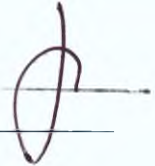


NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

23 MAY 22 P 4 :10

SENATE



COMMITTEE REPORT NO. 69

Submitted by the Committees on Migrant Workers; Foreign Relations; and Finance, on
MAY 22 2023

Re: **Senate Bill No. 2221** Prepared by the Committees.

Recommending its approval in substitution of Senate Bill Nos. 46, 86, 137, 216, 586, 640, 720, 822, 1104, 1191, 1248, 1312, and 1671, taking into consideration House Bill No. 7325.

Sponsor: Senator Raffy T. Tulfo

MR. PRESIDENT:

The Committees on Migrant Workers; Foreign Relations; and Finance to which were referred **Senate Bill No. 46**, introduced by Senators Jinggoy Estrada, Robinhood C. Padilla, and Cynthia A. Villar, *entitled*:

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

Senate Bill No. 86, introduced by Senator Juan Miguel "Migz" F. Zuburi, *entitled*:

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

Senate Bill No. 137, introduced by Senator Joel Villanueva, *entitled:*

"AN ACT

INSTITUTING THE MAGNA CARTA OF FILIPINO SEAFARERS"

Senate Bill No. 216, introduced by Senator Raffy T. Tulfo, *entitled:*

"AN ACT

INSTITUTING THE MAGNA CARTA OF FILIPINO SEAFARERS"

Senate Bill No. 586, introduced by Senator Risa Hontiveros, *entitled:*

"AN ACT

INSTITUTING THE MAGNA CARTA OF FILIPINO SEAFARERS"

Senate Bill No. 640, introduced by Senator Sonny Angara, *entitled:*

"AN ACT

INSTITUTING THE MAGNA CARTA OF FILIPINO SEAFARERS"

Senate Bill No. 720, introduced by Senator Grace Poe, *entitled:*

"AN ACT

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

Senate Bill No. 822, introduced by Senator Win Gatchalian, *entitled:*

"AN ACT

INSTITUTING THE MAGNA CARTA OF FILIPINO SEAFARERS"

Senate Bill No. 1104, introduced by Senator Ramon Bong Revilla, Jr., *entitled:*

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

Senate Bill No. 1191, introduced by Senator Christopher Bong Go, *entitled:*

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

Senate Bill No. 1248, introduced by Senator Loren B. Legarda, *entitled:*

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

Senate Bill No. 1312, introduced by Senator Ronald "Bato" M. dela Rosa, *entitled:*

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

and **Senate Bill No. 1671**, introduced by Senator Mark Villar, *entitled:*

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

taking into consideration House Bill No. 7325, introduced by Representatives Salo, et al, *entitled:*

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


have considered the same and have the honor to report them back to the Senate with the recommendation that the attached **Senate Bill No. 2221** prepared by the Committees entitled:

**"AN ACT
PROVIDING FOR THE MAGNA CARTA OF FILIPINO SEAFARERS"**

be approved in substitution of Senate Bill Nos. 46, 86, 137, 216, 586, 640, 720, 822, 1104, 1191, 1248, 1312, and 1671, taking into consideration House Bill No. 7325, with Senators Estrada, Zubiri, Villanueva, Tulfo, Hontiveros, Angara, Poe, Gatchalian, Revilla, Go, Legarda, dela Rosa, Villar (M), Padilla, Villar (C), as authors thereof.

Respectfully submitted:

Chairpersons

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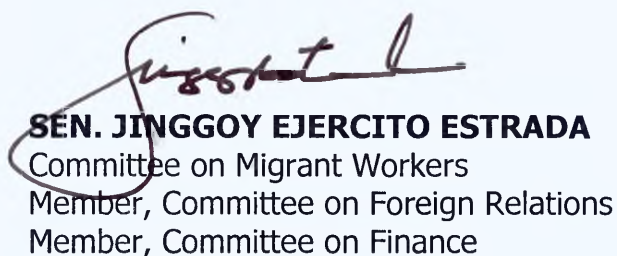
SEN. IMEE R. MARCOS
Committee on Foreign Relations
Senior Vice-Chairperson, Committee on Finance

SEN. RAFFY T. TULFO
Committee on Migrant Workers
Member, Committee on Finance

SEN. SONNY ANGARA
Committee on Finance
Member, Committee on Migrant Workers
Member, Committee on Foreign Relations

Vice Chairpersons

SEN. CYNTHIA A. VILLAR
Committee on Finance
Member, Committee on Foreign Relations

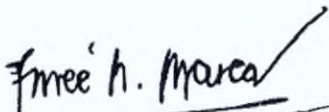
A large, handwritten signature in blue ink, which appears to be "Jinggoy Ejercito Estrada", is written over the text of the signature block.

SEN. JINGGOY EJERCITO ESTRADA
Committee on Migrant Workers
Member, Committee on Foreign Relations
Member, Committee on Finance

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Chairpersons



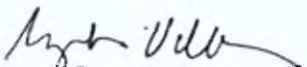
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Member, Committee on Finance



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Committee on Finance
Member, Committee on Migrant Workers
Member, Committee on Foreign Relations

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SEN. WIN GATCHALIAN

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SEN. CHRISTOPHER BONG GO

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Committee on Finance

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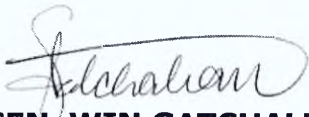


SEN. FRANCIS "TOL" N. TOLENTINO

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Member, Committee on Migrant Workers

SEN. PIA S. CAYETANO

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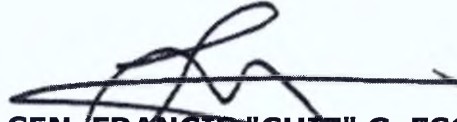
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Committee on Finance
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Joseph Victor G. Ejercito

SEN. JOSEPH VICTOR G. EJERCITO
Committee on Finance
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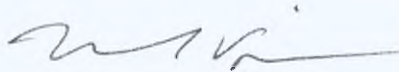
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Committee on Finance
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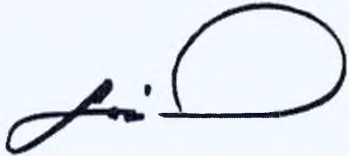
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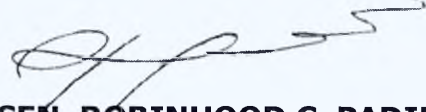
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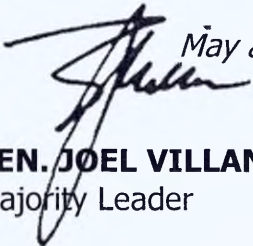
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Committee on Migrant Workers
Committees on Foreign Relations
Committee on Finance

SEN. ALAN PETER "COMPAÑERO" S. CAYETANO
Committee on Migrant Workers
Committee on Finance

Ex Officio Members



SEN. LOREN LEGARDA
President Pro Tempore
Senior Vice-Chairperson, Committee on Finance



May amend/interpellate
SEN. JOEL VILLANUEVA
Majority Leader



SEN. AQUILINO "KOKO" PIMENTEL III
Minority Leader

HON. JUAN MIGUEL F. ZUBIRI
Senate President
Senate of the Philippines
Pasay City

SEN. ROBINHOOD C. PADILLA

Committee on Migrant Workers
Committees on Foreign Relations
Committee on Finance



will propose amendments

SEN. ALAN PETER "COMPAÑERO" S. CAYETANO

Committee on Migrant Workers
Committee on Finance

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President Pro Tempore
Senior Vice-Chairperson, Committee on Finance

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



23 MAY 22 P4:10

SENATE

RECEIVED BY:

S.B. No. 2221

(In Substitution of SB Nos. 46, 86, 137, 216, 586, 640, 720, 822, 1104, 1191, 1248, 1312, and 1671, taking into consideration HB No. 7325)

Prepared by the Committees on Migrant Workers; Foreign Relations; and Finance with Senators Estrada, Zubiri, Villanueva, Tulfo, Hontiveros, Angara, Poe, Gatchalian, Revilla, Go, Legarda, dela Rosa, Villar (M), Padilla, Villar (C), 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 the “Magna Carta of Filipino Seafarers.”

