


**SEVENTEENTH CONGRESS OF THE REPUBLIC
OF THE PHILIPPINES**
First Regular Session



16 JUL 26 A9:09

SENATE
S. B. 881

RECEIVED BY: 

Introduced by Senator Poe

**AN ACT
TO PROTECT THE INTERESTS AND WELFARE OF FILIPINO SEAMEN AND
SEA-BASED MIGRANT WORKERS, ESTABLISHING FOR THE PURPOSE A
NATIONAL SEAFARERS ADMINISTRATION, APPROPRIATING FUNDS AND
FOR OTHER PURPOSES**

Explanatory Note

This bill seeks to create the National Seafarers Administration to look into and protect the interests and welfare of Filipino seafarers.

A National Seamen Board was created in 1974 to develop and maintain a comprehensive program for Filipino Seafarers employed overseas. The Board, however, was abolished in 1982 with the creation of the Philippine Overseas Employment Administration (POEA) under Executive Order No. 797. POEA has been empowered to formulate and undertake a systematic program for promoting and monitoring the overseas employment of Filipino workers. The body is likewise mandated to protect the rights of migrant workers including seamen so that they can enjoy fair and equitable employment practices. An Advisory Board for Seamen was also created which was composed of private sector to advise the POEA on its overseas operations.

While many commend the performance of POEA in protecting the rights and promoting the welfare of Filipino overseas workers, the latter continually claim that they have been overlooked by the government. The agency concerned may not be aware but the seafarers feel that they are not fully protected and their claims not fully attended. The complex problem of these seafarers necessitates a government mechanism fully concentrating on their needs and concerns.

This legislation is highlighted by the following significant points, among others:

1. The creation of a special body on Filipino seafarers, the National Seafarers Administration, an attached agency under the administrative supervision of the Department of Labor and Employment (DOLE);
2. The body shall be the centralized government agency that would attend to the entire needs of Filipino seafarers by providing them the necessary services, supervision, regulation, and guidance in the pursuit of their profession prior, during, and after their employment on board, domestic or overseas, trade and fishing vessels;
3. The establishment of said body shall be in full compliance with the International Maritime Organization Standards of Training, Certification, and Watch-keeping for Seafarers, 1978 (IMO STCW-78) as Amended in 1995. This will 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;
4. With a law governing seafarers specifically, there will be an assurance of upgrading the knowledge and skills of Filipino seafarers in modern ship technologies so as to meet the increasing demand of domestic and foreign shipping companies for competent and trained seafarers; and
5. There will be a mechanism to revisit, globalize and update the education and curriculum on maritime, marine, and seamen education as well as the establishment of technical assistance and other linkages with the Commission on Higher Education (CHED).

Approval of the Bill is strongly recommended.


GRACE POE



SEVENTEENTH CONGRESS OF THE REPUBLIC
OF THE PHILIPPINES
First Regular Session

'16 JUL 26 19:10

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**AN ACT
TO PROTECT THE INTERESTS AND WELFARE OF FILIPINO SEAMEN AND
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NATIONAL SEAFARERS ADMINISTRATION, APPROPRIATING FUNDS AND
FOR OTHER PURPOSES**

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

1 **SECTION 1. Title.** - This Act shall be known as the "*Pilipinong Marino Act of*
2 *2016.*"

3
4 **SECTION 2, Declaration of Policy.** - It is hereby declared the policy of the State to
5 afford full protection to labor, local and overseas, organized and unorganized, and promote
6 full employment and equality of employment opportunities for all.

7
8 Pursuant to the foregoing state policy, the Philippines, through this Act, shall
9 consolidate and institutionalize the existing government efforts in effecting meaningful
10 programs on employment promotion, maritime manpower development and utilization, and
11 welfare of seafarers integrated in one agency.

12
13 **SECTION 3. Creation of the National Seamen Administration.** - There is hereby
14 created a National Seafarers Administration, hereinafter referred to as the Administration,
15 which shall be organized within sixty (60) days from the date of approval of this Act.

