



SENATE

S. No. 2221

PREPARED BY THE COMMITTEES ON MIGRANT WORKERS;
FOREIGN RELATIONS; AND FINANCE WITH
SENATORS ESTRADA, ZUBIRI, VILLANUEVA, TULFO,
HONTIVEROS, ANGARA, POE, GATCHALIAN, REVILLA JR.,
GO, LEGARDA, DELA ROSA, VILLAR (M.), PADILLA,
VILLAR (C.), MARCOS, TOLENTINO, LAPID, BINAY,
CAYETANO (P.), AND EJERCITO AS AUTHORS THEREOF

AN ACT PROVIDING FOR THE MAGNA CARTA OF
FILIPINO SEAFARERS

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

1 CHAPTER I

2 DECLARATION OF POLICY

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

5 SEC. 2. *Declaration of Policies and Objectives.* – The
6 State shall protect the rights and overall welfare of local
7 and overseas Filipino seafarers, promote their full

1 employment, and ensure equal opportunities in the
2 maritime industry regardless of sex or creed, including
3 equal access to education, training, and development
4 consistent with existing domestic and international laws,
5 standards, and conventions, particularly the Maritime
6 Labour Convention, 2006 (MLC, 2006) and the International
7 Convention on Standards of Training, Certification, and
8 Watchkeeping for Seafarers (STCW Convention).

9 Toward these ends, the State shall endeavor to secure
10 decent working and living conditions for seafarers,
11 standardize the terms and conditions of their employment,
12 regulate operations of manning agencies and incentivize
13 maritime stakeholders, establish and enhance mechanisms
14 for administrative, adjudicative, and social and welfare
15 services for the seafarers and their families.

16 The State shall likewise ensure that appropriate
17 actions are imposed for violations of human rights at sea,
18 that effective sanctions shall be adopted in deterring future
19 abuses and ensuring that those who engage in human
20 rights violations do not benefit from their illegal actions.

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CHAPTER II

GENERAL PROVISIONS

SEC. 3. *Coverage.* – The provisions of this Act shall cover-

(a) All Filipino overseas seafarers, except those in the following categories of ships:

(1) Warships, naval auxiliaries, and Coast Guard vessels;

(2) Government ships not engaged in commercial operations;

(3) Ships of traditional built, as may be defined under existing rules and regulations; and

(4) Fishing vessels.

Provided, That the provisions of Chapter XIV shall not apply to them.

(b) All Filipino domestic seafarers: *Provided,* That Chapter VII (Terms and Conditions of Employment of Overseas Seafarers) and Chapter XII (Repatriation) shall not apply to them.

1 (c) All Filipino cadets undergoing shipboard
2 training, in accordance with Chapter XVIII of this Act.

3 SEC. 4. *Definition of Terms.* – As used in this Act, the
4 following terms shall have the following meaning:

5 (a) *Abandonment* refers to a situation where, in
6 violation of the terms of the employment contract, the
7 shipowner:

8 (1) Fails to cover the cost of the seafarer's
9 repatriation; or

10 (2) Has left the seafarer without the necessary
11 maintenance and support, which include adequate food,
12 accommodation, drinking water supplies, essential fuel for
13 survival on board the ship and necessary medical care; or

14 (3) Has otherwise unilaterally severed its ties with
15 the seafarer, including failure to pay contractual wages for
16 a period of at least two (2) months;

17 (b) *Cadet* refers to a student of a maritime
18 educational institution who is at least sixteen (16) years of
19 age and required to undergo training on board a registered

1 ship covered by this Act to fulfill a maritime degree or
2 technical course;

3 (c) *Domestic Seafarer* refers to a seafarer who has
4 been engaged, employed or works in any capacity on board
5 a domestic ship;

6 (d) *Domestic Ship* refers to a ship duly registered
7 and licensed under Philippine law to engage in trade and
8 commerce between Philippine ports and within Philippine
9 territorial or internal waters, for hire or compensation,
10 with general or limited clientele, whether permanent,
11 occasional or incidental, with or without fixed routes, and
12 done for contractual or commercial purposes;

13 (e) *Employment Contract* refers to the written
14 agreement between a domestic seafarer and shipowner, in
15 accordance with the provisions of Chapter XIV of this Act;

16 (f) *Green Lane* refers to a controlled travel corridor
17 facilitating in the shortest time possible a safe and swift
18 entry of seafarers with a valid Seafarers' Identity
19 Document and other relevant documents, and if
20 appropriate, exempting seafarers from travel- or health-

1 related movement restrictions during public health
2 emergencies when entry is requested for:

3 (1) Onboarding the ship to which they are deployed
4 or transferring to another ship; or

5 (2) Passing in transit to join the ship to which they
6 are deployed in another country or for repatriation; or

7 (3) Any other legitimate purpose as may be
8 approved by relevant authorities;

9 (g) *International Convention on Standards of*
10 *Training, Certification, and Watchkeeping for Seafarers*
11 *(STCW Convention)* refers to the international convention
12 that establishes the minimum standards relating to
13 training, certification, and watchkeeping for seafarers,
14 which the Philippines acceded to on May 22, 1984;

15 (h) *International Maritime Convention* or
16 *International Convention* refers to any written treaty or
17 agreement, or any protocol or amendment thereto,
18 affecting the maritime industry, which has come into force
19 and effect, including the MLC, 2006;

1 (i) *Manning Agency* refers to a natural or juridical
2 person duly licensed by the Secretary of the Department of
3 Migrant Workers (DMW) to engage in the recruitment and
4 placement of seafarers;

5 (j) *Maritime Accident* refers to any unforeseen
6 occurrence or physical event connected to the navigation,
7 operations, maneuvering, or handling of ships, or the
8 machinery, equipment, material, or cargo on board such
9 ships which may result in the detention of seafarers;

10 (k) *Maritime Industry Stakeholders* refers to all
11 private sector stakeholders engaged in the business of
12 owning, managing, chartering or operating domestic and
13 international ship/s of Philippine or foreign registry,
14 manning of ships, management of ports, stevedoring and
15 arrastre services, ship brokering and chartering,
16 shipbuilding and ship repair, providing maritime services,
17 such as ship supplies and provisions, maritime education
18 and training, shipping agency, and other similar activities.

19 This term shall also include *bona fide* maritime labor
20 organizations, professional associations of seafarers,

1 associations promoting seafarers' welfare, and women's
2 maritime organizations;

3 (l) *Maritime Labour Certificate* refers to the
4 document, complemented by a declaration of maritime
5 labour compliance, that constitutes as *prima facie* evidence
6 that the Philippine-flagged vessel has been duly inspected
7 and, to the extent so certified, is compliant with the
8 requirements of the MLC, 2006, as amended, relating to
9 working and living conditions of the seafarers and of
10 applicable Philippine laws and regulations;

11 (m) *Maritime Labour Convention 2006 (MLC, 2006)*
12 refers to the consolidated Maritime Labour Convention
13 approved by the International Labour Organization (ILO)
14 in 2006 and ratified by the Philippines on August 20, 2012;

15 (n) *Master* refers to a person having command of a
16 ship and acts as the shipowners' representative;

17 (o) *Non-degree Courses and Programs on Maritime*
18 *Education and Training* refers to technical education or
19 the education process designed at post-secondary and
20 lower tertiary levels, officially recognized as non-degree

1 programs aimed at preparing technicians,
2 para-professionals and other categories of middle-level
3 workers by providing them with a broad range of general
4 education, theoretical, scientific and technological studies,
5 and related job skills training associated with occupations
6 developed and implemented by the Technical Education
7 and Skills Development (TESDA), in consultation with the
8 Commission on Higher Education (CHED) and the
9 Maritime Industry Authority (MARINA), consistent with
10 its mandate under Republic Act No. 7796, otherwise known
11 as the "TESDA Act of 1994". This does not include
12 associate degree programs on maritime education which
13 are under the jurisdiction of CHED;

14 (p) *Overseas Seafarer* refers to a seafarer who has
15 been engaged, employed, or works in any capacity on board
16 a ship or vessel plying international waters, whether
17 Philippine-registered or foreign-registered;

18 (q) *Officer* refers to a member of the crew, other
19 than the master, who has been designated as such by

1 national law or regulation, or, in the absence of such
2 designation, by collective agreement or custom;

3 (r) *One-Stop Shop Center for Seafarers* refers to a
4 unit in the one-stop shop center provided under Section 11
5 of Republic Act No. 11641, otherwise known as the
6 “Department of Migrant Workers Act”, that shall handle
7 the specific concerns of seafarers, and shall, as far as
8 practicable, be located in major crew-change ports,
9 specifically in Metro Manila, Pangasinan, Bulacan, Cavite,
10 Batangas, Iloilo, Cebu, Cagayan De Oro City, Davao City
11 and other areas to be determined by DMW, to facilitate
12 easy access to all relevant government clearances and
13 permits, employment documents, validation of job offers,
14 reintegration services, seminars or training for upskilling
15 or retooling, and all other services including legal
16 assistance;

17 (s) *Place of Domicile* refers to the home address of
18 seafarers as declared in the standard employment contract;

1 (t) *Point of Hire* refers to the place indicated in the
2 contract of employment, and which shall be the basis in
3 determining the commencement of the contract;

4 (u) *Recognized Organizations* refer to organizations
5 recognized and authorized by the Department of Labor and
6 Employment (DOLE), as competent, independent and has
7 the necessary expertise relevant to the MLC, 2006 to carry
8 out inspections, require rectification of identified
9 deficiencies in the working and living conditions of
10 seafarers, and issue the appropriate maritime labour
11 certificates on behalf of the DOLE on Philippine-flagged
12 ships;

13 (v) *Repatriation* refers to the process of returning a
14 seafarer to the point of hire or the seafarer's place of
15 domicile, at the option of the seafarer, or in case of
16 incapacity or death, at the option of his/her next-of-kin;

17 (w) *Standard Employment Contract (SEC)* refers to a
18 government-prescribed contract containing at least the
19 minimum terms and conditions of employment in
20 accordance with this Act;

1 (x) *Seafarer* refers to any Filipino, including cadets,
2 who is engaged, employed, or working in any capacity on
3 board a ship covered under this Act;

4 For purposes of this Act, a seafarer is deemed
5 “engaged” as such if the seafarer has signed a valid
6 employment contract but has yet to leave the point of hire.
7 In the case of a cadet, one is deemed engaged upon signing
8 of a valid shipboard training agreement.

9 Nothing in this Act shall diminish the protection
10 given to overseas Filipino workers under Republic Act
11 No. 11641, including to seafarers who are still to be
12 engaged as such.

