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SENATE  
S.B. No. 1998

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Introduced by SENATOR CYNTHIA A. VILLAR

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**EXPLANATORY NOTE**


This bill seeks to create the National Seafarers Administration to look into and protect the interest and welfare of Filipino seamen working overseas.

A National Seamen Board ("Board") was created in 1974 to develop and maintain a comprehensive program for Filipino Seafarers employed overseas. However, with the creation of the Philippine Overseas Employment Administration ("POEA") under Executive Order No. 797 in 1982, the Board was abolished in 1982. Under E.O. No. 797, the POEA has the power to formulate and undertake a systematic program for promoting and monitoring the overseas employment of Filipino workers, both land-based and sea-based. The POEA also has the duty to protect their rights to fair and equitable employment practices.

While the performance of the Philippine Overseas Employment Administration in protecting the rights and promoting the welfare of Filipino overseas workers is commendable, there are still claims that the overseas seamen are overlooked by the government and that their rights are not fully protected. Considering the nature of their work, the problems encountered by overseas seamen are very much different from those of land-based overseas workers. Such problems are so complicated that a body fully concentrating on the sea-based workers, both overseas and domestic, is necessary.

With the aim of consolidating and maximizing all government efforts to effect meaningful advancement in the plight of Filipino seafarers, this bill thus seeks to create a National Seafarers Administration.

Approval of the Bill is strongly recommended.

  
CYNTHIA A. VILLAR

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SENATE

S.B. No. 1998

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Introduced by SENATOR CYNTHIA A. VILLAR

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**AN ACT**  
**TO PROMOTE THE WELFARE OF FILIPINO SEA-BASED OVERSEAS WORKERS,**  
**CREATING FOR THIS PURPOSE THE NATIONAL SEAFARERS ADMINISTRATION,**  
**PRESCRIBING ITS POWERS AND FUNCTIONS AND APPROPRIATING FUNDS**  
**THEREFORE, AND FOR OTHER PURPOSES**

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

**SECTION 1. Title.** – This act shall be known as the “**National Seafarers Administration Act of 2013**”

**SECTION 2. Declaration of Policy.** – It is hereby declared the policy of the State to afford full protection to labor, local and overseas, organized and unorganized, and promote full employment and equality of employment opportunities for all.

Pursuant to the foregoing state policy, the Philippines, through this Act, shall consolidate and institutionalize the existing government efforts in affecting meaningful programs on employment promotion, maritime manpower development and utilization, and welfare and seafarers integrated in one agency.

**SECTION 3. Creation of the National Seafarers Administration.** – There is hereby created a National Seafarers Administration, hereinafter referred to as the “Administration”, which shall be organized within sixty (60) days from the date of approval of this Act.

The Administration, as an attached agency, shall be under the administrative supervision of the Department of Labor and Employment.

**SECTION 4. Objectives.** – The Administration shall have the following objectives:

- a) To establish and maintain a centralized government agency that shall attend to the needs of Filipino seafarers, providing them the necessary services, supervision, regulation and guidance in the pursuit of their profession prior, during, and after their employment on board domestic as well as overseas trade and fishing vessels;
- b) To give full and complete effect to the International Maritime Organization Standards of Trainings, Certification, and Watchkeeping for Seafarers, 1978 (IMO STCW-78), as amended, so as to ensure that from the point of view of safety of life at sea and protection of the maritime environment, seafarers on board ships are qualified and fit for duties;
- c) To develop, organize, maintain, and operate an integrated maritime manpower development system that would undertake the education, training, certification, licensing, and qualification of Filipino seafarers in accordance with IMO STCW-78, as amended, and International labor Organization (ILO) Conventions, governing pre-

1 employment qualification requirements and documentation for both domestic and  
2 overseas manning and fishing industries;

3 d) To upgrade the knowledge and skill of Filipino seafarers in modern ship technologies  
4 so as to meet the increasing demand of domestic and foreign shipping companies for  
5 competent and trained seafarers;

6 e) To promote skills training of Filipino seafarers in the safety of life and property at sea  
7 in order to minimize, if not totally eradicate, sea disasters attributable to human  
8 factors;

9 f) To organize, maintain and operate an exclusive adjudication and welfare office for  
10 domestic and overseas seafarers and fishermen that would protect their welfare  
11 under just and humane conditions of work and wages, and promote a sound and  
12 stable manning industry;

13 g) To establish, maintain and operate a seafarers market promotion and information  
14 office, which shall enhance employment opportunity for Filipino seafarers;

15 h) To encourage and monitor foreign exchange receipts from the earnings of overseas  
16 Filipino seafarers and fishermen as a major contribution to the upliftment of our  
17 national economy in coordination with the Department of Finance and Bangko  
18 Sentral ng Pilipinas.

