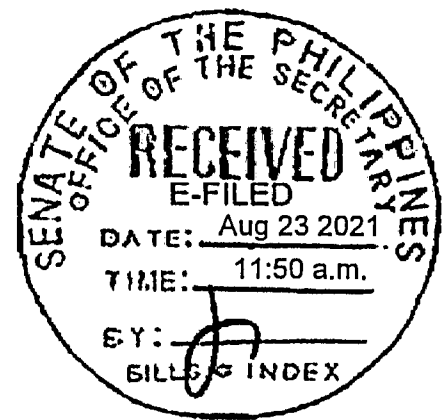


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Third Regular Session)



SENATE

Senate Bill No. 2357

Introduced by Senator Juan Miguel F. Zubiri

**AN ACT
INSTITUTING THE MAGNA CARTA OF FILIPINO SEAFARERS**

EXPLANATORY NOTE

Filipino seafarers have always been one of the most in demand maritime industry workers all over the world – owing to their skills, unparalleled work ethics, and their characteristic workplace personality. According to the Department of Labor, about a quarter of the seafarers in the world came from the Philippines – a testament to the value of our seafarers in the industry.

There is no doubt of the contribution that our Filipino seafarers have given our country. In 2019, Filipino seafarers remitted about \$6.5 billion to the Philippines. Even, and especially when the world was shaken by the COVID-19 pandemic, the maritime industry have kept the world economy afloat.

With all their hard work and sacrifice, it is only just that the state ensures that their welfare, safety and protection is of paramount concern.

This bill seeks to protect the welfare and safety of our seafarers by establishing their rights and responsibilities, as well as the duties and obligations of their employers and concerned government agencies. It provides for the standards in ensuring the health, well-being, and security of our seafarers are protected at all times.

The bill also seeks to establish programs and projects that would help make the lives of our seafarers easier, such as the Philippine Seafarers One Stop Processing Center (PSOC) which would bring together in one place, multiple offices and agencies involved in providing services to seafarers for easy and efficient access.

The bill also includes provisions that would protect the rights of our seafarers in the event of an epidemic, pandemic, and other public health emergencies whether natural or man-made.

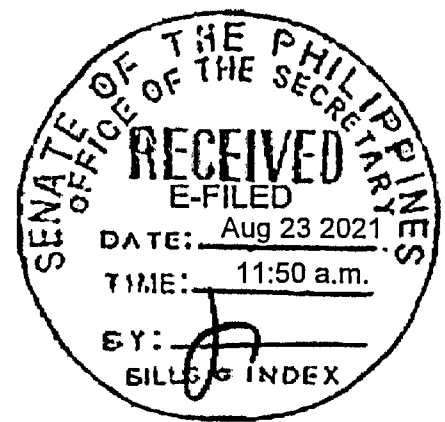
As our seafarers continue to work hard to keep the economy of the world alive in the midst of this pandemic, it is only right that we provide them with the best protection and services that we could give.

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



JUAN-MIGUEL F. ZUBIRI

EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Third Regular Session)



SENATE

Senate Bill No. 2357

Introduced by Senator Juan Miguel F. Zubiri

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

1
2
3 **SECTION 1. Short Title.** – This Act shall be known as the “Magna Carta of Filipino
4 Seafarers.

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

- 6
7 (a) To afford Filipino seafarers full protection before, during and after employment by
8 granting them certain rights as maritime professionals, in recognition of their
9 unique role and contribution to national development;
- 10 (b) To maintain and progressively develop a pool of competent and world-class
11 seafarers through a system of education, training, certification and licensing;
- 12 (c) To establish mechanisms for the enhancement of administrative, adjudicative,
13 social as well as welfare services for them and their families;
- 14 (d) To enact laws that adopt and implement the standards set by international
15 conventions and agreements on working and living conditions, and occupational
16 safety and health, among others, for seafarers particularly the Maritime Labor
17 Convention, 2006 (MLC, 2006);
- 18 (e) To recognize shipowners, Maritime Higher Education Institutions (MHEIs), manning
19 and recruitment entities as vital partners in promoting the skills and competencies
20 of Filipino seafarers, and
- 21 (f) To recognize that seafarers are a special category of key or essential workers and,
22 given the global nature of the shipping industry and the different jurisdictions that
23 they may be brought into contact with, need special protection in relation to
24 contracts with public authorities, and should be treated fairly at all times especially
25 in the event of a maritime accident, epidemic, pandemic, and other natural or man-
26 made crises, in accordance with international law.

27 Toward these ends, the State shall endeavor to improve the Filipino seafarers’
28 working conditions, terms of employment, career prospects and provide opportunities to
29 harness their potentials to the fullest. The State shall further promulgate policies and
30 programs to uplift the socioeconomic well-being of the families of Filipino seafarers.

1 **SEC. 3. *Applicability.*** – This Act shall cover Filipino seafarers engaged, employed
2 or working in any capacity on board Philippine-registered ships operating domestically
3 or internationally, and those on board foreign-registered ships.

4 This Act shall not cover the following categories of ships:

- 5 (a) Warships and naval auxiliaries;
- 6 (b) Government ships not engaged in commercial operations;
- 7 (c) Ships of traditional build, as may be defined under existing rules and regulations;
8 and
- 9 (d) Fishing vessels.

10 **SEC. 4. *Definition of Terms.*** – As used in this Act:

