

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

7 JUN 30 P3 57

SENATE
S. B. NO. 214

RECEIVED BY: 

Introduced by SENATOR EDGARDO J. ANGARA

EXPLANATORY NOTE

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


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

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

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

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


Approval of the measure is respectfully sought.


EDGARDO J. ANGARA
Senator

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AN ACT INSTITUTING
THE MAGNA CARTA OF FILIPINO SEAFARERS

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

CHAPTER I.

GENERAL PROVISIONS

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

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

- 1) To recognize the rights, contributions and unique role of Filipino seafarers,
as well as their vulnerabilities, and afford them full protection before,
during and after their employment;
- 2) To maintain and progressively develop a pool of competent and world class
domestic and international seafarers of all grades and ratings through a
system of education and training and of accreditation and licensing; AND
- 3) To establish mechanisms for the enhancement of administrative,
adjudicative, social as well as welfare services for them and their families.

Toward these ends, the State shall endeavor to improve the Filipino
seafarers’ working conditions, terms of employment, career prospects and
provide them opportunities to harness their potentials to the fullest. The
State shall further work to uplift the socio-economic wellbeing of their
respective families.

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

1 **SEC. 4. Definitions.** For purposes of this Act,

- 2
- 3 a) **“Authority”** refers to the document issued by the DOLE authorizing
- 4 any person or entity to engage in the recruitment and placement of
- 5 seafarers or OFWs;
- 6
- 7 b) **“Departure”** refers to the actual departure from the point of hire of a
- 8 Filipino seafarer through air, sea or land travel transport to join his
- 9 vessel in a Philippine or foreign port;
- 10
- 11 c) **“Domestic Seafarers”** refers to seafarers on board ship or vessel
- 12 plying inter-island water or waters within Philippine territory;
- 13
- 14 d) **“Filipino Seafarers”** refers to any person who fulfills the conditions
- 15 to be employed or engaged as part of the crew or complement of the
- 16 ship navigating the foreign seas other than a government ship used for
- 17 military or non-commercial purposes. This term includes seafarers
- 18 serving on foreign maritime mobile offshore units who perform
- 19 functions similar to those constituting a crew, fisherman and cruise
- 20 ship personnel;
- 21
- 22 e) **“Informal Blacklisting”** refers to the unlawful practice of
- 23 recruitment and placement services agencies, or companies to directly
- 24 or indirectly prevent or deter seafarers, without valid cause from
- 25 gaining productive employment, whether the job applicant is for
- 26 employment or reemployment;
- 27
- 28 f) **“License”** refers to the document issued by the DOLE authorizing any
- 29 person or entity to operate a manning agency;
- 30
- 31 g) **“Manning or Crewing Agencies”** shall refer to any person, company,
- 32 institution, agency or other organization in the public or private sector,
- 33 which is engaged in recruiting seafarers in behalf of the employers or
- 34 placing seafarers with employers;
- 35
- 36 h) **“Maritime Industry”** refers to all enterprises engaged in the business
- 37 of managing and / or operating shipping lines, management of ports,
- 38 stevedoring arrastre, customs brokerage and cargo surveys; of ship
- 39 brokering / chartering, designing, constructing, manufacturing,
- 40 acquiring, operating, supplying, repairing and / or maintaining vessels,
- 41 or component parts thereof; of shipyards and dry-docks; of providing
- 42 maritime services such as ship supplies, ship manning and training,
- 43 maritime consultancy, ship repairs, machine shops, shipping agencies,
- 44 freight forwarding and similar enterprises;
- 45
- 46 i) **“Master”** refers to a seafarer who has the command and is in-charge of
- 47 the vessel being the representative the vessel's owner.
- 48
- 49 j) **“Officers”** refers to seafarers other than the Master who is designated
- 50 by national law or regulation as an officer or is serving in that
- 51 capacity, such as the 3rd mate, 2nd mate, chief mate, master mariner in
- 52 the ship's deck, the marine engineer officers in the engine, and other
- 53 special officers needed in the vessel.
- 54

- 1 k) ***"Philippine Port"*** refers to any Philippine airport or seaport;
- 2
- 3 l) ***"Philippine Seafarers' One-Stop Center"*** refers to the government
- 4 office under the supervision of the Department of Labor and
- 5 Employment created thru Administrative Order No. 56 on 24 January
- 6 2003;
- 7
- 8 m) ***"Philippine Shipping Companies"*** refers to entities registered and
- 9 licensed under the laws of the Philippines to engage in the business of
- 10 overseas and/of domestic water transportation;
- 11
- 12 n) ***"Point of Hire"*** refers to the place indicated in the contract of
- 13 employment which shall be the basis for determining commencement
- 14 and termination of contract;
- 15
- 16 o) ***"Principal"*** or ***"employer"*** refers to any person, partnership or
- 17 corporation registered and duly authorized to engage in overseas
- 18 shipping activities engaging Filipino seafarers;
- 19
- 20 p) ***"Rating"*** refers to any member of the crew other than the Master or
- 21 the Officer, who is considered as ordinary seaman, able seaman,
- 22 boatswain or bosun in the deck; the wiper, motorman, fitters and such
- 23 other special ratings needed on board the vessel.
- 24
- 25 q) ***"Recruitment and Placement"*** refers to any act of canvassing,
- 26 enlisting, contracting, transporting, utilizing, hiring or procuring
- 27 workers, and include referrals, contact services, promising or
- 28 advertising employment, locally or abroad, whether for profit or not:
- 29 *Provided*, That any person or entity, which in any manner, offers or
- 30 promises employment for a fee to two (2) or more persons shall be
- 31 deemed engaged in recruitment and placement.
- 32
- 33 r) ***"Seafarers"*** refers to any person who fulfills the conditions to be
- 34 employed or engaged as part of the crew or complement of the ship
- 35 navigating the domestic and international waters than a government
- 36 ship used for military or commercial purposes.
- 37
- 38 s) ***"Shipowner"*** refers to the owner of the ship or any other organization
- 39 or person, such as the manager, agent or bareboat charterer, who has
- 40 assumed the responsibility for operation and management of the ship
- 41 from the ship owner, and who, on assuming such responsibilities, has
- 42 agreed to take over all the attendant duties and responsibilities of a
- 43 ship owner.
- 44
- 45 t) ***"Vessel"*** includes any ship or boat of any nature whatsoever,
- 46 ordinarily engaged in maritime navigation.
- 47
- 48 u) ***"Commission on Higher Education (CHED)"*** refers to the
- 49 government agency created pursuant to Republic Act No. 7722;
- 50
- 51 v) ***"Department of Education (Dep-Ed)"*** refers to the government
- 52 agency created pursuant to Executive Order No. 117 (30 January
- 53 1987), as amended by Republic Acts 7722, 7796, and 9155 (11 August
- 54 2001);

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

50 CHAPTER II.

51 FILIPINO SEAFARER’S RIGHTS 52 53 54

1 **SEC. 5. Access to Educational Advancement and Training.** The
2 State shall ensure Filipino seafarers, whether plying the domestic or
3 international waters, access to educational advancement and training at
4 reasonable and affordable costs.

