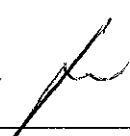


2009 13 14 01

SENATE  
S.B. No. 1404



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Introduced by Senator Loren Legarda

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EXPLANATORY NOTE

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

Under Republic Act No. 8042 or the "Migrant Workers and Overseas Act of 1995, as amended, 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 2009, the number had more than tripled to 1,422,586. Of this number, 330,424 are seafarers. The number is even larger if one considers those working abroad illegally. In 1997, the OFWs remitted 5,741,835 (billion US dollars). For 2009, OFW remittances reached 17 billion US dollars and for the first three months of the year 2010, the Filipino seafarers remitted over 4.3 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 to 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 shall serve as a centralized government agency that will provide the necessary services, supervision, regulation and guidance the Filipino seafarer needs in order to develop as a globalized profession. 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

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

SENATE  
S.B. No. 1404

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Introduced by Senator Loren Legarda

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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:*

1       **SECTION 1. Title.** This Act shall be known as the "National Seafarers  
2       **Commission Act of 2010."**

3  
4       **SECTION 2. Declaration of Policy.** It is hereby declared the policy of the  
5       State to free the people from poverty through the policies that provide social  
6       services, and promote full and equal employment for all.

7  
8       Towards this end, it shall institutionalize and redirect existing government  
9       efforts in affecting meaningful programs on the development, training, certification  
10      and welfare system of local and overseas seafarers integrated under one agency.

11  
12      **SECTION 3. Creation of the National Seafarers Commission.** There is hereby  
13      created a National Seafarers Commission, hereinafter referred to as the Commission,  
14      which shall be organized within sixty (60) days from the date of the approval of this  
15      Act.

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

18  
19      **SECTION 4. Objectives.** The Commission shall have the following objectives:

- 20  
21      a) To develop, organize, maintain, operate, integrate and streamline the  
22      manpower development system that shall undertake the education, training,

1 certification and qualification of Filipino seafarers in accordance with the  
2 International Convention of Standards of Training, Certification and  
3 Watchkeeping for Seafarers, 1978 as amended and other International  
4 Maritime Organization (IMO) regulations, directed towards safer ships and  
5 cleaner oceans;

6  
7 b) To establish and maintain a centralized government agency that shall attend  
8 to the needs of Filipino seafarers, providing them the necessary services,  
9 supervision, regulation and guidance in the pursuit of their career without  
10 saddling them with unnecessary bureaucratic and documentary  
11 requirements; and

12  
13 c) To upgrade the knowledge and skills of Filipino seafarers in modern ship  
14 technologies so as to meet increasing demand of domestic and foreign  
15 shipping companies for competent seafarers.

16  
17 **SECTION 5. *The Governing Board and Its Composition.*** The Commission  
18 shall have a tripartite governing board hereinafter referred to as the Board  
19 composed of the Chairman, and four (4) Commissioners. They shall be appointed by  
20 the President of the Philippines upon recommendation of the manning sector for a  
21 term of three (3) years.

22  
23 **SECTION 6. *Powers and Functions of the Board.*** The Board shall be the  
24 highest policy-making body of the Commission. It shall exercise overall  
25 administrative supervision over the Commission to ensure the efficient  
26 implementation of policies and programs. The Board shall have the following  
27 functions:

28  
29 a) Formulate policies in the education, training and certification of seafarers for  
30 local and overseas deployment;

31  
32 b) Regulate private sector participation in the recruitment and placement of  
33 domestic and overseas seafarers through effective licensing, regulation and  
34 monitoring system;

35

- 1 c) Maintain a proactive system of monitoring and addressing welfare concern of  
2 the seafarers and their families;
- 3
- 4 d) Promote the marketability and competitive edge of Filipino seafarers;
- 5
- 6 e) Secure the best terms and conditions of employment of Filipino seafarers and  
7 ensure compliance therewith; and
- 8
- 9 f) Establish bilateral and/or multilateral arrangement with various flag states  
10 hiring Filipino seafarers on issues affecting their employment opportunities,  
11 welfare and development.
- 12

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

17  
18 The Commission shall be composed of the Manpower Development Office;  
19 the Licensing, Accreditation and Placement Office; the Welfare Office; the Research,  
20 Standard and Marketing Development Office; and the Administrative Office, all of  
21 which shall be headed by career officials.