4

5

Sec. 2. *Declaration of Policies and Objectives.* - The State shall protect the rights and overall welfare of local and overseas Filipino seafarers, promote their full employment, and ensure equal opportunities in the maritime industry regardless of sex or creed, including equal access to education, training, and development

6

7

8

1 consistent with existing domestic and international laws, standards, and conventions,
2 particularly the Maritime Labor Convention, 2006 (MLC, 2006) and the International
3 Convention on Standards of Training, Certification, and Watchkeeping for Seafarers
4 (STCW).

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

10 CHAPTER II

11 GENERAL PROVISIONS

12 **Sec. 3. Coverage.** - The provisions of this Act shall cover-

13 (a) All Filipino seafarers who are engaged, employed, or working in any capacity,
14 onboard Philippine or foreign-registered ocean-going vessels, except those in the
15 following categories of ships:

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

17 (2) Government ships not engaged in commercial operations;

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

20 (4) Fishing vessels, as may be defined by appropriate rules and regulations
21 to be issued by the Department of Labor and Employment (DOLE), in
22 consultation with the Bureau of Fisheries and Aquatic Resources (BFAR) and
23 other relevant stakeholders.

24 (b) All Filipino seafarers onboard Philippine registered domestic ships engaged in
25 trade and commerce between Philippine ports and within Philippine territorial or

1 internal waters shall be covered primarily by equivalent provisions of the Labor Code
2 of the Philippines, as amended and related social and welfare benefits laws.

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

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

7 (1) Fails to cover the cost of the seafarer’s repatriation;

8 (2) Has left the seafarer without the necessary maintenance and support; or

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

11 (b) *Cadet* – refers to a student of a maritime educational institution who is
12 required to undergo training onboard registered domestic or international ships to
13 fulfill a maritime degree or technical course;

14 (c) *Domestic shipping* – refers to the transport of passenger or cargo, or both,
15 by ships duly registered and licensed under Philippine law to engage in trade and
16 commerce between Philippine ports and within Philippine territorial or internal waters,
17 for hire or compensation, with general or limited clientele, whether permanent,
18 occasional or incidental, with or without fixed routes, and done for contractual or
19 commercial purposes;

20 (d) *Green lane* - refers to the process of facilitating crew changes among ships
21 and the seafarers during public health emergencies, man-made or natural;

22 (e) *International Convention on Standards of Training, Certification, and*
23 *Watchkeeping for Seafarers (STCW)* - refers to the international convention that
24 establishes the minimum standards relating to training, certification, and
25 watchkeeping for seafarers, which the Philippines acceded to on May 22, 1984;

1 (f) *International Maritime Convention or International Convention* – refers to any
2 written treaty or agreement, or any protocol or amendment thereto, affecting the
3 maritime Industry, which has come into force and effect, including the MLC 2006;

4 (g) *Manning Agency* - refers to a natural or juridical person duly licensed by the
5 Secretary of the Department of Migrant Worker (DMW) to engage in the recruitment
6 and placement of seafarers;

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

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

17 This term shall also include bona fide maritime labor organizations, professional
18 associations of seafarers, associations promoting seafarers' welfare, and women's
19 maritime organizations;

20 (j) *Maritime Labor Certificate* – refers to the document that certifies that the
21 working and living conditions of the seafarers on the ship have been inspected and
22 are compliant with the requirements of the MLC, 2006 and of applicable Philippine
23 laws and regulations;

24 (k) *Maritime Labour Convention 2006 (MLC, 2006)* – refers to the consolidated
25 Maritime Labour Convention approved by the International Labor Organization (ILO)
26 in 2006 and ratified by the Philippines on August 20, 2012;

1 *(l) Master* - refers to a person having command of a ship and acts the shipowners'
2 representative;

3 *(m) Non-degree Courses and Programs on Maritime Education and Training* -
4 refers to technical education or the education process designed at post-secondary and
5 lower tertiary levels, officially recognized as non-degree programs aimed at preparing
6 technicians, para-professionals and other categories of middle-level workers by
7 providing them with a broad range of general education, theoretical, scientific and
8 technological studies, and related job skills training associated with occupations
9 developed and implemented by the Technical Education and Skills Development
10 (TESDA), in consultation with the Commission on Higher Education (CHED) and the
11 Maritime Industry Authority (MARINA), consistent with its mandate under Republic Act
12 No. 7796 (TESDA Act of 1994). This does not include associate degree programs on
13 maritime education which are under the jurisdiction of CHED;

14 *(n) Ocean-Going Ship* – refers to a ship other than those which navigate
15 exclusively in inland water or in water within or closely adjacent to sheltered water,
16 or areas where port regulations apply;

17 *(o) Officer* – refers to a member of the crew other than the master who has been
18 designated as such by national law or regulation, or, in the absence of such
19 designation, by collective agreement or custom;

20 *(p) One-Stop-Shop Center for Seafarers (OSSCS)* – refers to the one-stop-shop
21 centers in major crew-change ports, specifically in Metro Manila, Pangasinan, Bulacan,
22 Cavite, Batangas, Iloilo, Cebu, Cagayan de Oro City, Davao City and other areas to be
23 determined by OWWA which can issue licenses, permits, clearances and other
24 documents required by seafarers for their convenience and to maximize the services
25 being offered to them.

26 *(q) Point of Hire* – refers to the place indicated in the contract of employment,
27 and which shall be the basis in determining the commencement of the contract;

1 *(r) Recognized Organizations* - refers to organizations recognized by the DOLE
2 to carry out inspections or issue the Maritime Labor Certificate in accordance with the
3 scope of activities covered by their authorizations;

4 *(s) Repatriation* – refers to the process of returning a seafarer to the point of
5 destination, which shall be the point of hire or the seafarer’s place of domicile, at the
6 option of the seafarer, or in case of incapacity or death, at the option of his/her `next-
7 of-kin;

8 *(t) Standard Employment Contract (SEC) or Employment Contract* - refers to a
9 government-prescribed contract containing the minimum terms and conditions of
10 employment;

11 *(u) Seafarer* - refers to any Filipino who is engaged, employed, or working in any
12 capacity onboard a ship covered under this Act;

13 For the purpose of this Act, a seafarer is deemed “engaged” as such if the
14 seafarer has been contracted for overseas employment but has yet to leave the point
15 of hire.

16 *(v) Ship or Vessel* – refers to any kind, class or type of craft or artificial
17 contrivance capable of floating in water, whether publicly or privately owned, ordinarily
18 engaged in commercial activities; and

19 *(w) Shipowner or Principal* - refers to the owner of the ship employing Filipino
20 seafarers to work onboard domestic ships and ships engaged in international trade,
21 or any other organization or person, such as the manager, agent or bareboat
22 charterer, who has assumed the responsibility for operation and management of the
23 ship from the shipowner, and who, in assuming such responsibilities, has agreed to
24 take over all the attendant duties and responsibilities of a shipowner under this Act,
25 regardless of whether any other organization or persons fulfill certain duties or
26 responsibilities on behalf of the shipowner.

27

1 **CHAPTER III**

2 **SEAFARER'S RIGHTS**

3 **Sec. 5. *Right to Just Terms and Conditions of Work.*** – Seafarers shall have
4 the right to:

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

6 (b) Fair terms and conditions of employment;

7 (c) Decent working and living conditions onboard a ship; and

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

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

14 **Sec. 7. *Right to Educational Advancement and Training at Reasonable***
15 ***and Affordable Costs.*** – Seafarers shall have access to educational advancement
16 and training at reasonable and affordable costs. No fees or other charges shall be
17 imposed on cadets, interns, apprentices, on-the-job trainees or other persons similarly
18 situated.

19 Toward this end, relevant government agencies shall:

20 (a) Regulate the operation of all educational and training institutions offering
21 courses related to seafaring;

22 (b) Pursue grant programs, such scholarships, subsidies, loan assistance and
23 other measures that will harness the skills of seafarers toward greater competitiveness
24 given the new and evolving demands in the industry;

1 (c) Promote quality maritime education and training that respond to the needs
2 of the industry and in accordance with minimum international maritime standards of
3 competency; and

4 (d) Afford enhanced access to educational advancement and training of women
5 in the seafaring industry.

