


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

7 JUL 26 2011

SENATE

RECEIVED BY: 

S.B. No. 1388

Introduced by Senator Loren Legarda

EXPLANATORY NOTE

This bill seeks the establishment of the National Seafarers Commission which will develop, organize, maintain, operate, integrate and streamline the policies and programs related to the Philippine seafaring profession.

Under the Republic Act No. 8042 or the "Migrant Workers and Overseas Act of 1995, there are two types of migrant workers: the land-based and the sea-based. The Filipino seafarer falls under the second category.

The Philippine Overseas Employment Administration's (POEA) statistics show that in the year 1984, 350,982 Filipino workers left the country. By the year 2006, the number had more than doubled to 1,062,567. Of these number, 274,497 are seafarers. The number is even larger if one includes those working abroad illegally. In 1997, the OFWs remitted 5,741,835 (billion US dollars). For 2006, the OFW remittances have reached 14 billion US dollars. And for the first eight months of the year 2006, the Filipino seafarers remitted over 1.2 billion US dollars.

Despite their considerable contribution to the country's economy, the Filipino seafarers are given inadequate attention. They make up a significant 25.83 percent of our migrant workforce yet most of the policies and programs catering to the needs of migrant workers are designed for the conditions and situation of land-based workers. Seafarers have to go to different agencies to secure the necessary documentation for them to practice their profession locally and internationally. They have to secure their Seafarers Identification and Record Book (SIRB) and Certificate of Competency from the Maritime Industry Authority (MARINA) and their Seafarer's Registration Certificate (SRC) from the Philippine Overseas Employment Administration (POEA). Other trainings, seminars and documents have to be secured from different other agencies and organizations such as the National Telecommunications Commission, Philippine Coast Guard and the Boards of Marine Deck and Engineer Officers of the Professional Regulation Commission.

There is a need for legislation that will create a one-stop shop to attend to all the requirements of seafarers and focus on the unique demands and conditions of the seafaring profession.

This measure seeks to create a National Seafarers Commission (NSC) which will serve as a centralized government agency that will provide the necessary services, supervision, guidance, regulation and guidance the Filipino seafarer needs in order to develop as a globalized professional. Training programs, seminars, certifications and

other documents needed by the seafarer will be readily made available under one agency.

The Commission will be under the direction of the Office of the President. It shall have a governing board composed of a Chairman and four commissioners, who shall be appointed by the President of the Philippines upon the recommendation of the manning sector for a term of three years.

Furthermore, to guarantee that the needs and demands of the seafarers are well understood and met, a Master Mariner with a well documented sea-service record shall serve as an Assistant Chairman.

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




LOREN LEGARDA
Senator

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AN ACT
CREATING A NATIONAL SEAFARERS COMMISSION, PRESCRIBING ITS
POWERS AND FUNCTIONS AND APPROPRIATING FUNDS THEREFORE, AND
FOR OTHER PURPOSES

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

SECTION 1. Title. This Act shall be known as the "National Seafarers
Commission Act of 2007."

SECTION 2. Declaration of Policy. It is hereby declared the policy of the State to
free the people from poverty through the policies that provide social services, and
promote full and equal employment for all.

Pursuant to the foregoing state of policy, the Philippines, through this Act shall
institutionalize and redirect existing government efforts in affecting meaningful
programs on the development, training, certification and welfare system of local and
overseas seafarers integrated under one agency.

SECTION 3. Creation of the National Seafarers Commission. There is hereby
created a National Seafarers Commission, hereinafter referred to as the Commission,
which shall be organized within sixty (60) days from the date of the approval of this
Act.

The Commission shall be under the direct supervision of the Office of the
President.

SECTION 4. Objectives. The Commission shall have the following objectives:

- a) To develop, organize, maintain, operate, integrate and streamline the
manpower development system that shall undertake the education, training,
certification and qualification of Filipino seafarers in accordance with the
International Convention of Standards of Training, Certification and
Watchkeeping for Seafarers, 1978 as amended and other International
Maritime Organization (IMO) regulations, directed towards safer ships and
cleaner oceans;
- b) To establish and maintain a centralized government agency that shall attend
to the needs of Filipino seafarers, providing them the necessary services,
supervision, regulation and guidance in the pursuit of their career without

saddling them with unnecessary bureaucratic and documentary requirements; and

- c) To upgrade the knowledge and skills of Filipino seafarers in modern ship technologies so as to meet increasing demand of domestic and foreign shipping companies for competent seafarers.

SECTION 5. The Governing Board and Its Composition. The Commission shall have a tripartite governing board hereinafter referred to as the Board composed of the Chairman, and four (4) Commissioners. They shall be appointed by the President of the Republic of the Philippines upon recommendation of the manning sector for a term of three (3) years.

