

**SECTION 53. *Review of Benefits.*** - The POEA shall, upon consultation with the seafarer's unions and associations of manning agencies and shipping companies undertake a regular annual review of death benefits provided under this Act and through its governing board, update or amend the death benefits to keep it at par with prevailing international standards.

**SECTION 54. *Seafarer's Loan Guarantee Fund.*** - The OWWA in coordination with government financial institutions, shall institute financing schemes that will expand the grant of pre-departure load and family assistance load to seafarer in accordance with Section 21 of RA No. 8042.

**SECTION. 55. Housing and Provident Benefits** - Seafarers shall be provided access to the government's housing program through membership in the Home Development Mutual Fund (Pag-Ibig Fund).

**SECTION 56. Care of the Sick or Injured.** - In case of illness or injury during the term of employment, the master shall arrange for the seafarer to receive proper nursing care on board or ashore, including medical attention, medicines and attention.

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

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

**SECTION 57. Care for Repatriated Seafarers.** - If after repatriation the overseas seafarer still requires medical attention arising from said injury or illness, he shall be so provided, at cost to the employer until such time he is declared fit and the degree of his disability has been established by the employer-designated physician.

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

## CHAPTER XII

### DISCIPLINARY AND DISPUTE SETTLEMENT PROCEDURE

**SECTION 58. Duties of the Employer/Master.** -

1. To faithfully comply with the stipulated terms and conditions of the employment contract, particularly the prompt payment of wages, remittance of allotment and the expeditious settlement of valid claims of the seafarer
2. To make operational on board the vessel the grievance machinery provided in his contract and ensure its free access at all times by the seafarer; AND

3. To ensure the protection and safety of seafarer at all times

**SECTION 59. *Duties of the Seafarer.* -**

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

**SECTION 60. *Disciplinary Procedures.* -** The employer/master shall serve seafarer with a written notice containing the grounds for the charges against the seafarer concerned.

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

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

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

**SECTION 61. Grievance Machinery. -**

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

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

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

**SECTION 62. *Dispute Settlement.*** - The procedure herein stated shall be without prejudice to the other action that may be brought by the seafarer before the jurisdiction of the concerned regular courts and/or NLRC; or to the exclusive and original jurisdiction of the voluntary arbitrators of the National Conciliation and Mediation Board (NCMB) of DOLE.

**SECTION 63. *Voluntary Arbitration.*** - Pursuant to the constitutional mandate on the preferential use of voluntary modes of dispute settlement, the DOLE shall adopt procedural guidelines in the conduct of voluntary arbitration

proceedings involving the maritime sector and promote the use of voluntary arbitration as a mode to achieve speedy resolution of cases.

**SECTION 64. *Money Claims.*** - Notwithstanding any provision of law to contrary, the Labor Arbiters of the NLRC shall have the original and exclusive jurisdiction to hear and decide, within ninety (90) calendar days after filing of the complaint, the claims arising out of an employer-employee relationship or by virtue of any law or contract involving a Filipino seafarer, including claims for actual, moral exemplary and other forms of damages.

The liability of the principal/employer and the manning or crewing agency for any and all claims under this section shall be joint and several this provision shall be a condition precedent for its approval. The performance bond to be filed by the manning and crewing agency. As provided by law, shall be answerable for all money claims or damages that maybe awarded to the seafarer concerned. If the manning or crewing agency is a juridical being the corporate officers and directors and partners as the case may be, shall themselves be jointly and solitarily liable with the corporation or partnership for the aforesaid claims and damages.

Such liabilities shall continue during the entire duration of the employment contact and shall no be affected by any substitution, amendment or modification made locally or in a foreign country where the said contact was entered into any compromise, amicable settlement or voluntary agreement on money claims inclusive at damages under this section shall be paid within four (4) months from the approval of the settlement by the appropriate authority.

In case of termination of overseas employment without just, valid or authorized cause defined by law or contract the seafarer shall be entitled to the full reimbursement of his/her placement fee with interest at twelve percent (12%) per annum, plus his/her placement fee with interest at portion of his/her employment contract or for three (3) months for every year of the unexpired term, whichever is less.

**SECTION 65. *Liability for Claims.*** - The liability of the principal/employer and the manning agency for any claims mage by Filipino seafarer under this title shall be joint and several.

**SECTION 66. *Prescriptive Period.*** - Recognizing the particular nature of overseas shipboard employment, all monetary claims arising from the seafarer's

contact shall prescribe within three (3) years from the date of the seafarer's return to the point of hire. All monetary claims of those employed in domestic shipping shall prescribe within three (3) years from the day action commenced.

### CHAPTER XIII POST EMPLOYMENT

**SECTION 67. *Termination of Employment.*** - The employment of the overseas seafarer shall cease when he/she:

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

**SECTION 68. *Termination by Seafarer.*** - A seafarer may terminate the employer-employees relationship based on either:

1. The ship is not seaworthy;
2. The principal changes
3. The vessel is sold;
4. The vessel is shipwrecked;
5. The seafarer has been ill-treated on board and the master has failed to protect him when requested to do so;
6. The voyage is discontinued or substantially altered;
7. After the seafarers start on board, it appears that the ship is at risk of being seized by a belligerent power or exposed to war damage, or that such risk is imminent or has increased considerably; and
8. After the seafarers starts on board, it appears that a violent epidemic disease has broken out in the port for which the ship is bound.