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

9 **Sec. 8. *Right to Information.*** – Shipowners, manning agencies, and other
10 organizations responsible for the recruitment and placement of seafarers shall provide
11 seafarers relevant information, including the terms and conditions of employment,
12 company policies affecting seafarers, conditions and realities attending to their
13 profession, and necessary laws and regulations of countries covered by their sojourn.
14 In addition, the seafarers shall, at all times, be furnished a copy of the duly executed
15 SEC, as well as the results of the medical examination conducted on him/her. The
16 right shall also include the right of seafarers’ organizations to relevant information
17 affecting the terms and condition of employment of their members, subject to
18 provisions of Republic Act No. 10173, otherwise known as the Data Privacy Act of
19 2012.

20 All ships covered by this Act shall have a copy of the MLC, 2006, the grievance
21 procedures observed onboard, duly executed SEC of seafarers, and when there is a
22 collective bargaining agreement (CBA), a copy of such agreement, which shall be
23 readily available to the seafarers.

24 **Sec. 9. *Right to Information of a Seafarer’s Family or Next-of-Kin.*** – In
25 critical incidents, such as accidents or deaths onboard or offshore, piracy,
26 abandonment of vessel, and other similar cases, the seafarer’s family or next-of-kin
27 shall be immediately informed of the incident, including investigation reports, action/s
28 taken, and plans by the shipowner and the manning agency concerned.

1 In addition, it shall be the duty of the shipowner and the manning agency, within
2 five (5) days, to report to DMW or OWWA for OFW Seafarers, or to DOLE or MARINA
3 for Filipino domestic seafarers, such incident and the details to the family or next-of-
4 kin of the concerned seafarer/s, which shall subsequently provide the appropriate
5 assistance.

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

10 **Sec. 11. *Right to Consultation.*** – Seafarers and maritime stakeholders shall
11 be adequately consulted before adopting any maritime policy, executive issuance,
12 rules or regulations, or in the enactment of any maritime law that may directly affect
13 the seafarers and/or their families and beneficiaries.

14 **Sec. 12. *Right Against Discrimination.*** – Seafarers shall have the right to be
15 protected from discrimination on the basis of race, sex, gender identity or expression,
16 religion, or political opinion, taking into consideration the inherent requirements of the
17 particular job or undertaking. Career opportunities shall be promoted, and appropriate
18 working and living conditions shall be guaranteed equally among male and female
19 seafarers.

20 **Sec. 13. *Right to be Protected Against All Forms of Harassment and***
21 ***Bullying.*** – Seafarers shall be protected against all forms of harassment and bullying
22 while onboard their ships. The shipowner shall put policies in place for the protection
23 of all crew members. Maritime stakeholders and seafarers shall ensure that
24 harassment and bullying do not take place.

25 Shipowners and manning agencies shall also establish helplines and grievance
26 mechanisms for all victims of harassment and bullying.

1 The ship's policies, plans and accessible procedures to eliminate and address
2 harassment and bullying onboard shall be part of the pre-departure orientation
3 seminar (PDOS) of seafarers.

4 **Sec. 14. *Right to Free Legal Representation.*** – Seafarers who are victims
5 of violations of the provisions of this Act or whose contracts have been breached, who
6 cannot afford the services of a competent and independent counsel, shall have the
7 right to free legal assistance and protection at government's expense, and to the fair
8 and speedy disposition of the case, including the expeditious settlement of any money
9 claims, subject to existing rules and regulations.

10 **SEC. 15. *Right to Immediate Medical Attention.*** – Seafarers shall be
11 provided immediate and adequate medical services, medicines, and medical supplies
12 onboard, and access to shore-based medical facilities, including mental health
13 services, for the protection of their physical and mental well-being, as well as the
14 corresponding medical or trained personnel who shall provide first-aid and medical
15 care, pursuant to the Maritime Occupational Safety and Health guidelines.

16 **SEC. 16. *Right to Access to Communication.*** – Seafarers, especially during
17 their free time or when they are not on duty, shall have reasonable access to ship-to-
18 shore telephone communications, email and internet facilities, where available.

19 **Sec. 17. *Right to Record of Employment or Certificate of Employment.***
20 – At the expiration of the employment contract of the seafarer, the seafarer shall be
21 given a record of his/her employment onboard the ship or a certificate of employment
22 specifying the length of service, the position the seafarer occupied, an account of
23 his/her final wages, and such other relevant information.

24 **Sec. 18. *Right to Fair Treatment in the Event of a Maritime Accident*** –
25 Seafarers shall be treated fairly in the event of a maritime accident following the
26 International Labour Organization (ILO) and International Maritime Organization
27 (IMO) 2006 Guidelines on Fair Treatment of Seafarers in the Event of a Maritime
28 Accident and its amendments.

1 **CHAPTER IV**

2 **WOMEN IN THE MARITIME INDUSTRY**

3 **Sec. 19. *Discrimination Against Women Seafarers.*** – Women seafarers
4 shall be protected from the following gender-based discriminatory practices:

5 (a) Payment of a lesser compensation, including other forms of remuneration
6 and fringe benefits, to female seafarers as against male seafarers, for work of equal
7 value; and

8 (b) Undue advantage given to male seafarers over female seafarers with respect
9 to promotion, training opportunities, study and scholarship grants, solely on account
10 of their gender.

11 **Sec. 20. *Gender and Development.*** – Shipowners, manning agencies, and
12 maritime training institutions shall formulate and ensure that policies on gender and
13 development are in place to promote women's rights to adequate training and
14 opportunities free from discrimination, harassment, and bullying.

15 **CHAPTER V**

16 **DUTIES OF SEAFARERS**

17 **Sec. 21. *Duties of a Seafarer.*** – Seafarers shall have the following duties:

18 (a) To faithfully comply with and observe the terms and conditions of one's
19 employment contract;

20 (b) To abide by lawful and reasonable company personnel policies and
21 procedures and the Code of Ethics for seafarers;

22 (c) To follow and observe the chain of command onboard the ship or while
23 ashore, without prejudice to one's religious freedom;

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

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

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

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

10 (h) To be responsible for one's health while on board by maintaining a healthy
11 lifestyle, taking proper medications, and complying with prescribed medical policies.

12 **Sec. 22. *Minimum Age.*** – Except for cadets, the minimum age required for
13 employment or engagement to work onboard Philippine-registered ships operating
14 domestically or internationally and onboard foreign-registered ships shall be eighteen
15 (18) years old.

16 **Sec. 23. *Pre-employment Medical Examination (PEME).*** - All PEME of
17 seafarers shall be performed only in DOH-accredited medical facilities, by authorized
18 government medical practitioners, and following the standards set by the DOH.

19 It is the duty of a seafarer undergoing PEME to answer all questions relating to
20 one's complete medical history truthfully. *Provided,* That the processing of the medical
21 information collected shall be subject to compliance with Republic Act No. 10173 or
22 the "Data Privacy Act of 2012."

23 **Sec. 24. *Medical Certificate.*** – As a pre-requisite for employment onboard a
24 domestic or ocean-going ship, all seafarers shall be required to secure a medical
25 certificate issued by a DOH-accredited medical facility after undergoing a PEME.

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

3 For purposes of this section, a medical certificate issued in accordance with the
4 requirements of the International Convention on Standards of Training, Certification
5 and Watchkeeping for Seafarers (STCW) shall be accepted.

6 **Sec. 25. *Training and Qualifications.*** – Only seafarers certified by
7 appropriate government agencies according to the STCW and other applicable
8 international standards shall be allowed to work and be employed onboard a ship.

9 CHAPTER VI

10 MANNING AGENCIES

11 **Sec. 26. *Recruitment and Placement.*** – Only duly licensed manning
12 agencies shall be allowed to operate and engage in the recruitment and placement of
13 seafarers without a fee and following existing laws, rules, and regulations.

