

THIRTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
*First Regular Session* )

5 JUL 19 P3:56

SENATE  
S. B. NO. 2005

RECEIVED BY:         

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Introduced by SENATOR EDGARDO J. ANGARA

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**EXPLANATORY NOTE**

Human resource is an essential strength in an increasing global economy. The Philippines remains to be the biggest source of seafarers in the global market, both for officers and ratings. This phenomenon occurs in the context of continuing efforts by global shipping companies to cut costs, rationalize crewing, and comply with, among others, international conventions on maritime labour and protection of the environment.

Remittances from all OFWs are a major source of US dollar earnings, contribute significantly to stabilizing the balance of payments, prevent foreign exchange instability, and serve as a buffer against drastic devaluations of the peso which could lead to inflation. The significance thus of Filipino seafarers as a major component of our Overseas Employment to the economy cannot be overemphasized.

The challenge now lies for the Philippines to maintain its dominant presence vis-à-vis competition posed by emerging sources of labor such as China, Russia, Ukraine, China, India, Indonesia, Poland, Greece and Turkey. I am of the belief that the advantaged position of the Philippines as a major supplier of maritime labor will be seriously undermined if the Philippine government does not take decisive steps to improve the national system of maritime education and training and does not push for the development and implementation of a strong, consistent legislative agenda for Filipino seafarers.

*Ergo*, beyond recognition that the maritime industry is a viable option for economic growth is the State's primordial duty to ensure their protection and welfare. These actions are, furthermore, necessary for the Philippines to continue to maintain its status on the white list of countries complying with treaty standards under the *International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW-95)*.

A perfect start is to come up with a definitive policy legislation that will bring together the various provisions on seafarers scattered in various laws, institute well-meaning reforms in our maritime industry and create a holistic approach to recognizing, emphasizing and advancing the issues and concerns of our seafarers as are envisioned in this bill.

Approval of the measure is respectfully sought.

  
EDGARDO J. ANGARA  
Senator

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

5 JUL 19 P3:56

RECEIVED BY: G

SENATE

S. B. NO. 2008

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Introduced by SENATOR EDGARDO J. ANGARA

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

SEC. 2. *Declaration of Policies.* a) It is hereby declared the policy of  
the State:

- 1) 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;
- 2) 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
- 3) To establish mechanisms 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.

1           **SEC. 3. Applicability.** All rights and benefits granted under this Act  
2 shall, except as may otherwise be provided herein, apply to the Filipino  
3 seafarers as defined herein.  
4  
5

6           **SEC. 4. Definitions.** For purposes of this Act,  
7

- 8           a) **"Authority"** refers to the document issued by the DOLE authorizing  
9           any person or entity to engage in the recruitment and placement  
10           of seafarers or OFWs;  
11  
12           b) **"Departure"** refers to the actual departure from the point of hire of  
13           a Filipino seafarer through air, sea or land travel transport to join his  
14           vessel in a Philippine or foreign port;  
15  
16           c) **"Domestic Seafarers"** refers to seafarers on board ship or vessel  
17           plying inter-island water or waters within Philippine territory;  
18  
19           d) **"Filipino Seafarers"** refers to any person who fulfills the conditions to  
20           be employed or engaged as part of the crew or complement of  
21           the ship navigating the foreign seas other than a government ship  
22           used for military or non-commercial purposes. This term includes  
23           seafarers serving on foreign maritime mobile offshore units who  
24           perform functions similar to those constituting a crew, fisherman and  
25           cruise ship personnel;  
26  
27           e) **"Informal Blacklisting"** refers to the unlawful practice of recruitment  
28           and placement services agencies, or companies to directly or  
29           indirectly prevent or deter seafarers, without valid cause from  
30           gaining productive employment, whether the job applicant is for  
31           employment or reemployment;  
32  
33           f) **"License"** refers to the document issued by the DOLE authorizing  
34           any person or entity to operate a manning agency;  
35  
36           g) **"Manning or Crewing Agencies"** shall refer to any person,  
37           company, institution, agency or other organization in the public or  
38           private sector, which is engaged in recruiting seafarers in behalf of  
39           the employers or placing seafarers with employers;  
40  
41           h) **"Maritime Industry"** refers to all enterprises engaged in the business  
42           of managing and / or operating shipping lines, management of  
43           ports, stevedoring arrastre, customs brokerage and cargo surveys;  
44           of ship brokering / chartering, designing, constructing,  
45           manufacturing, acquiring, operating, supplying, repairing and / or  
46           maintaining vessels, or component parts thereof; of shipyards and  
47           dry-docks; of providing maritime services such as ship supplies, ship  
48           manning and training, maritime consultancy, ship repairs, machine  
49           shops, shipping agencies, freight forwarding and similar enterprises;  
50  
51           i) **"Master"** refers to a seafarer who has the command and is in-  
52           charge of the vessel being the representative the vessel's owner.  
53

- 1 j) **"Officers"** refers to seafarers other than the Master who is  
2 designated by national law or regulation as an officer or is serving in  
3 that capacity, such as the 3<sup>rd</sup> mate, 2<sup>nd</sup> mate, chief mate, master  
4 mariner in the ship's deck, the marine engineer officers in the  
5 engine, and other special officers needed in the vessel.  
6
- 7 k) **"Philippine Port"** refers to any Philippine airport or seaport;  
8
- 9 l) **"Philippine Seafarers' One-Stop Center"** refers to the government  
10 office under the supervision of the Department of Labor and  
11 Employment created thru Administrative Order No. 56 on 24  
12 January 2003;  
13
- 14 m) **"Philippine Shipping Companies"** refers to entities registered and  
15 licensed under the laws of the Philippines to engage in the business  
16 of overseas and/of domestic water transportation;  
17
- 18 n) **"Point of Hire"** refers to the place indicated in the contract of  
19 employment which shall be the basis for determining  
20 commencement and termination of contract;  
21
- 22 o) **"Principal"** or **"employer"** refers to any person, partnership or  
23 corporation registered and duly authorized to engage in overseas  
24 shipping activities engaging Filipino seafarers;  
25
- 26 p) **"Rating"** refers to any member of the crew other than the Master or  
27 the Officer, who is considered as ordinary seaman, able seaman,  
28 boatswain or bosun in the deck; the wiper, motorman, fitters and  
29 such other special ratings needed on board the vessel.  
30
- 31 q) **"Recruitment and Placement"** refers to any act of canvassing,  
32 enlisting, contracting, transporting, utilizing, hiring or procuring  
33 workers, and include referrals, contact services, promising or  
34 advertising employment, locally or abroad, whether for profit or not:  
35 *Provided, That any person or entity, which in any manner, offers or*  
36 *promises employment for a fee to two (2) or more persons shall be*  
37 *deemed engaged in recruitment and placement.*  
38
- 39 r) **"Seafarers"** refers to any person who fulfills the conditions to be  
40 employed or engaged as part of the crew or complement of the  
41 ship navigating the domestic and international waters than a  
42 government ship used for military or commercial purposes.  
43
- 44 s) **"Shipowner"** refers to the owner of the ship or any other  
45 organization or person, such as the manager, agent or bareboat  
46 charterer, who has assumed the responsibility for operation and  
47 management of the ship from the ship owner, and who, on  
48 assuming such responsibilities, has agreed to take over all the  
49 attendant duties and responsibilities of a ship owner.  
50
- 51 t) **"Vessel"** includes any ship or boat of any nature whatsoever,  
52 ordinarily engaged in maritime navigation.  
53