13 (y) *Ship* or *Vessel* refers to any kind, class or type
14 of craft or artificial contrivance capable of floating in
15 water, whether publicly or privately owned, ordinarily
16 engaged in commercial activities, other than one which
17 navigates exclusively in inland water or in water within or
18 closely adjacent to sheltered water, or areas where port
19 regulations apply; and

1 (z) *Shipowner* or *Principal* refers to the owner of
2 the ship employing Filipino seafarers to work on board
3 domestic ships and ships engaged in international trade, or
4 any other organization or person, such as the manager,
5 agent or bareboat charterer, who has assumed the
6 responsibility for operation and management of the ship
7 from the shipowner, and who, in assuming such
8 responsibilities, has agreed to take over all the attendant
9 duties and responsibilities of a shipowner under this Act,
10 regardless of whether any other organization or persons
11 fulfill certain duties or responsibilities on behalf of the
12 shipowner.

13 CHAPTER III

14 SEAFARER'S RIGHTS

15 SEC. 5. *Right to Just Terms and Conditions of Work.* –

16 Seafarers shall have the right to:

17 (a) A safe and secure workplace that complies with
18 safety standards;

19 (b) Fair terms and conditions of employment;

1 (c) Decent working and living conditions on board a
2 ship; and

3 (d) Appropriate medical care and confirmatory
4 diagnostic tests, welfare measures and other forms of
5 health and social protection.

6 *SEC. 6. Right to Self-Organization and to Collective*
7 *Bargaining.* – Seafarers shall have the right to form, join
8 or assist in the formation of a labor organization of their
9 own choosing for purposes of collective bargaining and to
10 engage in concerted activities in accordance with law.

11 In the exercise of this right, the exemptions from
12 taxes, duties and other assessments provided in Article 251
13 of Presidential Decree No. 442, otherwise known as the
14 “Labor Code of the Philippines”, as amended, shall
15 continue to be enjoyed by legitimate labor organizations of
16 seafarers, without need to apply for or confirm such
17 exemptions, which may be withdrawn only by a special law
18 expressly repealing this provision.

19 *SEC. 7. Right to Educational Advancement and*
20 *Training at Reasonable and Affordable Costs.* – Seafarers

1 shall have access to educational advancement and training
2 at reasonable and affordable costs. No fees or other
3 charges, other than tuition and other miscellaneous fees,
4 shall be imposed on cadets or other persons similarly
5 situated.

6 Toward this end, relevant government agencies shall:

7 (a) Regulate the operation of all educational and
8 training institutions offering courses related to seafaring
9 or maritime education;

10 (b) Pursue grant programs, such as scholarships,
11 subsidies, loan assistance and other measures that will
12 harness the skills of seafarers toward greater
13 competitiveness given the new and evolving demands in
14 the industry;

15 (c) Promote quality maritime education and training
16 that respond to the needs of the industry and in accordance
17 with minimum international maritime standards of
18 competency; and

1 (d) Afford enhanced access to educational
2 advancement and training of women in the seafaring
3 industry.

4 The CHED, National Maritime Polytechnic (NMP)
5 and MARINA shall work together to mainstream gender
6 and development in the curricula of maritime institutions
7 and training centers.

8 SEC. 8. *Right to Information.* – Shipowners, manning
9 agencies, and other organizations responsible for the
10 recruitment and placement of seafarers shall provide
11 seafarers relevant information, including the terms and
12 conditions of employment, company policies affecting
13 seafarers, conditions and realities attending to their
14 profession, and necessary laws and regulations of countries
15 covered by their sojourn. In addition, the seafarers shall,
16 at all times, be furnished a copy of the duly executed SEC,
17 as well as the results of the medical examination conducted
18 on him/her. The right shall also include the right of
19 seafarers' organizations to relevant information affecting
20 the terms and conditions of employment of their members,

1 subject to the provisions of Republic Act No. 10173,
2 otherwise known as the "Data Privacy Act of 2012".

3 All ships covered by this Act shall have on board a
4 copy of the MLC, 2006, the grievance procedures observed
5 on board, duly executed SEC of seafarers, and when there
6 is a collective bargaining agreement (CBA), a copy of
7 such agreement, which shall be readily available to the
8 seafarers.

9 *SEC. 9. Right to Information of a Seafarer's Family or*
10 *Next-of-Kin.* – In critical incidents, such as accidents or
11 deaths on board or offshore, piracy, abandonment of vessel,
12 and other similar cases, the seafarer's family or next-of-kin
13 shall be immediately informed of the incident, including
14 investigation reports, action/s taken, and plans by the
15 shipowner and the manning agency concerned with regard
16 to remedies, mitigation or repatriation.

17 In addition, it shall be the duty of the shipowner and
18 the manning agency, within five (5) days from being
19 informed of the incident to report to DMW for overseas
20 seafarers, or to DOLE for Filipino domestic seafarers, such

1 incident and the details to the family or next-of-kin of the
2 concerned seafarer/s, which shall subsequently provide the
3 appropriate assistance.

4 SEC. 10. *Right to Safe Passage and Safe Travel.* –
5 Seafarers shall be accorded the rights to safe passage and
6 safe travel, including the right to embark and disembark in
7 third countries when in transit, and the right to be
8 repatriated and return home.

9 SEC. 11. *Right to Consultation.* – Seafarers and
10 maritime stakeholders both on board and in the
11 Philippines shall be adequately consulted before the
12 adoption of any maritime policy, executive issuance, rules
13 or regulations, or in the enactment of any maritime law
14 that may directly affect the seafarers and/or their families
15 and beneficiaries.

16 SEC. 12. *Right Against Discrimination.* – Seafarers
17 shall have the right to be protected from discrimination on
18 the basis of race, sex, gender, religion, or political opinion,
19 taking into consideration the inherent requirements of the
20 particular job or undertaking. Career opportunities shall

1 be promoted, and appropriate working and living
2 conditions shall be guaranteed equally among male and
3 female seafarers.

4 SEC. 13. *Right to be Protected Against All Forms of*
5 *Harassment and Bullying.* – Seafarers shall be protected
6 against all forms of harassment and bullying while on
7 board ships or onshore. The shipowner shall put policies in
8 place for the protection of all crew members. Maritime
9 stakeholders and seafarers shall ensure that harassment
10 and bullying do not take place.

11 Shipowners and manning agencies shall also
12 establish helplines and grievance mechanisms for all
13 victims of harassment and bullying.

14 For this purpose, the Pre-Departure Orientation
15 Seminar (PDOS) of seafarers shall include the policies,
16 plans and accessible procedures to eliminate and address
17 all forms of harassment and bullying on board ships and
18 onshore.

19 SEC. 14. *Right to Free Legal Representation.* –
20 Seafarers shall have the right to free legal assistance and

1 protection at the expense of the government, and to the fair
2 and speedy disposition of the case, including the
3 expeditious settlement of any money claims, subject to
4 existing rules and regulations, in cases of violations of this
5 Act or breach of contract and the seafarer cannot afford the
6 services of a counsel.

7 SEC. 15. *Right to Immediate Medical Attention.* –

8 Seafarers shall be provided immediate and adequate
9 medical services, medicines, and medical supplies on
10 board, and access to shore-based medical facilities,
11 including mental health services, for the protection of their
12 physical and mental well-being, as well as the
13 corresponding medical or trained personnel who shall
14 provide first-aid and medical care, pursuant to the
15 Maritime Occupational Safety and Health guidelines
16 provided under this Act.

17 SEC. 16. *Right to Access to Communication.* –

18 Seafarers, especially during their free time or when they
19 are not on duty, shall have reasonable access to ship-to-

1 shore telephone communications, email and internet
2 facilities, where available.

3 SEC. 17. *Right to Record of Employment or Certificate of*
4 *Employment.* – At the expiration of the employment
5 contract of the seafarer, the seafarer shall be given a
6 record of his/her employment on board the ship or a
7 certificate of employment specifying the length of service,
8 the position the seafarer occupied, an account of his/her
9 final wages, and such other relevant information.

10 SEC. 18. *Right to Fair Treatment in the Event of a*
11 *Maritime Accident.* – Seafarers shall be treated fairly in
12 the event of a maritime accident following the ILO and
13 International Maritime Organization (IMO) 2006
14 Guidelines on Fair Treatment of Seafarers in the Event of
15 a Maritime Accident and its amendments.

16 SEC. 19. *Right to Vote in National Elections.* –
17 Seafarers who are qualified and registered voters may vote
18 in national elections, as well as in all national referenda
19 and plebiscites, in accordance with the provisions of

1 Republic Act No. 10590, otherwise known as "The Overseas
2 Voting Act of 2013".

3 CHAPTER IV

4 WOMEN IN THE MARITIME INDUSTRY

5 SEC. 20. *Discrimination Against Women Seafarers.* –

6 Women seafarers shall be protected from gender-based
7 discriminatory practices, which shall include, but not be
8 limited to, the following:

9 (a) Undue regard for the distinctive needs of women,
10 and failure to promote their health, security, dignity, and
11 general welfare;

12 (b) Payment of a lesser compensation, including
13 other forms of remuneration and fringe benefits, to female
14 seafarers as against male seafarers, for work of equal
15 value; and

16 (c) Undue advantage given to male seafarers over
17 female seafarers with respect to promotion, training
18 opportunities, study and scholarship grants, solely on
19 account of their gender.

1 (d) To be diligent in performing one's duties relating
2 to the ship, its stores, equipment, and cargo, whether on
3 board, in transit, or ashore;

4 (e) To continually improve one's professional
5 competency by keeping up-to-date with the latest
6 technological and scientific developments applied in
7 various maritime fields, continuous education, and keen
8 observation of shipboard activities at the expense of the
9 shipowner;

10 (f) To conduct oneself in an orderly and respectful
11 manner towards shipmates, passengers, shippers,
12 stevedores, port authorities, and other persons who have
13 official business with the ship at all times;

14 (g) To conduct oneself in accordance with moral,
15 ethical and social norms;

16 (h) To be responsible for one's health while on board
17 by maintaining a healthy lifestyle, taking proper
18 medications, and complying with prescribed medical
19 policies; and

1 (i) To perform one's duties in a responsible and
2 sustainable manner should one engage in various economic
3 activities related to oceans, seas and coasts.

4 SEC. 23. *Minimum Age.* – Except for cadets, the
5 minimum age required for employment or engagement to
6 work on board Philippine-registered ships operating
7 domestically or internationally and on board foreign-
8 registered ships shall be eighteen (18) years old.