19 i) To represent the Philippine Government in all international and regional meetings,  
20 conferences, and conventions concerning maritime labor, training, and certification of  
21 seafarers; and

22 j) To provide technical assistance and other linkages with the Commission on Higher  
23 Education (CHED) in all matters pertaining to education and training and skills  
24 development of seafarers.

25 **SECTION 5. General Powers and Functions of the Administration.** – The  
26 Administration shall have the power to regulate and supervise the manpower development and  
27 hiring of Filipino seafarers by shipping companies, entities, or individuals on board domestic and  
28 overseas trade vessels.

29 **SECTION 6. The Governing Board.** – The Administration shall have a tripartite  
30 governing board hereinafter referred to as the Board, which shall serve as the management and  
31 policy-making body of the Administration.

32 The Board shall be authorized to organize a Technical Working Committee (“TWC”) on a  
33 permanent or *ad hoc* basis. The Board shall be composed of nine (9) members to be appointed  
34 by the President with the following composition:

35 a) Three (3) representatives from the government sector with the Secretary of Labor  
36 and Employment as ex-officio Chairman;

37 b) Three (3) representatives from the management sector, one of whom shall come  
38 from the association of ship owners in the overseas trade, another from the inter-  
39 island/domestic ship owners association and the last from the manning agents  
40 association; and

41 c) Three (3) representatives from the labor sector, one of whom shall come from the  
42 unions of seafarers in the overseas trade, another from the unions of seafarers in  
43 the domestic trade and the last to be proposed by the above-stated unions.

44 The members of the board shall be entitled to a *per diem* of one thousand pesos (Php  
45 1,000.00) based on actual attendance in meetings, which shall not exceed two thousand pesos  
46 (Php 2,000.00) per month.

1 The members of the TWC shall be entitled to a *per diem* of five hundred pesos (Php  
2 500.00) for actual attendance in meetings but which shall not exceed two thousand pesos (Php  
3 2,000.00) per month.

4 **SECTION 7. Powers and Functions of the Board.** – The Board shall be the highest  
5 policy-making body of the Administration. It shall exercise overall administrative supervision  
6 over the Administration to insure efficient implementation of policies and programs laid down by  
7 the Board.

8 The Chairman shall appoint the officials and employees of the Administration upon the  
9 recommendation of the Board and subsequent approval of the Civil Service Commission. The  
10 Board shall have the following functions:

- 11 a) Promote and protect the rights and well-being of the Filipino sea-based workers for  
12 domestic and overseas employment to fair and recruitment and employment  
13 practices;
- 14 b) Regulate private sector participation in the recruitment and placement of domestic  
15 and overseas sea-based workers by setting up a licensing and registration system;
- 16 c) Formulate, in coordination with appropriate entities concerned, a system for  
17 promoting and monitoring the domestic and overseas employment of Filipino sea-  
18 based workers taking into consideration their welfare and domestic manpower  
19 requirements;
- 20 d) Exercise original and exclusive jurisdiction over the following:
  - 21 i. To hear and decide all issues arising out of employee-employer relationship  
22 or by virtue of any law or contract involving Filipino sea-based workers for  
23 domestic and overseas employment including, but not limited to, disciplinary  
24 cases; and
  - 25 ii. All pre-employment cases that are administrative in character involving or  
26 arising out of any violation of the conditions for issuance of license or  
27 authority to recruit workers.
- 28 All prohibited recruitment activities and practices defined by virtue of existing laws,  
29 shall be prosecuted in the regular courts in close coordination with the concerned  
30 departments or agencies;
- 31 e) Promote the development of skills and careful selection of Filipino sea-based  
32 workers for domestic and overseas employment;
- 33 f) Undertake the overseas market development activities for placement of Filipino sea-  
34 based workers;
- 35 g) Secure the best terms and conditions of employment of Filipino sea-based contract  
36 workers and ensure compliance therewith; and
- 37 h) Establish and maintain close relationship and enter into joint projects with the  
38 Department of Foreign Affairs, Philippine Tourism Authority, Ninoy Aquino  
39 International Airport, Department of Justice, Department of Budget and Management  
40 and other relevant government entities, in the pursuit of its objectives. The Board  
41 shall also establish and maintain joint projects with private organizations, domestic or  
42 foreign, in the furtherance to its objectives.