- 1 u) "**Commission on Higher Education (CHED)**" refers to the government  
2 agency created pursuant to Republic Act No. 7722;  
3
- 4 v) "**Department of Education (Dep-Ed)**" refers to the government  
5 agency created pursuant to Executive Order No. 117 (30 January  
6 1987), as amended by Republic Acts 7722, 7796, and 9155 (11  
7 August 2001);  
8
- 9 w) "**Department of Foreign Affairs (DFA)**" refers to government agency  
10 created pursuant to Republic Act No. 7157;  
11
- 12 x) "**Department of Labor and Employment**" refers to the government  
13 agency created pursuant to Executive Order No. 292;  
14 y) "**ILO**" refers to the International Labour Organization;  
15
- 16 z) "**IMO**" refers to the International Maritime Organization;  
17
- 18 aa) "**Maritime Industry Authority (MARINA)**" refers to the  
19 government agency created pursuant to Presidential Decree 474;  
20
- 21 bb) "**Maritime Training Council**" refers to the government agency  
22 created pursuant to Letter of Instruction 1404;  
23
- 24 cc) "**NSO**" refers to the National Statistics Office;  
25
- 26 dd) "**Overseas Workers Welfare Administration (OWWA)**" refers to the  
27 government agency created pursuant to Executive Order No. 126;  
28
- 29 ee) "**Philippine Coast Guard (PCG)**" refers to the government agency  
30 created pursuant to Republic Act No. 517;  
31
- 32 ff) "**Philippine Overseas Employment Agency (POEA)**" refers to the  
33 government agency created pursuant to Executive Order No. 797,  
34 as amended by Executive Order No. 247;  
35
- 36 gg) "**Philippine Seafarer One Stop Processing Center (PSOC)**" refers to  
37 the facility center which houses all relevant offices / agencies  
38 involved in providing services to seafarers in one roof, created  
39 under Administrative Order No. 56;  
40
- 41 hh) "**PRC**" refers to the Professional Regulation Commission;  
42
- 43 ii) "**STCW '78**" refers to the International Convention on Standards of  
44 Training, Certification and Watch-keeping for Seafarers of 1978, as  
45 amended;  
46
- 47 jj) "**Technical Education and Skills Development Authority**" refers to the  
48 government agency created pursuant to Republic Act No. 7796;  
49
- 50 kk) "**TLC**" refers to the Technical and Livelihood Center; and  
51
- 52 ll) "**CDA**" refers to the Cooperative Development Authority.  
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CHAPTER II.

FILIPINO SEAFARER'S RIGHTS

**SEC. 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, loan assistance and other measures that will harness the skills of Filipino seafarers toward greater competitiveness 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 seafarers' right to spend quality time with his family.

**SEC. 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 the domestic or international waters, shall be mandated to make every 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.

**SEC. 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 hours, 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.

**SEC. 8. Rights to Self-organization, to engage in Collective Bargaining and to participate in 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

1 formulation of policies that affect them, including the guarantee of  
2 representation in governing boards or appointment in government  
3 instrumentalities, to include, but not limited to the CHED, TESDA, PRC,  
4 POEA, OWWA, MARINA.

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6  
7 **SEC. 9. Right to Legal Representation.** Filipino seafarers who are  
8 victims of illegal recruitment, illegal dismissal or suspension and other forms  
9 of violation of contracts shall have the right to free legal assistance and  
10 protection at government expense. Courts, administrative agencies, and  
11 other tribunals should ensure a speedy and impartial disposition of their  
12 cases.

13  
14 Every seafarer accused of committing any offense in violation of  
15 any provision of his or her contract has the right to due process, an  
16 impartial tribunal and administrative body, and an expeditious payment  
17 of damages and liability in cases where the judgment is favorable to the  
18 Filipino seafarer.

### 21 CHAPTER III.

#### 22 PHILIPPINE SEAFARER ONE STOP PROCESSING CENTER

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26 **SEC. 10. Philippine Seafarer One Stop Processing Center (PSOC).** The  
27 PSOC, as established under Administrative Order No. 56, has been tasked  
28 to operationalize and make available to the public, an integrated  
29 document processing center for the seafarers and the general public to  
30 conduct official transactions.

31  
32 PSOC shall have the services of the following government offices:

- 33  
34 a) Overseas Workers Welfare Administration (OWWA);  
35 b) Commission on Higher Education (CHED);  
36 c) Professional Regulation Commission (PRC);  
37 d) Technical Education and Skills Development Authority (TESDA);  
38 e) Maritime Industry Authority (MARINA);  
39 f) National Telecommunications Office (NTC);  
40 g) Maritime Training Council (MTC);  
41 h) Department of Foreign Affairs (DFA);  
42 i) National Bureau of Investigation (NBI);  
43 j) Social Security System (SSS);  
44 k) Pag-ibig Fund;  
45 l) Philippine Coast Guard (PCG);  
46 m) National Statistics Office (NSO); and  
47 n) Such other government offices that the Secretary of DOLE may  
48 deem necessary.

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51 **SEC. 11. Rationalizing Government Systems and Procedures.** The  
52 government offices enumerated under Section 9 hereof shall, within three  
53 (3) months from the effectivity of this Act, and in consultation with

1 seafarers' organizations, recruitment agency associations, and non-  
2 government organizations concerned, rationalize and streamline policies,  
3 rules, and procedures governing the documentation, licensing,  
4 certification, recruitment, hiring and deployment of seafarers and the  
5 OFWs, in general.

6  
7 Said offices, through the PSOC, shall enforce the streamlining of  
8 policies and procedures involved in overseas employment with the view  
9 of cutting the time required for documentary processing, simplifying  
10 licensing and certification procedures, and facilitating the extension of  
11 welfare and support services to their respective clients.