16

1 The administration, as an attached agency, shall be under the administrative
2 supervision of DOLE.

3
4 **SECTION 4. Objectives.** - The Administration shall have the following objectives:

- 5
6 1. To establish and maintain a centralized government agency that would attend to the
7 needs of Filipino seafarers by providing them the necessary services, supervision,
8 regulation, and guidance in the pursuit of their profession prior, during, and after their
9 employment on board domestic as well as overseas trade and fishing vessels;
10
11 2. To give full and complete effect to the International Maritime Organization Standards
12 of Training, Certification, and Watchkeeping for Seafarers, 1978 (IMO STCW-78) as
13 amended in 1995 so as to ensure that from the point of view of safety of life at sea and
14 protection of the maritime environment, seafarers on board ships are qualified and fir
15 for duties;
16
17 3. To develop, organize, maintain, and operate an integrated maritime manpower
18 development system that shall undertake the training, certification, or licensing and
19 qualification of Filipino seafarers in accordance with IMO STCW-78 and
20 International Labor Organization (ILO) Conventions, governing pre-employment
21 qualification requirements and documentation for both domestic and overseas
22 manning and fishing industries;
23
24 4. To upgrade the knowledge and skill of Filipino seafarers in modern ship technologies
25 so as to meet the increasing demand of domestic and foreign shipping companies for
26 competent and trained seafarers;
27
28 5. To promote skills training of Filipino seafarers in safety of life and property at sea in
29 order to prevent sea disasters which are attributed to human factors;
30
31 6. To organize, maintain and operate an exclusive adjudication and welfare office for
32 domestic as well as overseas seafarers and fishermen that shall protect their welfare
33 under just and humane conditions of work and wages, and promote a sound and stable
34 manning industry;

- 1
- 2 7. To establish, maintain and operate a seafarers market promotion and information
- 3 office that shall enhance employment opportunity to Filipino seafarers;
- 4
- 5 8. To encourage and monitor foreign exchange receipts from the earnings of overseas
- 6 Filipino seafarers and fishermen as major contribution to the upliftment of our
- 7 national economy in coordination with the Department of Finance (DoF) and the
- 8 Bangko Sentral ng Pilipinas (BSP).
- 9
- 10 9. To represent the Philippine Government in all international and regional meetings,
- 11 conferences and/or conventions concerning maritime labor, training and certification
- 12 of seafarers;
- 13
- 14 10. To keep under constant review all international and regional meetings, conferences
- 15 and/or conventions concerning maritime labor, training and certification of seafarers;
- 16
- 17 11. To provide technical assistance and other linkages with the Commission on Higher
- 18 Education (CHED) in all matters pertaining to education and training and skills
- 19 development of seafarers.
- 20

21 **SECTION 5. General Powers and Functions of the Administration.** - The

22 Administration shall have the power to regulate and supervise the manpower development

23 and hiring of Filipino seafarers by shipping companies, entitles or persons on board domestic

24 as well as overseas trade vessels.

25

26 **SECTION 6. The Governing Board.** - The Administration shall have a tripartite

27 governing board hereinafter referred to as the Board which shall serve as the management

28 and policy-making body. The Board shall be authorized to organize a Technical Working

29 Committee on a permanent or ad hoc basis. The Board shall be composed of nine (9)

30 members to be appointed by the President: three (3) representatives from the Government

31 Sector with the Secretary of DOLE as ex-officio Chairman; three (3) representatives from the

32 management sector, one of whom shall come from the association of ship owners in the

33 overseas trade, another from the inter-island domestic ship-owners association and the last

34 from the manning agent's association; and three (3) representatives from the labor sector, one

1 of whom shall come from the unions of seafarers in the overseas trade, another from the
2 unions of seafarers in the domestic trade and the last to be proposed by the above stated
3 unions.

4
5 The members of the Board shall be entitled to a per diem of one thousand (Php
6 1,000.00) for actual attendance in meetings which shall not exceed two thousand pesos (Php
7 2,000.00) per month. The members of the Technical Working Committee shall be entitled to
8 a per diem of five hundred pesos (Php 500.00) for actual attendance in meetings but which
9 shall not exceed two thousand pesos (Php 2,000.00) per month.

10
11 **SECTION 7. Powers and Functions of the Board.** – The Board shall be the highest
12 policy making-body of the Administration. It shall exercise overall administrative supervision
13 over the Administration to ensure the efficient implementation of policies and programs laid
14 down by the Board. The Chairman shall appoint the officials and employees of the
15 administration upon the recommendation of the Board and subsequent approval of the Civil
16 Service Commission (CSC). The Board shall have the following functions:

- 17
18 a) Promote and protect the rights and well-being of the Filipino sea-based workers for
19 domestic and overseas employment to fair recruitment and employment practices;
20 b) Regulate private sector participation in the recruitment and placement of domestic and
21 overseas sea-based workers by setting up a licensing and registration system.
22 c) Formulate, in coordination with appropriate entities concerned, a system for
23 promoting and monitoring the domestic and overseas employment of Filipino sea-
24 based workers taking into consideration their welfare and domestic manpower
25 requirements;
26 d) Exercise original and exclusive jurisdiction to hear and decide all arising out of an
27 employee-employer relationship or by virtue of any law or contract involving Filipino
28 sea-based workers for domestic and overseas employment including disciplinary
29 cases; and all pre-employment cases which are administrative in character involving
30 or arising out of violation of the condition for issuance of license or authority to
31 recruit workers. All prohibited recruitment activities and practices defined by virtue of
32 existing laws shall be prosecuted in the regular courts in close coordination with the
33 concerned departments or agencies;