14 This Act further prohibits practices and mechanisms preventing qualified
15 seafarers from gaining employment.

16 **Sec. 27. *Duties and Responsibilities.*** – The duties and responsibilities of
17 manning agencies shall also include but are not limited to the following:

18 (a) To maintain an up-to-date register of all seafarers recruited or placed through
19 the agency, to be made available for inspection by the DMW and the MARINA;

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

22 (c) To allow seafarers to examine their employment contracts before and after
23 signing and furnish them a copy;

24 (d) To verify, before deployment, that the seafarers recruited or placed are
25 competent, qualified, and possess the documents necessary for the job concerned,

1 and their employment contracts conform with applicable laws, rules, and regulations,
2 and the collective bargaining agreement which may form part of said agreements, if
3 any;

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

6 (f) To examine and respond to any complaint concerning the agency's activities
7 and submit a written report on all unresolved complaint to the DMW and MARINA ;
8 and

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

13 CHAPTER VII

14 TERMS AND CONDITIONS OF EMPLOYMENT

15 **Sec. 28. *Standard Employment Contract (SEC).*** – An SEC between the
16 shipowner and the seafarer shall be in writing and shall include, but not be limited to,
17 the following information and terms:

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

20 (b) Seafarer's Record Book Number, Seafarer's Identity Document Number,
21 Seafarer's Registration Number, and other necessary documentation as may be
22 required by other appropriate government agencies;

23 (c) Shipowner's name and address;

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

25 (e) Duration of the contract;

- 1 (f) Point of hire;
- 2 (g) Capacity in which the seafarer is to be employed;
- 3 (h) Amount of the seafarer's salary and the formula used for calculating the
4 same;
- 5 (i) Maximum hours of work and minimum hours of rest;
- 6 (j) Wages and wage-related benefits, which include, but are not limited to,
7 overtime pay, holiday pay, vacation leave pay, premium pay, paid leaves, and 13th-
8 month pay, if applicable;
- 9 (k) Compensation and benefits for occupational injury, illness, or death;
- 10 (l) Social security and welfare benefits, including compulsory insurance coverage
11 as provided under Sec. 37-A of Republic Act No. 8042, as amended, otherwise known
12 as the "Migrant Workers Act", and Sec. 6 (n) of Republic Act No. 11641, otherwise
13 known as the "Department of Migrant Workers Act";
- 14 (m) Stipulations on repatriation or similar undertakings;
- 15 (n) Separation pay and retirement pay, if applicable;
- 16 (o) Reference to the CBA, if applicable;
- 17 (p) Other benefits provided by law, company policy, or CBA; and
- 18 (q) Termination of the contract and the conditions thereof, including:
- 19 (1) If the contract is for an indefinite duration, the conditions entitling either
20 party to terminate it and the period to give notice shall not be less for the
21 shipowner than for the seafarer;
- 22 (2) If the contract is for a definite duration, the date fixed for its expiry;
23 and

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

3 The employment contract shall be in English or translated in the language known
4 to the seafarer, executed in four (4) original copies before the commencement of the
5 employment.

6 The shipowner and the seafarer shall each have a signed original of the
7 agreement. In addition, a signed original shall be made available onboard the ship.

8 The DMW shall issue an SEC containing the minimum standards for seafarers'
9 employment for ocean-going Philippine or foreign-registered ships, which shall be
10 subject to review and regularly updated to ensure its conformity with the MLC, 2006,
11 and other existing treaties and conventions governing seafarers which the Philippines
12 has ratified or will ratify in the future.

13 **SEC. 29. *Hours of Work and Hours of Rest.*** – For purposes of this Act, the
14 term:

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

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

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

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

1 In exceptional cases, seafarers in watchkeeping duties may work beyond
2 fourteen (14) hours as may be required: Provided, that the rest period shall not be
3 less than seventy (70) hours in any seven (7)-day period; Provided, further, that such
4 watch keeping duties shall not be allowed for more than (2) consecutive weeks;
5 Provided, finally, that the intervals between the two (2) periods shall not be less than
6 twice the duration of the exception.

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

10 **Sec. 30. *Paid Annual Leave.*** – Unless a higher paid annual leave is already
11 provided in the employment contract, under a CBA, or by the shipowner as company
12 practice or policy, the seafarers shall be entitled to a paid annual leave, calculated
13 based on a minimum of 4.5 calendar days per month of employment, without
14 prejudice to any future increases as may be prescribed by laws, rules, or regulations:
15 Provided, That it shall not include the following:

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

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

19 (1) illness or injury;

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

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

22 (d) Compensatory leave of any kind.

23 **Sec. 31. *Wages.*** – Without prejudice to higher rates provided under a CBA or
24 by the shipowner as company practice or policy, the minimum wage applicable to
25 seafarers on board ocean-going ships of Philippine or foreign registry shall be as
26 provided in the SEC, which in no case be lower than the prevailing industry standard

1 on ocean-going seafaring wage rates for officers and other members of the ship's
2 crew, and regularly paid in full at least once a month.

3 **Sec. 32. Allotment and Remittances of Wages.** – The seafarer is required
4 to make an allotment which shall be payable once a month to his designated allottee
5 in the Philippines through any authorized Philippine bank. The employer shall provide
6 the seafarer with facilities to do so at no expense to the seafarer. The allotment shall
7 be at least eighty percent (80%) of the seafarer's monthly basic salary.

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

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

15 **Sec. 33. Limitations on Wage Deductions.** – Unless stipulated in the
16 employment contract or provided by law, deductions shall not be allowed without the
17 seafarer's prior written consent.

18 **Sec. 34. Personal Effects.** – A seafarer may bring a reasonable number of
19 articles on board the ship for personal use. *Provided,* That neither shall it cause
20 inconvenience to the ship or cargo nor pose any risk onboard.

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

26 **Sec. 35. Social Welfare Benefits.** – Without prejudice to the SEC, CBA, or
27 company practice or policy, all seafarers shall be members of and entitled to receive

1 the benefits conferred by the Overseas Workers Welfare Administration (OWWA),
2 Social Security System (SSS), Employees' Compensation and State Insurance Fund
3 (ECSIF), PhilHealth, Home Development Mutual Fund (HDMF) or the Pag-IBIG Fund,
4 and other applicable social protection laws, rules, and regulations, as may now or
5 hereafter be created in favor of Filipino workers or OFWs in particular.

6 **Sec. 36. Sick Leave and Sickness Benefits During Public Health**
7 **Emergencies.** – A seafarer who has contracted an illness or disease during public
8 health emergencies, such as epidemics or pandemics, while in transit or under
9 quarantine shall be entitled to paid sick leave and sickness benefits until the seafarer
10 joins the vessel.

11 **Sec. 37. Payment of Wages to Abandoned Seafarer.** – Filipino seafarers
12 abandoned by shipowners shall be entitled to full payment of wages and other benefits
13 provided under the SEC or the CBA.

14 **CHAPTER VIII**

15 **ACCOMMODATION, RECREATIONAL, AND SANITATION FACILITIES,** 16 **FOOD AND CATERING IN SHIPS**

17 **Sec. 38. Application.** – The requirements of this Chapter covering ships of
18 Philippine registry shall be applicable to the following:

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

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

25 (c) All ships constructed prior to the entry into force of the MLC, 2006 which
26 have undergone major or substantial structural alterations after the entry into force

1 of the Convention, unless provided exemption by the relevant Philippine government
2 agency.

3 **Sec. 39. Accommodation and Recreational Facilities.** – Unless otherwise
4 exempted herein or by appropriate regulations, all ships shall provide and maintain
5 safe, decent and adequate accommodations, including but not limited to, recreational
6 facilities, for seafarers that meet the minimum standards set out in MLC, 2006, taking
7 into account the need to protect the health and well-being of seafarers working or
8 living onboard the ship, or both. There shall be a basic shipboard facility for women,
9 such as separate sleeping rooms.

10 **Sec. 40. Requirements for Sanitation.** – All ships shall have sanitary facilities
11 that meet the minimum standards for health and hygiene, which shall be accessible
12 to seafarers on board and sanitation standards set by Chapter XV - "Port, Airport,
13 Vessel and Aircraft Sanitation" of the "Code on Sanitation of the Philippines" (P.D. 856)
14 and its implementing rules and regulations. The sanitary facilities shall be located at
15 convenient places, allowing for easy access to work stations. Separate sanitary
16 facilities shall also be provided for male and female crew members of the ship.

17 **Sec. 41. Food and Catering.** – All ships shall ensure protection and promotion
18 of the health of the seafarer. Toward this end, shipowners shall ensure that ships carry
19 on board and serve food and drinking water of appropriate quality, nutritional value
20 and quantity that adequately covers the requirements of the ship and take into
21 consideration the differing cultural and religious backgrounds of the seafarers onboard
22 the ship. Seafarers onboard a ship shall be provided with food free of charge during
23 the period of engagement. The foods and drinks and the preparation thereof shall be
24 in accordance with the standards of the Sanitation Code of the Philippines and
25 pertinent laws, rules and regulations, and/or with international standards. In all cases,
26 the ship's cooks shall be trained and qualified for their position.