12  
13 These streamlining efforts shall focus on, among others:

- 14  
15 1) Simplification of systems and procedures and reduction of  
16 documentary requirements;
- 17  
18 2) Implementation of the full disclosure policy;
- 19  
20 3) Formulation and implementation of a system of registration of  
21 seafarers and other OFWs, the registration, accreditation, and  
22 licensing of private manning or crewing agencies, and all other  
23 related regulatory function;
- 24  
25 4) Elimination of unnecessary and duplicative requirements that go  
26 beyond the requirements as defined in the STCW '78, as amended;
- 27  
28 5) Formulation of a regulated employment standard setting by  
29 prescribing minimum provisions of the employment contract, in  
30 conformity with labor standard under Philippine laws and  
31 regulations;
- 32  
33 6) Regulation placement fee policy;
- 34  
35 7) Formulation of rules that ensure speedy disposition of illegal  
36 recruitment cases; and
- 37  
38 8) Development and implementation of an effective information  
39 program, in coordination with manning or crewing agencies for the  
40 purpose of informing the seafarers of their rights, obligations,  
41 benefits, and option attending to specific situations that they may  
42 face in the course of their employment.

#### 43 44 45 46 **CHAPTER IV.**

#### 47 48 **MANDATORY REQUIREMENTS FOR FILIPINO SEAFARERS**

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51 **SEC. 12. *Mandatory Minimum Requirements.*** To be eligible for  
52 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 on 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.

**SEC. 13. Education.** A Filipino seafarer must have, at least, successfully completed the required basic courses as provided for in the curriculum approved by the Commission on Higher Education or the TESDA.

**SEC. 14. Training.** A Filipino seafarer must, at least, undergo and successfully complete the required basic training proper to his/her position as set forth under the STCW '78, as amended, and under the ILO Conventions of which the Philippines is a signatory.

Where in-service training and assessment of competence for the Filipino seafarer is required for purposes of certification under the STCW '78, the person conducting the same either on board or ashore must meet the qualifications prescribed under the aforesaid section of the STCW '78

## CHAPTER V.

### GOVERNMENT AGENCIES

**SEC. 15. 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:

- a) 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

1 Filipino seafarers and other overseas Filipinos and extend  
2 immediate assistance, including the repatriation of *distressed or*  
3 *beleaguered* Filipino seafarers and other overseas Filipinos;  
4

5 b) Commission on Higher Education (CHED) shall ensure the  
6 promotion of quality and efficiency in maritime education  
7 through advocacy and accountability.  
8

9 (b.1) Commission on Higher Education and the Technical  
10 Education and Skills Development Authority. The CHED  
11 and the TESDA shall ensure that the curricula for the  
12 seafarers' education and training are in consonance with  
13 the demands of global maritime industry as well as with  
14 the requirements of STCW '78, as amended.  
15

16 (b.2) Commission on Higher Education and Maritime Training  
17 Council. The CHED, in coordination with MTC, and  
18 maritime schools and training institutions, shall be  
19 responsible for the continuous and comprehensive  
20 research, review and upgrading of the system of  
21 education, training, certification and recruitment of all  
22 maritime schools and institutions, as well as the manning or  
23 crewing agencies and regulatory commissions..  
24

25 c) Department of Labor and Employment. The DOLE shall ensure  
26 that labor and social welfare laws in foreign countries are fairly  
27 and faithfully applied to Filipino seafarers and whenever  
28 applicable, to other overseas Filipinos, including the grant of  
29 legal assistance and the referral to proper medical centers or  
30 hospitals;  
31

32 (c.1) Maritime Training Council. The MTC shall be responsible  
33 in the formulation, adoption and enforcement of  
34 regulatory measures for the observance of both the  
35 accredited training centers and agencies and the  
36 trainees to ensure quality standards and mechanisms of  
37 training and competence of overseas Filipino seafarers.  
38

39 (c.2) Maritime Industry Authority. The MARINA shall be  
40 responsible in the formulation, adoption and enforcement  
41 of *regulations governing* the quality standards and  
42 mechanisms of training and competence of local  
43 seafarers.  
44

45 (c.3) Philippine Overseas Employment Agency. In pursuit of  
46 promoting the well-being of the Filipino seafarers, the  
47 POEA shall:  
48

49 a) Look into and improve on the working conditions and  
50 terms of employment of the officers and crew of vessels  
51 of *Philippine registry*, and of such officers and crew  
52 members who are Filipino citizens and employed by  
53 foreign vessels;

- 1  
2 b) Develop an effective system of monitoring and  
3 gathering welfare concerns for purposes of determining  
4 future welfare programs, monitoring existing welfare  
5 activities and addressing current welfare issues prioritize  
6 according to urgency;  
7  
8 c) Observe and conduct a comprehensive and updated  
9 system of pre-departure orientation seminars or  
10 briefings to departing seafarers and other maritime  
11 workers scheduled for deployment. It shall also  
12 undertake studies and distribute relevant materials for  
13 use in pre-departure orientation seminars of maritime  
14 workers and other related activities;  
15  
16 d) Accredite, regulate and supervise pre-departure  
17 orientation seminars or briefings of authorized manning  
18 or crewing agencies;  
19  
20 e) Formulate and undertake programs and projects for  
21 the effective and efficient utilization of the seafarers'  
22 welfare fund;  
23  
24 f) Provide services to assist maritime workers and their  
25 immediate dependents and families; and  
26  
27 g) Perform such other duties as may be essential in giving  
28 assistance to seafarers and their families.  
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33 **SEC 16. Filipino Seafarers' Research and Resource Center.** The  
34 CHED shall coordinate with the University of the Philippines School of  
35 Labor and Industrial Relations (UP SOLAIR) for the establishment of an  
36 interdisciplinary research and resource center on Filipino seafarers and  
37 maritime affairs. The center shall primarily conduct studies and researches  
38 which shall enhance the well-being and interests of Filipino seafarers and  
39 their competitiveness in the global maritime market.  
40

## 41 CHAPTER VI.

### 42 DOCUMENTATION, LICENSURE AND EXAMINATIONS

#### 43 SEC. 17. Documentation.

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49 a) For purposes of documentation, the Filipino seafarers shall be  
50 categorized into local and overseas seafarers.  
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52 b) Local seafarers are considered documented when they possess the  
53 following documents:

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- 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 (SIRB) 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 the TESDA for ratings and support level crew or by the assessment center duly accredited by the MTC;
- 4) Licensure Certificate if the seafarer is a marine officer;
- 5) Such other documents as may be required.

**SEC. 18. 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 certifications 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.