- 1 e) Promote the development of skills and careful selection of Filipino sea-based workers
2 for domestic and overseas employment;
- 3 f) Undertake the overseas market development activities for placement of Filipino sea-
4 based workers;
- 5 g) Secure the best terms and conditions of employment of Filipino sea-based contract
6 workers and ensure compliance therewith; and
- 7 h) Establish and maintain close relationship and enter into joint projects with the
8 Department of Foreign Affairs (DFA), Philippine Tourism Authority (PTA), Ninoy
9 Aquino International Airport (NAIA), Department of Justice (DOJ), Department of
10 Budget and Management (DBM), and other relevant government entities, in the
11 pursuit of its objectives. The Board shall also establish and maintain joint projects
12 with private organizations, domestic or foreign, in the furtherance to its objectives.
13

14 **SECTION 8. General Powers and Functions of the Administrators and the Deputy**
15 **Administrator.**
16

- 17 a.) The Administrator shall be the Chief Executive Officer of the Administration and, in
18 exercising the functions, shall establish and maintain close functional relationship
19 with the bureau of Local Employment of DOLE and other government and private
20 entities concerning manpower development and employment of seafarers in relation
21 to the needs of the industries, and shall direct and supervise the overall operation of
22 the Administration. The Administration shall have the following functions and duties:
23
- 24 1) Assume full responsibility of implementing the purpose and objective of the
25 Administration;
 - 26 2) Formulate, develop, and subject to the approval of the Board, implement programs
27 and measures that would effectively carry out the policies laid down by the Board;
 - 28 3) Execute and administer all approved policies programs and measures, and allocate
29 appropriate resources for their operations;
 - 30 4) Recommend to the Board the appointment of all supervisory, technical, clerical
31 and other personnel of the administration;
 - 32 5) Represent the Administration in all its official transaction or dealings and to
33 authorize with his signature legal contracts, annual reports, financial statements,
34 correspondences and other documents;

- 1 6) Submit to the Board an annual report on the operation of the Administration; and
- 2 7) Perform other duties and functions as may be authorized by law as directed by the
- 3 Secretary of Labor and Employment or his designated permanent representative;

4

5 b.) The Deputy Administrator – The Deputy Administrator shall be the assistant of the

6 Administrator in all matters pertaining to the overall operations of the Administration.

7 The person shall have the following duties and responsibilities:

- 8
- 9 1) Advise and assist the Administrator in the formulation and implementation of
- 10 policies and programs of the administration;
- 11 2) Evaluate the effectiveness of the Administration’s organizational and functional
- 12 systems in the rendition of efficient delivery of services, and if necessary
- 13 recommend appropriate measures to improve performances of cognizant offices in
- 14 the Administration;
- 15 3) Oversee and coordinate the operational activities of the Administration, and shall
- 16 be responsible to the Administrator for their economical but efficient and effective
- 17 services;
- 18 4) Act as Chairman of the Personnel Selection and Promotions Board, and shall be
- 19 responsible for the welfare, morale and discipline of personnel in the
- 20 Administration;
- 21 5) As deputy to the Administrator, assume the powers, duties and responsibilities of
- 22 the Administrator as may be authorized by law or as directed by his immediate
- 23 superior; and
- 24 6) Perform such other and responsibilities as may be authorized by law or as directed
- 25 by his immediate superior.

26

27 **SECTION 9. Functions of the Principal Offices.** – For proper coordination and

28 effective implementation of the purpose and objectives of the Administration, each principal

29 subordinate office shall perform the following functions:

30

31 a.) The Manpower Development Office – The Manpower Development Office shall

32 implement policies and guidelines towards the promotion of skills and professional

33 competence of seafarers, and in the furtherance thereof, the office shall:

34

- 1) Develop and establish training standards for Filipino seafarers;
- 2) In coordination with concerned government agencies, accredit, regulate, and supervise maritime training centers;
- 3) Issue Seafarers Identity document or Seamen's Service Record Book as prescribed by ILO Convention No. 108 and other rules and regulations governing the issuance of said document;
- 4) Issue certificates of proficiency and/or endorsement of certificates in conformity with IMO-ILO Convention on STCW-78, and ILO Convention Nos. 74 and 69, and other qualification requirements of the shipping industries, in coordination with the Marine Board of Examiners for Engine and Deck Officers of the Professional Regulation Commission;
- 5) Establish and maintain a centralized registry of properly trained and certified seafarers for domestic and overseas trade and fishing vessels; and
- 6) Perform such other functions as may be directed by the Administrator.