5
6 Toward this end, the State shall:

- 7
8 1) Regulate the operation of all educational and review institutions
9 offering courses related to seafaring;
10 2) Pursue grant programs such as scholarships, subsidies, loan assistance
11 and other measures that will harness the skills of Filipino seafarers
12 toward greater competitiveness to new demands in the industry; and
13
14 3) Ensure that requirements on training and upgrading as mandated by
15 manning and crewing agencies for employment, reemployment or
16 promotion purposes shall take into account the seafarers' right to
17 spend quality time with his family.
18
19

20 **SEC. 6. Access to Relevant Information.** The State shall ensure
21 that manning or crewing agencies shall provide Filipino seafarers with
22 adequate and relevant information to make them understand their rights,
23 benefits, obligations, conditions and realities attending to their profession,
24 and laws and regulations of countries covered by their sojourn.
25

26 Toward this end, manning or crewing agencies, and other
27 organizations responsible for the recruitment and employment of Filipino
28 seafarers, whether plying the domestic or international waters, shall be
29 mandated to make every contract of employment, the computation and
30 manner by which salaries are remitted to their allottees, and the specific
31 privileges and benefits available in the contract of employment accessible to
32 their recruits or clienteles.
33
34

35 **SEC. 7. Right to Humane Conditions of Work and Right to Just**
36 **Compensation.** The State shall guarantee Filipino seafarers the right to
37 humane conditions of work and the right to standard salary compensatory to
38 their rank, hours of work and other relevant basis for wage computation,
39 minimum number of working hours, rest day, vacation pay, and "end-of-
40 contract" pay in accordance with the agreement of the parties concerned and
41 with existing domestic and international law.
42
43

44 **SEC. 8. Rights to Self-organization, to engage in Collective**
45 **Bargaining and to participate in democratic exercises.** The State shall
46 ensure Filipino seafarers of their right to self-organization, to collective
47 bargaining and to participate in the deliberation of issues and in the
48 formulation of policies that affect them, including the guarantee of
49 representation in governing boards or appointment in government
50 instrumentalities, to include, but not limited to the CHED, TESDA, PRC,
51 POEA, OWWA, MARINA.
52
53

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

7 Every seafarer accused of committing any offense in violation of any
8 provision of his or her contract has the right to due process, an impartial
9 tribunal and administrative body, and an expeditious payment of damages
10 and liability in cases where the judgment is favorable to the Filipino seafarer.
11

12 13 **CHAPTER III.**

14 15 **PHILIPPINE SEAFARER ONE STOP PROCESSING CENTER**

16
17
18 **SEC. 10. *Philippine Seafarer One Stop Processing Center***
19 **(PSOC).** The PSOC, as established under Administrative Order No. 56, has
20 been tasked to operationalize and make available to the public, an integrated
21 document processing center for the seafarers and the general public to
22 conduct official transactions.
23

24 PSOC shall have the services of the following government offices:
25

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

42
43 **SEC. 11. *Rationalizing Government Systems and Procedures.***
44 The government offices enumerated under Section 9 hereof shall, within
45 three (3) months from the effectivity of this Act, and in consultation with
46 seafarers' organizations, recruitment agency associations, and non-
47 government organizations concerned, rationalize and streamline policies,
48 rules, and procedures governing the documentation, licensing, certification,
49 recruitment, hiring and deployment of seafarers and the OFWs, in general.
50

51 Said offices, through the PSOC, shall enforce the streamlining of
52 policies and procedures involved in overseas employment with the view of
53 cutting the time required for documentary processing, simplifying licensing

1 and certification procedures, and facilitating the extension of welfare and
2 support services to their respective clients.

3
4 These streamlining efforts shall focus on, among others:

- 5
6 1) Simplification of systems and procedures and reduction of
7 documentary requirements;
- 8
9 2) Implementation of the full disclosure policy;
- 10
11 3) Formulation and implementation of a system of registration of
12 seafarers and other OFWs, the registration, accreditation, and
13 licensing of private manning or crewing agencies, and all other related
14 regulatory function;
- 15
16 4) Elimination of unnecessary and duplicative requirements that go
17 beyond the requirements as defined in the STCW '78, as amended;
- 18
19 5) Formulation of a regulated employment standard setting by
20 prescribing minimum provisions of the employment contract, in
21 conformity with labor standard under Philippine laws and regulations;
- 22
23 6) Regulation placement fee policy;
- 24
25 7) Formulation of rules that ensure speedy disposition of illegal
26 recruitment cases; and
- 27
28 8) Development and implementation of an effective information program,
29 in coordination with manning or crewing agencies for the purpose of
30 informing the seafarers of their rights, obligations, benefits, and option
31 attending to specific situations that they may face in the course of
32 their employment.

33 34 35 36 CHAPTER IV.

37 38 MANDATORY REQUIREMENTS FOR FILIPINO SEAFARERS

39
40
41 SEC. 14. *Mandatory Minimum Requirements.* To be eligible for
42 employment, a seafarer must:

- 43
44 1) Be a Filipino Citizen;
- 45
46 2) Be at least, eighteen (18) years old, except as may be determined by
47 the Secretary of Labor and Employment;
- 48
49 3) Be fit for duty as certified by the government-accredited institution
50 authorized to conduct physical and medical examination for overseas
51 employment;
- 52
53 4) Meet the qualification and certification requirements prescribed by the
54 DOLE agency concerned and the standard requirements under the

1 STCW '78, as amended, and other international instruments
2 prescribed relevant standards;
3

4 5) Registered with and duly certified by the DOLE agency concerned as
5 eligible for overseas employment if serving on ocean going vessels, and
6 as eligible for local employment if serving on board domestic or inter-
7 island vessels; and
8

9 6) Other qualification requirements as may be prescribed by the DOLE in
10 keeping with international demands.
11

12
13 **SEC. 15. *Education.*** A Filipino seafarer must have, at least,
14 successfully completed the required basic courses as provided for in the
15 curriculum approved by the Commission on Higher Education or the TESDA.
16

17
18 **SEC. 16. *Training.*** A Filipino seafarer must, at least, undergo and
19 successfully complete the required basic training proper to his/her position as
20 set forth under the STCW '78, as amended, and under the ILO Conventions
21 of which the Philippines is a signatory.
22

23 Where in-service training and assessment of competence for the
24 Filipino seafarer is required for purposes of certification under the STCW '78,
25 the person conducting the same either on board or ashore must meet the
26 qualifications prescribed under the aforesaid section of the STCW '78
27

28 29 CHAPTER V.