**SEC. 19. Integrated Documentation System.** The DOLE, in coordination with government agencies concerned, shall develop an Integrated Documentation System (IDS) for the purpose of integrating and systemizing the documentation of education, training licensing, and certification among Filipino seafarers. Said IDS shall contain all relevant

1 information on the seafarer, including education, training, licensure  
2 examinations and certifications taken. It shall be used by the seafarer in all  
3 his transactions with the government, manning or crewing agencies, and  
4 other pertinent bodies.

5  
6 As such, agencies of the government concerned shall develop and  
7 implement an information system that shall connect their respective  
8 databases for the purposes of data storage, sharing, and generation  
9 pursuant to Section 20 of Republic Act No. 8042.

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11  
12 **CHAPTER VII.**

13  
14 **RECRUITMENT AND PLACEMENT**

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16  
17 ***A. The Recruitment and Placement Industry***

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20 **SEC. 20. *Private Sector Participation in the Recruitment and***  
21 ***Placement of Filipino Seafarers.*** Pursuant to national development  
22 objectives and in order to harness and maximize the use of private sector  
23 resources and initiative in the development and implementation of a  
24 comprehensive employment program, the private sector shall participate  
25 in the recruitment and placement of Filipino seafarers, locally and  
26 overseas; *Provided, That* such recruitment and placement procedures are  
27 consistent with the provisions stipulated under this Act and such other  
28 guidelines, rules and regulations as may be promulgated by the DOLE.

29  
30  
31 **SEC. 21. *Capitalization in the Recruitment and Placement Industry.***  
32 Individuals or corporations, partnerships or entities applying for license or  
33 authority or renewal thereof shall be required a minimum capitalization  
34 and such other requirements as may be prescribed by the DOLE.

35  
36 The same shall be obliged to pay such escrow deposits and surety  
37 bonds, in an amount and conditions as may be prescribed by the DOLE to  
38 guarantee compliance with all terms and conditions of the contract of  
39 employment and applicable laws.

40  
41 Individuals or corporations, partnerships or entities applying for  
42 license or authority or renewal thereof shall be required to pay the filing  
43 and registration fees as may be prescribed by the DOLE.

44  
45  
46 **SEC. 22. *Non-Transferability of License.*** No license or authority shall  
47 be used directly or indirectly by any person other than the one in whose  
48 favor it was issued or at any place other than that stated in the license,  
49 nor may such license or authority be transferred, conveyed or assigned to  
50 any person or entity except under such guidelines as may be prescribed  
51 by the DOLE.

1 Any transfer of business address, appointment or designation of any  
2 agent or representative, including the establishment of additional offices  
3 anywhere shall require prior approval from the Secretary of the DOLE.  
4  
5

6 **SEC. 23 Suspension and/or Cancellation of License or Authority.** The  
7 Secretary of the DOLE shall have the power to suspend or cancel and in  
8 both instances impose fine any license or authority to recruit Filipino  
9 seafarers for overseas employment for violation of this Act or of other  
10 applicable provisions of laws, rules and regulations.  
11

12  
13 **SEC. 24. Persons and Entities Prohibited from Engaging in**  
14 **Recruitment and Placement Industry.** The following are prohibited from  
15 engaging, directly or indirectly, in recruitment and placement industry:  
16

- 17 a) Any official or employee of the DOLE, DFA and their attached  
18 agencies or other government agencies involved in the  
19 implementation of this act, or their relatives within the fourth civil  
20 degree of consanguinity or affinity;  
21  
22 b) Persons and entities engaged in the business of travel agency or  
23 engaged in business as sales agent or airline and/or shipping  
24 companies, or their offices, directors or partners.  
25  
26

### 27 **B. Recruitment and Placement Policies**

28  
29

30 **SEC. 25. Recruitment and Placement Policies.** Manning or crewing  
31 agencies engaged in private recruitment and placement services shall:  
32

- 33 a) Make certain that placement fees or other charges for recruitment  
34 or for providing employment to seafarers shall not be borne directly  
35 or indirectly, in whole or in part, by the seafarers other than those  
36 authorized by law.  
37

38 For this purpose, the costs of the personal travel documents and  
39 Seaman's Book shall not be deemed as "fees and other charges for  
40 recruitment;"  
41

- 42 b) Cause the reimbursement of any expenses incurred by the seafarer  
43 in connection with his/her documentation and processing for  
44 purposes of deployment, in the event where non-deployment is not  
45 the seafarer's fault;  
46  
47 c) Ensure that the Filipino seafarers' well-being and rights shall be the  
48 primary consideration in the recruitment and placement of  
49 seafarers;  
50  
51 d) Guarantee that recruitment, placement and deployment of Filipino  
52 seafarers shall not be made in jobs that are deemed inimical to  
53 their interests and to the Republic of the Philippines;

- 1  
2 a) Specify, with due regard to the right to privacy and the need to  
3 protect confidentiality, the conditions under which the personal  
4 data of Filipino seafarers are processed by manning or crewing  
5 agencies including the collection, storage, combination and  
6 communication of such data to third parties;  
7  
8 e) Cease from furnishing or publishing any false notice or information  
9 or document in relations to recruitment and employment, including  
10 inducing or attempting to induce a seafarer already employed to  
11 quit his / her employment and offering another employment or  
12 influencing or attempting to influence, whether deliberately or  
13 unintentionally, any person or entity not to employ any seafarer or  
14 the enforcement of a waiver of quit claims to any seafarer before,  
15 during and after employment, which act shall be deemed unlawful;  
16  
17 f) Cease from substituting or altering to the prejudice of the seafarer  
18 the employment contract approved and process by the DOLE and  
19 withholding or denying travel or employment documents from  
20 applicant seafarer considerations other than those authorized  
21 under this Act and the implementing rules and regulations  
22 promulgated pursuant to this Act; AND  
23  
24 g) Refrain from using means or mechanisms intended to prevent or  
25 deter seafarers from gaining employment.  
26  
27

28 **SEC. 26. Duties of Manning and Crewing Agencies.** It shall be  
29 incumbent upon manning and crewing agencies to ensure that:

- 30  
31 a) Any seafarer recruited or placed by them is qualified and is in  
32 possession of the documents necessary for the job concerned;  
33  
34 b) The contract of employment and articles of agreement are in  
35 accordance with the standard terms and condition governing the  
36 employment of the Filipino seafarer on-board ocean-going vessel  
37 as prescribed by the concerned agency of the DOLE;  
38  
39 c) The Filipino seafarer is informed of his / her rights and duties under  
40 his / her contract of the employment and the articles of agreement  
41 prior to and in the process of engagement;  
42  
43 d) Proper arrangements and opportunities are given for the Filipino  
44 seafarer to examine his / her contract of employment and the  
45 articles of agreement before and after he / she signed such  
46 pertinent documents and for him / her to receive a copy of the  
47 duly-signed contract of employment;  
48  
49 e) Adequate information about the conditions attending to the  
50 situations on-board the vessel and overseas, as well as local and  
51 international laws and regulations which apply to the Filipino  
52 seafarer in the course of his/her employment or sojourn shall be  
53 provided; AND