27 **CHAPTER IX**

28 **MEDICAL CARE AND MARITIME OCCUPATIONAL SAFETY AND HEALTH** 29 **STANDARDS**

1 **Sec. 42. Medical Care Onboard Ships and Ashore.** – The shipowner shall
2 provide adequate medical facility, equipment, paraphernalia and medical supplies,
3 including medicines onboard, and shall ensure access to shore medical facilities,
4 including mental health services for seafarers, as well as, corresponding medical or
5 trained personnel who shall provide first aid and medical care.

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

12 The shipowner shall ensure that seafarers have access to medical care, including
13 assessment, counseling, psychotherapy and other forms of mental health intervention
14 in relation to the treatment of any mental or behavioral disorder, necessary medicines,
15 therapeutic appliances, board and lodging away from home until the seafarer has
16 recovered, for any illness or injury, hospitalization and dental treatment until the sick
17 or injured seafarer has recovered or until the sickness or incapacity has been declared
18 of a permanent character. The medical care shall be at no cost to the seafarer.

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

21 The health protection and medical care under this Section shall be provided at
22 no cost to the seafarer, in accordance with rules and regulations issued for this
23 purpose.

24 **Sec. 43. Protection of Seafarers from Epidemics, Pandemics, or Other**
25 **Public Health Emergencies.**

26 (a) Seafarers on ships shall be covered by adequate measures for the protection
27 from health emergencies, and that they have access to prompt and adequate medical
28 care while onboard, including medical advice and confidential helplines on physical

1 and mental health by radio or satellite communication free of charge and available 24
2 hours a day.

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

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

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

12 (e) Seafarers who have contracted covid-19 or are under quarantine shall be
13 entitled to paid sick leave or sickness benefits as long as they are incapacitated to
14 work.

15 (f) Expense of medical care and board and lodging for periods spent by seafarers
16 in self-isolation or in quarantine — whether seafarers have symptoms, have been
17 exposed or are quarantined as a safety precaution — must be covered by the
18 shipowner until the seafarers are considered to be duly repatriated.

19 The transit of seafarers joining ships from the Philippines shall be facilitated and
20 shall be exempted from travel-related, health-related or movement restrictions.

21 **Sec. 44. Financial Security System to Assist Seafarers in Case of**
22 **Occupational Injury and Other Causes.** - In accordance with the MLC, 2006, on
23 Financial Security for vessels, the shipowner shall provide an expeditious and effective
24 financial security system to assist seafarers in the event of their abandonment and to
25 assure compensation for contractual claims in the event of sickness, injury, or death
26 occurring while they are serving under a seafarer's employment contract, or arising
27 from their employment under such agreement.

1 **Sec. 45. Insurance Coverage.** – The provisions on compulsory insurance for
2 agency-hired workers under Section 37-A of Republic Act No. 8042, as amended by
3 Republic Act No. 10022, entitled An Act Amending Republic Act No. 8042, otherwise
4 known as the Migrant Workers and Overseas Filipinos Act of 1995, As Amended,
5 Further Improving the Standard of Protection and Promotion of the Welfare of Migrant
6 Workers, Their Families and Overseas Filipinos in Distress, and for Other Purposes,
7 shall continue to apply, at no cost, to seafarers: *Provided,* That the minimum insurance
8 cover stated therein shall be issued by insurance companies duly registered with the
9 Insurance Commission – to ensure and facilitate claims of seafarers based on the
10 section’s “no contest, no fault or negligence” clause. This insurance cover is without
11 prejudice to the insurance policy to be issued or secured by the shipowners, over and
12 above the minimum cover, as an added protection to the seafarers in accordance with
13 international standards and practices.

14

CHAPTER X

15

TERMINATION OF EMPLOYMENT

16

Sec. 46. Termination of Employment. –

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(a) The employment of Filipino seafarers onboard Philippine-registered ships operating internationally and onboard foreign-registered ships, shall cease when the seafarers complete their period of contractual service aboard the ship, sign off from the ship, and arrive at the destination as specified under this paragraph (b) of this Section;

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(b) The employment is also terminated effective upon arrival at the point of repatriation, which shall either be at the point of hire or the seafarer's place of domicile, at the option of the seafarer, or in case of the seafarer's incapacity or death, at the option of the seafarer’s next-of-kin, for any of the following reasons:

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(1) When the seafarer signs off and is disembarked for medical reasons in the event that the seafarer is declared: i) fit for repatriation; or ii) when after an illness, the seafarer is declared fit to work, but the employer is unable to find

1 employment for the seafarer on board the ship originally boarded or on another
2 ship of the shipowner;

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

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

9 (4) When the seafarer is discharged for just causes in accordance with the
10 provisions of the Standard Employment Contract.

11 **Sec. 47. Extension of Employment.** - In the event of the extension of the
12 term of a seafarer's employment contract, the seafarer shall be furnished a copy of
13 the new or supplemental contract covering the extension of employment with
14 adequate time to review and obtain expert advice regarding the terms and conditions
15 of extended employment, which shall in no case be lower than the terms of original
16 employment. In all cases, the shipowner, or a duly authorized representative of the
17 manning agency shall ensure that the seafarer has considered the effects of such an
18 extension to any accumulated entitlement and repatriation benefits, among others.

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

21 CHAPTER XI

22 DISPUTE RESOLUTION

23 **Sec. 48. Onboard and Onshore Grievance Machinery.** - All ships of
24 Philippine registry shall establish a grievance machinery and fair, effective and
25 expeditious onboard and onshore procedures, at no cost to the seafarer, for the
26 resolution of grievances or complaints. Similarly, all Filipino seafarers must be afforded
27 the right to access the onboard grievance machinery that is fair, effective, and

1 expeditious procedures, at no cost to the seafarer, for the resolution of grievances or
2 complaints. This grievance must be exhausted as a remedy in order to protect
3 the rights of the Filipino seafarer.

4 Any grievance or complaint shall first be referred to the appropriate grievance
5 mechanism provided under this Section. In cases where a seafarer is a member of a
6 legitimate trade union organization and covered by a CBA, the seafarer shall be
7 assisted by a union-designated representative in the proceedings. Any agreements
8 reached by the parties at the grievance proceedings shall be final and binding.

9 **Sec. 49. *Mandatory Conciliation-Mediation.*** - In the absence of an
10 agreement or settlement at the grievances machinery level, the following rules shall
11 apply:

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

14 (b) If there is no CBA, the parties shall have the option to submit the case to
15 compulsory arbitration or voluntary arbitration, or conciliation-mediation services
16 provided under Republic Act No. 10396, otherwise known as "An Act Strengthening
17 Conciliation-Mediation as a Voluntary Mode of Dispute Settlement for All Labor Cases,
18 Amending for this Purpose Article 228 of Presidential Decree No. 442, as amended.
19 Otherwise Known as the "Labor Code of the Philippines" and its implementing rules
20 and regulations.

21 **Sec. 50. *Maritime Industry Labor Arbitration.*** - There shall be a pool of
22 trained maritime industry conciliators-mediators and experts with the appropriate
23 competence, integrity, and knowledge of the Philippine and global maritime industry
24 practices and standards, MLC, 2006, and related Philippine-ratified conventions and
25 treaties, who shall handle the mediation or conciliation or arbitration of all issues
26 relating to the employment of seafarers.

1 **Sec. 51. Judgment on the Basis of Certification.** – No judgment or award
2 resulting in the forfeiture of the seafarer’s claims shall be rendered solely on the basis
3 of a defective or questionable fit-to-work certification.

4 **Sec. 52. Period to Settle Claims.** – In the event a seafarer, or the seafarer’s
5 successor-in-interest, files for a claim for unpaid salaries and other statutory monetary
6 benefits, or those arising from disability or death, the employer or the manning agency
7 shall have fifteen (15) days from the submission of the claim, proof or complete
8 documents, as the case may be, to determine the validity of the claim. The results of
9 the validation by the employer or manning agency shall be communicated to the
10 seafarer within the aforesaid 15-day period. The employer or manning agency shall,
11 within fifteen (15) days from the time it has communicated to the seafarer its findings,
12 settle its obligations to the seafarer, if any.

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

16 **Sec. 53. Prohibition on Appearances and Fees** - Non-lawyers may not act
17 as legal representatives of seafarers or appear on their behalf at any stage or in any
18 proceedings before labor tribunals including the National Labor Relations Commission,
19 Labor Arbiter, conciliation and mediation in the NCMB or voluntary arbitration,
20 Department of Migrant Workers and other quasi-judicial bodies unless they represent
21 themselves or they represent their organization or members thereof.