43 **SECTION 8. General Powers and Functions of the Administrators and the Deputy**  
44 **administrator.** –

- 45 a) Administrator – The administrator shall be the Chief Executive officer of the  
46 Administration and, in exercising his functions, shall establish and maintain close

1 functional relationship with the bureau of Local Employment of the Department of  
2 Labor and Employment and other government and private entities concerning  
3 manpower development and employment of seafarers in relation to the needs of the  
4 industries, and shall direct and supervise the overall operation of the Administration.

5 In this connection, the administrator shall have the following functions and duties:

- 6 i. Assume full responsibility of implementing the purpose and objectives of the  
7 Administration;
- 8 ii. Formulate, develop, and, subject to the approval of the Board, implement  
9 programs and measures that would effectively carry out the policies laid down  
10 by the Board;
- 11 iii. Execute and administer all approved policies, programs, and measures, and  
12 allocate appropriate resources for their operations;
- 13 iv. Recommend to the Board the appointment of all supervisory, technical,  
14 clerical and other personnel of the Administration;
- 15 v. Represent the Administration in all its official transactions or dealings and to  
16 authorize with his signature legal contracts, annual reports, financial  
17 statements, correspondences, and other documents;
- 18 vi. Submit to the Board at the end of every calendar year an annual report on the  
19 operations of the Administration; and
- 20 vii. Perform other duties and functions as may be authorized by law and as  
21 directed by the Secretary of Labor and Employment or his designated  
22 permanent representative;

23 b) Deputy Administrator – The deputy administrator shall assist the administrator in all  
24 matters pertaining to the overall operations of the Administration. He shall have the  
25 following duties and responsibilities:

- 26 i. Advise and assist the administrator in the formulation and implementation of  
27 policies and programs of the administration;
- 28 ii. Evaluate the effectiveness of the Administration's organizational and  
29 functional systems in the rendition of an efficient delivery of services and, if  
30 necessary, recommended appropriate measures to improve performances of  
31 cognizant offices in the Administration;
- 32 iii. Oversee and coordinate the operational activities of the Administration. The  
33 deputy administrator shall be responsible to the administrator for their  
34 economical but efficient and effective services;
- 35 iv. Act as Chairman of the Personnel Selection and Promotions Board, and shall  
36 be responsible for the welfare, morale, and discipline of the personnel in the  
37 Administration;
- 38 v. As deputy to the administrator, assume the powers, duties and  
39 responsibilities of the administrator as may be authorized by law or as  
40 directed by his immediate superior; and
- 41 vi. Perform such other duties and responsibilities as may be authorized by law or  
42 as directed by his immediate superior.

43 **SEC. 9. Functions of the Principal Offices.** - For proper coordination and  
44 effective implementation of the purpose and objectives of the Administration, each principal  
45 subordinate office shall perform the following functions:

1 a) Manpower Development Office (MDO) - The MDO shall implement policies and  
2 guidelines toward promotion of skills and professional competence of seafarers, and  
3 in furtherance thereof, the office shall:

- 4 i. Develop and establish training standards for Filipino seafarers;
- 5 ii. In coordination with concerned government agencies, accredit, regulate, and  
6 supervise maritime training centers;
- 7 iii. Issue Seafarers Identity document or Seaman's Service Record Book as  
8 prescribed by ILO Convention No. 108 and other rules and regulations  
9 governing the issuance of said document;
- 10 iv. Issue certificates of proficiency and/or Endorsement of Certificates in  
11 conformity with IMO-ILO Convention on STCW-78, and ILO Convention Nos.  
12 74 and 69, and other qualification requirements of the shipping industries, in  
13 coordination with the Marine Board of Examiners for Engine and deck  
14 Officers of the Professional Regulation Commission;
- 15 v. Establish and maintain a centralized registry of properly trained and certified  
16 seafarers for domestic and overseas trade and fishing vessels; and
- 17 vi. Perform such other functions as may be directed by the Administrator.