In the cases mentioned in subparagraphs 6 - 8 hereof, the seafarer may take his/her departure with immediate effect if the voyage has not commenced, or otherwise at the ship's first port of call after he has become aware of the situation.

**SECTION 69. *Prohibition against Transfer of Station.*** - A Filipino seafarer shall not be transferred at any port to any vessel owned or operated, manned or managed by the same employer without the seafarer's consent. In the event that the seafarer concerned consents with such transfer, the position of the seafarer and the rate of his/her wages and terms of services shall, in no way, be lower or inferior and the total period of employment shall not exceed that original agreed upon. Any form of transfer shall be documented and reported by the manning or crewing agency to the POEA.

**SECTION 70. *Post Employment Benefits.*** - Whenever applicable, in addition to the benefits a seafarer may be entitled to under the OWWA and the SSS, a retiring seafarer covered by collective bargaining agreement shall be entitled to such post-employment benefits as may be provided in his/her contract or agreement.

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

#### **CHAPTER XIV REPATRIATION**

**SECTION 71. *Repatriation.*** - All costs related to the repatriation and /or transport of the personal effects of a seafarer shall be borne by or charge to the manning or crewing agency concerned and/or its principal. The expenses of repatriation shall include the transportation charges, the accommodation and the food of the seafarer during the journey. However, in cases where the termination of employment is due solely to the fault of the seafarer, the principal/employer or manning/crewing agency shall not in any manner be responsible for the repatriation of the former and/or his/her personal effects.

**SECTION 72. *Mandatory Repatriation of Underage Seafarers.*** - Upon discover or information of a Filipino seafarer whose actual age falls below eighteen (18) years of age, the nearest Philippine consulate office shall, without delay,

repatriate the said seafarer and advise the DFA and DOLE as soon as possible of such recovery and other relevant information.

**SECTION 73. *Emergency Repatriation.*** - The DOLE, in coordination with the OWWA and the DFA, shall undertake the repatriation of seafarers in cases of war, epidemics, disasters or calamities, natural or man-made, and other similar events without prejudice to reimbursement by the responsible principal or manning/crewing agency.

**SECTION 74. *Legal Assistance Fund.*** - The Legal Assistance Fund created under R.A. No. 8042 shall extend legal services to an overseas seafarer who is in distress in accordance with the guidelines, criteria and procedures promulgated therein.

## **CHAPTER XV REINTEGRATION SERVICES**

**SECTION 75. *Retraining and Reintegration.*** - Returning or unemployed seafarers may avail of the livelihood development/re-training programs and placements services offered by concerned government agencies, including OWWA and TESDA, TLC and the CDA.

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

**SECTION 76. *Establishment of Reintegration Center.*** - A Re-integration Center within the OWWA shall be established to attend to the needs of returning seafarers. The center shall provide a mechanism for their reintegration into the Philippine society, serve as a promotion house for their local employment, and tap their skills and potentials for national development.

The Center shall provide the following services:

- c) Develop livelihood programs and project for returning seafarers in coordination with the private sector and concerned government agencies;



- d) Coordinate with appropriate private government agencies in the promotion, development, and full utilization of their potentials. For this purpose, the DOLE shall be the lead implementer. The CDA and the TLRC shall develop among returning seafarers, technical expertise in the enterprise building and development, while the DSWD shall provide the necessary services for the effective social reintegration of migrant workers;
- e) Develop a matching program that will allow returning Filipino seafarers to develop business partnerships and employment options with public and private sector enterprises in the country; and
- f) provide a periodic study of the assessment of job opportunities for returning seafarers.

**SECTION 77. *Scholarship Program.*** - Qualified seafarers or their immediate descendants, who intent to pursue science and technology related courses may apply for scholarships with the OWWA which shall benefit deserving overseas seafarers and/or their immediate descendants below twenty-one (21) years of age who intend to pursue courses or training primarily in the field of science and technology.

The DOLE, in coordination with the CHED, shall establish a similar program for domestic seafarers within a period of three (3) years from the enactment of this Act.

## **CHAPTER XVI**

### **ACCOUNTABILITY OF GOVERNMENT OFFICIAL AND PERSONNEL**

**SECTION 78. *Accountability of Government Officials and Personnel.*** - Any government official and personnel who fails or refuse to render services (s) and/or assistance to seafarers without just cause shall, after dues notice and hearing, and if found guilty, be punished with suspension from office of not less than sixty days (60) or dismissal from the service with forfeiture of retirement and other benefits.

## **CHAPTER XVII**

### **TRANSITORY PROVISIONS**

**SECTION 79. *Implementing Rules and Regulations.*** - The DOLE, in coordination with the DFA and other agencies concerned and within ninety (90) days after the effectivity of this Act, shall formulate its rules and regulations.

**SECTION 80. *Separability Clause.*** If any provision of this Act is declared unconstitutional, the remaining provisions shall continue in force.

**SECTION 81. *Repealing Clause.*** All laws, presidential decrees, issuances, executive orders, letters of instruction, rules or regulations inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

**SECTION 82. *Effectivity Clause.*** This Act shall take effect fifteen (15) days after its publication in two newspapers of national circulation.

Approved,