30 31 GOVERNMENT AGENCIES

32
33
34 **SEC. 17. *Role of Government Agencies.*** The following government
35 agencies shall perform the following to promote the welfare and protect the
36 rights of Filipino seafarers and, whenever practicable, all overseas Filipinos:
37

38 a) Department of Foreign Affairs. The DFA, through its home offices
39 or foreign posts, shall take priority action or make representation
40 with the foreign authority concerned to protect the rights of Filipino
41 seafarers and other overseas Filipinos and extend immediate
42 assistance, including the repatriation of distressed or beleaguered
43 Filipino seafarers and other overseas Filipinos;
44

45 b) Commission on Higher Education (CHED) shall ensure the
46 promotion of quality and efficiency in maritime education through
47 advocacy and accountability.
48

49 (b.1) Commission on Higher Education and the Technical
50 Education and Skills Development Authority. The CHED
51 and the TESDA shall ensure that the curricula for the
52 seafarers' education and training are in consonance with the
53 demands of global maritime industry as well as with the
54 requirements of STCW '78, as amended.

1
2 (b.2) Commission on Higher Education and Maritime Training
3 Council. The CHED, in coordination with MTC, and
4 maritime schools and training institutions, shall be
5 responsible for the continuous and comprehensive research,
6 review and upgrading of the system of education, training,
7 certification and recruitment of all maritime schools and
8 institutions, as well as the manning or crewing agencies and
9 regulatory commissions..

10
11 c) Department of Labor and Employment. The DOLE shall ensure that
12 labor and social welfare laws in foreign countries are fairly and
13 faithfully applied to Filipino seafarers and whenever applicable, to
14 other overseas Filipinos, including the grant of legal assistance and
15 the referral to proper medical centers or hospitals:
16

17 (c.1) Maritime Training Council. The MTC shall be responsible
18 in the formulation, adoption and enforcement of regulatory
19 measures for the observance of both the accredited training
20 centers and agencies and the trainees to ensure quality
21 standards and mechanisms of training and competence of
22 overseas Filipino seafarers.
23

24 (c.2) Maritime Industry Authority. The MARINA shall be
25 responsible in the formulation, adoption and enforcement of
26 regulations governing the quality standards and mechanisms
27 of training and competence of local seafarers.
28

29 (c.3) Philippine Overseas Employment Agency. In pursuit of
30 promoting the well-being of the Filipino seafarers, the POEA
31 shall:
32

33 a) Look into and improve on the working conditions and
34 terms of employment of the officers and crew of vessels of
35 Philippine registry, and of such officers and crew
36 members who are Filipino citizens and employed by
37 foreign vessels;
38

39 b) Develop an effective system of monitoring and gathering
40 welfare concerns for purposes of determining future
41 welfare programs, monitoring existing welfare activities
42 and addressing current welfare issues prioritize according
43 to urgency;
44

45 c) Observe and conduct a comprehensive and updated
46 system of pre-departure orientation seminars or briefings
47 to departing seafarers and other maritime workers
48 scheduled for deployment. It shall also undertake studies
49 and distribute relevant materials for use in pre-departure
50 orientation seminars of maritime workers and other
51 related activities;
52

- d) Accredit, regulate and supervise pre-departure orientation seminars or briefings of authorized manning or crewing agencies;
- e) Formulate and undertake programs and projects for the effective and efficient utilization of the seafarers' welfare fund;
- f) Provide services to assist maritime workers and their immediate dependents and families; and
- g) Perform such other duties as may be essential in giving assistance to seafarers and their families.

SEC 18. *Filipino Seafarers' Research and Resource Center.* The CHED shall coordinate with the University of the Philippines School of Labor and Industrial Relations (UP SOLAIR) for the establishment of an interdisciplinary research and resource center on Filipino seafarers and maritime affairs. The center shall primarily conduct studies and researches which shall enhance the well-being and interests of Filipino seafarers and their competitiveness in the global maritime market.

CHAPTER VI.

DOCUMENTATION, LICENSURE AND EXAMINATIONS

SEC. 19. *Documentation.*

- a) For purposes of documentation, the Filipino seafarers shall be categorized into local and overseas seafarers.
- b) Local seafarers are considered documented when they possess the following documents:
 - 1) Seafarers Identification and Record Book (SIRB) and Certificate of Competency issued by the MARINA;
 - 2) Certificate of Completion of Training of prescribed courses issued by the accredited training centers;
 - 3) Licensure Certificate if the seafarer is a Harbor Pilot or a Major or Minor Patron.
- c) Overseas seafarers are considered documented when they possess the following documents:
 - 1) Seafarers Identification and Record Book (SIRB) and Certificate of Competency issued by the MARINA and the

1 Seafarer's Registration Certificate (SRC) issued by the
2 POEA;

3
4 2) Certificate of Completion of Training of prescribed courses
5 issued by the accredited training centers and the valid
6 Certificate of Competency issued by the PRC for marine
7 officers and the TESDA for ratings and support level crew or
8 by the assessment center duly accredited by the MTC;

9
10 4) Licensure Certificate if the seafarer is a marine officer;

11
12 5) Such other documents as may be required.
13
14

15 **SEC. 20. *Licensure and Examination.*** The Professional Regulatory
16 Commission (PRC) shall be the lead agency in administering licensure
17 examinations and the issuance of such licensure certificates to seafarers in
18 the officer level, except those categorized as Harbor Pilots and Major and
19 Minor Patrons for local shipping which authority shall devolve to the
20 MARINA.
21

22 The TESDA shall be the lead agency in administering examinations
23 and the issuance of the necessary certifications to seafarers in the ratings
24 level. The government agencies aforementioned shall formulate and
25 undertake a systematic program of implementing government policies
26 pertinent to the licensing of specific categories of seafarers.
27

28 The issuance of licenses and endorsement certificates to seafarers shall
29 not require pre-conditions other than what are required under the STCW '78,
30 as amended and other specific laws enacted for the purpose of regulating the
31 profession.
32
33

34 **SEC. 21. *Integrated Documentation System.*** The DOLE, in
35 coordination with government agencies concerned, shall develop an
36 Integrated Documentation System (IDS) for the purpose of integrating and
37 systemizing the documentation of education, training licensing, and
38 certification among Filipino seafarers. Said IDS shall contain all relevant
39 information on the seafarer, including education, training, licensure
40 examinations and certifications taken. It shall be used by the seafarer in all
41 his transactions with the government, manning or crewing agencies, and
42 other pertinent bodies.
43

44 As such, agencies of the government concerned shall develop and
45 implement an information system that shall connect their respective
46 databases for the purposes of data storage, sharing, and generation pursuant
47 to Section 20 of Republic Act No. 8042.
48
49