- 11 (a) *Cadet* refers to a maritime student undertaking onboard training as a requirement
12 for certification under the international convention on Standards of Training,
13 Certification and Watchkeeping for seafarers (STCW).
- 14 (b) *Domestic shipping* refers to the transport of passengers or cargo, or both by ships,
15 duly registered and licensed under Philippine law to engage in trade and commerce
16 between Philippine ports and within Philippine territorial or internal waters, for hire
17 or compensation, with general or limited clientele, whether permanent, occasional
18 or incidental, with or without fixed routes, and undertaken for contractual or
19 commercial purposes;
- 20 (c) *Green lane* refers to the process of facilitating crew changes among ships and the
21 seafarers during public health emergencies, man-made or natural, as embodied
22 among others, in Joint Circular No. 01 Series of 2020 dated 2 July 2020, or the
23 “Guidelines for the Establishment of the Philippine Green Lane to Facilitate the
24 Speedy and Safe Travel of Seafarers, Including their Safe and Swift Disembarkation,
25 and Crew Change During the COVID-19 Pandemic” and in the International Maritime
26 Organization (IMO) Circular Letter No. 4204/Add. 14 dated 5 May 2020, or the
27 “Coronavirus (COVID-19) – Recommended Framework of Protocols for ensuring safe
28 ship crew and travel during the coronavirus (COVID-19) pandemic”
- 29 (d) *International maritime convention (IMC) or International convention* refers to any
30 written treaty or agreement, or any protocol or amendment thereto, affecting the
31 maritime industry which has come into force and effect, including the MLC 2006;
- 32 (e) *License* refers to the document issued by the Department of Labor and Employment
33 (DOLE) authorizing any person or entity to engage in the recruitment and placement
34 of seafarers;
- 35 (f) *Manning/Recruitment and placement agency* refers to any Filipino person,
36 corporation, partnership, company or other entity engaged in the canvassing,
37 enlisting, contracting, transporting, utilizing, hiring or procuring whether for profit or
38 not, of seafarers whether domestic or international;
- 39 (g) *Maritime accident* refers to any unforeseen occurrence or physical event connected
40 to the navigation, operations, maneuvering or handling of ships, or the machinery,

- 1 equipment, material or cargo on board such ships which may result in the detention
2 of seafarers
- 3 (h) *Maritime industry stakeholders* refers to all private sector stakeholders engaged in
4 the business of owning, managing, chartering, or operating domestic and
5 international ships of Philippine or foreign registry, manning of ships, management
6 of ports, stevedoring and arrastre services, ship brokering and chartering, ship-
7 building and ship repair, delivering maritime services such as ship supplies and
8 provisions, maritime education and training, shipping agency, and other similar
9 activities
- 10 This term shall also include bona fide maritime labor organization and professional
11 association of seafarers;
- 12 (i) *Maritime Higher Education Institution or MHEI* refers to any institution of higher
13 learning which is authorized by the Commission on Higher Education (CHED) to offer
14 college education through four (4) year or five (5) year courses in the maritime field
15 leading to the degree of, among others, Bachelor of Science in Maritime
16 Transportation, Bachelor of Science in Marine Engineering, Bachelor of Science in
17 Naval Architecture;
- 18 (j) *Maritime Labor Certificate* refers to the document certifying that the working and
19 living conditions of the seafarers on the ship have been inspected and are compliant
20 with the requirements of Philippine laws and regulations;
- 21 (k) *Maritime Training Institute or MTI* refers to private and state-operated institutes that
22 provide maritime trainings required pursuant to, among others, STCW Convention,
23 as amended in 2010, including courses geared towards upgrading the skills of Filipino
24 seafarers for enhanced employment acceptability and competitiveness;
- 25 (l) *Master* refers to a person having command of a ship and acts as the shipowner's
26 representative;
- 27 (m) *Ocean-going ship* refers to a ship other than those which navigate exclusively in
28 inland water or water within or closely adjacent to sheltered water or areas where
29 port regulation apply;
- 30 (n) *Philippine Seafarers' One Stop Processing Center (PSOC)* refers to the facility created
31 under DOLE Administrative Order No. 56, series of 2003, which houses multiple
32 offices or agencies involved in providing services to seafarers, in one place;
- 33 (o) *Point of hire* refers to the place where the employment contract between the
34 shipowner and the seafarer was executed;
- 35 (p) *Recognized organization* refers to organizations recognized by the DOLE to carry out
36 inspections or issue the Maritime Labor Certificate in accordance with the scope of
37 activities covered by their authorizations;
- 38 (q) *Repatriation* refers to the process of returning a seafarer to the point of destination,
39 as stipulated in the employment contract of the collective bargaining agreement
40 (CBA), at the option of the seafarer.
- 41 (r) *Seafarer* refers to a person who is employed or is engaged in work in any capacity
42 on board a ship to which this Act applies;

- 1 (s) *Ship or Vessel* refers to any kind, class or type of craft or artificial contrivance capable
2 of floating in water, whether publicly or privately owned, ordinarily engaged in
3 commercial activities and offshore operation, except fixed platform;
- 4 (t) *Shipowner* refers to the owner of the ship employing Filipino seafarers to work on
5 board domestic ships and ships engaged in international trade, or any other
6 organization or person, such as the manager, agent or bareboat charterer, who has
7 assumed the responsibility for operation and management of the ship, and who, in
8 assuming such responsibilities, has agreed to take over all the attendant duties and
9 responsibilities of a shipowner under this Act, regardless of whether any other
10 organization or persons fulfill certain duties or responsibilities on behalf of the
11 shipowner.
12

13 **CHAPTER II**
14 **SEAFARER'S RIGHTS**

15 **SEC. 5. *Right to Just Terms and Conditions of Work.*** – Seafarers shall have the right
16 to:

- 17 (a) Safe and secure workplace that complies with safety standards;
18 (b) Decent working and living conditions on board a ship;
19 (c) Medical care, welfare measures and other forms of health and social protection;
20 and
21 (d) Fair terms and conditions of employment including salary commensurate to their
22 rank, hours of work, and other relevant basis for wage computations, minimum
23 number of working hours, rest period consistent with Philippine laws or IMCs, when
24 applicable.

25 **SEC. 6. *Right to Self-Organization, to Engage in Collective Bargaining and to***
26 ***Participate in Democratic Exercises.*** – Seafarers shall enjoy their right to self-organization,
27 to collective bargaining, and to participate in the deliberation of issues and in the
28 formulation of policies that affect them, including the guarantee of representation in
29 governing boards or appointment in government instrumentalities.

30 **SEC. 7. *Right to Education Advancement and Training at Reasonable and***
31 ***Affordable Costs*** – Seafarers shall have access to education advancement and training at
32 reasonable and affordable costs. No fee or other charges shall be imposed on cadets,
33 interns, apprentices, on-the-job-trainees or other persons similarly situated. Toward this
34 end, relevant government agencies shall:

- 35 (a) Regulate the operation of all education and training institutions offering courses
36 related to seafaring;
- 37 (b) Pursue grants and programs such as scholarships, subsidies, loan assistance
38 and other measures that will harness the skills of Filipino seafarers toward
39 greater competitiveness given the new demands of the industry; and
- 40 (c) Promote quality maritime education and training that respond to the needs of
41 the industry and in accordance with minimum international maritime standards
42 of competency.