- 1  
2 f) A registry of all seafarers recruited or placed through them shall be  
3 put in place and shall be available for inspection by the competent  
4 authority.  
5

6  
7  
8 **C. Hiring, Deployment and Employment**  
9

10 **SEC. 27. Hiring by Certain Employers.** Members of the diplomatic  
11 corps, foreign governments and international organizations may hire  
12 Filipino seafarers; *Provided*, That the provisions of this Act and other  
13 applicable guidelines, rules and regulations are followed.  
14

15  
16 **SEC. 28. Selective Deployment of Overseas Filipino Seafarers.**  
17 Deployment of overseas Filipino seafarers shall be allowed only in  
18 countries where the rights of overseas Filipino seafarers are observed and  
19 protected.  
20

21 Any of the following legal instruments shall be recognized as  
22 guarantee on the part of the receiving country for the protection of the  
23 rights of overseas Filipino seafarers:  
24

- 25 a) The receiving country has existing labor and social laws protecting  
26 the rights of overseas seafarers;  
27  
28 b) It is a signatory to a multi-lateral convention, declarations or  
29 resolutions relating to the protection of overseas seafarers;  
30  
31 c) It has a bilateral agreement or arrangement with the Philippine  
32 government protecting the rights of overseas seafarers; or  
33  
34 d) It is taking positive concrete measures to protect the rights of  
35 overseas seafarers.  
36  
37

38 **SEC. 29. Ban on Restrictions On Deployment.** Notwithstanding the  
39 provisions of the immediately preceding section, the DOLE, in pursuit of  
40 national interest or when public welfare so requires, may, at any time,  
41 terminate or impose such restricts or ban on the deployment of overseas  
42 Filipino seafarers.  
43

44  
45 **SEC. 30. Prohibition Against Indiscriminate Deployment of Filipino**  
46 **Seafarers.** The indiscriminate deployment of following Filipino seafarers  
47 shall be deemed prohibited:  
48

- 49 a) Those below eighteen (18) years old or such minimum age  
50 requirement as may be determined by the DOLE;  
51  
52 b) Those medically diagnosed to be unfit to work for the job being  
53 applied;



- 1  
2 c) Those technically non-qualified for overseas employment;  
3  
4 d) Those whose employment contract was not processed and  
5 approved by the POEA;  
6  
7 e) Any other factor which the DOLE may deemed prohibited.  
8  
9

10 **SEC. 31. Visitorial Powers of the DOLE.** The Secretary of the DOLE or  
11 his/her duly designated representative may, at any time, inspect vessels  
12 and ships within Philippine jurisdiction of the accredited principal /  
13 shipowner to determine compliance with safety standards and living  
14 conditions of seafarers.  
15

16  
17  
18 **CHAPTER VIII.**

19  
20 **ILLEGAL RECRUITMENT**  
21

22  
23 **SEC. 32. Illegal Recruitment.** For purposes of this Act, illegal  
24 recruitment shall refer to any act of canvassing, enlisting, contracting,  
25 transporting, utilizing, hiring, or procuring seafarers and includes referring,  
26 contract servicing, promising, or advertising of employment for abroad,  
27 whether for profit or not, when undertaken by a non-licensee or non-  
28 holder of authority contemplated under Article 13 (f) of Presidential  
29 Decree No 422, as amended, otherwise known as the Labor Code of the  
30 Philippines: *Provided*, That any such non-licensee or non-holder who, in  
31 any manner, offers or promises for a fee employment abroad to two or  
32 more persons shall be deemed engaged.  
33

34 Illegal recruitment when committed by a syndicate or in a large  
35 scale shall be considered an offense involving economic sabotage.  
36

37 Illegal recruitment is deemed committed by a syndicate if carried  
38 out by a group of three (3) members or more persons conspiring or  
39 confederating with one another. It is deemed committed in large scale if  
40 committed against three (3) or more persons individually or as a group.  
41 Illegal recruitment is also deemed committed in a large scale if the  
42 financial or material consideration involved amounts to more than one  
43 hundred thousand pesos (P100,000), regardless of the number of persons  
44 involved.  
45

46 The persons criminally liable for the above offenses are the  
47 principals, accomplice and accessories. In case of juridical persons, the  
48 officers having control, management or direction of their business shall be  
49 liable.  
50

51  
52 **SEC. 33. Penalties.**  
53

1 a) Any person found guilty of illegal recruitment shall suffer the penalty  
2 of imprisonment of not less than six (6) years and one (1) day but  
3 not more than twelve (12) years and a fine of not less than Two  
4 hundred thousand pesos (P200,000) nor not more than Five hundred  
5 thousand pesos (P500,000).

6  
7 b) The penalty of life imprisonment and a fine of not less than Five  
8 hundred thousand pesos (P500,000) nor more than One Million  
9 pesos (P1,000,000) shall be imposed if illegal recruitment constitutes  
10 economic sabotage as defined in the preceding article: *Provided,*  
11 *however,* That the maximum penalty shall be imposed if the person  
12 illegally recruited is less than eighteen (18) years of age or that the  
13 act of illegal recruitment is committed by a non-licensee or non-  
14 holder of authority.

15  
16  
17 **Sec 34. Prohibition on Officials and Employees.** It shall be unlawful  
18 for any official or employee of the DOLE agency concerned, or other  
19 government agencies involved in the implementation of this Act, or their  
20 relatives within the fourth civil degree of consanguinity or affinity, to  
21 engage, directly or indirectly, in the business of recruiting Filipino seafarers,  
22 as defined under this Act. The penalties provided for in the preceding  
23 paragraph shall be imposed upon them.

24  
25  
26 **SEC. 35. Venue.** A criminal action arising from illegal recruitment as  
27 herein defined shall be filed with the Regional Trial Court of the province  
28 or city where the offense was committed or where the offended party  
29 actually resides at the time of commission of the offense.

30  
31  
32 **SEC. 36. Mandatory Period for Filing of Illegal Recruitment Cases.** The  
33 preliminary investigation of cases under this Act shall be terminated within  
34 a period of thirty (30) calendar days from the date of their filing. Where  
35 the preliminary investigation is conducted by a prosecution officer and a  
36 *prima facie* case is established, the corresponding information shall be  
37 filed in court within twenty-four (24) hours from the termination of the  
38 investigation.