50 CHAPTER VII.

51 RECRUITMENT AND PLACEMENT 52 53 54

1 ***A. The Recruitment and Placement Industry***
2
3

4 **SEC. 22. *Private Sector Participation in the Recruitment and***
5 ***Placement of Filipino Seafarers.*** Pursuant to national development
6 objectives and in order to harness and maximize the use of private sector
7 resources and initiative in the development and implementation of a
8 comprehensive employment program, the private sector shall participate in
9 the recruitment and placement of Filipino seafarers, locally and overseas;
10 *Provided, That* such recruitment and placement procedures are consistent
11 with the provisions stipulated under this Act and such other guidelines, rules
12 and regulations as may be promulgated by the DOLE.
13

14
15 **SEC. 23. *Capitalization in the Recruitment and Placement***
16 ***Industry.*** Individuals or corporations, partnerships or entities applying for
17 license or authority or renewal thereof shall be required a minimum
18 capitalization and such other requirements as may be prescribed by the
19 DOLE.
20

21 The same shall be obliged to pay such escrow deposits and surety
22 bonds, in an amount and conditions as may be prescribed by the DOLE to
23 guarantee compliance with all terms and conditions of the contract of
24 employment and applicable laws.
25

26 Individuals or corporations, partnerships or entities applying for
27 license or authority or renewal thereof shall be required to pay the filing and
28 registration fees as may be prescribed by the DOLE.
29
30

31 **SEC. 24. *Non-Transferability of License.*** No license or authority
32 shall be used directly or indirectly by any person other than the one in whose
33 favor it was issued or at any place other than that stated in the license, nor
34 may such license or authority be transferred, conveyed or assigned to any
35 person or entity except under such guidelines as may be prescribed by the
36 DOLE.
37

38 Any transfer of business address, appointment or designation of any
39 agent or representative, including the establishment of additional offices
40 anywhere shall require prior approval from the Secretary of the DOLE.
41
42

43 **SEC. 25. *Suspension and/or Cancellation of License or***
44 ***Authority.*** The Secretary of the DOLE shall have the power to suspend or
45 cancel and in both instances impose fine any license or authority to recruit
46 Filipino seafarers for overseas employment for violation of this Act or of other
47 applicable provisions of laws, rules and regulations.
48
49

50 **SEC. 26. *Persons and Entities Prohibited from Engaging in***
51 ***Recruitment and Placement Industry.*** The following are prohibited from
52 engaging, directly or indirectly, in recruitment and placement industry:
53

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

B. Recruitment and Placement Policies

SEC. 27. *Recruitment and Placement Policies.* Manning or crewing agencies engaged in private recruitment and placement services shall:

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

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

- b) Cause the reimbursement of any expenses incurred by the seafarer in connection with his/her documentation and processing for purposes of deployment, in the event where non-deployment is not the seafarer's fault;
- c) Ensure that the Filipino seafarers' well-being and rights shall be the primary consideration in the recruitment and placement of seafarers;
- d) Guarantee that recruitment, placement and deployment of Filipino seafarers shall not be made in jobs that are deemed inimical to their interests and to the Republic of the Philippines;
- e) Specify, with due regard to the right to privacy and the need to protect confidentiality, the conditions under which the personal data of Filipino seafarers are processed by manning or crewing agencies including the collection, storage, combination and communication of such data to third parties;
- f) Cease from furnishing or publishing any false notice or information or document in relations to recruitment and employment, including inducing or attempting to induce a seafarer already employed to quit his / her employment and offering another employment or influencing or attempting to influence, whether deliberately or unintentionally, any person or entity not to employ any seafarer or the enforcement of a waiver of quit claims to any seafarer before, during and after employment, which act shall be deemed unlawful;

- g) Cease from substituting or altering to the prejudice of the seafarer the employment contract approved and process by the DOLE and withholding or denying travel or employment documents from applicant seafarer considerations other than those authorized under this Act and the implementing rules and regulations promulgated pursuant to this Act; AND
- h) Refrain from using means or mechanisms intended to prevent or deter seafarers from gaining employment.

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

- a) Any seafarer recruited or placed by them is qualified and is in possession of the documents necessary for the job concerned;
- b) The contract of employment and articles of agreement are in accordance with the standard terms and condition governing the employment of the Filipino seafarer on-board ocean-going vessel as prescribed by the concerned agency of the DOLE;
- c) The Filipino seafarer is informed of his / her rights and duties under his / her contract of the employment and the articles of agreement prior to and in the process of engagement;
- d) Proper arrangements and opportunities are given for the Filipino seafarer to examine his / her contract of employment and the articles of agreement before and after he / she signed such pertinent documents and for him / her to receive a copy of the duly-signed contract of employment;
- e) Adequate information about the conditions attending to the situations on-board the vessel and overseas, as well as local and international laws and regulations which apply to the Filipino seafarer in the course of his/her employment or sojourn shall be provided; AND
- f) A registry of all seafarers recruited or placed through them shall be put in place and shall be available for inspection by the competent authority.

C. Hiring, Deployment and Employment

SEC. 29. *Hiring by Certain Employers.* Members of the diplomatic corps, foreign governments and international organizations may hire Filipino seafarers; *Provided*, That the provisions of this Act and other applicable guidelines, rules and regulations are followed.

SEC. 30. *Selective Deployment of Overseas Filipino Seafarers.* Deployment of overseas Filipino seafarers shall be allowed only in countries where the rights of overseas Filipino seafarers are observed and protected.

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

- a) The receiving country has existing labor and social laws protecting the rights of overseas seafarers;
- b) It is a signatory to a multi-lateral convention, declarations or resolutions relating to the protection of overseas seafarers;
- c) It has a bilateral agreement or arrangement with the Philippine government protecting the rights of overseas seafarers; or
- d) It is taking positive concrete measures to protect the rights of overseas seafarers.

SEC. 31. *Ban on Restrictions On Deployment.* Notwithstanding the provisions of the immediately preceding section, the DOLE, in pursuit of national interest or when public welfare so requires, may, at any time, terminate or impose such restricts or ban on the deployment of overseas Filipino seafarers.

SEC. 32. *Prohibition Against Indiscriminate Deployment of Filipino Seafarers.* The indiscriminate deployment of following Filipino seafarers shall be deemed prohibited:

- a) Those below eighteen (18) years old or such minimum age requirement as may be determined by the DOLE;
- b) Those medically diagnosed to be unfit to work for the job being applied;
- c) Those technically non-qualified for overseas employment;
- d) Those whose employment contract was not processed and approved by the POEA;
- e) Any other factor which the DOLE may deemed prohibited.

SEC. 33. *Visitorial Powers of the DOLE.* The Secretary of the DOLE or his/her duly designated representative may, at any time, inspect vessels and ships within Philippine jurisdiction of the accredited principal / shipowner to determine compliance with safety standards and living conditions of seafarers.

CHAPTER VIII.