43 **SEC. 8. *Right to Relevant Information.*** – Shipowners, manning agencies,
44 concerned government agencies and other organizations responsible for the recruitment

1 and placement of Filipino seafarers shall be mandated to provided relevant information,
2 including the terms of conditions of employment and company policies affecting seafarers.
3 This right shall include the access of seafarers' organizations to relevant information
4 affecting the terms and conditions of employment and their members.

5 All ships covered by this Act shall have a copy of the MLC, 2006 and the grievance
6 procedures observed on board.

7 **SEC. 9. *Right to Information of Seafarer's Family.*** – In cases of accidents or death
8 onboard or offshore, piracy or other similar incidents, the seafarer's family shall be
9 immediately informed of action taken and to be taken, including investigations conducted
10 by the shipowner/manning agency. The shipowner/manning agency shall also have the
11 duty to report the said incidents to the Philippine Overseas Employment Administration,
12 (POEA) and Overseas Workers Welfare Administration (OWWA).

13 **SEC. 10. *Right to Consultation.*** – Seafarers and maritime industry stakeholders
14 shall be adequately consulted on matters affecting seafarers and their families before any
15 maritime policy, executive issuance, rule or regulation is promulgated, or before any
16 maritime law is enacted.

17 **SEC. 11. *Right Against Discrimination.*** – Seafarers shall have the right not to be
18 discriminated against by reason of race, sex, religion, age and political opinion. Career
19 opportunities shall be promoted and appropriate working and living conditions shall be
20 guaranteed equally among male and female seafarers.

21 **SEC. 12. *Right to Free Legal Representation.*** Seafarers who are the victims of
22 violations of the provisions of this Act or of their employment contract and who cannot
23 afford the services of a competent and independent counsel shall have the right to free
24 legal assistance and protection at government's expense, and to fair and speedy
25 disposition of the case, including the expedition settlement of any money claims, subject
26 to existing laws, rules and regulations.

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

30 **SEC.14. *Right to Fair Treatment in the Event of a Maritime Accident.*** – In the event
31 of a maritime accident, seafarers shall be treated fairly and entitled to all the rights under
32 ILO/IMO 2006 Guidelines on Fair Treatment of Seafarers in the Event of Maritime Accident,
33 Annex to IMO Resolution A. 1056 (27) of November 30, 2011.

34 **SEC. 15. *Right to a Fair Medical Assessment.*** – A seafarer shall have the right to
35 seek a second opinion from other accredited clinics of the Department of Health (DOH)
36 or from other competent and licensed physicians in case of a doubt on the medical
37 assessment of an examining physician or clinic which negatively affects the seafarer's
38 immediate employment. If the clinic or physician selected by the seafarer disagrees with
39 the first assessment, a third doctor (from any DOH-accredited clinic or from a DOH
40 regional or provincial hospital), jointly -selected by the employer and the seafarer, may be
41 hired by the shipowner/manning agency, at no expense to the seafarer, to make a third
42 medical assessment. The findings of the third doctor shall be final and binding to both
43 parties.

1
2

**CHAPTER III
DUTIES OF SEAFARERS**

3 **SEC. 16.** Seafarers shall have the following duties:

- 4 (a) To comply with and observe the terms and conditions of employment contract;
5 (b) To abide by lawful and reasonable company personnel policies;
6 (c) To be obedient to the lawful commands of the Master or the Master's lawful
7 successor, and to comply with the shipowner's or the principal's policy on safety
8 and operation procedures and instructions given in connection therewith;
9 (d) To be diligent in the performance of duties relating to the ship, its stores,
10 equipment and cargo, whether on board, in transit or ashore;
11 (e) To be, at all times, orderly and respectful to the shipmates, passengers, shippers,
12 stevedores, port authorities, and other persons who have official business with the
13 ship; and
14 (f) To be personally responsible for maintaining a healthy lifestyle.

15
16

**CHAPTER IV
MINIMUM REQUIREMENTS FOR SEAFARERS**

17 **SEC. 17. *Minimum Age.*** – No person below eighteen (18) years old, other than a
18 cadet, shall be employed, engaged or otherwise allowed to work on board Philippine
19 registered ships operating domestically or internationally, as well as on board foreign
20 registered ships.

21 **SEC. 18. *Medical Certificate.*** – No seafarer shall be employed, engaged or
22 otherwise allowed to work on board a domestic or ocean-going ship unless a medical
23 certificate has been issued declaring the seafarer to be fit to work.

24 The seafarer shall hold a valid medical certificate issued by a medical facility duly
25 accredited by the DOH in accordance with its existing rules and regulations. The medical
26 certificate shall certify that the person is expected to meet the minimum requirements for
27 performing the duty specific to the person's post at sea safely and effectively during the
28 period of the validity of the certificate.

29 For the purpose of this Section, a medical certificate issued in accordance with the
30 requirements of the STCW shall be accepted.

31 No judgment or award resulting in the forfeiture of the seafarer's claims shall be
32 rendered solely on the basis of a defective or questionable fit-to-work certification.

33 **SEC. 19. *Training and Qualifications.*** – Only seafarers certified by appropriate
34 government agencies shall work, be employed or be engaged on board a ship.

35 **SEC. 20. *Recruitment and Placement.*** – Only duly-licensed manning/recruitment
36 and placement agency shall be allowed to operate and engage in the recruitment and
37 placement of seafarers, in accordance with the rules and regulations as may be issued by
38 the Secretary of Labor and Employment.

39 No amount or fee shall be charged to the seafarer for their recruitment and
40 placement.
41

- 1 (a) Seafarer's full name, date of birth or age, and birthplace;
- 2 (b) Shipowner's name and address;
- 3 (c) Place where and date when the seafarer's employment agreement is entered into;
- 4 (d) Point of hire;
- 5 (e) Capacity in which the seafarer is to be employed;
- 6 (f) Amount of the seafarer's salary, and the formula used for calculating the same;
- 7 (g) Hours of work and hours of rest;
- 8 (h) Wages and wage-related benefits, which include the following: overtime pay,
- 9 holiday pay, premium pay, paid leaves, 13th month pay, if applicable;
- 10 (i) Social security and welfare benefits;
- 11 (j) Stipulation on repatriation or similar undertakings;
- 12 (k) Separation pay and retirement pay, if applicable;
- 13 (l) Reference to the collective bargaining agreement, if applicable and;
- 14 (m) Other benefits in accordance with law, company policy or agreements;

15 The SEC shall stipulate that Filipino seafarers shall be granted shore leave to benefit
16 their health and well-being consistent with the operational requirements of their positions,
17 and subject to proportionate and specifically-adopted measures by the part state on
18 epidemics, pandemics, and other public health emergencies, both man-made or natural.