9 SEC. 24. *Pre-employment Medical Examination*
10 (*PEME*). – All PEME of seafarers shall be performed only
11 in DOH-accredited medical facilities following the
12 standards set by the DOH.

13 It is the duty of a seafarer undergoing PEME to
14 answer all questions relating to one's complete medical
15 history truthfully: *Provided*, That the processing of the
16 medical information collected shall be subject to
17 compliance with Republic Act No. 10173.

18 SEC. 25. *Medical Certificate.* – As a pre-requisite for
19 employment on board a domestic or ocean-going ship, all
20 seafarers shall be required to secure a medical certificate

1 issued by a DOH-accredited medical facility after
2 undergoing a PEME.

3 It shall certify that the seafarer has met the
4 minimum health requirements for performing duties
5 specific to the post, and is physically and mentally fit to
6 work.

7 For purposes of this section, a medical certificate
8 issued in accordance with the requirements of the STCW
9 Convention shall be accepted.

10 SEC. 26. *Training and Qualifications.* – Only
11 seafarers certified by appropriate government agencies
12 according to the STCW Convention and other applicable
13 international standards shall be allowed to work and be
14 employed on board a ship.

15 CHAPTER VI

16 MANNING AGENCIES

17 SEC. 27. *Recruitment and Placement.* – Only duly
18 licensed manning agencies shall be allowed to operate and
19 engage in the recruitment and placement of seafarers

1 following existing laws, rules, and regulations. In no event
2 shall recruitment or placement fees and related costs,
3 including the cost of visas, be directly or indirectly levied
4 or collected, in whole or in part, from the seafarers or their
5 families: *Provided*, That only the cost of obtaining medical
6 certificate, seafarer's record book, and passport, or other
7 similar travel documents, may be charged to the seafarer.

8 All practices and mechanisms that tend to prevent
9 qualified seafarers from gaining employment shall also be
10 prohibited.

11 SEC. 28. *Nature of Liability.* – The manning agency
12 shall be jointly and severally liable with the principal or
13 shipowner for any and all claims arising out of the
14 implementation of the employment contract involving
15 Filipino seafarers.

16 SEC. 29. *Duties and Responsibilities.* – The duties
17 and responsibilities of manning agencies shall also include,
18 but are not limited to, the following:

19 (a) To maintain an up-to-date register of all
20 seafarers recruited or placed through the agency, to be

1 made available for inspection by the DMW and the
2 MARINA;

3 (b) To inform seafarers of their rights and duties
4 under their employment contracts before or in the process
5 of engagement;

6 (c) To allow seafarers to examine their employment
7 contracts before and after signing and furnish them a copy
8 thereof;

9 (d) To verify, before deployment, that the seafarers
10 recruited or placed are competent, qualified, and possess
11 the documents necessary for the job concerned, and their
12 employment contracts conform with applicable laws, rules,
13 and regulations, and the CBA which may form part of said
14 agreements, if any;

15 (e) To ensure, as far as practicable, that the
16 shipowner has the means to protect seafarers from being
17 stranded in a foreign port;

18 (f) To examine and respond to any complaint
19 concerning the agency's activities and submit a written

1 report on all unresolved complaint to the DMW and
2 MARINA; and

3 (g) To establish a system of protection, by way of
4 insurance or an equivalent mechanism, to compensate
5 seafarers for monetary loss due to the failure of the agency
6 or the relevant shipowner under the seafarers' employment
7 contract to meet its obligations to them.

8 CHAPTER VII

9 TERMS AND CONDITIONS OF EMPLOYMENT

10 OF OVERSEAS SEAFARERS

11 SEC. 30. *Standard Employment Contract (SEC)*. – An
12 SEC between the shipowner and the overseas seafarer
13 shall be in writing and shall include, but not be limited to,
14 the following information and terms:

15 (a) Seafarer's full name, date of birth, age,
16 birthplace, permanent or residential address;

17 (b) Seafarer's Record Book Number, Seafarer's
18 Identity Document Number, Seafarer's Registration

1 Number, and other necessary documentation as may be
2 required by other appropriate government agencies;

3 (c) Shipowner's name and address;

4 (d) Place and date of execution of the seafarer's
5 employment contract;

6 (e) Duration of the contract;

7 (f) Point of hire;

8 (g) Capacity in which the seafarer is to be employed;

9 (h) Amount of the seafarer's salary and the formula
10 used for calculating the same;

11 (i) Maximum hours of work and minimum hours of
12 rest;

13 (j) Wages and wage-related benefits, which include,
14 but are not limited to, overtime pay, holiday pay, vacation
15 leave pay, premium pay, paid leaves, and 13th-month pay,
16 if applicable;

17 (k) Compensation and benefits for occupational
18 injury, illness, or death;

19 (l) The mandatory process for the determination of
20 the final and binding disability grading to be determined

1 by a DOH-accredited third doctor who is an expert in the
2 disability of the seafarer, in case of conflict between the
3 findings of the company and the seafarer's doctor.

4 (m) Social security and welfare benefits, including
5 compulsory insurance coverage as provided under
6 Section 37-A of Republic Act No. 8042, otherwise known as
7 the "Migrant Workers and Overseas Filipinos Act of 1995",
8 as amended, and Section 6(n) of Republic Act No. 11641;

9 (n) Stipulations on repatriation or similar
10 undertakings;

11 (o) Separation pay and retirement pay, if applicable;

12 (p) Reference to the CBA, if applicable;

13 (q) Other benefits provided by law, company policy,
14 or CBA; and

15 (r) Termination of the contract and the conditions
16 thereof, including:

17 (1) If the contract is for an indefinite duration, the
18 conditions entitling either party to terminate it and the
19 period to give notice which shall not be less for the
20 shipowner than for the seafarer;

1 (2) If the contract is for a definite duration, the date
2 fixed for its expiry; and

3 (3) If the contract is for a voyage, the port of
4 destination and the time which has to expire after arrival
5 before the seafarer's discharge.

6 The employment contract shall be in English, or
7 translated in the language known to the seafarer, and
8 executed in four (4) original copies before the
9 commencement of the employment.

10 The shipowner and the seafarer shall each have a
11 signed original of the agreement. In addition, a signed
12 original shall be made available on board the ship.

13 The DMW shall issue an SEC containing at least the
14 minimum standards for seafarers' employment for
15 ocean-going Philippine or foreign-registered ships, which
16 shall be subject to review and regularly updated to ensure
17 its conformity with the MLC, 2006, and other existing
18 treaties and conventions governing seafarers which the
19 Philippines has ratified.

1 SEC. 31. *Hours of Work and Hours of Rest.* – For
2 purposes of this Act, the term:

3 (a) Hours of work refer to the time seafarers are
4 required to do work on account of the ship;

5 (b) Hours of rest refer to the time spent outside work
6 hours but do not include short breaks.

7 A seafarer's normal work hours shall be eight (8)
8 hours a day with one (1) rest day per week. If the seafarer
9 is required to work beyond eight (8) hours, the maximum
10 hours of work shall not exceed fourteen (14) hours in any
11 twenty-four (24)-hour period and seventy-two (72) hours in
12 any seven (7)-day period.

13 The minimum hours of rest for every seafarer shall be
14 at least ten (10) hours in a twenty-four (24)-hour period.
15 The hours of rest are divisible into two (2) periods, one of
16 which shall be at least six (6) hours in length, and the
17 interval between the two periods of rest shall not exceed
18 fourteen (14) hours.

19 In exceptional cases, seafarers in watchkeeping
20 duties may work beyond fourteen (14) hours as may be

1 required: *Provided*, That the rest period shall not be less
2 than seventy (70) hours in any seven (7)-day period:
3 *Provided, further*, That such watchkeeping duties shall not
4 be allowed for more than (2) consecutive weeks: *Provided*,
5 *finally*, That the intervals between the two (2) periods
6 shall not be less than twice the duration of the exception.

7 Seafarers shall be entitled to reasonable periods of
8 offshore leaves while the vessel is docked for their health
9 and well-being, subject to proportionate and specifically
10 adopted rules, regulations, and measures of the port state.

11 SEC. 32. *Paid Annual Leave*. – Unless a higher paid
12 annual leave is provided in the employment contract,
13 under a CBA, or by the shipowner as company practice or
14 policy, the seafarers shall be entitled to a paid annual
15 leave, calculated based on a minimum of 4.5 calendar days
16 per month of employment, without prejudice to any future
17 increases as may be prescribed by laws, rules, or
18 regulations: *Provided*, That it shall not include the
19 following:

1 (a) Public and customary holidays of the Philippines,
2 whether or not they fall during the paid annual leave;

3 (b) Periods of incapacity for work due to:

4 (1) illness or injury;

5 (2) maternity or paternity leave in accordance with
6 law;

7 (c) Temporary shore leave granted to a seafarer
8 while employed; or

9 (d) Compensatory leave of any kind.

10 SEC. 33. *Wages.* – Without prejudice to higher rates
11 provided under a CBA or by the shipowner as company
12 practice or policy, the minimum wage applicable to
13 seafarers on board ocean-going ships of Philippine or
14 foreign registry shall be as provided in the SEC, which
15 shall in no case be lower than the prevailing industry
16 standard on ocean-going seafaring wage rates for officers
17 and other members of the ship's crew, and regularly paid
18 in full at least once a month.

19 SEC. 34. *Allotment and Remittances of Wages.* – The
20 seafarer is required to make an allotment which shall be

1 payable once a month to his designated allottee in the
2 Philippines through any authorized Philippine bank. The
3 employer shall provide the seafarer with facilities to do so
4 at no expense to the seafarer. The allotment shall be at
5 least eighty percent (80%) of the seafarer's monthly basic
6 salary.

7 The employer may also provide facilities for the
8 seafarer to remit any amount earned in excess of his
9 allotment, including backwages, if any, to his designated
10 allottee in the Philippines through any authorized
11 Philippine bank without any charge to him.

12 The allotments shall be paid to the designated
13 allottee in Philippine currency at the rate of exchange at
14 the time of remittance indicated in the credit advice of the
15 local authorized Philippine bank.

16 SEC. 35. *Limitations on Wage Deductions.* – Unless
17 stipulated in the employment contract or as otherwise
18 provided by law, deductions shall not be allowed without
19 the seafarer's prior written consent.

1 SEC. 36. *Personal Effects.* – A seafarer may bring a
2 reasonable number of articles on board the ship for
3 personal use: *Provided*, That neither shall it cause
4 inconvenience to the ship or cargo nor pose any risk
5 onboard.

6 Unless the CBA provides for a higher limit, the
7 shipowner shall reimburse the cost of any loss or damage
8 on the seafarer's personal effects resulting from shipwreck,
9 stranding, abandonment of the vessel, fire, flooding,
10 collision, or piracy, following the limitations prescribed by
11 existing rules and regulations but in no case shall it be
12 lower than international standards.