18 b) Licensing, Accreditation and Placement Office (LAPO) - The LAPO shall undertake a  
19 systematic program of implementing the Administration's policies of promoting,  
20 regulating, and monitoring the employment of seafarers as well as the operation of  
21 private manning agencies. Pursuant thereto, the offices shall:

- 22 i. Establish, operate, and maintain a licensing and accreditation system to  
23 regulate the recruitment and the placement of seafarers in accordance with  
24 ILO Convention No. 9 and in conformity with existing Philippine laws, rules,  
25 and regulations governing the employment of seafarers;
- 26 ii. Process the application for licenses or authority to operate private manning  
27 agencies and supervise and regulate the operations of the said agency;
- 28 iii. Prepare and implement an inspection program for the effective supervision  
29 and evaluation of the activities of private manning or shipping agencies;
- 30 iv. Process all shipboard contracts and/or shipping articles, and secure the best  
31 possible terms and conditions of employment for seafarers;
- 32 v. Hear cases involving violations of rules and regulations on the recruitment  
33 and placement, violations of the conditions of licenses or authority including  
34 complaints for suspension and cancellation or revocation thereof, and  
35 recommend to the administrator appropriate actions as it may deem  
36 necessary;
- 37 vi. Register and issue seamen's registration cards to all employable and  
38 qualified seafarers and fishermen desiring to be employed on board domestic  
39 as well as overseas trade and fishing vessels; and
- 40 vii. Perform such other functions as may be directed by the administrator.

41 c) Welfare Office (WO) - The WO shall undertake measures to enhance the well-being  
42 of seafarers. In this regard, it shall perform the following functions:

- 43 i. Conduct pre-departure orientation seminars or briefings to departing  
44 seafarers scheduled for employment. It shall also undertake studies and  
45 development materials for use in pre-departure orientation seminar of  
46 seafarers and other related activities;

- 1           ii.    Accredit, regulate, and supervise pre-departure orientation seminars or
- 2                    briefings of authorized manning or shipping agencies;
- 3           iii.   Formulate and undertake programs and projects for the effective and efficient
- 4                    utilization of seafarers welfare funds;
- 5           iv.    Provide services to assist the seafarers and their immediate dependents and
- 6                    families; and
- 7           v.     Perform such other duties as may be directed by the administrator.

8           d) Adjudication Office (AO) - The AO shall undertake measures toward industrial peace

9                    and shall stand as the adjudication arm of the Administration. In this regard, it shall

10                  establish and maintain a speedy and efficient conciliation and adjudication machinery

11                  the resolution of which shall be made in every case within thirty (30) days from

12                  submission thereof.

13           e) Research, Standard, and Marketing Development Office (RSMDO) - The RSMDO

14                   shall formulate, develop, and implement a comprehensive maritime manpower

15                   export development and market promotion strategies geared towards enhancement

16                   of seafarers' employment opportunities in domestic and overseas markets. In

17                   furtherance thereto, it shall perform the following functions:

- 18           i.     Conduct researches, studies and statistics on the trend and other data on
- 19                    both domestic and overseas shipping, and manning industries for use as
- 20                    materials in policy formulate, market promotion and manpower development
- 21                    program;
- 22           ii.    Based on researches and studies, formulate and develop standards for the
- 23                    Administration's manning offices;
- 24           iii.   Provide appropriate data and statistics in the formulation of plans and
- 25                    programs of the Administrations;
- 26           iv.    Provide support services and materials for the reproductions and publication
- 27                    of all printed materials of the Administration;
- 28           v.     Develop, establish and maintain a public information system and such
- 29                    facilities that would educate and orient seafarers regarding the
- 30                    Administration's policies, programs, and activities affecting their professions;
- 31                    and
- 32           vi.    Perform such other functions as may be directed by the Administration.

33           f) Administrative Office (AdO) - The AdO shall be responsible for providing the

34                   Administration with services relating to personnel information, records, supplies,

35                   equipment, collection and disbursements, security, and custodial works. It shall

36                   provide the Administration with staff advice and assistance on budgetary, financial,

37                   and management matters.

38           **SEC. 10.    *Organization and Functions of Field Offices.*** - Whenever it becomes

39                   necessary for the Administration to expand its operation to major seaports or outports, it shall

40                   establish such number of field offices which shall be the operating arm of the Administration in

41                   those areas. These field offices shall assume the responsibilities of implementing and

42                   administering the functions of the Administration at those levels and the location, composition,

43                   organization, and functional requirements of the field offices shall be determined by the

44                   Secretary of Labor and Employment upon the recommendation of the Administration.

45           **SEC. 11.    *Staffing Pattern.*** - The organizational framework and staffing pattern of

46                   the Administration shall be prescribed and approved by the Secretary of Labor and Employment

47                   within sixty (60) days after the approval of this Act. The compensation plan of the Administration

1 shall at least be patterned after that of the Philippine Overseas Employment Administration  
2 (POEA).