19 The SEC shall be in English or in a working language of seafarer, executed in three
20 (3) original copies before the commencement of the employment. The shipowner and the
21 seafarer shall each have a signed original of the agreement. A signed original shall be
22 made available on board the ship.

23 When there is a collective bargaining agreement, a copy thereof must be
24 maintained onboard the ship and readily accessible to seafarers.

25 The terms and conditions for employment to be provided in the SEC shall always
26 be consistent and updated with the latest Maritime Labor Convention and other existing
27 treaties and conventions governing seafarers duly entered into by the Philippines.

28 **SEC. 25. Wages.**- Upon effectivity of this Act, the living wage rates of seafarers on
29 board ships engaged in domestic shipping, taking into account the peculiarities of the
30 employment arrangement of seafarers, shall be based on the updated family income
31 threshold determined by the National Economic Development Authority. Wages shall be
32 paid at least once every two weeks or twice a month, at intervals not exceeding sixteen
33 (16) days.

34 Trainees, probationary crew members and other similarly situated shall be paid full
35 minimum wage in accordance with the services rendered.

36 **SEC. 26. Hours of Work and Hours of Rest.** – The normal hours of work of seafarer
37 shall not exceed eight (8) hours a day. If the seafarer is allowed to work beyond eight (8)
38 hours, the maximum hours of work shall not exceed fourteen (14) hours in any 24-hour
39 period, and seventy-two (72) hours in any 7 day period.

40 The minimum hours of rest for every seafarer shall not be less than ten (10) hours.
41 Hours of rest may be divided into no more than two (2) periods, one of which shall be at
42 least 6 hours in length, and the interval between consecutive periods of rest shall not
43 exceed fourteen (14) hours.

44 In exceptional cases, seafarers in watchkeeping duties may be required to work
45 beyond fourteen (14) hours provided that the rest period is not less than seventy (70)

1 hours in any 7-day period. This exception shall not be allowed for more than two (2)
2 consecutive weeks. The intervals between two (2) periods of exceptions shall not be less
3 than twice the duration of the exception.

4 **SEC. 27. *Paid Annual Leave.*** – Unless higher annual leave is provided under the
5 CBA, or by the shipowner as company practice or policy, or by the SEC, overseas seafarers
6 shall be paid an annual leave to be calculated on the basis of a minimum of 2.5 calendar
7 days per month of employment.

8 For ships licensed to engage in domestic shipping, the provisions on “Holidays,
9 Service Incentive Leaves and Services Charges” of Presidential Decree No. 442, or the
10 Labor Code of the Philippines, as amended, shall continue to apply unless higher annual
11 leave is already provided under the CBA or by the shipowner as company practice or
12 policy.

13 **SEC.28. *Sickness Benefits During Public Health Emergencies.*** – Filipino seafarers
14 who have contracted any illness due to an epidemic, pandemic or other public health
15 emergencies whether natural or man-made, or are under quarantine or self-isolation, shall
16 be entitled to paid sick leave or sickness benefits as long as they are incapacitated or
17 unable to work.

18 **SEC. 29. *Payment of Wages to Abandoned Seafarer.*** – Filipino seafarers
19 abandoned by shipowners shall be entitled to full payment of wages and other benefits
20 provided under the SEC or the CBA.

21 **CHAPTER VII**
22 **REPATRIATION**

23 **SEC. 30. *Repatriation.*** – Seafarers are entitled to repatriation. All costs related to
24 the repatriation or transport of the personal effects of a seafarer shall be borne by or
25 charged to the shipowner or manning agency concerned. The expenses or repatriation
26 shall include the transportation charges, pay and allowance from the moment the
27 seafarers leave the ship until they reach the repatriation destination, the accommodation
28 and the food of the seafarer during the journey and transportation of at least thirty
29 kilograms (30 kg) of the seafarers’ personal luggage to the repatriation destination. The
30 primary responsibility to repatriate rests on the shipowner or manning agency and entails
31 the obligation to advance the repatriation and other attendant costs, including plane fare,
32 deployment cost of the principal and immigration fines and penalties, to immediately
33 repatriate the seafarer should the need for it arise, without a prior determination of the
34 cause of the termination of the seafarer’s employment. However, after the worker has
35 returned to the Philippines, the shipowner or manning agency may recover the cost of
36 repatriation from the seafarer if the termination of the employment was due solely to the
37 seafarer’s fault.

38 **SEC. 31. *Emergency Repatriation for Seafarers Onboard Foreign Registered Ships.***
39 – In cases of war, epidemics, pandemics, abandonment of ship by shipowners, disasters,
40 calamities, public health emergencies, whether natural or man-made, and other similar
41 events, the Department of Foreign Affairs (DFA), in coordination with the POEA and the
42 OWWA, shall undertake the repatriation of seafarers. The DFA shall draw from the
43 Emergency Repatriation Fund, which shall be provided under the General Appropriations
44 Act (GAA) to defray the expenses involved in the repatriation of undocumented seafarers,
45 while the POEA shall require manning agencies to effect the repatriation within forty-eight
46 (48) hours or suffer the penalty of suspension. In case of failure of the manning agency
47 to provide for the repatriation within the prescribed time, the POEA shall coordinate with

1 the OWWA to advance the cost of repatriation of the seafarer without prejudice to
2 reimbursement from the concerned manning agency.

3 The seafarer shall also be entitled to emergency repatriation for compassionate or
4 urgent reasons, such as when a family member has died, or when the seafarer has
5 suffered from physical, emotional, psychological or financial abuse.

6 The DFA shall take the lead in the repatriation of the affected seafarers in areas
7 where there is no Philippine Overseas Labor Office (POLO).