ILLEGAL RECRUITMENT

1
2 **SEC. 34. *Illegal Recruitment.*** For purposes of this Act, illegal
3 recruitment shall refer to any act of canvassing, enlisting, contracting,
4 transporting, utilizing, hiring, or procuring seafarers and includes referring,
5 contract servicing, promising, or advertising of employment for abroad,
6 whether for profit or not, when undertaken by a non-licensee or non-holder of
7 authority contemplated under Article 13 (f) of Presidential Decree No 422, as
8 amended, otherwise known as the Labor Code of the Philippines: *Provided,*
9 That any such non-licensee or non-holder who, in any manner, offers or
10 promises for a fee employment abroad to two or more persons shall be
11 deemed engaged.

12
13 Illegal recruitment when committed by a syndicate or in a large scale
14 shall be considered an offense involving economic sabotage.

15
16 Illegal recruitment is deemed committed by a syndicate if carried out
17 by a group of three (3) members or more persons conspiring or confederating
18 with one another. It is deemed committed in large scale if committed against
19 three (3) or more persons individually or as a group. Illegal recruitment is
20 also deemed committed in a large scale if the financial or material
21 consideration involved amounts to more than one hundred thousand pesos
22 (P100,000), regardless of the number of persons involved.

23
24 The persons criminally liable for the above offenses are the principals,
25 accomplice and accessories. In case of juridical persons, the officers having
26 control, management or direction of their business shall be liable.

27
28
29 **SEC. 35. *Penalties.***

- 30
31 a) Any person found guilty of illegal recruitment shall suffer the penalty
32 of imprisonment of not less than six (6) years and one (1) day but not
33 more than twelve (12) years and a fine of not less than Two hundred
34 thousand pesos (P200,000) nor not more than Five hundred thousand
35 pesos (P500,000).
36
37 b) The penalty of life imprisonment and a fine of not less than Five
38 hundred thousand pesos (P500,000) nor more than One Million pesos
39 (P1,000,000) shall be imposed if illegal recruitment constitutes
40 economic sabotage as defined in the preceding article: *Provided,*
41 *however,* That the maximum penalty shall be imposed if the person
42 illegally recruited is less than eighteen (18) years of age or that the act
43 of illegal recruitment is committed by a non-licensee or non-holder of
44 authority.

45
46
47 **Sec 36. *Prohibition on Officials and Employees.*** It shall be
48 unlawful for any official or employee of the DOLE agency concerned, or other
49 government agencies involved in the implementation of this Act, or their
50 relatives within the fourth civil degree of consanguinity or affinity, to engage,
51 directly or indirectly, in the business of recruiting Filipino seafarers, as
52 defined under this Act. The penalties provided for in the preceding paragraph
53 shall be imposed upon them.
54

1
2 **SEC. 37. Venue.** A criminal action arising from illegal recruitment as
3 herein defined shall be filed with the Regional Trial Court of the province or
4 city where the offense was committed or where the offended party actually
5 resides at the time of commission of the offense.
6
7

8 **SEC. 38. Mandatory Period for Filing of Illegal Recruitment**
9 **Cases.** The preliminary investigation of cases under this Act shall be
10 terminated within a period of thirty (30) calendar days from the date of their
11 filing. Where the preliminary investigation is conducted by a prosecution
12 officer and a *prima facie* case is established, the corresponding information
13 shall be filed in court within twenty-four (24) hours from the termination of
14 the investigation.
15

16 If the preliminary investigation is conducted by a judge and a *prima*
17 *facie* case is found to exist, the corresponding information shall be filed by the
18 proper prosecution officer within forty-eight (48) hours from the date of
19 receipt of the record of the case.
20
21

22 **SEC. 39. Prescriptive Periods.** Illegal recruitment cases under this
23 Act shall prescribe in five (5) years after the commission of the prohibited act:
24 *Provided, however,* That illegal recruitment cases involving economic
25 sabotage as defined herein shall prescribe in twenty (20) years.
26
27

28 **SEC. 40. Free Legal Assistance; Preferential Entitlement Under**
29 **the Witness Protection Program.** A mechanism for free legal assistance for
30 victims of illegal recruitment shall be made available by the pertinent
31 agencies of the government. Such mechanism shall include coordination and
32 cooperation among the DOLE, DOJ, the IBP, and other non-government
33 organizations and volunteer groups.
34

35 Notwithstanding the provisions of Republic Act No 6981 to the
36 contrary, any person who is the a victim of illegal recruitment, or who is
37 willing to be a witness in behalf of the government, shall be entitled to the
38 Witness Protection Program provided thereunder.
39
40
41

42 **CHAPTER IX.**

43 **CONDITIONS OF EMPLOYMENT**

44 **SEC. 41. Employment Agreement.** The employer shall provide for a
45 written agreement, which shall be drawn up with the seafarer concerning
46 ship work. The agreement shall contain the following:
47
48

- 49 a) The capacity in which the seafarer is to serve;
50
51 b) The arrangement made as to the place of discharge and notice to
52 terminate the agreement;
53
54 c) Provisions on rest periods;

1
2 d) The wage agreed upon, its method of computation and manner of
3 payment. In no case shall the parties agree to wages lower than the
4 basic minimum wage prescribe by appropriate government agencies
5 at the time of engagement; and
6

7 e) The duration of the employment contract.
8
9

10 **SEC. 42. Allotment and Remittances.** It shall be mandatory for all
11 seafarers to remit a portion of their earning to their families, dependents,
12 and / or beneficiaries in accordance with rules and regulations prescribed by
13 the Secretary of DOLE.
14
15

16 **SEC. 43. Limitations on Wage Deductions.** A deduction from the
17 seafarer's wages shall not be made without his/her written consent, unless
18 the deduction is provided for in the contract of employment and is authorized
19 by law.
20
21

22 **SEC. 44. Rest Periods.** A seafarer shall be allowed reasonable rest
23 periods in accordance with international standards and the Labor Code.
24 He/she shall be entitled to adequate time for rest and sleep. The period of rest
25 shall, during any 24-hour period, amount to not less than 10 hours.
26
27

28 **SEC. 45. Shore Leave.** The seafarer shall be allowed shore leave
29 when practicable, upon the consent of the master of deputy, taking into
30 consideration the operation and safety of the vessel and the seafarer.
31
32

33 **SEC. 46. Short Manning and Save Wages.** In the event that the
34 whole or part of the voyage is carried out with a smaller crew than what was
35 previously appointed, or if the number of the active members of the crew is
36 reduced prior to or during the voyage, the wages saved due to this
37 circumstances shall be distributed proportionately among the members of the
38 active crew who assumed additional work resulting therefrom.
39
40

41 **SEC. 47. Personal Effects.** A seafarer may bring a reasonable
42 number of articles for personal use: *Provided, however,* That this does not
43 involve inconvenience to the ship or cargo or pose any health risk on board. If
44 the seafarers' personal effects are lost or damaged as a result of shipwreck,
45 loss or stranding, abandonment of the vessel, or as a result of fire, flooding,
46 collision or piracy, the employer shall reimburse him / her for said loss or
47 damage.
48

49 **SEC. 48. Consideration of Seaworthiness.** When more than half of
50 the crew makes a written complaint to the master regarding the
51 seaworthiness of the ship for the forthcoming voyage, if the chief engineer of
52 first mate makes a similar complaint regarding the part of the ship,
53 appurtenances or equipments under their respective supervision, the ship
54 master shall be bound to have the ship examined. If the shipmaster refuses to

1 let the ship be examined despite valid complaint to do so, the crew may
2 refuse to proceed the voyage.