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

- 1) Establish, operate, and maintain a licensing and accreditation system to regulate the recruitment and the placement of seafarers in accordance with ILO Convention No. 9 and in conformity with existing Philippine laws, rules and regulations governing employment of seafarers;
- 2) Process the application for licenses or authority to operate private manning agencies and supervise and regulate the operations of the said agencies;
- 3) Prepare and implement an inspection program for the effective supervision and evaluation of the activities of private manning or shipping agencies;
- 4) Process all shipboard contracts and/or shipping articles, and secure the best possible terms and conditions of employment for seafarers;
- 5) Hear cases involving violations of rules and regulations on the recruitment and placement; violations of the conditions of licenses or authority including

1 complaints for suspension and cancellation or revocation thereof, and recommend
2 to the Administrator appropriate actions deemed necessary;

3 6) Register and issue seamen's registration cards to all employable and qualified
4 seafarers and fishermen desiring to be employed on board domestic as well as
5 overseas trade and fishing vessels; and

6 7) Perform such other functions as may be directed by the Administrator.
7

8 c.) The Welfare Office – The Welfare Office shall undertake measures to enhance the
9 well-being of seafarers. In this regard, it shall perform the following functions:
10

11 1) Conduct pre-departure orientation seminars or briefings to departing seafarers
12 scheduled for employment. It shall also undertake studies and development
13 materials for use in pre-departure orientation seminar of seafarers and other
14 related activities;

15 2) Accredit, regulate and supervise pre-departure orientation seminars or briefings of
16 authorized manning or shipping agencies;

17 3) Formulate and undertake programs and projects for the effective and efficient
18 utilization of seafarers welfare funds;

19 4) Provide services to assist the seafarers and their immediate dependents and
20 families; and

21 5) Perform such other duties as may be directed by the Administrator.
22

23 d.) The Adjudication Office. – The Adjudication Office shall undertake measures
24 towards industrial peace. In this regard, it shall perform the following functions:
25

26 1) Establish and maintain speedy and efficient conciliation and adjudication
27 machinery, the resolution of which shall be made in every case within thirty (30)
28 days from submission thereof;

29 2) Exercise exclusive jurisdiction over all cases involving seafarers employer-
30 employee relationship including money claims of both parties: Provided, That
31 each case shall be decided within ninety (90) days from the time the issues are
32 joined or from the date of filing of said claim;

1 3) Hear complaints and/or adjudicate cases of illegal recruitment or exaction of
2 excessive employment fees: Provided, That each case shall be disposed of within
3 sixty (60) days from the filing thereof; and

4 4) Perform such other duties as may be directed by the Administrator.
5

6 e.) The Research, Standard and Marketing Development Office – The Research, Standard
7 and Marketing Development Office shall formulate, develop, and implement a
8 comprehensive maritime manpower export development and market promotion
9 strategies geared towards enhancement of seafarers' employment opportunities in
10 domestic and overseas markets. In furtherance thereto, it shall perform the following
11 functions:
12

13 1) Conduct researches, studies, and statistics on the trend and other data on both
14 domestic and overseas shipping and manning industries for use as materials in
15 policy formulation, market promotion, and manpower development program;

16 2) Based on researches and studies, formulate and develop standards for the
17 Administration's manning offices;

18 3) Provide appropriate data and statistics in the formulation of plans and programs of
19 the Administration;

20 4) Provide support services and materials for the reproduction and publication of all
21 printed materials of the Administration;

22 5) Develop, establish and maintain a public information system and such facilities
23 that would educate and orient seafarers regarding the Administration's policies,
24 programs, and activities affecting their professions; and

25 6) Perform such functions as may be directed by the Administration.
26

27 f.) The Administrative Office – The Administrative Office shall be responsible for
28 providing the administration with services relating to personnel information, records,
29 supplies, equipment, collection and disbursements, and security and custodial works.
30 It shall provide the Administration with staff advice and assistance on budgetary,
31 financial, and management matters.
32

33 **SECTION 10. Organization and Functions of Field Offices.** – Whenever it becomes
34 necessary for the Administration to expand its operation to major seaports or outports, it shall

1 establish such number of field offices which shall be the operating arm of the Administration
2 in those areas. These field offices shall assume the responsibilities of implementing and
3 administering the function of the Administration at those levels and the location,
4 composition, organization and functional requirements of the field offices shall be determined
5 by the Secretary of DOLE upon the recommendation of the Administration.