8 **SEC. 32. *Quarantine and Medical Expenses in Repatriation Due to Epidemics,***
9 ***Pandemics, or Other Public Health Emergencies.*** – Before or during the process of
10 repatriation of a seafarer in times of epidemics, pandemics, or other public health
11 emergencies, whether natural or man-made, the shipowner or manning agency shall cover
12 the following expenses until the seafarer is considered duly repatriated to the point of
13 hire:

14 (a) Medical care, board, and lodging for periods spent by a seafarer in
15 quarantine or self-isolation, whether or not the seafarer has symptoms or has been
16 exposed to any infectious diseases, virus or bacteria – until declared free of any infection,
17 virus or ailment by the DOH Bureau of Quarantine or any DOH-accredited clinic; and

18 (b) Hospitalization and medical treatment when the seafarer is sick or infected
19 – until declared as fully recovered.

20 Thereafter, should the seafarer need further quarantine or medical care, the
21 expenses shall be covered by the OWWA from the funds to be appropriated for this
22 purpose.

23 **SEC. 33. *Repatriation for Seafarers Onboard Domestic Ships.*** – The provisions of
24 repatriation, as may be applicable, shall also apply to seafarers working on domestic
25 ships,. Seafarers onboard domestic ships shall be entitled to emergency repatriation in
26 cases of war, epidemics, pandemics, abandonment of ship by shipowners, disasters or
27 calamities, public health emergencies whether natural or man-made, and other similar
28 events.
29

30 **CHAPTER VIII** 31 **MANNING REQUIREMENT**

32 **SEC. 34. *Manning Levels.*** – All ships of Philippine registry shall observe the
33 required minimum manning levels in accordance with the requirements prescribed by
34 MARINA.

35 Every ship shall be manned by a crew that is adequate in terms of size and
36 qualifications taking into account the need to operate the vessel safely and efficiently. IN
37 no case shall minimum manning levels on ships carrying Filipino seafarers be reduced to
38 avoid fatigue of Filipino seafarers remaining on board.

39 **SEC. 35. *Crew Competence.*** – The crew members of a ship of Philippine Registry
40 shall possess the appropriate certificate of competency that sets forth their competence
41 to serve and perform the functions of the position held, and corresponding to the aptitude
42 and proficiency required relative to the type, tonnage, power, means of propulsion, and
43 trading patterns of the ships concerned.
44

1 The certificate of competency shall attest to the fact that the seafarer to whom it is
2 issued meets the requirements for service, age, qualification, and has successfully passed
3 the examinations conducted to determine the seafarer's proficiency and level of expertise
4 for the position.

5 **SEC 36. *Registry of Seafarers.*** – To better respond to the manning requirements
6 of ocean-going ships of foreign registry, and domestic and ocean-going ships of Philippine
7 registry, the POEA and MARINA, respectively, shall maintain a registry of all seafarers, in
8 the Philippines. The registry shall contain the relevant information or data to promote
9 employment opportunities for seafarers, whether on board or ashore, and allow the
10 appropriate learning for and implementation of additional training, skills and competency
11 development programs for seafarers.

12 **SEC. 37. *Crew Change.*** – When national or international emergencies or
13 circumstances warrant, the DFA, DOLE, DOH, Department of Justice (DOJ), Department
14 of Interior and Local Government (DILG), Department of Transportation (DOTr) and other
15 relevant agencies, shall activate a green lane for seafarers that shall exempt them from
16 travel-related or health-related movement restrictions in order to facilitate their joining or
17 leaving ships.

18
19 **CHAPTER IX**
20 **ACCOMMODATION, RECREATIONAL FACILITIES, FOOD AND CATERING**

21
22 **SEC. 38. *Accommodation Facilities.*** – Unless otherwise exempted herein or by
23 appropriate regulations, all ships of Philippine registry shall have safe, decent and
24 adequate accommodations for seafarers taking into account the need to protect the health
25 and safety of seafarers working or living on board.

26 **SEC. 39. *Requirements for Sanitation.*** – All ships of Philippine registry shall have
27 sanitation facilities that meet the minimum standards for health and hygiene and are
28 accessible to seafarers on board. The sanitation facilities shall be located at convenient
29 places, allowing for easy access to work stations. Separate facilities shall be provided for
30 male and female crew.

31 **SEC. 40. *Recreational Facilities.*** – Unless otherwise exempted herein or by
32 appropriate regulations, all ships of Philippine registry shall have recreational facilities,
33 amenities and services that are appropriate and accessible to seafarers.

34 Domestic ships shall be exempted from this requirement considering that their
35 trading patterns and length of voyages allow their crew to go home or to make use of
36 comparable facilities on land.

37 **SEC. 41. *Food and Catering.*** – The shipowner shall ensure the protection and
38 promotion of health of seafarers. Whenever applicable, a shipowner shall ensure that a
39 ship serves free food and drinking water of appropriate quality, quantity and nutritional
40 value that adequately cover the requirements of the ship and take into consideration the
41 differing cultural and religious backgrounds of seafarers. All foods and drinks and the
42 preparation thereof shall be in accordance with the standards of the Sanitation Code of
43 the Philippines and pertinent laws, rules and regulations.

1 provide an expeditious and effective financial security system to assist seafarers in the
2 event of their abandonment and to assure compensation for contractual claims in the
3 event of death or long-term disability of seafarers due to an occupational injury, illness or
4 hazard.

5 **SEC. 45. *Measures to Protect Seafarers from Epidemics, Pandemics, or other Public***
6 ***Health Emergencies.*** – Filipino seafarers onboard ships should be covered by adequate
7 measures for protection from epidemics, pandemics and man-made or natural public
8 health emergencies such as the provision of personal protective equipment. They should
9 also have access to prompt and adequate medical care while onboard, including medical
10 advice and confidential helplines on physical and mental health by radio or satellite
11 communications, free of charge which shall be available 24-hours-a-day.

12 Shipowners shall institute measures on prevention of contagion in accordance with
13 flag state health regulations and World Health Organization (WHO) guidelines, including
14 the necessary disinfection, decontamination, de-ratting or pest control, and other
15 measures necessary to prevent the spread of infection or contamination.

16 Filipino seafarers who manifest symptoms of any prevailing illness due to an
17 epidemic, pandemic or any public health emergency, man-made or natural, shall be
18 properly isolated and treated pursuant to established guidelines of the flag state, the WHO
19 and the applicable provisions of this Act.