3 4 5 6 CHAPTER X.

7 8 HEALTH AND SAFETY 9

10
11 **Sec 49. *Prevention of Health Hazards.*** Work on board the vessel
12 must be organized and executive in such a manner that the seafarer's life and
13 limb is well looked after. When a seafarer is assigned to work, due regard
14 shall be paid to his qualifications to undertake the work on a safe and sound
15 basis. Provisions shall be made to ensure that the seafarer is well-informed of
16 the hazards inherent in the work, and that he is given the proper guidance
17 and adequate practice necessary to avoid such hazards.
18

19
20 **Sec 50. *Sanitary Conditions.*** Measures should be undertaken to
21 ensure cleanliness and proper hygiene on board. The master shall ensure
22 that the crew is provided a well-balanced diet. He should also guarantee that
23 the crew receives the necessary vaccination or inoculation as required by the
24 circumstances or the laws of the country of which the vessel may enter.
25

26
27 **SEC. 51. *Medical Examination and Medical Service.*** A seafarer
28 engaged to perform services on board shall secure a medical certificate to the
29 effect that he is not suffering from any illness or mental or physical defect
30 rendering him unfit for work or which may constitute danger to other persons
31 on board. Any member of the crew may also be required to submit to a
32 medical examination, at the expense of the ship owner, should the master
33 have reason to believe that such examination is necessary to monitor and
34 maintain the health and environmental conditions on board the vessel.
35

36
37 **Sec 52. *Protection from Sexual Harassment.*** It shall be the duty of
38 the master and the employer to prevent the commission of acts constituting
39 sexual harassment and to provide measures for the resolution, settlement or
40 prosecution of acts of sexual harassment.
41

42 Sexual harassment is herein defined as an act committed by an
43 employer, employee, supervisor, agent of the employer, any other person who,
44 having authority, influence or moral ascendancy over another in a work
45 environment demands, requests or otherwise requires any sexual favor from
46 another, regardless of whether the demand, request or requirement is
47 accepted by the subject of the said act.
48

49 50 51 CHAPTER XI.

52 53 SOCIAL WELFARE SERVICES AND DISABILITY BENEFITS

1 **SEC. 53. Disability.** In case of work-related total or partial disability
2 of the seafarer during the term of his/her employment cause by either injury
3 or illness, the seafarer shall be compensated in accordance with the schedule
4 of the benefits prescribed by the law. Computation of his/her benefits arising
5 from an illness or disease shall be governed by the rates and the rules of
6 compensation applicable at the time the illness or disease was contracted.

7
8 No compensation shall be payable in respect in any injury, incapacity,
9 disability or death of the seafarer resulting from his/her willful or criminal
10 act; *Provided, however,* That the employer can prove that such injury,
11 incapacity, disability or death is directly attributable to the seafarer.

12
13 When requested, the employer shall furnish the seafarer a copy of all
14 pertinent medical reports or records at no cost to the seafarer.

15
16
17 **SEC. 54. Employer's Liability in Case of Death.** When the seafarer
18 dies as a result of injury or illness during the term of employment, the
19 employer shall pay the beneficiary/ies of the seafarer all outstanding
20 obligations due the seafarer under his/her employment contract; The
21 employer is also mandated to notify the next of kin and make arrangement
22 for burial, return or repatriation of the remains. If the death occurs in a
23 foreign territory, the master shall also inform the nearest Philippine
24 Embassy or Foreign Service Office of said death. The remains and personal
25 effects of the seafarer shall be transported to the Philippines employer's
26 expense except if the death occurred in the port where local government laws
27 or regulations do not permit the transport of such remains.

28
29 In case death occurs at sea, the arrangements for the handling of the
30 remains shall be drawn up and proposed by the shipmaster to the deceased
31 next of kin. In all cases, the employer and/or shipmaster, through the
32 manning and crewing agency, shall communicate with the next of kin of the
33 deceased and secure the next of kin's concurrence as regards the proposed
34 arrangements covering the handling of the seafarer's remains. The employer
35 shall also pay for the seafarer's burial expenses.

36
37
38 **SEC. 55. Death Benefits.** In case of work-related death of the Filipino
39 seafarer during the term of his contract, the employer shall pay his
40 beneficiaries the corresponding death benefits.

41
42 The benefits shall be separate and distinct from and shall be in
43 addition to whatever benefits the seafarer is entitled to under Philippine laws
44 and regulations.

45
46 No benefits shall be payable in case of death resulting from a willful
47 act by the Filipino seafarer. In connection thereto, the employer can prove
48 that such death is directly attributable to the seafarer.

49
50
51 **SEC. 56. Payment of Benefits.** The employer shall have ensure
52 expeditious arrangement for the payment of death or personal injury benefits
53 provided under this Act.

1 The employer shall likewise arrange for adequate insurance coverage.

2
3
4 **SEC. 57. *Review of Benefits.*** The POEA shall, upon consultation,
5 with the seafarer's unions and associations of manning agencies and shipping
6 companies, undertake a regular annual review of the death benefits provided
7 under this Act and through its governing board, update or amend the death
8 benefits to keep it at par with prevailing international standards.

9
10
11 **SEC. 58. *Seafarer's Loan Guarantee Fund.*** The OWWA, in
12 coordination with government financial institutions, shall institute financing
13 schemes that will expand the grant of pre-departure loan and family
14 assistance loan to seafarers in accordance with Section 21 of RA No. 8042.

15
16
17 **SEC. 59. *Housing and Provident Benefits.*** Seafarers shall be
18 provided access to the government's housing program through membership in
19 the Home Development Mutual Fund (Pag-ibig Fund).

20
21
22 **SEC. 60. *Care of the Sick or Injured.*** In case of illness or injury
23 during the term of employment, the master shall arrange for the seafarer to
24 receive proper nursing care on board or ashore, including medical attention,
25 medicines and attention.

26
27 The sick or injured seafarer shall continue to receive his wages during
28 the time he is under contract.

29
30 If the work-related injury or illness requires medical and / or dental
31 treatment in a foreign port, the employer shall be liable for the full cost of
32 such medical, serious dental, surgical and hospital treatment as well as board
33 and lodging until the seafarer is declared fit to work or to be repatriated.

34
35
36 **SEC 61. *Care for Repatriated Seafarers.*** If after repatriation, the
37 overseas seafarers still require medical attention arising from said injury or
38 illness, he shall be so provided, at cost to the employer until such time he is
39 declared fit and the degree of his disability has been established by the
40 employer-designated physician.