39  
40 If the preliminary investigation is conducted by a judge and a *prima*  
41 *facie* case is found to exist, the corresponding information shall be filed by  
42 the proper prosecution officer within forty-eight (48) hours from the date  
43 of receipt of the record of the case.

44  
45  
46 **SEC. 37. Prescriptive Periods.** Illegal recruitment cases under this Act  
47 shall prescribe in five (5) years after the commission of the prohibited act:  
48 *Provided, however,* That illegal recruitment cases involving economic  
49 sabotage as defined herein shall prescribe in twenty (20) years.

50  
51  
52 **SEC. 38. Free Legal Assistance; Preferential Entitlement Under the**  
53 **Witness Protection Program.** A mechanism for free legal assistance for

1 victims of illegal recruitment shall be made available by the pertinent  
2 agencies of the government. Such mechanism shall include coordination  
3 and cooperation among the DOLE, DOJ, the IBP, and other non-  
4 government organizations and volunteer groups.

5  
6 Notwithstanding the provisions of Republic Act No 6981 to the  
7 contrary, any person who is the a victim of illegal recruitment, or who is  
8 willing to be a witness in behalf of the government, shall be entitled to the  
9 Witness Protection Program provided thereunder.

10  
11  
12  
13 **CHAPTER IX.**

14  
15 **CONDITIONS OF EMPLOYMENT**

16  
17  
18 **SEC. 39. Employment Agreement.** The employer shall provide for a  
19 written agreement, which shall be drawn up with the seafarer concerning  
20 ship work. The agreement shall contain the following:

- 21  
22 a) The capacity in which the seafarer is to serve;
- 23  
24 b) The arrangement made as to the place of discharge and notice  
25 to terminate the agreement;
- 26  
27 c) Provisions on rest periods;
- 28  
29 d) The wage agreed upon, its method of computation and manner  
30 of payment. In no case shall the parties agree to wages lower  
31 than the basic minimum wage prescribe by appropriate  
32 government agencies at the time of engagement; and
- 33  
34 e) The duration of the employment contract.

35  
36  
37 **SEC. 40. Allotment and Remittances.** It shall be mandatory for all  
38 seafarers to remit a portion of their earning to their families, dependents,  
39 and / or beneficiaries in accordance with rules and regulations prescribed  
40 by the Secretary of DOLE.

41  
42  
43 **SEC. 41. Limitations on Wage Deductions.** A deduction from the  
44 seafarer's wages shall not be made without his/her written consent, unless  
45 the deduction is provided for in the contract of employment and is  
46 authorized by law.

47  
48  
49 **SEC. 42. Rest Periods.** A seafarer shall be allowed reasonable rest  
50 periods in accordance with international standards and the Labor Code.  
51 He/she shall be entitled to adequate time for rest and sleep. The period of  
52 rest shall, during any 24-hour period, amount to not less than 10 hours.



1 required by the circumstances or the laws of the country of which the  
2 vessel may enter.

3  
4  
5 **SEC. 49. Medical Examination and Medical Service.** A seafarer  
6 engaged to perform services on board shall secure a medical certificate  
7 to the effect that he is not suffering from any illness or mental or physical  
8 defect rendering him unfit for work or which may constitute danger to  
9 other persons on board. Any member of the crew may also be required to  
10 submit to a medical examination, at the expense of the ship owner,  
11 should the master have reason to believe that such examination is  
12 necessary to monitor and maintain the health and environmental  
13 conditions on board the vessel.

14  
15  
16 **Sec 50. Protection from Sexual Harassment.** It shall be the duty of  
17 the master and the employer to prevent the commission of acts  
18 constituting sexual harassment and to provide measures for the resolution,  
19 settlement or prosecution of acts of sexual harassment.

20  
21 Sexual harassment is herein defined as an act committed by an  
22 employer, employee, supervisor, agent of the employer, any other person  
23 who, having authority, influence or moral ascendancy over another in a  
24 work environment demands, requests or otherwise requires any sexual  
25 favor from another, regardless of whether the demand, request or  
26 requirement is accepted by the subject of the said act.

27  
28  
29  
30 **CHAPTER XI.**

31  
32 **SOCIAL WELFARE SERVICES AND DISABILITY BENEFITS**

33  
34  
35 **SEC. 51. Disability.** In case of work-related total or partial disability of  
36 the seafarer during the term of his/her employment cause by either injury  
37 or illness, the seafarer shall be compensated in accordance with the  
38 schedule of the benefits prescribed by the law. Computation of his/her  
39 benefits arising from an illness or disease shall be governed by the rates  
40 and the rules of compensation applicable at the time the illness or disease  
41 was contracted.

42  
43 No compensation shall be payable in respect in any injury,  
44 incapacity, disability or death of the seafarer resulting from his/her willful  
45 or criminal act; *Provided, however,* That the employer can prove that  
46 such injury, incapacity, disability or death is directly attributable to the  
47 seafarer.

48  
49 When requested, the employer shall furnish the seafarer a copy of  
50 all pertinent medical reports or records at no cost to the seafarer.

1           **SEC. 52. Employer's Liability in Case of Death.** When the seafarer  
2 dies as a result of injury or illness during the term of employment, the  
3 employer shall pay the beneficiary/ies of the seafarer all outstanding  
4 obligations due the seafarer under his/her employment contract; The  
5 employer is also mandated to notify the next of kin and make  
6 arrangement for burial, return or repatriation of the remains. If the death  
7 occurs in a foreign territory, the master shall also inform the nearest  
8 Philippine Embassy or Foreign Service Office of said death. The remains  
9 and personal effects of the seafarer shall be transported to the Philippines  
10 employer's expense except if the death occurred in the port where local  
11 government laws or regulations do not permit the transport of such  
12 remains.  
13

14           In case death occurs at sea, the arrangements for the handling of  
15 the remains shall be drawn up and proposed by the shipmaster to the  
16 deceased next of kin. In all cases, the employer and/or shipmaster,  
17 through the manning and crewing agency, shall communicate with the  
18 next of kin of the deceased and secure the next of kin's concurrence as  
19 regards the proposed arrangements covering the handling of the  
20 seafarer's remains. The employer shall also pay for the seafarer's burial  
21 expenses.  
22  
23

24           **SEC. 53. Death Benefits.** In case of work-related death of the Filipino  
25 seafarer during the term of his contract, the employer shall pay his  
26 beneficiaries the corresponding death benefits.  
27