13 SEC. 37. *Social Welfare Benefits.* – Without prejudice
14 to the SEC, CBA, or company practice or policy, all
15 seafarers shall be members of and entitled to receive the
16 benefits conferred by the Overseas Workers Welfare
17 Administration (OWWA), Social Security System (SSS),
18 Employees' Compensation and State Insurance Fund
19 (ECSIF), Philippine Health Insurance Corporation
20 (PhilHealth), Home Development Mutual Fund (HDMF) or

1 SEC. 40. *Application.* – The requirements of this
2 chapter covering ships of Philippine registry shall be
3 applicable to the following:

4 (a) All ocean-going ships and domestic ships
5 constructed on or after the date when the MLC, 2006
6 comes into force;

7 (b) All second hand ships, whether ocean-going or
8 domestic, acquired or leased, and entered in the Philippine
9 registry after the entry date into force of the said
10 Convention, insofar as they can be reasonably refitted,
11 unless provided exemption by the relevant Philippine
12 government agency; and

13 (c) All ships constructed prior to the entry into force
14 of the MLC, 2006 which have undergone major or
15 substantial structural alterations after the entry into force
16 of the Convention, unless provided exemption by the
17 relevant Philippine government agency.

18 SEC. 41. *Accommodation and Recreational Facilities.* –
19 Unless otherwise exempted herein or by appropriate
20 regulations, all ships shall provide and maintain safe,

1 decent and adequate accommodations, including but not
2 limited to recreational facilities, for seafarers that meet the
3 minimum standards set out in MLC, 2006, taking into
4 account the need to protect the health and well-being of
5 seafarers working or living on board the ship, or both.
6 There shall be a basic shipboard facility for women, such as
7 separate sleeping rooms.

8 SEC. 42. *Requirements for Sanitation.* – All ships
9 shall have sanitary facilities that meet the minimum
10 standards for health and hygiene, which shall be accessible
11 to seafarers on board, and sanitation standards set by
12 Chapter XV – “Port, Airport, Vessel and Aircraft
13 Sanitation” of the “Code on Sanitation of the Philippines”
14 (Presidential Decree No. 856) and its implementing rules
15 and regulations. The sanitary facilities shall be located at
16 convenient places, allowing for easy access to work
17 stations. Separate sanitary facilities shall also be provided
18 for male and female crew members of the ship.

19 SEC. 43. *Food and Catering.* – All ships shall ensure
20 protection and promotion of the health of the seafarer.

1 Toward this end, shipowners shall ensure that ships carry
2 on board and serve food and drinking water of appropriate
3 quality, nutritional value and quantity that adequately
4 covers the requirements of the ship and take into
5 consideration the differing cultural and religious
6 backgrounds of the seafarers on board the ship. Seafarers
7 on board a ship shall be provided with food free of charge
8 during the period of engagement. The foods and drinks
9 and the preparation thereof shall be in accordance with the
10 standards of the Code on Sanitation of the Philippines and
11 pertinent laws, rules and regulations, and/or with
12 international standards. In all cases, the ship's cooks shall
13 be trained and qualified for their position.

14 CHAPTER IX

15 MEDICAL CARE AND MARITIME OCCUPATIONAL SAFETY

16 AND HEALTH STANDARDS

17 SEC. 44. *Medical Care On Board Ships and Ashore.* –

18 The shipowner shall provide adequate medical facility,
19 equipment, paraphernalia and medical supplies, including
20 medicines on board, and shall ensure access to shore

1 medical facilities, including mental health services for
2 seafarers, as well as corresponding medical or trained
3 personnel who shall provide first aid and medical care.

4 The medicine chest and its contents, including but
5 not limited to the common emergency and maintenance
6 medications prescribed by licensed physicians to seafarers
7 during PEME, the medical equipment, and the medical
8 guide on board shall be maintained and inspected
9 regularly to ensure that labeling, expiry dates, and
10 conditions of storage of all medicines and the directions for
11 their use are checked, and all equipment are functioning
12 properly.

13 The shipowner shall ensure that seafarers have
14 access to medical care, including assessment, counseling,
15 psychotherapy and other forms of mental health
16 intervention in relation to the treatment of any mental or
17 behavioral disorder, necessary medicines, therapeutic
18 appliances, board and lodging away from home until the
19 seafarer has recovered, for any illness or injury,
20 hospitalization and dental treatment until the sick or

1 injured seafarer has recovered or until the sickness or
2 incapacity has been declared of a permanent character.
3 The medical care shall be at no cost to the seafarer.

4 A seafarer shall have the right to consult a qualified
5 physician or dentist without delay in ports of call, where
6 practicable.

7 The health protection and medical care under this
8 section shall be provided at no cost to the seafarer, in
9 accordance with rules and regulations issued for this
10 purpose.

11 SEC. 45. *Protection of Seafarers from Epidemics,*
12 *Pandemics, or Other Public Health Emergencies.* –

13 (a) Seafarers on ships shall be covered by adequate
14 measures for the protection from health emergencies, and
15 shall have access to prompt and adequate medical care
16 while on board, including medical advice and confidential
17 helplines on physical and mental health by radio or
18 satellite communication free of charge and available
19 twenty-four (24) hours a day.

1 (b) Shipowners shall institute measures on health
2 emergency prevention in accordance with flag state health
3 regulations and World Health Organization (WHO)
4 guidelines, including necessary disinfection,
5 decontamination, deratting, or other measures necessary
6 to prevent the spread of infection or contamination.

7 (c) Seafarers who acquire symptoms or illness shall
8 be properly isolated and treated pursuant to established
9 guidelines of the flag state and by the WHO.

10 (d) In ports of call, seafarers in need of medical care
11 shall have access to medical facilities onshore.

12 (e) Seafarers who have contracted diseases of
13 international concern or which cause global health
14 emergency, or are otherwise in isolation, precautionary or
15 otherwise, shall be entitled to paid sick leave or sickness
16 benefits as long as they are incapacitated to work, and the
17 expenses for medical care and board and lodging shall be
18 borne by the shipowner.

19 In appropriate cases, the transit of seafarers joining
20 ships from the Philippines shall be facilitated and shall be

1 exempted from travel-related, health-related or movement
2 restrictions.

3 SEC. 46. *Financial Security System to Assist Seafarers*
4 *in Case of Injury and Other Causes.* – In accordance with
5 the MLC, 2006, on financial security for vessels, the
6 shipowner shall provide an expeditious and effective
7 financial security system to assist seafarers in the event of
8 their abandonment and to assure compensation for
9 contractual claims in the event of sickness, injury, or death
10 occurring while they are serving under a seafarer’s
11 employment contract, or arising from their employment
12 under such agreement.

13 SEC. 47. *Insurance Coverage.* – The provisions on
14 compulsory insurance for agency-hired workers under
15 Section 37-A of Republic Act No. 8042, as amended by
16 Republic Act No. 10022, shall continue to apply, at no cost,
17 to seafarers: *Provided*, That the minimum insurance cover
18 stated therein shall be issued by insurance companies duly
19 registered with the Insurance Commission to ensure and
20 facilitate claims of seafarers based on the section’s “no

1 contest, no fault or negligence” clause. This insurance
2 cover is without prejudice to the insurance policy to be
3 issued or secured by the shipowners, over and above the
4 minimum cover, as an added protection to the seafarers in
5 accordance with international standards and practices.

6 CHAPTER X

7 TERMINATION OF EMPLOYMENT

8 SEC. 48. *Termination of Employment.* –

9 (a) The employment of Filipino seafarers on board
10 Philippine-registered ships operating internationally and
11 on board foreign-registered ships, shall cease when all of
12 the following occur: the seafarers complete their period of
13 contractual service aboard the ship, sign off from the ship,
14 and arrive at the destination as specified under this
15 paragraph (b) of this section;

16 (b) The employment is also terminated effective
17 upon arrival at the point of repatriation for any of the
18 following reasons:

19 (1) When the seafarer signs off and is disembarked
20 for medical reasons in the event that the seafarer is

1 declared: i) fit for repatriation; or ii) when after an illness,
2 the seafarer is declared fit to work, but the employer is
3 unable to find employment for the seafarer on board the
4 ship originally boarded or on another ship of the
5 shipowner;

6 (2) When the seafarer signs off due to the sale of the
7 ship, lay-up of ship, discontinuance of voyage or change of
8 ship principal, shipwreck, grounding, or unseaworthiness;

9 (3) When the seafarer voluntarily resigns in writing
10 and signs off prior to the expiration of contract within a
11 reasonable period as may be prescribed in the
12 implementing rules and regulations of this Act; or

13 (4) When the seafarer is discharged for just causes
14 in accordance with the provisions of the SEC.

15 SEC. 49. *Extension of Employment.* – In the event of
16 the extension of the term of a seafarer's employment
17 contract, the seafarer shall be furnished a copy of the new
18 or supplemental contract covering the extension of
19 employment with adequate time to review and obtain
20 expert advice regarding the terms and conditions of

1 extended employment, which shall in no case be lower than
2 the terms of original employment. In all cases, the
3 shipowner, or a duly authorized representative of the
4 manning agency, shall ensure that the seafarer has
5 considered the effects of such an extension to any
6 accumulated entitlement and repatriation benefits, among
7 others.

8 Manning agencies and shipowners shall submit
9 periodic reports to the DMW on the welfare and well-being
10 of seafarers subjected to such contract extensions.

11 CHAPTER XI

12 DISPUTE RESOLUTION

13 SEC. 50. *Onboard and Onshore Grievance Machinery.* –

14 All ships covered by this Act are required to have fair,
15 effective and expeditious onboard and onshore grievance or
16 complaint resolution mechanisms readily accessible and at
17 no cost to the seafarer.

18 Any grievance or complaint shall first be referred to
19 the appropriate grievance mechanism provided under this
20 section. In cases where a seafarer is a member of a

1 legitimate trade union organization and covered by a CBA,
2 the seafarer shall be assisted by a union-designated
3 representative in the proceedings. Any agreements reached
4 at the grievance machinery level must be in writing and
5 duly signed by the parties and shall be final and binding
6 between them.