3 With regard to appointments to positions in the approved staffing pattern, optimum  
4 consideration shall be made conforming to the objective of setting up and maintaining in the  
5 Administration the highest standards of integrity, efficiency, and competence.

6 In addition to other forms of incentive that may be granted by the Board, all personnel of  
7 the Administration shall be entitled to the benefits normally accorded to government employees.

8 **SEC. 12. *Special Provisions.*** - In implementing the provisions of this Act, the  
9 Administration may call upon the government agency or instrumentality for technical and  
10 personnel assistance. And in order to strengthen its coordinative functions, the Administration  
11 shall hire and train appropriate technical personnel which may be assigned to other government  
12 agencies involved in the implementation of laws, rules and regulations relative to the operations  
13 of the Administration.

14 **SEC. 13. *Transitory Provisions.*** - The Maritime Training Council, and all offices,  
15 departments, branches, divisions, or sections of the POEA, Overseas Workers Welfare  
16 Administration, the Maritime Industry Authority, the Philippine Coast Guard, and the Marine  
17 Board of Examiners for Engine and Deck of the Professional Regulation Commission under  
18 Presidential Decree No. 97, as amended, Maritime Section of the Commission on Higher  
19 Education, Maritime Section on National Telecommunication Commission, and other  
20 government agencies and instrumentalities performing any of the functions provided for under  
21 this Act are hereby transferred with their personnel, records, files, supplies, vehicles, equipment,  
22 furnitures, funds and other properties to the National Seafarers Administration.

23 For purposes of effecting a smooth, orderly, and expeditious organizational and  
24 functional transition period, the following shall, among others, govern such undertakings:

- 25 a) The Administration shall coordinate with agencies and instrumentalities mentioned in  
26 this Section in order to minimize the disruption of the usual services being rendered  
27 to the public and its clientele;
- 28 b) Officials and employees of all agencies concerned shall not be deprived of re-  
29 employment to the Administration nor shall there be a diminution in their ranks or  
30 salaries, unless a contrary existing law so provides; and
- 31 c) Employees affected by the creation of the Administration shall be given preference  
32 for appointment in the Administration on the basis of merit and fitness: Provided,  
33 That those who may be laid off for cause or by option of voluntary phase out, shall be  
34 given gratuity equivalent to one (1) month's salary for every year of service, in  
35 addition to all benefits to which they are entitled under existing laws and regulations.

36 **SEC. 14. *Penal Provisions.*** - Any person, association, corporation or entity who  
37 violates any provisions of this Act, or the rules and regulations mad thereof shall upon  
38 conviction be punished or fined in accordance to the degree of offense as the court or  
39 adjudicating administration may impose in accordance with existing civil or penal laws of the  
40 Philippines: *Provided.* That in case the violation is committed by an association, corporation or  
41 entity, the penalty shall be imposed on the responsible officers, directors, and/or owner of the  
42 said entities: *Provided finally,* That nothing in this Act shall prevent the National Seafarers  
43 Administration from instituting administration penalties for violations of any regulations that it  
44 may promulgate.

45 **SEC. 15. *Appropriations.*** - The amount necessary for the implementation of this  
46 Act shall be taken from the funds of all offices, departments, branches, divisions or sections of  
47 the Philippine Overseas Employment Administration, the Maritime Industry Authority, the  
48 Maritime Training Council, the Philippine Navy, and the Marine Board of Examiners for Engine  
49 and Deck of the Professional Regulation Commission under Presidential Decree No. 97, as



1 amended, and other government agencies and instrumentalities performing any of the functions  
2 and programs provided for this Act. Thereafter such sums as may be needed for the operation  
3 and maintenance of the Administration shall be included in the annual General Appropriations  
4 Act.

5           **SEC. 16.     *Repealing Clause.*** - All laws, ordinances, rules and regulations, and  
6 other issuances or parts thereof that are inconsistent with this Act are hereby repealed or  
7 modified accordingly.

8           **SEC. 17.     *Separability Clause.*** - If for any reason any section or provision of this  
9 Act is declared unconstitutional or invalid, the other sections or provisions thereof, shall not be  
10 affected thereby.

11           **SEC. 18.     *Effectivity.*** - This Act shall take effect upon its complete publication in at  
12 least two (2) national newspapers of general circulation.

13           Approved,