28           The benefits shall be separate and distinct from and shall be in  
29 addition to whatever benefits the seafarer is entitled to under Philippine  
30 laws and regulations.  
31

32           No benefits shall be payable in case of death resulting from a willful  
33 act by the Filipino seafarer. In connection thereto, the employer can  
34 prove that such death is directly attributable to the seafarer.  
35

36  
37           **SEC. 54. Payment of Benefits.** The employer shall have ensure  
38 expeditious arrangement for the payment of death or personal injury  
39 benefits provided under this Act.  
40

41           The employer shall likewise arrange for adequate insurance  
42 coverage.  
43  
44

45           **SEC. 55. Review of Benefits.** The POEA shall, upon consultation, with  
46 the seafarer's unions and associations of manning agencies and shipping  
47 companies, undertake a regular annual review of the death benefits  
48 provided under this Act and through its governing board, update or  
49 amend the death benefits to keep it at par with prevailing international  
50 standards.  
51  
52



- 1  
2 b To make operational on board the vessel the grievance  
3 machinery provided in this contract and ensure its free access at  
4 all times by the seafarer; AND  
5  
6 c To ensure the protection and safety of seafarers at all times.  
7  
8

9 **SEC. 61. Duties of the Seafarer.**

- 10  
11 a To faithfully comply with and observe the terms and conditions of  
12 his contract, violations of which shall be subject to disciplinary  
13 sanctions;  
14  
15 b To treat the ship and the cargo with proper care out his duties as  
16 a whole with due responsibility;  
17  
18 c To comply with company rules, regulations and policies  
19 consistent with the rules and regulations issued by the DOLE;  
20  
21 d To conduct himself in an orderly and respectful manner towards  
22 passengers and shippers stevedores, port authorities and other  
23 persons official business with the ship. Each shall treat his / her  
24 colleagues on board with due consideration; AND  
25  
26 e To observe the grievance procedure outlined in this Act.  
27  
28

29 **SEC. 62. Disciplinary Procedures.** The employer/master shall serve  
30 seafarers with a written notice containing the grounds for the charges as  
31 well as the date, time and place for a formal investigation of the charges  
32 against the seafarer concerned.  
33

34 The employer/master or his/her authorized representative shall  
35 conduct the investigation or hearing, giving the seafarer the opportunity  
36 to explain or defend himself against the charges. An entry on the  
37 investigation shall be made in the ship's logbook. If, after the investigation  
38 or hearing, the employer / master is convinced that the imposition of a  
39 penalty is justified, the employer / master shall issue a written notice of  
40 penalty and the reason therefor to the seafarer, with copies furnished to  
41 the manning or crewing agency which deployed the said seafarer.  
42

43 The aggrieved seafarer may appeal in writing within a period of five  
44 (5) days from the date the Master rendered decision to a Grievance  
45 Resolution Committee composed of one (1) representatives from the  
46 ratings to be chosen by the concerned seafarer, one (1) representative  
47 from the officer level to be chosen by the Master, and one (1) neutral  
48 party to be agreed on by the concerned seafarer and shipmaster.  
49

50 The Grievance Resolution Committee shall review the appeal within  
51 a period of not more than fifteen (15) days from the date of appeal.  
52 Execution of judgment is deemed suspended upon filing of the appeal.  
53



1  
2       **SEC. 63. Grievance Machinery.** (a) If the seafarer considered himself  
3 aggrieved, he shall make his complaint in accordance with the following  
4 procedures:

- 5  
6       1. The seafarer shall approach the head of the Department in  
7       which he is assigned to explain his grievance;  
8  
9       2. The seafarer shall state his grievance *in writing and in an orderly*  
10       manner, and shall choose a proper time when his complaint or  
11       grievance can be properly heard;  
12  
13       3. The Department Head shall seek to resolve the complaint or  
14       grievance and, where solution is not possible at his level refer the  
15       complaint or grievance to the Master;  
16  
17       4. If the seafarer is not satisfied with the decision of the Master, he  
18       may appeal to the Grievance Resolution Committee which shall  
19       be composed of the one (1) representative from the ratings to  
20       be chosen by the concerned seafarer, one (1) representative  
21       from the officer level to be chosen by the Master, and one (1)  
22       neutral party to be agreed on by the concerned seafarer and  
23       shipmaster;  
24  
25       5. The Grievance Resolution Committee shall seek to address and  
26       resolve the grievance within a period of fifteen (15) days upon  
27       receipt of written appeal;  
28  
29       6. If no satisfactory result is achieved, the seafarer concerned may  
30       appeal to the management of the company or with a Philippine  
31       Labor Attache or consular officer overseas.  
32  
33       7. The Master shall afford such facilities necessary to enable the  
34       seaman to transmit his appeal; and  
35  
36       b) When availed by the seafarer, the grievance procedure and all  
37       actions or decisions agreed upon shall be properly documented for  
38       the protection and interest of both parties. Speedy resolution of  
39       cases shall be given utmost priority.  
40  
41

42       **SEC. 64. Dispute Settlement.** The procedure herein stated shall be  
43       without prejudice to the other action that maybe brought by the seafarer  
44       before the jurisdiction of the concerned regular courts and/or NLRC; or to  
45       the exclusive and original jurisdiction of the voluntary arbitrator or panel of  
46       arbitrators appointed from the accredited voluntary arbitrators of the  
47       National Conciliation and Mediation Board (NCMB) of DOLE.  
48  
49

50       **SEC. 65. Voluntary Arbitration.** Pursuant to the constitutional  
51       mandate on the preferential use of voluntary modes of dispute  
52       settlement, the DOLE shall adopt procedural guidelines in the conduct of  
53       voluntary arbitration proceedings involving the maritime sector, and

1 promote the use of voluntary arbitration as a mode to achieve speedy  
2 resolution of cases.

3  
4  
5 **SEC. 66. Money Claims.** Notwithstanding any provision of law to  
6 contrary, the Labor Arbiters of the NLRC shall have the original and  
7 exclusive jurisdiction to hear and decide, within ninety (90) calendar days  
8 after filing of the complaint, the claims arising out of an employer-  
9 employee relationship or by virtue of any law or contract involving a  
10 Filipino seafarer, including claims for actual, moral, exemplary and other  
11 forms of damages.

12  
13 The liability of the principal / employer and the manning or crewing  
14 agency for any and all claims under this section shall be joint and several.  
15 This provision shall be incorporated in the contract for overseas  
16 employment and shall be a condition precedent for its approval. The  
17 performance bond to be filed by the manning and crewing agency, as  
18 provided by law, shall be answerable for all money claims or damages  
19 that may be awarded to the seafarer concerned. If the manning or  
20 crewing agency is a juridical being, the corporate officers and directors  
21 and partners as the case may be, shall themselves be jointly and solitarily  
22 liable with the corporation or partnership for the aforesaid claims and  
23 damages.