7 SEC. 51. *Mandatory Conciliation-Mediation.* – In the
8 absence of an agreement or settlement at the grievance
9 machinery level, the following rules shall apply:

10 (a) If there is a CBA, the matter shall be submitted
11 for voluntary arbitration in accordance with existing laws,
12 rules, and regulations;

13 (b) If there is no CBA, the parties shall first avail of
14 the conciliation-mediation services provided under
15 Republic Act No. 10396, otherwise known as “An Act
16 Strengthening Conciliation-Mediation as a Voluntary Mode
17 of Dispute Settlement for All Labor Cases, Amending for
18 this Purpose Article 228 of Presidential Decree No. 442, as
19 amended, otherwise known as the ‘Labor Code of the
20 Philippines” and its implementing rules and regulations.

1 Thereafter, if the matter remains unresolved, absent a
2 settlement or agreement, the parties have the option to
3 submit the case either to compulsory or voluntary
4 arbitration under the Labor Code of the Philippines, as
5 amended.

6 SEC. 52. *Maritime Industry Labor Conciliator-*
7 *Mediators and Arbitrators.* – The Secretaries of DMW and
8 DOLE and heads of relevant government agencies shall
9 establish a pool of trained maritime industry conciliator-
10 mediators, labor arbiters and accredited maritime industry
11 voluntary arbitrators. They shall handle the mediation,
12 conciliation or arbitration of all issues relating to the
13 employment of seafarers. They shall have expertise,
14 appropriate competence, integrity, and knowledge of the
15 Philippine and global maritime industry practices and
16 standards, MLC, 2006, and related Philippine-ratified
17 conventions and treaties. For this purpose, the DMW, the
18 National Labor Relations Commission (NLRC), and the
19 National Conciliation Mediation Board (NCMB) may form
20 a specialized maritime unit in their respective labor

1 dispute settlement structure, as well as issue the
2 appropriate maritime industry dispute settlement rules of
3 procedure to implement the provisions of this Act.

4 SEC. 53. *Determination of Disability Grading.* – When
5 the seafarer suffers work-related injury or illness occurring
6 between the date of commencing duty and the date upon
7 which they are deemed duly repatriated, or arising from
8 their employment between those dates and still requires
9 medical attention upon repatriation, the seafarer must
10 undergo a post-employment medical examination by a
11 company-designated physician for treatment until the
12 seafarer is declared fit to work or a disability grading is
13 given.

14 A seafarer, who disagrees with the company-
15 designated physician's final assessment, may seek its
16 reevaluation by a physician of choice who must specialize
17 in the illness or injury. If the seafarer's doctor issues a
18 different disability grading, the seafarer must file, within a
19 reasonable period of time from receipt of the findings of the
20 seafarer's doctor, a written request with the DMW to refer

1 the conflicting medical grading to a third doctor. The third
2 doctor shall be selected from a pool of DOH-accredited
3 medical specialists relevant to the injury or illness of the
4 seafarer. The third doctors should be duly trained in the
5 determination of maritime disability grading.

6 With all the medical documents considered and
7 issued by the company doctor and seafarer's doctor, the
8 third doctor shall determine the final disability grading of
9 the seafarer which shall be binding upon the seafarer and
10 the employer. This process shall be mandatory before any
11 dispute settlement, arbitration proceedings or case may be
12 filed where the issue is the disability grading of the
13 seafarer's illness or injury.

14 The DMW and DOH shall develop joint guidelines for
15 the implementation of this section, including the selection,
16 training, maintenance, and review of the pool of accredited
17 third doctors.

18 SEC. 54. *Period to Settle Claims.* – In the event a
19 seafarer, or the seafarer's successor-in-interest, files for a
20 claim for unpaid salaries and other statutory monetary

1 benefits, or those arising from disability or death, the
2 employer or the manning agency shall have fifteen (15)
3 days from the submission of the claim, proof or complete
4 documents, as the case may be, to determine the validity of
5 the claim. The results of the validation by the employer or
6 manning agency shall be communicated to the seafarer
7 within the aforesaid fifteen (15)-day period. The employer
8 or manning agency shall, within fifteen (15) days from the
9 time it has communicated to the seafarer its findings,
10 settle its obligations to the seafarer, if any.

11 This provision also applies to the claims of a seafarer,
12 or the seafarer's successors-in-interest, arising from
13 accidental death, natural death, or permanent disability
14 benefits under Section 37-A of Republic Act No. 8042, as
15 amended.

16 SEC. 55. *Prohibition on Appearances and Fees.* -
17 Non-lawyers may not act as legal representatives of
18 seafarers or appear on their behalf at any stage or in any
19 proceedings before labor tribunals including the NLRC,
20 Labor Arbiter, conciliation and mediation in the NCMB or

1 voluntary arbitration, DMW and other quasi-judicial
2 bodies unless they represent themselves or they represent
3 their organization or members thereof.

4 Any stipulation on fees shall not exceed ten percent
5 (10%) of the compensation or benefit which may be
6 received by or awarded to the seafarer or to his successors-
7 in-interest pursuant to Republic Act No. 10706, otherwise
8 known as the "Seafarers Protection Act". Any contract,
9 agreement or arrangement of any sort to the contrary shall
10 be null and void.

11 CHAPTER XII

12 REPATRIATION

13 SEC. 56. *Seafarers' Repatriation.* – In all cases of
14 repatriation, the affected seafarer shall be repatriated to
15 the point of hire or the place of domicile of the seafarer, at
16 the seafarer's option, or in case of incapacity or death, at
17 the option of the seafarer's next-of-kin, and all costs related
18 to the repatriation, transport of the personal effects and
19 remains of seafarers, including the provision on financial

1 security in case of abandonment of seafarers, shall be
2 borne by shipowner or the manning agency concerned. The
3 shipowner or the manning agency shall expedite the
4 repatriation without prior determination of the cause of
5 repatriation or termination of the seafarer's employment.

6 SEC. 57. *Repatriation Expenses; Advance and*
7 *Recovery.* – The repatriation expenses that shall be borne
8 by the shipowner or the manning agency concerned shall
9 include:

10 (a) Basic pay and allowances from the moment the
11 seafarers leave the ship until they reach the repatriation
12 destination;

13 (b) Accommodation and food from the moment the
14 seafarers leave the ship until they reach the repatriation
15 destination;

16 (c) Transportation charges, wherein the normal
17 mode of transport should be by air;

18 (d) Deployment cost of the shipowner; and

19 (e) Immigration fees, fines, and penalties.

1 However, in cases where the termination of
2 employment is for just cause or upon the request of the
3 seafarer, the cost of repatriation shall be for the account of
4 the seafarer in accordance with the employment
5 agreement.

6 The responsibility to provide for the repatriation costs
7 shall be without prejudice to the right to civil, criminal or
8 other claims in accordance with law or otherwise,
9 particularly in cases of maritime accident or death other
10 than natural causes.

11 SEC. 58. *Quarantine and Medical Expenses in*
12 *Repatriation Due to Epidemic or Pandemic.* – In cases of
13 epidemic or pandemic as declared by the WHO, the
14 shipowner or manning agency shall be responsible for the
15 expenses of medical care and board and lodging for periods
16 spent by seafarers in self-isolation or quarantine, whether
17 or not the seafarers have symptoms, have been exposed or
18 are quarantined as a safety precaution for the community,
19 until the seafarers have been duly repatriated to the point
20 of hire.

1 Upon arrival at the point of hire, up to the seafarer's
2 return to the place of domicile, the Philippine government
3 shall bear the cost of medical care and quarantine
4 expenses, following the whole-of-government approach in
5 the management of epidemics and pandemics.

6 SEC. 59. *Restrictions on Waiver.* – A waiver of
7 entitlement to repatriation shall be valid only if it is
8 written, and made freely and voluntarily, with full
9 knowledge of its consequences.

10 When a seafarer is abandoned, held captive on or off
11 the ship as a result of acts of piracy or armed robbery
12 against the ship, or is incapable of traveling due to illness,
13 injury or incapacity, or other causes that affect the
14 seafarer's safety and security, no waiver shall be allowed
15 or presumed.

16 CHAPTER XIII

17 REINTEGRATION

18 SEC. 60. *Reintegration.* – In accordance with Section
19 17 of Republic Act No. 11641, there shall be developed and

1 implemented a full-cycle and comprehensive national
2 reintegration program for seafarers, which shall be
3 embedded in all stages of migration for work beginning
4 from pre-deployment, on-site during employment, and
5 upon return, whether voluntary or involuntary. The
6 reintegration program shall cover the different dimensions
7 of support needed by seafarers, such as economic, social,
8 psychosocial, and cultural, including skills certification and
9 recognition of equivalency for effective employment
10 services, and shall ensure contribution of skilled or
11 professional seafarers to national development through
12 investments and transfer of technology.

13 CHAPTER XIV

14 DOMESTIC FILIPINO SEAFARERS

15 SEC. 61. *Wages, Holiday Pay, Service Incentive Leave,*
16 *and Other Statutory Benefits.* – The minimum wage rate of
17 domestic seafarers shall be determined by the Regional
18 Tripartite Wages and Productivity Boards (RTWPB),
19 taking into account the peculiarities of the employment

1 arrangement of domestic seafarers and the criteria for
2 wage-fixing pursuant to Republic Act No. 6727, otherwise
3 known as the "Wage Rationalization Act": *Provided, That*
4 wages for actual work hours and days shall not be lower
5 than the applicable minimum wage rates in the place
6 where the ship is registered. Wages of domestic seafarers
7 shall be paid in full and regularly at least twice a month,
8 at intervals not greater than sixteen (16) days as provided
9 in the Labor Code of the Philippines, as amended.

10 In addition, the provisions of the Labor Code of the
11 Philippines, as amended, on "Prohibitions Regarding
12 Wages", "Wage Studies, Wage Agreements, and Wage
13 Determination", "Administration and Enforcement",
14 "Holidays", "Service Incentive Leaves and Service Charges"
15 shall continue to apply, unless higher annual leave is
16 already provided under the CBA or by the shipowner as
17 company practice or policy or domestic seafarers'
18 employment agreement. In addition, domestic seafarers
19 shall also be entitled to:

1 (a) 13th-month pay pursuant to Presidential Decree
2 No. 851, as amended;

3 (b) Paid maternity leave under Republic Act
4 No. 11210, otherwise known as the "105-Day Expanded
5 Maternity Leave Law";

6 (c) Paid paternity leave under Republic Act
7 No. 8187, otherwise known as the "Paternity Leave Act of
8 1996";

9 (d) Paid parental leave for solo parents under
10 Republic Act No. 8972, otherwise known as the "Solo
11 Parents' Welfare Act of 2000";

12 (e) Paid leave for victims of violence against women
13 and their children under Republic Act No. 9262, otherwise
14 known as the "Anti-Violence Against Women and their
15 Children Act of 2004";

16 (f) Paid special leave due to surgery for any
17 gynecological disorder, under Republic Act No. 9710,
18 otherwise known as the "Magna Carta of Women"; and

19 (g) Retirement pay, pursuant to Republic Act
20 No. 7641.