22  
23 **SECTION 8. *Functions of Executive Offices.*** For proper coordination and  
24 effective implementation of the purpose and objectives of the Commission, each  
25 executive office shall perform the following functions:

- 26
- 27 a) *The Manpower Development Office.* The Manpower Development Office shall  
28 implement policies and guidelines toward promotion of skills and  
29 professional competence of seafarers, and in furtherance thereof, the official  
30 shall:
  - 31
  - 32 1) Develop and establish education and training standards of Filipino  
33 seafarers;
  - 34
  - 35 2) In coordination with concerned government agencies, accredit, regulate  
36 and supervise maritime schools and training centers;

- 1           3) Close down maritime schools and training centers or cancel the permit to  
2           conduct maritime programs on grounds of sub-standard operation and/or  
3           major system nonconformity/ies;
- 4
- 5           4) Issue Seafarers Identity Document in accordance with International Labor  
6           Organization (ILO) Convention No. 108;
- 7
- 8           5) Establish and maintain a centralized registry of competent and certificated  
9           seafarers for domestic and overseas trade;
- 10
- 11          6) Conduct examination and issue of certificates of competency and  
12          endorsement to marine officers in accordance with the STCW Convention  
13          as amended; and
- 14
- 15          7) Perform such other functions as may be directed by the Chairman.

16

17          b) *The Licensing Accreditation and Placement Office.* The Licensing, Accreditation  
18          and Placement Office shall undertake a systematic program of implementing  
19          the Commission's policies of promoting, regulating and monitoring the  
20          employment of seafarers as well as the operation of private manning  
21          agencies. Pursuant thereto, the office shall:

- 22
- 23          1) Establish, operate and maintain a licensing and accreditation system to  
24          regulate the recruitment and the monitoring the employment of seafarers  
25          in accordance with pertinent ILO conventions;
- 26
- 27          2) Process the application for licenses or authority to operate private  
28          manning agencies and shall super vise and regulate the operations of the  
29          said agencies;
- 30
- 31          3) Prepare and implement an inspection program for effective supervision  
32          and evaluation of the activities of private manning or shipping agencies;
- 33
- 34          4) Process all shipboard contracts and/or shipping articles, and secure the  
35          best possible terms and conditions of employment for the seafarer.;
- 36

1 5) Hear cases involving violations of rules and regulations on the  
2 recruitment and placement, violations of rules and regulations on the  
3 recruitment and placement, violations of the condition of licenses or  
4 authority including complaints for suspension and cancellation or  
5 revocation thereof; and recommended to the Chairman appropriate  
6 actions as deemed necessary; and

7  
8 6) Perform such other functions as may be directed by the Chairman.

9  
10 c) *The Welfare Office*. The Welfare Office shall undertake measures towards  
11 industrial peace and provide the necessary services to enhance the well-being  
12 of seafarers. In this regard it shall perform the following functions:

13  
14 1) Establish and maintain speedy and efficient conciliation machinery. The  
15 resolution of which shall be made in every case within thirty (30) days  
16 from submission thereof;

17  
18 2) Develop an effective system of monitoring and gathering welfare concerns  
19 through a pool of dedicated personnel for purposes of determining future  
20 welfare programs, monitoring existing welfare activities and addressing  
21 current welfare issues prioritized according to their urgency;

22  
23 3) Conduct pre-departure orientation seminars or briefing to departing  
24 seafarers' scheduled employment. It shall also undertake studies and  
25 development materials for use in pre-departure orientation seminar of  
26 seafarers and other related activities;

27  
28 4) Accredite, regulate and supervise pre-departure orientation seminars or  
29 briefing of authorized manning or shipping industries;

30  
31 5) Formulate and undertake programs and projects for the effective and  
32 efficient utilization of seafarers' welfare funds;

33  
34 6) Provide services to assist the seafarers and their immediate dependents  
35 and families; and  
36

1           7) Perform such other duties as may be directed by the Chairman.

2  
3           d) *The Research, Standard and Marketing Development Office.* The Research,  
4           Standard and Marketing Development Office shall formulate, develop and  
5           implement a comprehensive maritime manpower export development  
6           strategy and market promotion geared towards enhancement of seafarers'  
7           employment opportunities in domestic and overseas markets. In furtherance  
8           thereto, it shall perform the following functions:

9  
10           1) Conduct researchers, studies and statistics on the trend and other data on  
11           both domestic and overseas shipping and manning industries for use as  
12           materials in policy formulation, market promotion/strategies and  
13           manpower development programs;

14  
15           2) Provide support service and materials for the reproduction and  
16           publication of all printed materials of the Commission;

17  
18           3) Develop, establish and maintain a public information system and such  
19           facilities that would educate and orient seafarers regarding the  
20           Commission's policies; and

21  
22           4) Perform such other information as may be directed by the Chairman.