22 Any stipulation on fees shall not exceed ten percent (10%) of the compensation
23 or benefit which may be received by or awarded to the seafarer or to his successors-
24 in-interest pursuant to Republic Act No. 10706, otherwise known as the “Seafarers
25 Protection Act.” Any contract, agreement or arrangement of any sort to the contrary
26 shall be null and void.

27

28

1 **CHAPTER XII**

2 **REPATRIATION**

3 **Sec. 54. Seafarers' Repatriation.** - In all cases of repatriation, the affected
4 seafarer shall be repatriated to the point of hire or the place of domicile of the seafarer,
5 at the seafarer's option, or in case of incapacity or death, at the option of the seafarer's
6 next-of-kin, and all costs related to the repatriation, transport of the personal effects,
7 and remains of seafarers, including the provision on financial security in case of
8 abandonment of seafarers, shall be borne by shipowner or the manning agency
9 concerned. The shipowner or the manning agency shall expedite the repatriation
10 without prior determination of the cause of repatriation or termination of the seafarer's
11 employment.

12 **Sec. 55. Repatriation Expenses; Advance and Recovery.** - The repatriation
13 expenses that shall be borne by the shipowner or the manning agency concerned shall
14 include:

15 (a) Basic pay and allowances from the moment the seafarers leave the ship until
16 they reach the repatriation destination;

17 (b) Accommodation and food from the moment the seafarers leave the ship until
18 they reach the repatriation destination;

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

20 (d) Deployment cost of the shipowner; and

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

22 However, in cases where the termination of employment is for just cause or upon
23 the request of the seafarer, the cost of repatriation shall be for the account of the
24 seafarer in accordance with the employment agreement.

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

4 **Sec. 56. *Quarantine and Medical Expenses in Repatriation Due to***
5 ***Infection, Epidemics or Pandemic.*** - Before or during the process of repatriation,
6 the expenses of medical care and board and lodging for periods spent by seafarers in
7 self-isolation or quarantine, whether or not the seafarers have symptoms, have been
8 exposed or are quarantined as a safety precaution for the community, shall be covered
9 by the shipowner or manning agency until the seafarers have been duly repatriated
10 to the repatriation destination. Thereafter, medical care and quarantine expenses for
11 repatriation to the point of destination shall be borne by the Philippine government,
12 following the whole-of-government approach in the management of epidemics and
13 pandemics.

14 **Sec. 57. *Waiver of Entitlement to Repatriation.*** - Entitlement to
15 repatriation may be waived by a seafarer; *Provided*, That the waiver shall be written,
16 made freely and voluntarily, with full knowledge of its consequences; *Provided*,
17 *further*, that no such waiver shall be allowed or presumed when a seafarer is
18 abandoned, held captive on or off the ship as a result of acts of piracy or armed
19 robbery against the ship, or is incapable of traveling due to illness, injury or incapacity,
20 or other causes that affect the seafarer's safety and security.

21 **CHAPTER XIII**

22 **REINTEGRATION**

23 **Sec. 58. *Reintegration.*** -There shall be developed and implemented a full-
24 cycle and comprehensive national reintegration program for seafarers, which shall be
25 embedded in all stages of migration for work beginning from pre-deployment, on-site
26 during employment, and upon return, whether voluntary or involuntary. The
27 reintegration program shall cover the different dimensions of support needed by
28 seafarers, such as economic, social, psychosocial, and cultural, including skills
29 certification and recognition of equivalency for effective employment services, and

1 shall ensure contribution of skilled or professional seafarers to national development
2 through investments and transfer of technology.

3 CHAPTER XIV

4 PROVISIONS APPLICABLE TO DOMESTIC SEAFARERS

5 **Sec. 59. Wages, Holiday Pay, Service Incentive Leave, and Other**
6 **Statutory Benefits.** - The minimum wage rate of seafarers onboard ships engaged
7 in domestic shipping shall be determined by the Regional Tripartite Wages and
8 Productivity Boards (RTWPB), taking into account the peculiarities of the employment
9 arrangement of seafarers and the criteria for wage-fixing pursuant to Republic Act No.
10 6727, otherwise known as the "Wage Rationalization Act"; *Provided*, that wages for
11 actual work hours and days shall not be lower than the applicable minimum wage
12 rates in the place where the ship is registered. Wages of domestic seafarers shall be
13 paid in full and regularly at least twice a week in a month, or at intervals not greater
14 than sixteen (16) days as provided in the Labor Code of the Philippines, as amended.

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

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

23 (b) paid maternity leave under Republic Act No. 11210, otherwise known as the
24 "105-Day Expanded Maternity Leave Law,";

25 (c) paid paternity leave under Republic Act No. 8187, otherwise known as the
26 "Paternity Leave Act of 1996,";

1 (d) paid parental leave for solo parents under Republic Act No. 8972, otherwise
2 known as the "Solo Parents' Welfare Act of 2000,";

3 (e) paid leave for victims of violence against women and their children under
4 Republic Act No. 9262, otherwise known as the "Anti-Violence Against Women and
5 their Children Act of 2004,";

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

8 (g) retirement pay, pursuant to Republic Act No. 7641.

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

13 **Sec. 60. *Employment Contract.*** - There shall be an agreement, in writing,
14 between the shipowner and the seafarer, following the SEC prescribed under Section
15 28 of this Act.

16 The employment contract shall be executed by and between the shipowner and
17 the seafarer before the commencement of employment in English or translated in the
18 language known to both parties. The shipowner shall provide the domestic seafarer
19 with the signed original copy of the contract and a certified true copy shall be made
20 available onboard the ship.

21 The DMW shall keep a copy of the employment contract between the shipowner
22 and the domestic seafarer.

23 **Sec. 61. *Maximum Hours of Work and Minimum Hours of Rest.*** -The
24 provision of Section 29 shall also apply to domestic seafarers. In addition, waiting time
25 shall not be considered as compensable working time if the seafarer is completely
26 relieved from duty and can use the time effectively for one's own purpose.

1 **Sec. 67. Crew Competence.** - Every member of the crew of a ship of Philippine
2 registry shall possess, in addition to the required medical certificate, the appropriate
3 certificate of competency issued by the relevant government agencies setting forth
4 one's competence to serve in the capacity, and perform the functions involved at the
5 level of responsibility, for the position held, for the type, tonnage, power, means of
6 propulsion, and trading patterns of the ships concerned.

7 The certificate of competency shall attest that the seafarer to whom it is issued
8 meets the requirements for service, age, qualification, and examinations for the
9 position held.

10 **Sec. 68. Compliance and Certification.** - The shipowner and master shall
11 ensure the ship's compliance with this Act and its implementing rules and regulations
12 at all times. In case of any violation thereof, they shall be principally liable.

13 For this purpose, a Maritime Labor Certificate or a certificate of compliance, when
14 applicable, shall be issued following the implementing rules and regulations of this
15 Act.

16 **Sec. 69. Inspection and Enforcement.**

17 (a) The Secretary of DMW or its duly authorized representative shall have the
18 authority over all ocean-going ships, while the Secretary of DOLE or its duly authorized
19 representative shall have the authority over all domestic ships, both of Philippine
20 registry, and shall:

21 (1) Inspect to ensure compliance with labor standards and occupational
22 safety and health as provided under this Act. The enforcement and compliance
23 monitoring activities may be coordinated and conducted by the DMW or DOLE,
24 as the case may be, with the relevant government agencies, including MARINA
25 and PCG, in conjunction with their schedules for inspection and certification;

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

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

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

15 The conduct of port state controls shall be in accordance with international
16 conventions and instruments ratified or to be ratified in the future.

17 The PCG Commandant or its duly authorized representative shall have the power
18 to order immediate correction of, and impose fines for violations of the relevant
19 provisions of this Act.

20 Upon the order of the Secretary of DMW or DOLE, the PCG shall prohibit a ship
21 from leaving port in case of finding that the conditions onboard are clearly hazardous
22 to the safety, health or security of seafarers, or non-compliance with any of the
23 provisions of this Act, the MLC, 2006 and its amendments. In all cases, the prohibition
24 to leave the port shall be in place until the same have been rectified or until a plan of
25 action to rectify the non-conformities is shown to be implemented in an expeditious
26 manner, and cleared by the Secretary of DMW or DOLE.