1 Domestic seafarers shall also be entitled to SSS,
2 PhilHealth, and Employees' Compensation Commission
3 (ECC) benefits, HDMF or Pag-IBIG Fund, and other
4 applicable social protection in accordance with law,
5 regardless of the benefits already provided under a
6 contract, CBA, or company practice or policy.

7 SEC. 62. *Employment Contract.* – There shall be an
8 agreement, in writing, between the shipowner and the
9 domestic seafarer, following the SEC prescribed under
10 Section 30 of this Act.

11 The employment contract shall be executed by and
12 between the shipowner and the domestic seafarer before
13 the commencement of employment in English or translated
14 in the language known to both parties. The shipowner
15 shall provide the domestic seafarer with the signed original
16 copy of the contract and a certified true copy shall be made
17 available on board the ship.

18 The DOLE shall keep a copy of the employment
19 contract between the shipowner and the domestic seafarer.

1 SEC. 63. *Hours of Work and Hours of Rest.* – The
2 provision of Section 31 shall also apply to domestic
3 seafarers. In addition, waiting time shall not be considered
4 as compensable working time if the domestic seafarer is
5 completely relieved from duty and can use the time
6 effectively for one's own purpose.

7 SEC. 64. *Termination of Employment of Domestic*
8 *Seafarers.* – The termination of employment of a domestic
9 seafarer on board domestic ships shall be governed by the
10 provisions of the Labor Code of the Philippines, as
11 amended, and applicable rules and regulations issued by
12 DOLE. In case the termination of employment is initiated
13 by the shipowner, the substantial and procedural aspects
14 of due process shall be observed.

15 SEC. 65. *Rescue of Domestic Seafarers On Board*
16 *Domestic Ships.* – Domestic seafarers on board domestic
17 ships shall be entitled to emergency rescues in cases of
18 war, epidemics, abandonment, disasters or calamities,
19 whether natural or man-made, and other similar events.
20 All costs related to the rescue, including, transport of the

1 seafarer's remains and personal effects, and the provision
2 of financial security in case of abandonment, as may be
3 applicable to domestic seafarers, shall be borne by the
4 shipowner. The Philippine Coast Guard (PCG) and
5 MARINA shall undertake and assist in the rescue of
6 domestic seafarers on board domestic ships.

7 SEC. 66. *Contracting or Subcontracting of Services.* –

8 The contracting or subcontracting of domestic seafarers for
9 work on board domestic ships shall be governed by existing
10 rules and regulations by the DOLE.

11 SEC. 67. *Domestic Seafarer Compensation for the*

12 *Ship's Loss or Foundering.* – Domestic seafarers shall be
13 entitled to adequate compensation in the case of injury,
14 loss or unemployment arising from the ship's loss or
15 foundering, in accordance with the SEC or the CBA.

16 CHAPTER XV

17 MANNING LEVELS AND CREW COMPETENCY REQUIREMENTS

18 SEC. 68. *Manning Levels.* – All ships of Philippine
19 registry shall have the required minimum manning levels

1 as prescribed by the MARINA. They shall, at all times, be
2 manned by a crew that is adequate in terms of size and
3 qualifications taking into account the need to operate the
4 vessel safely and efficiently.

5 SEC. 69. *Crew Competence.* – Every member of the
6 crew of a ship of Philippine registry shall possess, in
7 addition to the required medical certificate, the
8 appropriate certificate of competency issued by the
9 relevant government agencies setting forth one's
10 competence to serve in the capacity, and perform the
11 functions involved at the level of responsibility, for the
12 position held, for the type, tonnage, power, means of
13 propulsion, and trading patterns of the ships concerned.

14 The certificate of competency shall attest that the
15 seafarer to whom it is issued meets the requirements for
16 service, age, qualification, and examinations for the
17 position held.

18 SEC. 70. *Compliance and Certification.* – The
19 shipowner and master shall ensure the ship's compliance
20 with this Act and its implementing rules and regulations

1 at all times. In case of any violation thereof, they shall be
2 principally liable.

3 For this purpose, a Maritime Labour Certificate or a
4 certificate of compliance, when applicable, shall be issued
5 following the implementing rules and regulations of this
6 Act.

7 CHAPTER XVI

8 INSPECTION AND ENFORCEMENT

9 SEC. 71. *Inspection and Enforcement.* –

10 (a) The Secretary of DOLE, in coordination with the
11 Secretary of DMW and other relevant government
12 agencies, shall have authority over all Philippine-
13 registered vessels, and shall:

14 (1) Inspect to ensure compliance with general labor
15 and occupational safety and health standards as provided
16 under this Act;

17 (2) Have the power to order immediate correction of,
18 and impose fines for, violations of the relevant provisions
19 of this Act.

1 When the violation or deficiency constitutes a serious
2 breach of the requirement of this Act and its implementing
3 rules and regulations, or poses an imminent danger to the
4 ship, life, or limbs of seafarers, the Secretary of DOLE or
5 his/her duly authorized representative shall coordinate
6 with the PCG to order the immediate detention of the ship
7 until the violation or deficiency is corrected, or until a plan
8 of action to rectify the non-conformities is shown to be
9 implemented expeditiously.

10 (b) The PCG shall have the authority to conduct the
11 port state control inspections of vessels, including all
12 foreign-flagged vessels, calling at any port of the
13 Philippines, for the promotion of safety of life and property
14 at sea, control and prevention of maritime pollution, and
15 verification of compliance with the minimum standards of
16 training and social condition of officers and crew on board
17 the ships. The PCG shall assist relevant agencies in the
18 enforcement of the provisions of this Act and its
19 implementing rules and regulations, and the MLC, 2006.

1 The conduct of port state controls shall be in
2 accordance with international conventions and
3 instruments ratified.

4 The PCG Commandant or his/her duly authorized
5 representative shall have the power to order immediate
6 correction of, and impose fines for, violations of the
7 relevant provisions of this Act.

8 Upon the order of the Secretary of DOLE, the PCG
9 shall prohibit a ship from leaving port in case of finding
10 that the conditions on board are clearly hazardous to the
11 safety, health or security of seafarers, or non-compliance
12 with any of the provisions of this Act, the MLC, 2006 and
13 its amendments. In all cases, the prohibition to leave the
14 port shall be in place until the same have been rectified or
15 until a plan of action to rectify the non-conformities is
16 shown to be implemented in an expeditious manner, and
17 cleared by the Secretary of DMW or DOLE.

18 SEC. 72. *Maritime Occupational Safety and Health*
19 *Standards.* – The DOLE, in consultation with the DMW
20 and the maritime industry stakeholders, shall formulate

1 the Maritime Occupational Safety and Health Standards
2 (MOSHS) according to the provisions of Republic Act No.
3 11058, otherwise known as the “Occupational Safety and
4 Health Law”, and applicable maritime conventions and
5 treaties ratified by the Philippines, and shall ensure
6 compliance with such standards.

7 SEC. 73. *Inter-Governmental Coordination and*
8 *Cooperation Council (IGC3) on Maritime Labor and OSHS*
9 *Enforcement.* – The Secretary of DOLE shall convene a
10 Maritime Labor and OSH Enforcement
11 Inter-Governmental Coordination and Cooperation Council
12 (IGC3) to ensure efficiency, coherence and coordination
13 with regard to the implementation of Republic Act
14 No. 11058. The IGC3 shall include the DMW, MARINA,
15 PCG, Bureau of Fisheries and Aquatic Resources (BFAR)
16 and other relevant government agencies.

17 SEC. 74. *Recognized Organizations.* – Recognized
18 organizations may be authorized by the Secretary of DOLE
19 to conduct inspection and issue certifications in accordance

1 with the provisions of this Act and its implementing rules
2 and regulations.

3 A recognized organization shall have the necessary
4 knowledge of the requirements of this Act and its
5 implementing rules and regulations, the MLC, 2006 and
6 other relevant international treaties or conventions.

7 A recognized organization shall also have the
8 necessary and qualified professional, technical, and
9 support expertise to carry out the conduct of inspection and
10 issuance of certification.

11 CHAPTER XVII

12 GREEN LANE

13 SEC. 75. *Green Lane for Seafarers.* – When the
14 circumstances warrant, the DMW, DOH, Department of
15 Foreign Affairs (DFA), DOLE, Department of Justice
16 (DOJ), Department of the Interior and Local Government
17 (DILG), Department of Transportation (DOTr), and other
18 relevant agencies shall activate a green lane.

1 SEC. 76. *Green Lane Protocols.* – The DMW and the
2 relevant government agencies shall issue the necessary
3 green lane protocols for seafarers, licensed manning
4 agencies or shipping principals and their agents. The
5 protocols shall include, but not be limited to, the following:

6 (a) The seafarer, licensed manning agency or
7 shipping principal or their agents shall ensure compliance
8 with all the embarkation and disembarkation guidelines
9 issued by the DMW and relevant government agencies.

10 (b) The licensed manning agency or shipping
11 principal or their agents shall be responsible for the
12 following:

13 (1) Ensuring that all the necessary documents and
14 clearances (such as letter from the principal, declaration
15 signifying seafarer's knowledge and understanding of risks
16 involved, employment contract, overseas employment
17 certificate or OFW pass, passport, Seafarer Identity
18 Document and/or seafarer record book, seafarer
19 certificates, medical clearance, and other required
20 pre-departure and travel documents) are complete and

1 submitting the same within twenty-four (24) hours prior to
2 the deadline or intended date of arrival or disembarkation,
3 as the case may be;

4 (2) Coordinating with the concerned government
5 agencies and local government units;

6 (3) Providing for the appropriate medical testing to
7 the seafarers, as well as meals, accommodation, and
8 transportation from the point of hire to intended
9 destination, as conditions require: *Provided*, That in the
10 case of inbound and repatriated Filipino seafarers, the cost
11 of the medical testing shall be charged to the PhilHealth;

12 (4) Providing for medical testing to outbound
13 Filipino seafarers, as required;

14 (5) Coordinating with the relevant medical facility
15 for the provision of appropriate treatment to seafarers who
16 may test positive of a communicable disease;

17 (6) Providing for emergency medical equipment in
18 the seaport or airport upon arrival or departure of the
19 seafarer, regardless of nationality, in emergency
20 situations; and

1 (7) Providing appropriate briefings to their seafarers
2 about communicable diseases and various precautionary
3 measures and health-related protocols mandated by the
4 Philippine government.