SECTION 6. Powers and Functions of the Board. The Board shall be the highest Policy body making of the Commission. It shall exercise overall administrative supervision over the Commission to ensure the efficient implementation of policies and programs. The Board shall have the following functions:

- a) Formulate policies in the education, training and certification of seafarers for local and overseas deployment;
- b) Regulate private sector participation in the recruitment and placement of domestic and overseas seafarers through effective licensing, regulation and monitoring system;
- c) Maintain a proactive system of monitoring and addressing welfare concern of the seafarers and their families;
- d) Promote the marketability and competitive edge of Filipino seafarers;
- e) Secure the best terms and conditions of employment of Filipino seafarers and ensure compliance therewith; and
- f) Establish bilateral and/or multilateral arrangement with various flagstate hiring Filipino seafarers on issues affecting their employment opportunities, welfare and development.

SECTION 7. Executive Office of the Commission. The Commission shall be headed by the Chairman, who shall also act as Chief Executive Officer, to be assisted by the Assistant Chairman. The Assistant Chairman must hold the rank of a Master Mariner who has proved his tract record and versatility in the seafaring sector.

The Commission shall be composed of the Manpower Development Office, the Licensing, Accreditation and Placement Office, the Welfare Office, the Research, Standard and Marketing Development Office, and the Administrative Office, all of which shall be headed by career officials.

SECTION 8. Functions of Executive Offices. For proper coordination and effective implementation of the purpose and objectives of the Commission, each executive office shall perform the following functions:

- a) *The Manpower Development Office.* The Manpower Development Office shall implement policies and guidelines toward promotion of skills and

professional competence of seafarers, and in furtherance thereof, the official shall:

- 1) Develop and establish education and training standards of Filipino seafarers;
 - 2) In coordination with concerned government agencies, accredit, regulate and supervise maritime schools and training centers;
 - 3) Close down maritime schools and training centers or cancel the permit to conduct maritime programs on grounds of sub-standard operation and/or major system nonconformity/ies;
 - 4) Issue Seafarers Identity Document in accordance with International Labor Organization (ILO) Convention No. 108;
 - 5) Establish and maintain a centralized registry of competent and certificated seafarers for domestic and overseas trade;
 - 6) Conduct examination and issue of certificates of competency and endorsement to marine officers in accordance with the STCW Convention as amended; and
 - 7) Perform such other functions as may be directed by the Chairman.
- b) *The Licensing Accreditation and Placement Office.* The Licensing, Accreditation and Placement Office shall undertake a systematic program of implementing the Commission's policies of promoting, regulating and monitoring the employment of seafarers as well as the operation of private manning agencies. Pursuant thereto, the office shall:
- 1) Establish, operate and maintain a licensing and accreditation system to regulate the recruitment and the monitoring the employment of seafarers in accordance with pertinent ILO conventions;
 - 2) Process the application for licenses or authority to operate private manning agencies and shall super vise and regulate the operations of the said agencies;
 - 3) Prepare and implement an inspection program for effective supervision and evaluation of the activities of private manning or shipping agencies;
 - 4) Process all shipboard contracts and/or shipping articles, and secure the best possible terms and conditions of employment for the seafarer.;
 - 5) Hear cases involving violations of rules and regulations on the recruitment and placement, violations of rules and regulations on the recruitment and placement, violations of the condition of licenses or authority including complaints for suspension and cancellation or revocation thereof; and recommended to the Chairman appropriate actions as deemed necessary; and

- 6) Perform such other functions as may be directed by the Chairman.
- c) *The Welfare Office.* The Welfare Office shall undertake measures towards industrial peace and provide the necessary services to enhance the well-being of seafarers. In this regard it shall perform the following functions:
- 1) Establish and maintain speedy and efficient conciliation machinery. The resolution of which shall be made in every case within thirty (30) days from submission thereof;
 - 2) Develop an effective system of monitoring and gathering welfare concerns through a pool of dedicated personnel for purposes of determining future welfare programs, monitoring existing welfare activities and addressing current welfare issues prioritized according to their urgency;
 - 3) Conduct pre-departure orientation seminars or briefing to departing seafarers' scheduled employment. It shall also undertake studies and development materials for use in pre-departure orientation seminar of seafarers and other related activities;
 - 4) Accredite, regulate and supervise pre-departure orientation seminars or briefing of authorized manning or shipping industries;
 - 5) Formulate and undertake programs and projects for the effective and efficient utilization of seafarers' welfare funds;
 - 6) Provide services to assist the seafarers and their immediate dependents and families; and
 - 7) Perform such other duties as may be directed by the Chairman.
- d) *The Research, Standard and Marketing Development Office.* The Research, Standard and Marketing Development Office shall formulate, develop and implement a comprehensive maritime manpower export development strategy and market promotion geared towards enhancement of seafarers' employment opportunities in domestic and overseas markets. In furtherance thereto, it shall perform the following functions:
- 1) Conduct researchers, studies and statistics on the trend and other data on both domestic and overseas shipping and manning industries for use as materials in policy formulation, market promotion/strategies and manpower development programs;
 - 2) Provide support service and materials for the reproduction and publication of all printed materials of the Commission;
 - 3) Develop, establish and maintain a public information system and such facilities that would educate and orient seafarers regarding the Commission's policies; and
 - 4) Perform such other information as may be directed by the Chairman.