24  
25 Such liabilities shall continue during the entire duration of the  
26 employment contract and shall not be affected by any substitution,  
27 amendment or modification made locally or in a foreign country where  
28 the said contract was entered into. Any compromise, amicable  
29 settlement or voluntary agreement on money claims inclusive of damages  
30 under this section shall be paid within four (4) months from the approval of  
31 the settlement by the appropriate authority.

32  
33 In case of termination of overseas employment without just, valid or  
34 authorized cause defined by law or contract, the seafarer shall be  
35 entitled to the full reimbursement of his/her placement fee with interest at  
36 twelve percent (12%) per annum, plus his/her salaries for the unexpired  
37 portion of his/her employment contract or for three (3) months for every  
38 year of the unexpired term, whichever is less.

39  
40  
41 **SEC 67. Liability for Claims.** The liability of the principal / employer  
42 and the manning agency for any claims made by a Filipino seafarer  
43 under this Title shall be joint and several.

44  
45  
46 **SEC. 68. Prescriptive Period.** Recognizing the particular nature of  
47 overseas shipboard employment, all monetary claims arising from the  
48 seafarer's contract shall prescribe within three (3) years from the date of  
49 the seafarer's return to the point of hire. All monetary claims of those  
50 employed in domestic shipping shall prescribe within three (3) years from  
51 the day the action commenced.

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**CHAPTER XIII.**

**POST EMPLOYMENT**

**SEC. 69. 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:
  - i. Voluntarily resigns for just cause and signs off prior to expiration of contract;
  - ii. Signs-off and disembarks for health reasons;
  - iii. Signs-off due to shipwreck, lay-up of vessel, change of vessel or discontinuance of voyage; AND
  - iv. Is discharge for just cause.

**SEC. 70. Termination by the Seafarer.** a) A seafarer may terminate the employer-employee relationship based on either:

- i) The ship is not seaworthy;
  - ii) The principal changes;
  - iii) The vessel is sold;
  - iv) The vessel is shipwrecked;
  - v) The seafarer has been ill-treated on board and the master has failed to protect him when requested to do so;
  - vi) The voyage is discontinued or substantially altered;
  - vii) After the seafarer starts on board, it appears that the ship risk being seized by a belligerent power or exposed to war damage, or that such risk is imminent or has increased considerably; and
  - viii) After the seafarer starts on board, it appears that a violent epidemic disease has broken out in the port for which the ship is bound;
- b) In cases mentioned in paragraph (a), subparagraph (vi)-(viii) hereof, the seafarer may take his/her departure with immediate effect if the voyage has not commence, or otherwise at the ship's first port of call after he has become aware of the situation.

**SEC. 71. 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.



## REINTEGRATION SERVICES

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4       **SEC. 77. Retraining and Reintegration.** Returning or unemployed  
5 seafarers may avail of the livelihood development/re-training programs  
6 and placements services offered by concerned government agencies,  
7 including OWWA and TESDA, TLC, and the CDA.  
8

9       These agencies shall formulate skills upgrading or retraining curricula  
10 to meet the needs of returning or unemployed seafarers. The participation  
11 of the maritime industry, in particular, port and shipping industry, and  
12 maritime educational institutions shall be likewise solicited by the DOLE in  
13 devising the appropriate retraining and local job placement programs for  
14 unemployed seafarers.  
15

16  
17       **SEC. 78. Establishment of Reintegration Center.** A Re-integration  
18 Center within the OWWA shall be established to attend to the needs of  
19 returning seafarers. The Center shall provide a mechanism for their  
20 reintegration into the Philippine society, serve as a promotion house for  
21 their local employment, and tap their skills and potentials for national  
22 development.  
23

24       The Center shall provide the following services:  
25

- 26       a) Develop livelihood programs and project for returning seafarers in  
27 coordination with the private sector and concerned government  
28 agencies;  
29       b) Coordinate with appropriate private government agencies in the  
30 promotion, development, and full utilization of their potentials. For  
31 this purpose, the DOLE shall be the lead implementer. The CDA and  
32 the TLRC shall develop among returning Filipino seafarers, technical  
33 expertise in the enterprise building and development, while the  
34 DSWD shall provide the necessary services for the effective social re-  
35 integration of migrant workers;  
36  
37       c) Develop a matching program that will allow returning Filipino  
38 seafarers to develop business partnerships and employment options  
39 with public and private sector enterprises in the country; and  
40  
41       d) Provide a periodic study of the assessment of job opportunities for  
42 returning seafarers.  
43  
44

45       **SEC. 79. Scholarship Programs.** Qualified seafarers or their  
46 immediate descendants, who intend to pursue science and technology  
47 related courses may apply for scholarships with the OWWA which shall  
48 benefit deserving overseas seafarers and/or their immediate descendants  
49 below twenty-one (21) years of age who intend to pursue courses or  
50 training primarily in the field of science and technology.  
51

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

4  
5  
6 **CHAPTER XVI.**

7  
8 **ACCOUNTABILITY OF GOVERNMENT OFFICIAL AND PERSONNEL**

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10  
11 **SEC. 80. *Accountability of Government Officials and Personnel.*** Any  
12 government official and personnel who fails or refuse to render service(s)  
13 and/or assistance to seafarers without just cause shall, after due notice  
14 and hearing, and if found guilty, be punished with suspension from office  
15 of not less than thirty (30) days or dismissal from the service with forfeiture  
16 of retirement and other benefits.

17  
18  
19 **CHAPTER XVII.**

20  
21 **TRANSITORY PROVISIONS**

22  
23  
24 **SEC. 81. *Implementing Rules and Regulations.*** The DOLE, in  
25 coordination with the DFA and other agencies concerned and within  
26 ninety (90) days after the effectivity of this Act, shall formulate its rules and  
27 regulations.

28  
29  
30 **SEC. 82. *Separability Clause.*** If any provision of this Act is declared  
31 unconstitutional, the remaining provisions shall be continue in force.

32  
33  
34 **SEC. 83. *Repealing Clause.*** All laws, presidential decrees, or  
35 issuance, executive orders, letters of instruction, rules or regulations  
36 inconsistent with the provisions of this Act are hereby repealed or modified  
37 accordingly.

38  
39  
40 **SEC. 84. *Effectivity Clause.*** This Act shall take effect fifteen (15) days  
41 after its publication in the Official Gazette or in at least two (2)  
42 newspapers of general circulation, whichever comes first.

43  
44  
45 *Approved.*