5 (c) All seafarers and maritime personnel involved in
6 crew change and repatriation, regardless of nationality,
7 shall observe proper hygiene and health protocols issued
8 by the Philippine government.

9 SEC. 77. *Information Sharing.* – Nothing in this Act
10 shall prevent any private shipping owner, licensed
11 manning agency, or their agents, and all other similar
12 entities from sharing any information to the Philippine
13 government which may be deemed necessary for the
14 efficient implementation of this chapter, or to ensure the
15 health and safety of all seafarers.

16 CHAPTER XVIII

17 SHIPBOARD TRAINING OF CADETS

18 SEC. 78. *Applicability.* – The provisions of Chapters
19 III (Seafarer's Rights), IV (Women in the Maritime

1 Industry), VIII (Accommodation, Recreational and
2 Sanitation Facilities, Food and Catering in Ships), IX
3 (Medical Care and Maritime Occupational Safety and
4 Health Standards), XI (Dispute Resolution), and XII
5 (Repatriation) shall apply with respect to the training of
6 cadets.

7 SEC. 79. *Shipboard Training Agreement for Cadets.* –

8 There shall be a written agreement between the
9 shipowner, the cadet and the maritime institution or school
10 which shall embody the following information, terms and
11 conditions:

12 (a) Cadet's full name, date of birth, birthplace and
13 age, which should be at least sixteen (16) years old;

14 (b) Name and address of the maritime institution or
15 school;

16 (c) Name and address of the shipowner and its
17 manning and placement agency, if applicable;

18 (d) Place and date when the agreement is entered
19 into;

20 (e) Capacity in which the cadet is to be trained;

1 (f) The amount of the cadet's allowance or stipend, if
2 applicable;

3 (g) Required number of hours of training and rest
4 which shall not be less than the prescribed hours of rest in
5 Sections 31 and 63 of this Act;

6 (h) Duties and responsibilities of the sponsoring
7 company, Maritime Higher Education Institutions
8 (MHEIs), and cadets, as may be provided under the
9 Standard Cadet Training Agreement on Ships Engaged in
10 International Voyage; and

11 (i) Other benefits in accordance with existing laws,
12 company policy or agreements.

13 In no case shall cadets perform activities outside of
14 the scope of the cadet shipboard training program.

15 The foregoing agreement shall be in a language
16 familiar to and understood by all parties in English,
17 executed in four (4) original copies before the
18 commencement of the shipboard training. The shipowner,
19 cadet and the maritime institution/school shall each have a
20 signed original of the agreement and an electronic copy

1 thereof shall be submitted to the DOLE through the
2 Bureau of Working Conditions (BWC) for domestic ships,
3 or DMW for ocean-going ships. A signed original copy shall
4 also be made available on board the ship.

5 SEC. 80. *Non-discrimination in Shipboard Training.* –

6 Cadets shall be accorded equal access to training and shall
7 not be discriminated against for shipboard training.
8 Discrimination on the basis of race, sex, gender, religion,
9 and political opinion, taking into consideration the
10 inherent requirements of the job or undertaking, shall be
11 prohibited.

12 SEC. 81. *Curriculum Committee.* – A Curriculum
13 Committee shall be formed to periodically assess the
14 curriculum of the Bachelor of Science in Marine
15 Transportation (BSMT) and Bachelor of Science in Marine
16 Engineering (BSMarE) to ensure their consistency with the
17 IMO model courses on marine or maritime education.
18 Except for mandatory subjects required by CHED leading
19 to a degree, subjects which are not consistent with the IMO
20 model courses shall be removed. The Committee shall be

1 chaired by CHED with the following as members:
2 MARINA, DMW, DFA, MHEIs, training institutions,
3 academe, shipowners and manning agencies.

4 SEC. 82. *Regulation of Training Programs and Fees.* –

5 The Maritime Industry Board created under Presidential
6 Decree No. 474, otherwise known as the Maritime Industry
7 Decree of 1974, shall be authorized under this Act to
8 regulate the fees imposed by MARINA-accredited Maritime
9 Training Institutions for maritime courses and programs
10 required under the STCW Convention, as amended. The
11 MARINA Board shall ensure that the fees charged for
12 these training courses are reasonable. For this purpose,
13 the Secretary of the DMW shall be the Vice-Chairperson of
14 the MARINA Board to ensure the protection of the rights
15 and welfare of seafarers on board ships operating
16 internationally.

17 The power to regulate does not extend to non-
18 mandatory training or courses. In this regard, the
19 MARINA shall regularly publish the mandatory training
20 or courses required by the STCW Convention.

1 SEC. 83. *Non-Degree Courses for Seafarers.* – The
2 TESDA shall, in consultation with CHED and MARINA,
3 develop and establish non-degree courses on maritime
4 education and training consistent with its mandate under
5 Republic Act No. 7796. Non-degree holder seafarers shall
6 be allowed to undergo shipboard training, for purposes of
7 employment in the domestic maritime industry, in vessels
8 below the minimum gross tonnage and required
9 horsepower as provided under the guidelines of MARINA
10 in compliance with international standards: *Provided, That*
11 such non-degree programs may serve as a preparatory
12 course, or may be considered as an “associate degree,”
13 leading to the full degree of BSMT, BSMarE, and other
14 maritime degree programs through a ladderized system of
15 education and training consistent with Republic Act
16 No. 10647, otherwise known as the “Ladderized Education
17 Act of 2014” and Republic Act No. 10968, otherwise known
18 as the “Philippine Qualifications Framework Act”.

19 For purposes of this Act, the TESDA shall be the
20 primary agency in charge of developing and establishing

1 non-degree maritime courses or programs and ensuring
2 their implementation.

3 SEC. 84. *Implementing Guidelines.* – The CHED,
4 MARINA, DMW, TESDA and other concerned government
5 agencies, in consultation with the stakeholders, are hereby
6 authorized to formulate the implementing guidelines for
7 this chapter on education and training of seafarers.

8 CHAPTER XIX

9 INCENTIVES AND AWARDS GRANTED TO THE MARITIME

10 INDUSTRY

11 SEC. 85. *Incentives and Awards.* – In consultation
12 with the Maritime Industry Tripartite Council (MITC), the
13 concerned government agency shall establish and
14 administer an incentive and awards system for the
15 maritime industry stakeholders.

16 Deserving shipowners, seafarers, manning, and other
17 organizations or entities shall be commended or awarded
18 for their outstanding performance in upholding seafarers'

1 rights and compliance with this Act and its implementing
2 rules and regulations.

3 The educational background and experience of a
4 seafarer on board vessels and previous sea-service shall be
5 given due consideration should they opt to join the
6 Philippine Navy Reserve Force.

7 CHAPTER XX

8 ROLE OF GOVERNMENT AGENCIES

9 SEC. 86. *Role of Government Agencies.* – The following
10 government agencies shall perform the following functions
11 to promote the welfare and protect the rights of Filipino
12 seafarers:

13 (a) CHED. – The CHED shall set the standards and
14 monitor the performance of maritime education programs
15 and MHEIs, ensuring that quality maritime education,
16 including curricula and training programs, are structured
17 and delivered in accordance with the written programs,
18 methods, and media of delivery, procedures, and course
19 materials compliant with international standards

1 prescribed under the STCW Convention and its
2 amendments. For this purpose, CHED shall be in close
3 coordination with the MARINA.

4 (b) DOLE. – The DOLE shall ensure that the
5 standards set forth under this Act, the Labor Code of the
6 Philippines, as amended, and other domestic laws, the
7 MLC, 2006 and other international treaties and
8 conventions to which the Philippines is a signatory are
9 faithfully complied with and fairly applied to Filipino
10 seafarers of domestic ships.

11 To this end, the DOLE shall establish an effective
12 system for the inspection and certification to ensure the
13 working and living conditions of seafarers are met and
14 continue to be met pursuant to the MLC, 2006.

15 (c) DFA. – The DFA, through its consular offices or
16 foreign service posts, in coordination with the appropriate
17 government agency, shall take priority action or make
18 representation with the foreign authority concerned to
19 protect the rights of seafarers and extend immediate
20 assistance. Considering that the seafarers are essential

1 workers, the DFA shall provide a priority lane to
2 expeditiously process the application of new passports or
3 renewal of expiring passports.

4 (d) DOH. – The DOH shall regulate the activities
5 and operations of all clinics which conduct physical,
6 optical, dental, psychological and other similar
7 examinations, hereinafter referred to as health
8 examinations, on Filipino seafarers. In accordance with the
9 provisions of Section 53 of this Act, the DOH shall likewise
10 formulate and implement guidelines, in coordination with
11 the DMW, in the selection, training, maintenance, and
12 review of the pool of accredited third doctors for the
13 disability grading of seafarer's claims.

14 The DOH shall determine and prescribe the nature of
15 the medical examination that shall be required of a
16 seafarer, ensuring that such examination will genuinely
17 determine the seafarer's state of health, considering the
18 duties that the seafarer shall be required to perform on
19 board. The DOH shall likewise prescribe the contents of

1 the medical certificate to ensure that such certification will
2 genuinely reflect the seafarer's state of health.

3 (e) DMW. – The DMW shall review and improve on
4 the working conditions and terms of employment of the
5 officers and crew of vessels of ocean-going ships of
6 Philippine or foreign registry covered under this Act. It
7 shall likewise ensure that the standards set forth under
8 this Act, the MLC, 2006, and other international treaties
9 and conventions to which the Philippines is a signatory are
10 faithfully complied with and fairly applied to seafarers. To
11 this end, the DMW shall establish an effective system for
12 inspection, accreditation and licensing of manning agencies
13 to ensure that the rights, benefits, working and living
14 conditions of seafarers are met and continue to be met
15 pursuant to the MLC, 2006.

16 It shall strengthen its research capability to provide
17 studies/resources for evidenced-based policy decision-
18 making and program development, and continuously
19 address gaps in the protection and welfare of the seafarers.
20 The DMW shall ensure fast and efficient way of processing

1 employment contracts, renewal of manning license,
2 accreditation of principals and enrollment of vessels in
3 order to promote the marketability and employment of
4 Filipino seafarers.

5 It shall also continue to develop, enhance, and
6 increase the accessibility of its gender and women
7 empowerment and training courses for seafarers to the
8 maritime industry, which shall be made available in any
9 format, including digital and/or e-learning format.

10 It shall extend immediate assistance to seafarers, or
11 their families or next-of-kin, including the repatriation of
12 distressed seafarers, and any other analogous help or
13 intervention.

14 (f) OWWA. – The OWWA, through its welfare officer
15 or, in his absence, the coordinating officer, shall provide
16 the seafarers and his/her family all the assistance they
17 may need in the enforcement of contractual obligations by
18 agencies and/or by their principals.