- e) *The Administrative Office.* The Administrative Office shall be responsible for providing the Commission with services relating to personnel information, records, supplies equipment collection and disbursements, security and custodial works. It shall provide the Commission with staff, advice and assistance on budgetary, financial and management matters.

SECTION 9. Staffing Pattern. The organizational framework and staffing pattern of the Commission shall be prescribed and approved by the Executive Secretary within sixty (60) days after the approval of this Act.

With regard to appointments to the positions in the approved staffing pattern, optimum consideration shall be made conforming to the objective of setting up and maintaining in the Commission the highest standards of integrity, efficiency and competence.

In addition to other form of incentives that may be granted by the Board, all personnel of the Commission shall be accorded to government employees.

SECTION 10. Transitory Provisions. The Maritime Training Council and all offices, departments, branches, divisions or sections of the Commission on Higher Education, Philippine Overseas Employment Administration, the Maritime Industry Authority, the Overseas Workers Welfare Administration, the Bureau of Local Employment, the Technical Education and Skills Development Authority, the National Telecommunications Commission, the Philippine Coast Guard, and the Boards of Marine Deck and Engineer Officers of the Professional Regulation Commission and other government agencies, and instrumentalities performing any of the functions provided for under this Act are thereby transferred with their personnel, records, files, supplies, vehicles, equipment, furniture, funds and other properties to the National Seafarers Commission.

For the purpose of effecting a smooth, orderly and expeditious organizational and functional transition period, the following shall, among other govern such undertakings:

- a) The Commission shall coordinate with agencies and instrumentalities mentioned in this Section in order to minimize disruption of the usual services being rendered to public clientele;
- b) Officials and employees of all agencies concerned are not deprived of reemployment to the Commission nor shall be reduced of their ranks or diminution of their salaries, unless a contrary existing law so provides; and
- c) That employees affected by the creation of the Commission shall be given preference for appointment in the Commission on the basis of merit and fitness: *Provided*, That those who may be laid off for cause or by option of voluntary phase out, shall be given gratuity equivalent to one (1) month's salary for every year of service, in addition to all benefits to which they are entitled under existing rules and regulations.

SECTION 11. Penal Provisions. Any person, association, corporation or entity who violate any provisions of this Act, or the rules and regulations made thereof shall upon conviction, be punished of fined according to the degree of offenses as the countr or adjudicating administration may impose in accordance with existing civil or penal

laws of the Philippine: *Provided*, That in case the violation is committed by an association, corporation or entity, the penalty that may be prescribed shall be imposed on the responsible officers, directors, and/or owners of the said entities: and *Provided*, *finally*, that nothing in this Act shall prevent the National Seafarers Commission from instituting administrative penalties for violation of any regulation that it may promulgate.

SECTION 12. Appropriations. The amount necessary for the implementation of this Act shall be taken from funds of all offices, departments, branches, divisions or sections of the government agencies mentioned under Section 10 of this Act and other agencies and instrumentalities performing any of the functions and operation and maintenance of the Commission shall be included in the annual General Appropriations Act.

SECTION 13. Repealing Clause. Republic Act No. 8544 and Presidential Decree No. 97, Republic Act No. 7722, Presidential Decree Nos. 474 and 223, Republic Act No. 5137, Presidential Decree No. 601, Executive Order Nos. 396, 546, 125, 125-1 and 126, and Letter of Issuance No. 538 and 1404, and all laws and ordinances, rules and regulations, and other issuances or parts thereof which are inconsistent with this Act, are hereby modified, amended or repealed accordingly.

SECTION 14. Separability Clause. If for any reason any section or provision of this Act is declared unconstitutional or invalid the other sections or provisions thereof, shall not be affected thereby.

SECTION 15. Effectivity. This Act shall take effect upon its complete publication in at least two (2) national newspapers of general circulation.

Approved,