20 In ports of call, Filipino seafarers in need of medical care shall have access to
21 medical facilities on-shore.

22 **CHAPTER XI**
23 **EMPOWERMENT OF FILIPINO WOMEN SEAFARERS**

24 **SEC. 46. *Enhanced Access to Educational Advancement and Training.*** – Women
25 seafarers shall be given enhanced access to educational advancement and training.
26 Government-owned MHEIs and MTIs shall equally provide scholarships to women students
27 and trainees, utilizing their Gender and Development (GAD) budget.

28 Ships registered in the Philippines shall accommodate women cadets for their
29 shipboard training.

30 Shipowners of Philippine-flag-registered vessels shall not practice gender
31 discrimination in the choice of their cadets for shipboard training.

32 **SEC. 47. *Conscientization*** – Women seafarers shall be made aware of their
33 condition and shall be informed about their human rights through gender-awareness and
34 women-empowerment courses in maritime schools and training centers.

35 The National Maritime Polytechnic (NMP), the sole government-owned maritime
36 training center, shall continue to develop, enhance, and increase accessibility of its Gender
37 Awareness Training for Seafarers (GATS) to the maritime industry offering the training
38 course in e-learning format.

39 Shipping companies and crewing agencies shall be encouraged to formulate their
40 GAD policies.

41 A helpline for all victims of sexual-harassment and bullying shall be set-up.
42

1 For this purpose, a Maritime Labor Certificate or a certificate of compliance, as
2 applicable shall be issued in accordance with the IRR.

3 **SEC. 55. *Inspection and Enforcement.*** – The Secretary of Labor and Employment,
4 or a duly-authorized representative, shall have the sole and exclusive authority to inspect
5 all Philippine ships, domestic or ocean-going to ensure compliance with the provisions of
6 this Act. The duly authorized representative shall have the power to board ships and carry
7 out any examination, test or inquiry in order to ensure that the standards established
8 under this Act and its IRR are strictly observed.

9 The Secretary of Labor and Employment may authorize other government agencies
10 or duly-recognized organization to conduct the inspection and issue certification in
11 accordance with the provisions of this Act and its IRR.

12 The Secretary of Labor or the duly-authorized representative shall have the power
13 to order immediate restitution of differences, and impose fines for violations of the
14 provisions of this Act.

15 If the violation or deficiency constitutes serious breach of the requirement of this
16 Acts and its IRR, or poses imminent danger to the ships or to the life or limb of the
17 seafarer, the Secretary of Labor and Employment, or the duly authorized representative,
18 may immediately order the detention of the ship until the violation or deficiency is
19 corrected.

20 **SEC. 56. *Recognized Organizations.*** – Recognized organizations may be authorized
21 by the Secretary of Labor and Employment to conduct the inspection of ship's premises
22 and issue the Maritime Labor Certificate or the Certificate of Compliance, as appropriate,
23 in accordance with the provisions of this Act and its IRR.

24 A recognized organization must have the necessary knowledge of the requirements
25 of this Act and its IRR, the MLC, 2006 and other relevant international treaties or
26 conventions.

27 Likewise, to be recognized and authorized to inspect a ship, an organization must
28 also have the necessary and qualified professional and technical expertise to conduct the
29 inspection and certify the ship's compliance with established standards.

30 **CHAPTER XIV**
31 **TERMINATION AND EXTENSION OF EMPLOYMENT**

32 **SEC. 57. *Termination of Employment.***

33
34 (a) The employment of Filipino seafarers on board Philippine-registered ships
35 operating internationally as well as those on board foreign-registered ships shall
36 cease when the seafarers complete their period of contractual service aboard the
37 ship, sign off from the ship, and arrive at the point of hire.

38 The employment is also terminated effective upon arrival at the point of hire for any
39 of the following reasons:

40 (1) When the seafarer signs off and is disembarked for medical reasons in the
41 event the seafarer is declared: (1) fit for repatriations; or (2) when after an illness
42 the seafarer is declared fit-to-work, but the employer is unable to find employment

- 1 for the seafarer on board the ship originally boarded or on another ship of the
2 employer;
- 3 (2) When the seafarer signs off due to the sale of the ship, lay-up of the ship,
4 discontinuance of voyage or change of ship principal;
- 5 (3) When the seafarer voluntarily resigns in writing and signs off prior to the
6 expiration of contract within a reasonable period, as may be prescribed in the IRR
7 of this Act, or
- 8 (4) When the seafarer is discharged for just causes in accordance with the
9 provisions of the POEA Standard Employment Contract.
- 10 (b) The termination of employment of a seafarer on board domestic ships shall be
11 governed by the provisions of Presidential Decree No. 442, as amended, or the
12 Labor Code of the Philippines, on domestic shipping.
- 13 (c) The termination of employment of a seafarer on board a foreign vessel or foreign
14 registered ships shall be governed by the POEA, SEC, or applicable collective
15 bargaining agreement (CBA).

16 **SEC. 58. *Extension of Employment.*** – The extension of a seafarer’s employment
17 agreement beyond the original period must be adequately reviewed and freely-accepted by
18 the Filipino seafarer prior to signing any such extension. The shipowner, or a duly-
19 authorized representative of the shipowner, and the manning agency shall ensure that the
20 Filipino seafarer has fully considered the effect of such an extension on the repatriation
21 and contract entitlements and that there shall be no diminution of the seafarer’s salaries
22 and benefits.

23 The shipowners and the manning agencies shall submit period reports to the POEA
24 on the welfare and well-being of Filipino seafarers subject to contract extensions.

25 **CHAPTER XV**
26 **SETTLEMENT OF DISPUTES**

27
28 **SEC. 59. *Onboard and Onshore Grievance Machinery*** – All ships of the Philippine
29 registry shall prescribe and observe fair, effective and expeditious onboard and on-shore
30 methods and procedures to handle grievance at no cost to the seafarer.

31 In cases where a seafarer is a member of a legitimate trade union organization,
32 any grievance shall, as a condition precedent to conciliation-mediation, undergo the
33 grievance machinery with the involvement of the union as established in its CBA. Without
34 prejudice to any existing law, any agreement reached by the parties during the grievance
35 negotiation shall be final and binding.