19 The OWWA shall likewise formulate and implement
20 welfare programs for overseas Filipino seafarers and their

1 families while they are abroad and upon their return. It
2 shall ensure the awareness by the overseas Filipino
3 seafarers and their families of these programs and other
4 related governmental programs.

5 (g) MARINA. – The MARINA shall ensure that the
6 examination, licensing, and certification system for
7 seafarers are in accordance with the requirements
8 prescribed under the STCW Convention, international
9 agreements, other conventions relevant thereto, and other
10 applicable laws, rules and regulations.

11 (h) NMP. – The NMP shall:

12 (1) Provide skills enhancement trainings mandated
13 and recommended by international maritime conventions
14 and other capability building interventions that measure
15 up to quality standards and respond to the needs of
16 seafarers; and

17 (2) Conduct strategic studies and research in
18 support of the decent employment, protection of rights, and
19 promotion of the welfare of seafarers, including the
20 empowerment of women seafarers, among others.

1 The NMP shall likewise develop and maintain a
2 resource center for Filipino seafarers that includes a
3 database of seafarers and related statistics and
4 information to aid in evidence-based policy making and
5 program development, and that will provide the seafarers
6 with real-time updated information on matters affecting
7 their employment and helpline support.

8 (i) PCG. – The PCG shall undertake port state
9 control inspections of vessels calling at any port of the
10 Philippines, in accordance with international conventions
11 and standards, for the promotion of safety of life and
12 property at sea, control and prevention of maritime
13 pollution, and verification of compliance with the minimum
14 standards of training and social condition of officers and
15 crew on board the ships.

16 The PCG shall, in line with its function to assist in
17 the enforcement of applicable laws within the maritime
18 jurisdiction of the Philippines, assist the DMW and/or
19 DOLE in the enforcement of the rules and regulations
20 issued for the purpose of implementing the MLC, 2006,

1 including orders to detain vessels found in gross violation
2 of pertinent laws, rules and regulations.

3 (j) NLRC. – The NLRC shall, consistent with its
4 mandate and jurisdiction under the Labor Code of the
5 Philippines, as amended, and other labor laws, adjudicate
6 labor and management disputes involving seafarers
7 through compulsory arbitration or alternative modes of
8 dispute resolution.

9 (k) Public Attorney's Office (PAO) – The PAO shall
10 render, free of charge, legal representation, assistance, and
11 counseling to seafarers or their families in criminal, civil,
12 labor, administrative and other quasi-judicial cases. The
13 PAO may issue appropriate guidelines to ensure effective
14 legal representation to seafarers.

15 (l) TESDA. – The TESDA shall, in consultation with
16 CHED and MARINA, develop, establish, and implement
17 non-degree courses and programs on maritime education
18 and other quality technical education and training
19 programs for seafarers who may want to learn new skills
20 or enhance their existing skills.

1 Unless otherwise provided in this Act, the mandate,
2 power and function of all existing departments, agencies or
3 instrumentalities of the government, including
4 government-owned and -controlled corporations (GOCCs),
5 shall remain and continue to be recognized in accordance
6 with the law or order creating them.

7 SEC. 87. *Establishment of Seafarer Welfare Centers.* –
8 The OWWA shall establish seafarer welfare facilities or
9 centers in major crew-change ports, specifically in Metro
10 Manila, Pangasinan, Bulacan, Cavite, Batangas, Iloilo,
11 Cebu, Cagayan de Oro City, Davao City and other areas to
12 be determined by OWWA which have higher concentration
13 of seafarers. The facility or center shall offer services which
14 promote the welfare of, and cater to the recreational,
15 cultural, religious, communication, and legal needs of, all
16 seafarers, regardless of whether they are actively engaged,
17 employed, or working due to expiration of contract, or are
18 transitioning in between contracts, or awaiting recall for
19 deployment.

1 The PAO shall, in coordination with OWWA, appoint
2 at least one public attorney who shall be posted in the
3 seafarer welfare centers and shall render free of charge
4 legal assistance and counseling to seafarers or their
5 families in criminal, civil, labor, administrative and other
6 quasi-judicial cases.

7 The OWWA shall, in consultation with relevant
8 government agencies and stakeholders, review and develop
9 annually the welfare facilities and services to ensure that
10 they are appropriate in the light of changes in the needs of
11 seafarers resulting from technical, operational and other
12 developments in the shipping industry.

13 The TESDA and the NMP shall offer non-degree
14 courses and programs on maritime education and training,
15 especially to the seafarers who are at the welfare centers and
16 who are not otherwise actively engaged as such, or are in
17 transition in between contract, or are awaiting deployment to
18 ensure that they keep abreast with the technical and
19 operational changes and other developments in the maritime
20 industry.

1 A One-Stop Shop for Seafarers, which shall have
2 representatives from government agencies that process or
3 issue licenses, permits, clearances and other documents
4 required by seafarers, shall also be established in these
5 welfare centers for the convenience of the seafarers and to
6 maximize the services being offered to them.

7 SEC. 88. *Transition Assistance or Support Program.* –
8 The DMW, DOLE, TESDA, OWWA, NMP, MARINA and
9 the SSS shall establish a transition assistance or support
10 program for seafarers who are not actively engaged,
11 employed, or working due to expiration of contract, or are
12 transitioning in between contracts, or are awaiting recall
13 for deployment. The program may include access to the
14 unemployment benefits provided by SSS, TESDA training
15 programs, DOLE livelihood programs, and
16 entrepreneurship training and financing provided by the
17 Department of Trade and Industry (DTI).

18 SEC. 89. *Registry of Seafarers.* – The DMW, for ocean-
19 going ships of foreign registry, and MARINA, for domestic
20 and ocean-going vessels of Philippine registry, shall

1 maintain a registry of all seafarers in the Philippines:
2 *Provided*, That the registry of seafarers aboard ocean-going
3 ships shall be integrated into the management information
4 system established under Republic Act No. 10022.

5 The registry shall contain updated and relevant
6 information or data to promote employment opportunities
7 for seafarers, whether on board or ashore, or to provide a
8 list of available training and education to support skills
9 and development and competencies of seafarers, as well as
10 a digitized copy of the duly executed contract.

11 The DMW and MARINA shall ensure compliance
12 with Republic Act No. 10173, and its implementing rules
13 and regulations in handling seafarers' relevant information
14 or data in their respective registries.

15 CHAPTER XXI

16 FINAL PROVISIONS

17 SEC. 90. *Penalties.* – Upon finding of the DMW or
18 DOLE that a person or an entity, whether public or
19 private, has violated any provision of this Act and its

1 implementing rules and regulations, the sanctions under
2 administrative, civil, or other relevant laws shall be
3 recommended to the appropriate government agency
4 exercising quasi-judicial or judicial functions. If the
5 violation is committed by a private entity or individual, the
6 person directly responsible for the violation shall be liable
7 to pay damages.

8 SEC. 91. *Administrative Fines and Penalties.* – Any
9 shipowner, master, or their representative who fails or
10 refuses to present employment records, such as payrolls,
11 daily time records, payslip or other documents, such as
12 medical records, when required by the individual seafarer,
13 the Secretary of DMW or DOLE or their respective duly
14 authorized representative, or the duly authorized
15 representative of a recognized organization, shall be
16 subject to administrative fines ranging from One hundred
17 thousand pesos (P100,000.00) to One million pesos
18 (P1,000,000.00).

19 SEC. 92. *Penalty for Violation of Section 70*
20 *(Compliance and Certification).* – Any shipowner, master,

1 or their representative who operates without, or fails to
2 present, a valid Maritime Labour Certificate, or its
3 equivalent, shall be punished with fines ranging from One
4 hundred thousand pesos (P100,000.00) to One million
5 pesos (P1,000,000.00), in accordance with the
6 implementing rules and regulations of this Act.

7 SEC. 93. *Penalty for Violation of Section 71*
8 *(Inspection and Enforcement)*. – Any person who, without
9 proper authorization, exercises the authority granted to
10 the Secretary of DMW or DOLE under Section 71 of this
11 Act shall be punished with a fine of not less than Two
12 hundred thousand pesos (P200,000.00) but not more than
13 Two million pesos (P2,000,000.00), or imprisonment of not
14 less than one (1) year nor more than four (4) years, or both,
15 at the discretion of the court. The foregoing offense shall be
16 prescribed after five (5) years from its discovery.

17 SEC. 94. *Transitory Provision*. – All rights, privileges,
18 and benefits previously enjoyed by Filipino seafarers before
19 the effectivity of this Act, including those set forth in the
20 Labor Code of the Philippines, as amended, and Republic

1 Act No. 8042, as amended, shall continue to be recognized
2 and shall not be diminished after the effectivity of this Act.

3 The transition period provided under Section 23 of
4 Republic Act No. 11641 shall likewise be taken into
5 consideration.

6 SEC. 95. *Appropriations.* – The amount necessary to
7 carry out the provisions of this Act shall be charged
8 against the current year's appropriations of the
9 departments and agencies concerned. Thereafter, such
10 amount shall be included in the annual General
11 Appropriations Act.

12 SEC. 96. *Implementing Rules and Regulations.* – As
13 the lead agency, the DMW, in coordination with DOLE,
14 DFA, MARINA, CHED, TESDA, PCG, OWWA, and other
15 concerned agencies, and with the participation of
16 representatives from nongovernment organizations
17 (NGOs), civil society groups and recognized organizations,
18 shall formulate the necessary rules and regulations for the
19 effective implementation of this Act within ninety (90) days
20 from its effectivity.

1 The DMW shall ensure that the relevant provisions of
2 this Act are applied to seafarers on board foreign-
3 registered commercial fishing vessels or vessels fishing in
4 distant waters, those serving as cruise ship personnel or as
5 yacht crew, those stationed on mobile offshore and drilling
6 units in the high seas, and other persons similarly
7 situated.

8 *SEC. 97. Separability Clause.* – If any provision of this
9 Act is held to be illegal, invalid, or unconstitutional, the
10 remainder thereof not otherwise affected shall remain in
11 full force and effect.

12 *SEC. 98. Repealing Clause.* – All laws, presidential
13 decrees, issuances, executive orders, letters of instructions,
14 and proclamations or administrative regulations
15 inconsistent with the provisions of this Act are hereby
16 repealed or modified accordingly.

1 SEC. 99. *Effectivity.* – This Act shall take effect fifteen
2 (15) days following the completion of its publication either
3 in the *Official Gazette* or in a newspaper of general
4 circulation.

Approved,