27 **Sec. 70. *Recognized Organizations.*** - Recognized organizations may be
28 authorized by the Secretary of DMW or DOLE to conduct inspection and issue

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

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

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

9 **Sec. 71. *Green Lane for Seafarers.*** – When the circumstances warrant, the
10 DMW, Department of Health (DOH), Department of Foreign Affairs (DFA), DOLE,
11 Department of Justice (DOJ), Department of Interior and Local Government (DILG),
12 Department of Transportation (DOTR), and other relevant agencies shall activate a
13 *green lane* for seafarers that exempt them from travel-related or health-related
14 movement restrictions to facilitate their joining or leaving ships.

15 **CHAPTER XVI**

16 **SHIPBOARD TRAINING OF CADETS**

17 **Sec. 72. *Applicability.*** - The provisions of Chapters III (Seafarer’s Rights), IV
18 (Women in the Maritime Industry), VIII (Accommodation, Recreational and Sanitation
19 Facilities, Food and Catering in Ships), IX (Medical Care and Maritime Occupational
20 Safety and Health Standards), XI (Dispute Resolution), and XII (Repatriation) shall
21 apply with respect to the training of cadets.

22 **Sec. 73. *Shipboard Training Agreement for Cadets.*** - There shall be a
23 written agreement between the shipowner, the cadet and the maritime institution or
24 school which shall embody the following information, terms and conditions:

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

- 1 (b) Name and address of the maritime institution or school;
- 2 (c) Name and address of the shipowner and its manning and placement agency,
3 if applicable;
- 4 (d) Place and date when the agreement is entered into;
- 5 (e) Capacity in which the cadet is to be trained;
- 6 (f) The amount of the cadet's allowance or stipend, if applicable;
- 7 (g) Required number of hours of training and rest which shall not be less than
8 the prescribed hours of rest in Sections 29 and 61 of this Act;
- 9 (h) Duties and responsibilities of the sponsoring company, Maritime Higher
10 Education Institutions (MHEIs), and cadets, as may be provided under the Standard
11 Cadet Training Agreement on Ships Engaged in International Voyage; and
- 12 (i) Other benefits in accordance with existing laws, company policy or
13 agreements.

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

16 The foregoing agreement shall be in a language familiar to and understood by
17 all parties in English, executed in four (4) original copies before the commencement
18 of the shipboard training. The shipowner, cadet and the maritime institution/school
19 shall each have a signed original of the agreement and an electronic copy thereof shall
20 be submitted to the DOLE- through the Bureau of Working Conditions (BWC) for
21 domestic ships, or DMW for ocean-going ships. A signed original copy shall also be
22 made available on board the ship.

23 **Sec. 74. *Non-discrimination in Shipboard Training.*** - Cadets shall be
24 accorded equal access to training and shall not be discriminated against for shipboard
25 training.

1 **Sec. 75. Curriculum Committee.** – A Curriculum Committee shall be formed
2 to periodically assess the curriculum of the Bachelor of Science in Marine
3 Transportation (BSMT) and Bachelor of Science in Marine Engineering (BSMarE) to
4 ensure their consistency with the IMO model courses on marine or maritime education.
5 Except for mandatory subjects required by CHED leading to a degree, subjects which
6 are not consistent with the IMO model courses shall be removed. The Committee shall
7 be chaired by CHED with the following as members: MARINA, DMW, DFA, MHEIs,
8 training institutions, academe, shipowners and manning agencies.

9 **Sec. 76. Regulation of Training Programs and Fees.** – The Maritime
10 Industry Board created under Presidential Decree No. 474, entitled “Providing for the
11 Reorganization of Maritime Functions in the Philippines, Creating the Maritime Industry
12 Authority, and for Other Purposes, as amended,” shall be authorized under this Act to
13 regulate the fees imposed by MARINA-accredited Maritime Training Institutions for
14 maritime courses and programs required under STCW Convention, 1978, as amended.
15 The MARINA Board shall ensure that the fees charged for these training courses are
16 reasonable. For this purpose, the Secretary of the DMW shall be the Vice-Chairperson
17 of the MARINA Board to ensure the protection of the rights and welfare of seafarers
18 onboard ships operating internationally.

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

22 **Sec. 77. Non-Degree Courses for Seafarers.** – The TESDA shall, in
23 consultation with CHED and MARINA, develop and establish non-degree courses on
24 maritime education and training consistent with its mandate under Republic Act No.
25 7796. Non-degree holder seafarers shall be allowed to undergo shipboard training, for
26 purposes of employment in the domestic maritime industry, in vessels below the
27 minimum gross tonnage and required horsepower as provided under the guidelines of
28 MARINA in compliance with international standards: Provided, That such non-degree
29 programs may serve as a preparatory course, or may be considered as an “associate
30 degree,” leading to the full degree of BSMT, BSMarE, and other maritime degree

1 programs through a ladderized system of education and training consistent with
2 Republic Act No. 10647 (The Ladderized Education Act of 2014) and Republic Act No.
3 10968 (Philippine Qualifications Framework Act).

4 For purposes of this Act, the TESDA shall be the primary agency in charge of
5 developing and establishing non-degree maritime courses or programs and ensuring
6 their implementation.

7 **Sec. 78. *Implementing Guidelines.*** – The CHED, MARINA, DMW, TESDA and
8 other concerned government agencies, in consultation with the stakeholders, are
9 hereby authorized to formulate the implementing guidelines for this Chapter on
10 Education and Training of Seafarers.

11 **CHAPTER XVII**

12 **INCENTIVES AND AWARDS GRANTED TO THE MARITIME INDUSTRY**

13 **Sec. 79. *Incentives and Awards.*** – In consultation with the Maritime
14 Industry Tripartite Council (MITC), the concerned government agency shall establish
15 and administer an incentive and awards system for the maritime industry stakeholders.

16 Deserving shipowners, seafarers, manning, and other organizations or entities
17 shall be commended or awarded for their outstanding performance in upholding
18 seafarers' rights and compliance with this Act and its implementing rules and
19 regulations.

20

1 **CHAPTER XVIII**

2 **ROLE OF GOVERNMENT AGENCIES**

3 **Sec. 80. *Role of Government Agencies.*** - The following government
4 agencies shall perform the following functions to promote the welfare and protect the
5 rights of Filipino seafarers:

6 (a) CHED. - The CHED shall set the standards and monitor the performance of
7 maritime education programs and maritime higher education institutions, ensuring
8 that quality maritime education, including curricula and training programs, are
9 structured and delivered in accordance with the written programs, methods, and
10 media of delivery, procedures, and course materials compliant with international
11 standards prescribed under the STCW Convention and its amendments. For this
12 purpose, CHED shall be in close coordination with the MARINA.

13 (b) DOLE. - The DOLE shall ensure that the standards set forth under this Act,
14 Presidential Decree No. 442, otherwise known as the "Labor Code of the Philippines",
15 as amended, and other domestic laws, the MLC, 2006 and other international treaties
16 and conventions to which the Philippines is a signatory are faithfully complied with
17 and fairly applied to Filipino seafarers of domestic ships.

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

21 (c) DFA. - DFA, through its consular offices or foreign service posts, in
22 coordination with the appropriate government agency, shall take priority action or
23 make representation with the foreign authority concerned to protect the rights of
24 seafarers and extend immediate assistance. Considering that the seafarers are
25 essential workers, the DFA shall provide a priority lane to expeditiously process the
26 application of new passports or renewal of expiring passports.

1 (d) DOH. - The DOH shall regulate the activities and operations of all clinics which
2 conduct physical, optical, dental, psychological and other similar examinations,
3 hereinafter referred to as health examinations, on Filipino seafarers.

4 The DOH shall determine and prescribe the nature of the medical examination
5 that shall be required of a seafarer, ensuring that such examination will genuinely
6 determine the seafarer's state of health, considering the duties that the seafarer shall
7 be required to perform onboard. The DOH shall likewise prescribe the contents of the
8 medical certificate to ensure that such certification will genuinely reflect the seafarer's
9 state of health.