36 **SEC. 60. *Mandatory Conciliation-Mediation and Arbitration.*** – Seafarers, whether
37 engaged, employed or working onboard ships of Philippine registry or other registries shall
38 avail of the conciliation-mediation services of the DOLE pursuant to Republic Act No.
39 10396, otherwise known as “An Act Strengthening Conciliation-Mediation as a Voluntary
40 Mode of Dispute Settlement for All Labor Cases, Amending for this Purpose Article 228 of
41 Presidential Decree No. 442, as Amended, Otherwise Known as the Labor Code of the
42 Philippines” and its IRR, by filing a request for assistance before the conciliation-mediation
43 desks at the Regional/Field/Provincial Offices of DOLE or its attached agencies.

44 In case the conciliation-mediation process involving a seafarer covered by a CBA
45 fails, the case shall be submitted for Voluntary Arbitration in accordance with Articles 261
46 and 262 of the Labor Code of the Philippines, as amended. In cases where seafarers are

1 not covered by the CBA, the seafarer shall have the option to submit the case to
2 Compulsory Arbitration or Voluntary Arbitration.

3 **CHAPTER XIV**
4 **REINTEGRATION OF SEAFARERS**

5 **SEC. 61. *Reintegration.*** – Returning or unemployed overseas Filipino seafarers
6 may avail of the livelihood development and training programs, placements and other
7 services of the DOLE and other concerned government agencies, including OWWA,
8 National Reintegration Center for OFWs (NRCO), Technical Education and Skills
9 Development Authority (TESDA), Cooperative Development Authority (CDA), NMP and
10 CHED.

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

16 The NRCO shall develop a reintegration program for Filipino seafarers to be
17 submitted within sixty (60) days from the date of effectivity of this Act. The Center shall
18 provide mechanisms for their reintegration into the Philippine society, serve as a
19 promotion house for their local employment, and ensure that their skills and competencies
20 are maximized in the development of the Philippine domestic and international maritime
21 industry. The implementation of the reintegration program shall form part of the semi-
22 annual report of the DOLE to Congress as required under Republic Act No. 8042, or the
23 Migrant Workers and Overseas Filipinos Act of 1995, as amended.

24 **CHAPTER XVII**
INCENTIVES AND AWARDS GRANTED TO THE MARITIME INDUSTRY

25 **SEC. 62. *Incentives and Awards.*** – There shall be established an incentives and
26 awards system for the maritime industry stakeholders which shall be developed and
27 administered by the concerned government agency in consultation with the Maritime
28 Industry Tripartite Council (MITC).

29 Under such rules and regulations that may be promulgated, deserving shipowners,
30 seafarers, manning and other organizations or entities shall be commended or awarded
31 for their outstanding performance in upholding the rights of seafarers and complying with
32 this Act.

33 **CHAPTER XVIII**
34 **FINANCIAL ASSISTANCE TO SEAFARERS**

35 **SEC. 63. *Credit Delivery.*** – Financial assistance for alternatives sustainable
36 livelihood programs, educational, career and personal advancement, among others, shall
37 be made available to seafarers upon the approval of this Act. The Land Bank of the
38 Philippines (LBP), Development Bank of the Philippines (DBP), Small Business Corporation
39 (SBC), People's Credit and Finance Corporation (PCFC), and other government financial
40 institutions as well as private banks and financial intermediaries shall setup a special credit
41 window with preferential or subsidized interest rates that will serve the financing needs

1 of the seafarers consistent with the policies, rules and regulations of the Bangko Sentral
2 ng Pilipinas.

3 **SEC. 64. *Annual Report of Financial Institutions.*** – The LBP, DBP, SBC, and PCFC,
4 and other government financial institutions shall submit an annual report to the House
5 Committee on Overseas Filipino Workers Affairs and the Senate Committee on Labor and
6 Employment on the state of the implementation of this provision.

7 **CHAPTER XIX**
8 **GOVERNMENT AGENCIES**

9 **SEC. 65. *Role of Government Agencies.*** –The following government agencies shall
10 perform the following functions to promote the welfare and protect the rights of Filipino
11 seafarers:

12 (a) Department of Labor and Employment (DOLE) – The DOLE shall exercise sole and
13 exclusive jurisdiction in implementing the provisions of this Act and ensure that the
14 standards set forth herein, under Presidential Decree No. 442, as amended, and
15 other laws, the MLC, 2006 and other international treaties and conventions to which
16 the Philippines is a signatory, are faithfully complied with and fairly applied to all
17 Filipino seafarers.

18 The DOLE shall likewise determine and set appropriate benchmarks consistent with
19 the MLC, 2006, this Act and other applicable laws on employment conditions and
20 other labor standards and regulations;

21 (b) Department of Foreign Affairs (DFA) – The DFA shall, through its home offices or
22 foreign posts, give paramount importance to the safety and well-being of Filipino
23 seafarers, by providing adequate and timely intervention and assistance, such as
24 representing their interests with foreign authorities concerned and facilitating their
25 repatriation when they are distressed or beleaguered;

26 (c) Department of Health (DOH) – The DOH shall regulated the activities and
27 operations of all clinics, which conduct physical, optical, dental, psychological, and
28 other similar examinations, hereinafter referred to as health examinations, on
29 Filipino seafarers;

30 The DOH shall determine and prescribe the nature of the health examination that
31 shall be required of a seafarer, ensuring that such examination will genuinely
32 determine the seafarer's state of health, considering the duties that the seafarer
33 shall be required to perform on board. The DOH shall likewise prescribe the
34 contents of the medical certificate to ensure accuracy of the finding/s stated
35 therein.

36 The DOH shall also strictly comply with its tasks and mandate under Republic Act
37 No. 8042, as amended.

38 (d) Philippine Overseas Employment Administration (POEA) – the POEA shall review
39 the contracts of employment and the working conditions of the officers and crew
40 of the vessels of Philippine registry operating internationally, and of such officers
41 and crew members who are Filipino citizens and employed by foreign vessels to
42 ensure that these comply with the prescribed standards.
43

1 (e) Overseas Workers Welfare Administration (OWWA) – The OWWA shall, through its
2 welfare officers or coordinating officers, provide the Filipino seafarers and their
3 families all the assistance they may need in the enforcement of contractual
4 obligations by agencies and their principals.