41
42 For this purpose, the seafarer shall submit himself to a post-
43 employment medical examination by a company-designated physician within
44 three (3) working days upon his return except when he is physically
45 incapacitated to do so, in which case, a written notice to the agency within
46 the same period is deemed as compliance. Failure of the seafarer to comply
47 with the mandatory reporting requirement shall result in his forfeiture of his
48 right to claim the above benefits.

49 50 51 52 **CHAPTER XII.**

53 54 **DISCIPLINARY AND DISPUTE SETTLEMENT PROCEDURE**

1
2
3 **SEC 62. Duties of the Employer / Master.**
4

- 5 a TO faithfully comply with the stipulated terms and conditions of
6 the employment contract, particularly the prompt payment of
7 wages, remittance of allotment and the expeditious settlement of
8 valid claims of the seafarer;
9
10 b To make operational on board the vessel the grievance machinery
11 provided in this contract and ensure its free access at all times by
12 the seafarer; AND
13
14 c To ensure the protection and safety of seafarers at all times.
15
16

17 **SEC 63. Duties of the Seafarer.**
18

- 19 a To faithfully comply with and observe the terms and conditions of
20 his contract, violations of which shall be subject to disciplinary
21 sanctions;
22
23 b To treat the ship and the cargo with proper care out his duties as a
24 whole with due responsibility;
25
26 c To comply with company rules, regulations and policies consistent
27 with the rules and regulations issued by the DOLE;
28
29 d To conduct himself in an orderly and respectful manner towards
30 passengers and shippers stevedores, port authorities and other
31 persons official business with the ship. Each shall treat his / her
32 colleagues on board with due consideration; AND
33
34 e To observe the grievance procedure outlined in this Act.
35
36

37 **SEC. 64. Disciplinary Procedures.** The employer/master shall serve
38 seafarers with a written notice containing the grounds for the charges as well
39 as the date, time and place for a formal investigation of the charges against
40 the seafarer concerned.
41

42 The employer/master or his/her authorized representative shall
43 conduct the investigation or hearing, giving the seafarer the opportunity to
44 explain or defend himself against the charges. An entry on the investigation
45 shall be made in the ship's logbook. If, after the investigation or hearing, the
46 employer / master is convinced that the imposition of a penalty is justified,
47 the employer / master shall issue a written notice of penalty and the reason
48 therefor to the seafarer, with copies furnished to the manning or crewing
49 agency which deployed the said seafarer.
50

51 The aggrieved seafarer may appeal in writing within a period of five
52 (5) days from the date the Master rendered decision to a Grievance
53 Resolution Committee composed of one (1) representatives from the ratings to
54 be chosen by the concerned seafarer, one (1) representative from the officer

1 level to be chosen by the Master, and one (1) neutral party to be agreed on by
2 the concerned seafarer and shipmaster.

3
4 The Grievance Resolution Committee shall review the appeal within a
5 period of not more than fifteen (15) days from the date of appeal. Execution of
6 judgment is deemed suspended upon filing of the appeal.

7
8
9 **SEC. 65. *Grievance Machinery.*** (a) If the seafarer considered himself
10 aggrieved, he shall make his complaint in accordance with the following
11 procedures:

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

- 41
42 b) When availed by the seafarer, the grievance procedure and all actions
43 or decisions agreed upon shall be properly documented for the
44 protection and interest of both parties. Speedy resolution of cases shall
45 be given utmost priority.

46
47
48 **SEC. 66. *Dispute Settlement.*** The procedure herein stated shall be
49 without prejudice to the other action that maybe brought by the seafarer
50 before the jurisdiction of the concerned regular courts and/or NLRC; or to the
51 exclusive and original jurisdiction of the voluntary arbitrator or panel of
52 arbitrators appointed from the accredited voluntary arbitrators of the
53 National Conciliation and Mediation Board (NCMB) of DOLE.

1
2 **SEC. 67. *Voluntary Arbitration.*** Pursuant to the constitutional
3 mandate on the preferential use of voluntary modes of dispute settlement,
4 the DOLE shall adopt procedural guidelines in the conduct of voluntary
5 arbitration proceedings involving the maritime sector, and promote the use of
6 voluntary arbitration as a mode to achieve speedy resolution of cases.
7

8
9 **SEC. 68. *Money Claims.*** Notwithstanding any provision of law to
10 contrary, the Labor Arbiters of the NLRC shall have the original and
11 exclusive jurisdiction to hear and decide, within ninety (90) calendar days
12 after filing of the complaint, the claims arising out of an employer-employee
13 relationship or by virtue of any law or contract involving a Filipino seafarer,
14 including claims for actual, moral, exemplary and other forms of damages.
15

16 The liability of the principal / employer and the manning or crewing
17 agency for any and all claims under this section shall be joint and several.
18 This provision shall be incorporated in the contract for overseas employment
19 and shall be a condition precedent for its approval. The performance bond to
20 be filed by the manning and crewing agency, as provided by law, shall be
21 answerable for all money claims or damages that may be awarded to the
22 seafarer concerned. If the manning or crewing agency is a juridical being, the
23 corporate officers and directors and partners as the case may be, shall
24 themselves be jointly and solitarily liable with the corporation or partnership
25 for the aforesaid claims and damages.
26

27 Such liabilities shall continue during the entire duration of the
28 employment contract and shall not be affected by any substitution,
29 amendment or modification made locally or in a foreign country where the
30 said contract was entered into. Any compromise, amicable settlement or
31 voluntary agreement on money claims inclusive of damages under this
32 section shall be paid within four (4) months from the approval of the
33 settlement by the appropriate authority.
34

35 In case of termination of overseas employment without just, valid or
36 authorized cause defined by law or contract, the seafarer shall be entitled to
37 the full reimbursement of his/her placement fee with interest at twelve
38 percent (12%) per annum, plus his/her salaries for the unexpired portion of
39 his/her employment contract or for three (3) months for every year of the
40 unexpired term, whichever is less.
41

42 **SEC 69. *Liability for Claims.*** The liability of the principal /
43 employer and the manning agency for any claims made by a Filipino seafarer
44 under this Title shall be joint and several.
45

46
47 **SEC. 70. *Prescriptive Period.*** Recognizing the particular nature of
48 overseas shipboard employment, all monetary claims arising from the
49 seafarer's contract shall prescribe within three (3) years from the date of the
50 seafarer's return to the point of hire. All monetary claims of those employed
51 in domestic shipping shall prescribe within three (3) years from the day the
52 action commenced.
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CHAPTER XIII.

POST EMPLOYMENT

SEC. 71. *Termination of Employment.* The employment of the overseas seafarer shall cease when he / she:

- a) Completes his/her period of contractual service aboard the vessel, signs off from the vessel and arrives at the point of hire;
- b) Arrives at the point of hire for any of the following reasons:
 - i. Voluntarily resigns for just cause and signs off prior to expiration of contract;
 - ii. Signs-off and disembarks for health reasons;
 - iii. Signs-off due to shipwreck, lay-up of vessel, change of vessel or discontinuance of voyage; AND
 - iv. Is discharge for just cause.