10 (e) DMW.- The DMW shall review and improve on the working conditions and
11 terms of employment of the officers and crew of vessels of ocean-going ships of
12 Philippine or foreign registry covered under this Act. It shall likewise ensure that the
13 standards set forth under this Act, the MLC, 2006, and other international treaties and
14 conventions to which the Philippines is a signatory are faithfully complied with and
15 fairly applied to seafarers. To this end, the DMW shall establish an effective system
16 for inspection and certification as provided under this Act to ensure that the working
17 and living conditions of seafarers are met and continue to be met pursuant to the
18 MLC, 2006.

19 It shall strengthen its research capability to provide studies/resources for
20 evidenced-based policy decision-making and program development, and continuously
21 address gaps in the protection and welfare of the seafarers. The DMW shall ensure
22 fast and efficient way of processing employment contracts, renewal of manning
23 license, accreditation of principals and enrollment of vessels in order to promote the
24 marketability and employment of Filipino seafarers.

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

1 It shall extend immediate assistance to seafarers, or their families or next-of-
2 kin, including the repatriation of distressed seafarers, and any other analogous help
3 or intervention.

4 (f) OWWA. - The OWWA, through its welfare officer or, in his absence, the
5 coordinating officer, shall provide the seafarers and his/her family all the assistance
6 they may need in the enforcement of contractual obligations by agencies and/or by
7 their principals.

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

12 (g) MARINA. - The MARINA shall ensure that the examination, licensing, and
13 certification system for seafarers are in accordance with the requirements prescribed
14 under STCW Convention, international agreements, other conventions relevant
15 thereto, and other applicable laws, rules and regulations.

16 (h) National Maritime Polytechnic (NMP) shall:

17 (1) Provide skills enhancement trainings mandated and recommended by
18 international maritime conventions and other capability building interventions that
19 measure up to quality standards and respond to the needs of seafarers.

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

23 The NMP shall likewise develop and maintain a resource center for Filipino
24 seafarers that includes a database of seafarers and related statistics and information
25 to aid in evidence-based policy making and program development, and that which
26 will provide the seafarers with real-time updated information on matters affecting
27 their employment and helpline support.

1 (i) PCG. - The PCG shall undertake port state control inspections of vessels calling
2 at any port of the Philippines, in accordance with international conventions and
3 standards, for the promotion of safety of life and property at sea, control and
4 prevention of maritime pollution, and verification of compliance with the minimum
5 standards of training and social condition of officers and crew onboard the ships.

6 The PCG shall, in line with its function to assist in the enforcement of applicable
7 laws within the maritime jurisdiction of the Philippines, shall assist the DMW or/and
8 DOLE in the enforcement of the rules and regulations issued for the purpose of
9 implementing the MLC 2006, including orders to detain vessels found in gross violation
10 of pertinent laws, rules and regulations.

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

15 (j) NLRC. – The NLRC shall, consistent with its mandate and jurisdiction under
16 Presidential Decree No. 442, as amended, and other labor laws, adjudicate labor and
17 management disputes involving seafarers through compulsory arbitration or
18 alternative modes of dispute resolution.

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

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

27 Unless otherwise provided in this Act, the mandate, power and function of all
28 existing departments, agencies or instrumentalities of the government, including

1 government-owned and controlled corporations, shall remain and continue to be
2 recognized in accordance with the law or order creating them.

3 **Sec. 81. *Establishment of Seafarer Welfare Centers.*** – The OWWA shall
4 establish seafarer welfare facilities or centers in major crew-change ports, specifically
5 in Metro Manila, Pangasinan, Bulacan, Cavite, Batangas, Iloilo, Cebu, Cagayan de Oro
6 City, Davao City and other areas to be determined by OWWA which have higher
7 concentration of seafarers. The facility or center shall offer services which promote
8 the welfare of, and cater to, the recreational, cultural, religious, communication, and
9 legal needs of seafarers.

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

14 The OWWA shall, in consultation with relevant government agencies and
15 stakeholders, review and develop annually the welfare facilities and services to ensure
16 that they are appropriate in the light of changes in the needs of seafarers resulting
17 from technical, operational and other developments in the shipping industry.

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

23 **Sec. 82. *Registry of Seafarers.*** - The DMW, for ocean-going ships of foreign
24 registry, and MARINA, for domestic and ocean-going vessels of Philippine registry,
25 shall maintain a registry of all seafarers in the Philippines; *Provided,* That the registry
26 of seafarers aboard ocean-going ships shall be integrated into the management
27 information system established under Republic Act No. 10022, otherwise known as
28 the Migrant Workers and Overseas Filipinos Act, as amended.

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

5 DMW and MARINA shall ensure compliance with Republic Act No. 10173,
6 otherwise known as the "Data Privacy Act of 2012," and its implementing rules and
7 regulations in handling seafarers' relevant information or data in their respective
8 registries.

9 **Sec. 83. *Maritime Occupational Safety and Health Standards.*** – The
10 DOLE, in consultation with the DMW and the maritime industry stakeholders, shall
11 formulate the Maritime Occupational Safety and Health Standards (MOSHS) according
12 to the provisions of Republic Act No. 11058, otherwise known as the "Occupational
13 Safety and Health Law" and applicable maritime conventions and treaties ratified by
14 the Philippines.

15 **CHAPTER XIX**

16 **FINAL PROVISIONS**

17 **Sec. 84. *Administrative Fines and Penalties.*** - Any shipowner, master, or
18 their representative who fails or refuses to present employment records, such as
19 payrolls, daily time records, payslip or other documents, such as medical records,
20 when required by the individual seafarer, the Secretary of DMW or DOLE or their
21 respective duly authorized representative, or the duly authorized representative of a
22 recognized organization, shall be subject to administrative fines ranging from One
23 hundred thousand pesos (Php100,000.00) to One million pesos (Php1,000,000.00).

24 **Sec. 85. *Penalty for Violation of Sec. 68 (Compliance and Certification)***
25 - Any shipowner, master, or their representative who operates without, or fails to
26 present, a valid Maritime Labour Certificate, or its equivalent, shall be punished with
27 fines ranging from One hundred thousand pesos (Php100,000.00) to One million pesos

1 (Php1,000,000.00), in accordance with the implementing rules and regulations of this
2 Act.

3 **Sec. 86. *Penalty for Violation of Sec. 69 (Inspection and Enforcement).***

4 - Any person who, without proper authorization, exercises the authority granted to the
5 Secretary of DMW or DOLE under Section 69 of this Act shall be punished with a fine
6 of not less than Two hundred thousand pesos (Php200,000.00) but not more than
7 Two million pesos (Php2,000,000.00), or imprisonment of not less than one (1) year
8 nor more than four (4) years, or both at the discretion of the court. The foregoing
9 offense shall be prescribed after five (5) years from its commission.

10 **Sec. 87. *Transitory Provision.*** - All rights, privileges and benefits previously
11 enjoyed by Filipino seafarers before the effectivity of this Act, including those set forth
12 in Presidential Decree No. 442, as amended, and Republic Act No. 8042, as amended,
13 shall continue to be recognized and shall not be diminished after the effectivity of this
14 Act.

15 The transition period provided under Section 23 of Republic Act No. 11641, shall
16 likewise be taken into consideration.

17 **Sec. 88. *Appropriations.*** – The amount necessary to carry out the provisions
18 of this Act shall be charged against the current year’s appropriations of the
19 departments and agencies concerned. Thereafter, such amount shall be included in
20 the annual General Appropriations Act.

21 **Sec. 89. *Implementing Rules and Regulations.*** - As the lead agency, the
22 DMW, in coordination with DOLE, DFA, MARINA, CHED, TESDA, PCG, OWWA, and
23 other concerned agencies, and with the participation of representatives from non-
24 government organizations (NGOs), civil society groups and recognized organizations,
25 shall formulate the necessary rules and regulations for the effective implementation
26 of this Act within ninety (90) days from its effectivity.

1 **Sec. 90. *Separability Clause.*** - If any provision of this Act is held to be illegal,
2 invalid, or unconstitutional, the remainder thereof not otherwise affected shall remain
3 in full force and effect.

4 **Sec. 91. *Repealing Clause.*** - All laws, presidential decrees, issuances,
5 executive orders, letters of instructions, and proclamations or administrative
6 regulations inconsistent with the provisions of the Act are hereby repealed or modified
7 accordingly.

8 **Sec. 92. *Effectivity.*** This Act shall take effect fifteen (15) days following the
9 completion of its publication either in the Official Gazette, or in a newspaper of general
10 circulation.

11 Approved,