6
7 **SECTION 11. Staffing Pattern.** – The organizational framework and staffing pattern of
8 the Administration shall be prescribed and approved by the Secretary of Labor and
9 Employment within sixty (60) days after the approval of this Act. The compensation plan of
10 the Administration shall at least be patterned after that of the POEA.

11
12 With regard to appointments to positions in the approved staffing pattern, optimum
13 consideration shall be made conforming to the objective of setting up and maintaining in the
14 Administration the highest standards of integrity, efficiency, and competence.

15
16 In addition to other forms of incentive that may be granted by the Board, all personnel of
17 the Administration shall be entitled to the benefits normally accorded to government
18 employees.

19
20 **SECTION 12. Special Provisions.** – In implementing the provisions of this Act, the
21 Administration may call upon the government agency or instrumentality for technical and
22 personnel assistance. And in order to strengthen its coordinative functions, the
23 Administration shall hire and train appropriate technical personnel which may be assigned to
24 other government agencies involved in the implementation of laws, rules and regulations
25 relative to the operations of the Administration.

26 **SECTION 13. Transitory Provisions.** – The Maritime Training Council (MTC) and
27 all offices, departments, branches, divisions, or sections of the POEA, Overseas Workers
28 Welfare Administration (OWWA), the Maritime Industry Authority (MARINA), the
29 Philippine Coast Guard (PCG), and the Marine Board of Examiners for Engine and Deck of
30 the Professional Regulation Commission (PRC) under presidential Decree No. 97 as
31 amended, Maritime Section of CHED, Maritime Section of National Telecommunication
32 Commission (NTC), and other government agencies and instrumentalities performing any of
33 the functions provided for under paragraphs “a” and “e” and each of the subparagraphs
34 therein of Section 9 of this Act are hereby transferred with their personnel, records, files,

1 supplies, vehicles, equipment, furniture, funds, and other properties to the National Seafarers
2 Administration.

3
4 For the purpose of affecting a smooth, orderly and expeditious organizational and
5 functional transition period, the following shall among others govern such undertakings:

- 6
7 a) The Administration shall coordinate with agencies and instrumentalities mentioned in
8 this Section in order to minimize the disruption of the usual services being rendered to
9 the public and its clientele;
- 10 b) Officials and employees of all agencies concerned shall not be deprived of re-
11 employment to the Administration nor shall there be a diminution in their ranks or
12 salaries, unless a contrary existing law so provides; and
- 13 c) Employees affected by the creation of the Administration shall be given preference
14 for appointment in the Administration on the basis of merit and fitness: Provided,
15 That those who may be laid off for cause or by option of voluntary phase out, shall be
16 given gratuity equivalent to one (1) month's salary for every year of service, in
17 addition to all benefits to which they are entitled under existing laws and regulations.

18
19 **SECTION 14. Penal Provisions.** – Any person, association, corporation or entity who
20 violates any provisions of this Act, or the rules and regulations thereof shall upon conviction
21 be punished or fined in accordance to the degree of offense as the court or adjudicating
22 administration may impose in accordance with existing civil or penal laws of the Philippines:
23 Provided. That in case the violation is committed by an association, corporation or entity, the
24 penalty shall be imposed on the responsible officers, directors, or owner of the said entities:
25 Provided finally, that nothing in this Act shall prevent the National Seafarers Administration
26 from instituting administration penalties for violations of any regulations that it may
27 promulgate.

28
29 **SECTION 15. Appropriations.** – The amount necessary for the implementation of this
30 Act shall be taken from the funds of all offices, departments, branches, divisions or sections
31 of POEA, MARINA, MTC, the Philippine Navy (PN), and the Marine Board of Examiners
32 for Engine and Deck of PRC under Presidential Decree No. 97, as amended, and other
33 government agencies and instrumentalities performing any of the functions and programs
34 provided for this Act. Thereafter, such sums as may be needed for the operation and

1 maintenance of the Administration shall be included in the annual General Appropriations
2 Act.

3

4 **SECTION 16 Repealing Clause.** – All laws, ordinances, rules and regulations, and other
5 issuances or parts thereof which are inconsistent with this Act, are hereby repealed or
6 modified accordingly.

7

8 **SECTION 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
10 be affected thereby.

11

12 **SECTION 18. Effectivity.** – This Act shall take effect upon its complete publication in at
13 least two (2) national newspaper of general circulation.

Approved.