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

9 (f) Maritime Industry Authority (MARINA) – The MARINA shall ensure that all maritime
10 education including the curricula and training programs are structured and
11 delivered in accordance with written programs, methods and media of delivery,
12 procedures and course materials, international standards as prescribed under the
13 STCW Convention. The Marina shall be tasked to ensure that the guidelines for the
14 flag state on fair treatment of seafarers in the event of a maritime accident are
15 observed at all times.

16 (g) Philippine Coast Guard (PCG) – The PCG, in line with its function to enforce
17 applicable laws within the maritime jurisdiction of the Philippines, shall assist the
18 DOLE in the enforcement of Department Orders and other issuances implementing
19 the MLC, 2006. In addition, the PCG shall be the agency tasked in ensuring that
20 the guidelines for the port state/coastal state on fair treatment of seafarers in the
21 event of a maritime accident are observed at all times.

22 (h) National Maritime Polytechnic (NMP) – The NMP shall enhance the employability
23 and competitiveness of Filipino seafarers in the domestic and international labor
24 market by offering specialization and upgrading courses for both licensed officers
25 and ratings, and by conducting researches and studies on the latest maritime
26 technologies and other related matters for the maritime industry.

27 (i) Philippine Information Agency (PIA) – The PIA shall disseminate information about
28 government programs, projects, and services to the Filipino seafarers and their
29 families, and other stakeholders in the Philippine maritime industry, both local and
30 overseas, with the final goal of seeing the quality of their lives improved and
31 empowered to productively participate in the country's development.

32 The PIA shall also ensure proper and adequate information dissemination of the
33 concerns and benefits of this Act to the general public especially to its intended
34 beneficiaries, specifically at the barangay level.

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

39 **SEC. 66. *Philippine Seafarer's One Stop Processing Center (PSOC)*** – An integrated
40 document processing center, to be known as the Philippine Seafarer's One-Stop Shop
41 Processing Center (PSOC), shall be established to assist seafarers and the general public.
42 The agencies that are mandated to provide services in the PSOC are as follows:

- 43 (a) Department of Labor and Employment;
44 (b) Department of Foreign Affairs;
45 (c) Commission on Higher Education;

- 1 (d) Professional Regulation Commission;
- 2 (e) National Telecommunication Commission;
- 3 (f) Philippine Overseas Employment Administration;
- 4 (g) Overseas Workers Welfare Administration
- 5 (h) Technical Education and Skills Development Authority;
- 6 (i) Maritime Industry Authority;
- 7 (j) National Bureau of Investigation;
- 8 (k) Social Security System;
- 9 (l) Philippine Health Insurance Corporation;
- 10 (m) Philippine Statistics Authority;
- 11 (n) Home Development Mutual Fund;
- 12 (o) Such other government agencies that the Secretary of DOLE may deem appropriate
- 13 to be included in the PSOC.

14 Further, the PSOC, for its initial operation, shall create pilot centers in strategic
15 areas in Luzon, Visayas and Mindanao that are identified as having the highest
16 concentration of seafarers. The data gathered for the PSOC shall be made accessible to
17 and utilized by the maritime sector and stakeholders.

18 The local government units (LGUs) are encouraged to reduce the amount of local
19 taxes, fees and charges imposed on transaction made by seafarers with the PSOC in
20 connection with their profession.

21 **CHAPTER XX**
22 **TRIPARTISM**

23 **SEC. 67. *Tripartism.*** – In line with ILO’s principle of tripartism as embodied in the
24 MLC, 2006, as amended, a Maritime Industry Tripartite Council (MITC) shall be
25 established. The members of the MITC shall be composed of: 1) the competent authority
26 represented by the DOLE; 2) a representative of shipowners’ organizations concerned;
27 and 3) a representative of recognized seafarers’ unions. The MITC will serve as a body for
28 tripartite consultation and discussion among government, management and labor, and
29 shall work together to address maritime labor and employment concerns and come up
30 with policies, guidelines and regulations affecting the Philippine maritime seafaring
31 industry. The MITC shall protect the welfare of seafarers, and at the same time, ensure
32 the continuous employment, marketability, cost-competitiveness and expansion of job
33 opportunities of Filipino seafarers and shipowners.

34 **CHAPTER XXI**
35 **FINAL PROVISIONS**

36 **SEC. 68. *Administrative Fines and Penalties.*** – Any shipowner, master, their
37 representative or other competent person who fails or refuses to present employment
38 records, such as payrolls, daily time records, pay slip or other documents, when required
39 by the Secretary of Labor and Employment or the duly authorized representative of the
40 Secretary, or the duly authorized representative of a recognized organization, shall be
41 liable for administrative fines and penalties in accordance with the IRR of this Act.

42 **SEC. 69. *Peralties for Violations of Inspection and Enforcement.*** – Any person
43 who, without proper authorization, exercises the authority granted to the Secretary of
44 Labor and Employment under Section 55 and 56 of this Act, shall be punished with a fine
45 of not less than One hundred thousand pesos (P100,00.00) nor more than Four hundred
46 thousand pesos (P400,00.00), or imprisonment of not less than one (1) year nor more

1 than four (4) years, or both at the discretion of the court. The foregoing offense shall
2 prescribe after five (5) years from its commission, or upon discovery of the violation by
3 competent authorities.

4 **SEC. 70. *Transitory Provision.*** – All rights, privileges and benefits previously
5 enjoyed by Filipino seafarers before the effectivity of this Act, including those set forth in
6 Presidential Decree No. 442, as amended and Republic Act No. 8042, as amended, shall
7 continue to be recognized and shall not be diminished.

8 **SEC. 71. *Implementing Rules and Regulations.*** – The DOLE, in coordination with
9 the DFA, MARINA, PCG, and other concerned agencies, shall formulate the rules and
10 regulations to implement this Act within ninety (90) days after its effectivity,

11 **SEC. 72. *Separability Clause.*** – If, for any reason, any section, clause or term of
12 this Act is held to be illegal, invalid, or unconstitutional, such parts not affected by such
13 declaration shall remain in full force and effect.

14 **SEC. 73. *Repealing Clause*** – All laws, presidential decrees, issuances, executive
15 orders, letters of instruction, rules and regulations inconsistent with the provisions of this
16 Act are hereby repealed or modified accordingly.

17 **SEC. 74. *Effectivity.*** – This Act shall take effect fifteen (15) days after its publication
18 in the *Official Gazette* or in a newspaper of general circulation.

19 *Approved,*