SEC. 72. *Termination by the Seafarer.* a) A seafarer may terminate the employer-employee relationship based on either:

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

SEC. 73. *Prohibition against Transfer of Station.* A Filipino seafarer shall not be transferred at any port to any vessel owned or operated, manned or managed by the same employer without the seafarer's consent. In the event that the seafarer concerned consents with such transfer, the position of the seafarer and the rate of his/her wages and terms of services shall, in no way, be lower or inferior and the total period of employment shall not exceed that original agreed upon. Any form of transfer shall be documented and reported by the manning or crewing agency to the POEA.

1 **SEC. 74. *Post-Employment Benefits.*** Whenever applicable, in
2 addition to the benefits a seafarer may be entitled to under the OWWA and
3 the SSS, a retiring seafarer covered by collective bargaining agreement shall
4 be entitled to such post-employment benefits as may be provided in his / her
5 contract or agreement.

6
7 A Filipino seafarer who is not covered by a collective bargaining
8 agreement, on the other hand, may, upon notice to his/her manning or
9 crewing agency and principal, authorize the deduction of a specified
10 percentage of his/her monthly wages to form part of his/her voluntary
11 contribution to the post-employment fund. The amount to be deducted shall
12 be placed in an account in the name of the contributing seafarer.

13 14 **CHAPTER XIV.**

15 16 **REPATRIATION**

17
18
19 **SEC. 75. *Repatriation.*** All costs related to the repatriation and / or
20 transport of the personal effects of a seafarer shall be borne by or charge to
21 the manning or crewing agency concerned and/or its principal. The expenses
22 of repatriation shall include the transportation charges, the accommodation
23 and the food of the seafarer during the journey. However, in cases where the
24 termination of employment is due solely to the fault of the seafarer, the
25 principal/employer or manning/crewing agency shall not in any manner be
26 responsible for the repatriation of the former and/or his/her personal effects.

27
28
29 **SEC. 76. *Mandatory Repatriation of Underage Seafarers.*** Upon
30 discovery or information of a Filipino seafarer whose actual age falls below
31 eighteen (18) years of age, the nearest Philippine consulate office shall,
32 without delay, repatriate the said seafarer and advise the DFA and DOLE as
33 soon as possible of such discovery and other relevant information.

34
35
36 **SEC. 77. *Emergency Repatriation.*** The DOLE, in coordination with
37 the OWWA and the DFA, shall undertake the repatriation of seafarers in
38 cases of war, epidemics, disasters or calamities, natural or man-made, and
39 other similar events without prejudice to reimbursement by the responsible
40 principal or manning/crewing agency.

41
42
43 **SEC. 78. *Legal Assistance Fund.*** The Legal Assistance Fund created
44 under RA No. 8042 shall extend legal services to an overseas seafarer who is
45 in distress in accordance with the guidelines, criteria and procedures
46 promulgated therein.

47 48 49 **CHAPTER XV.**

50 51 **REINTEGRATION SERVICES**

1 **SEC. 79. Retraining and Reintegration.** Returning or unemployed
2 seafarers may avail of the livelihood development/re-training programs and
3 placements services offered by concerned government agencies, including
4 OWWA and TESDA, TLC, and the CDA.

5
6 These agencies shall formulate skills upgrading or retraining curricula
7 to meet the needs of returning or unemployed seafarers. The participation of
8 the maritime industry, in particular, port and shipping industry, and
9 maritime educational institutions shall be likewise solicited by the DOLE in
10 devising the appropriate retraining and local job placement programs for
11 unemployed seafarers.

12
13
14 **SEC. 80. Establishment of Reintegration Center.** A Re-integration
15 Center within the OWWA shall be established to attend to the needs of
16 returning seafarers. The Center shall provide a mechanism for their
17 reintegration into the Philippine society, serve as a promotion house for their
18 local employment, and tap their skills and potentials for national
19 development.

20
21 The Center shall provide the following services:

- 22
23 a) Develop livelihood programs and project for returning seafarers in
24 coordination with the private sector and concerned government
25 agencies;
26 b) Coordinate with appropriate private government agencies in the
27 promotion, development, and full utilization of their potentials. For
28 this purpose, the DOLE shall be the lead implementer. The CDA and
29 the TLRC shall develop among returning Filipino seafarers, technical
30 expertise in the enterprise building and development, while the DSWD
31 shall provide the necessary services for the effective social re-
32 integration of migrant workers;
33
34 c) Develop a matching program that will allow returning Filipino
35 seafarers to develop business partnerships and employment options
36 with public and private sector enterprises in the country; and
37
38 d) Provide a periodic study of the assessment of job opportunities for
39 returning seafarers.
40
41

42 **SEC. 81. Scholarship Programs.** Qualified seafarers or their
43 immediate descendants, who intend to pursue science and technology related
44 courses may apply for scholarships with the OWWA which shall benefit
45 deserving overseas seafarers and/or their immediate descendants below
46 twenty-one (21) years of age who intend to pursue courses or training
47 primarily in the field of science and technology.

48
49 The DOLE, in coordination with the CHED, shall establish a similar
50 program for domestic seafarers within a period of three (3) years from the
51 enactment of this Act.
52
53

54 **CHAPTER XVI.**

1
2 **ACCOUNTABILITY OF GOVERNMENT OFFICIAL AND**
3 **PERSONNEL**
4
5

6 **SEC. 82. *Accountability of Government Officials and Personnel.***
7 Any government official and personnel who fails or refuse to render service(s)
8 and/or assistance to seafarers without just cause shall, after due notice and
9 hearing, and if found guilty, be punished with suspension from office of not
10 less than thirty (30) days or dismissal from the service with forfeiture of
11 retirement and other benefits.
12

13
14 **CHAPTER XVII.**
15

16 **TRANSITORY PROVISIONS**
17

18
19 **SEC. 83. *Implementing Rules and Regulations.*** The DOLE, in
20 coordination with the DFA and other agencies concerned and within ninety
21 (90) days after the effectivity of this Act, shall formulate its rules and
22 regulations.
23

24 **SEC. 84. *Separability Clause.*** If any provision of this Act is declared
25 unconstitutional, the remaining provisions shall be continue in force.
26

27 **SEC. 85. *Repealing Clause.*** All laws, presidential decrees, or
28 issuance, executive orders, letters of instruction, rules or regulations
29 inconsistent with the provisions of this Act are hereby repealed or modified
30 accordingly.
31

32
33 **SEC. 86. *Effectivity Clause.*** This Act shall take effect fifteen (15)
34 days after its publication in the Official Gazette or in at least two (2)
35 newspapers of general circulation, whichever comes first.
36

37
38 *Approved,*