23  
24           e) *The Administrative Office.* The Administrative Office shall be responsible for  
25           providing the Commission with services relating to personnel information,  
26           records, supplies equipment collection and disbursements, security and  
27           custodial works. It shall provide the Commission with staff, advice and  
28           assistance on budgetary, financial and management matters.

29  
30           **SECTION 9. Staffing Pattern.** The organizational framework and staffing  
31           pattern of the Commission shall be prescribed and approved by the Executive  
32           Secretary within sixty (60) days after the approval of this Act.

33  
34           With regard to appointments to the positions in the approved staffing  
35           pattern, optimum consideration shall be made conforming to the objective of setting



1 up and maintaining in the Commission the highest standards of integrity, efficiency  
2 and competence.

3  
4 In addition to other form of incentives that may be granted by the Board, all  
5 personnel of the Commission shall be accorded to government employees.

6  
7 **SECTION 10. *Transitory Provisions.*** The Maritime Training Council and all  
8 offices, departments, branches, divisions or sections of the Commission on Higher  
9 Education, Philippine Overseas Employment Administration, the Maritime Industry  
10 Authority, the Overseas Workers Welfare Administration, the Bureau of Local  
11 Employment, the Technical Education and Skills Development Authority, the  
12 National Telecommunications Commission, the Philippine Coast Guard, and the  
13 Boards of Marine Deck and Engineer Officers of the Professional Regulation  
14 Commission and other government agencies, and instrumentalities performing any  
15 of the functions provided for under this Act are thereby transferred with their  
16 personnel, records, files, supplies, vehicles, equipment, furniture, funds and other  
17 properties to the National Seafarers Commission.

18  
19 For the purpose of effecting a smooth, orderly and expeditious organizational  
20 and functional transition period, the following shall, among other govern such  
21 undertakings:

- 22  
23 a) The Commission shall coordinate with agencies and instrumentalities  
24 mentioned in this Section in order to minimize disruption of the usual  
25 services being rendered to public clientele;  
26  
27 b) Officials and employees of all agencies concerned are not deprived of  
28 reemployment to the Commission nor shall be reduced of their ranks or  
29 diminution of their salaries, unless a contrary existing law so provides; and  
30  
31 c) That employees affected by the creation of the Commission shall be given  
32 preference for appointment in the Commission on the basis of merit and  
33 fitness: *Provided*, That those who may be laid off for cause or by option of  
34 voluntary phase out, shall be given gratuity equivalent to one (1) month's  
35 salary for every year of service, in addition to all benefits to which they are  
36 entitled under existing rules and regulations.

1           **SECTION 11. *Penal Provisions.*** Any person, association, corporation or  
2 entity who violates any provisions of this Act, or the rules and regulations made  
3 thereof shall upon conviction, be punished or fined according to the degree of  
4 offenses as the court or adjudicating administration may impose in accordance with  
5 existing civil or penal laws of the Philippine: *Provided*, That in case the violation is  
6 committed by an association, corporation or entity, the penalty that may be  
7 prescribed shall be imposed on the responsible officers, directors, and/or owners of  
8 the said entities: *Provided, finally*, that nothing in this Act shall prevent the National  
9 Seafarers Commission from instituting administrative penalties for violation of any  
10 regulation that it may promulgate.

11  
12           **SECTION 12. *Appropriations.*** The amount necessary for the implementation  
13 of this Act shall be taken from funds of all offices, departments, branches, divisions  
14 or sections of the government agencies mentioned under Section 10 of this Act and  
15 other agencies and instrumentalities performing any of the functions and operation  
16 and maintenance of the Commission shall be included in the annual General  
17 Appropriations Act.

18  
19           **SECTION 13. *Repealing Clause.*** Republic Act No. 8544 and Presidential  
20 Decree No. 97, Republic Act No. 7722, Presidential Decree Nos. 474 and 223,  
21 Republic Act No. 5137, Presidential Decree No. 601, Executive Order Nos. 396,546,  
22 125, 125-1 and 126, and Letter of Issuance No, 538 and 1404, and all laws and  
23 ordinances, rules and regulations, and other issuances or p[arts thereof which are  
24 inconsistent with this Act , are hereby modified, amended or repealed accordingly.

25  
26           **SECTION 14. *Separability Clause.*** If for any reason, any section or provision  
27 of this Act is declared unconstitutional or invalid the other sections or provisions  
28 thereof, shall not be affected thereby.

29  
30           **SECTION 15. *Effectivity.*** This Act shall take effect after its publication in at  
31 least two (2) newspapers of general circulation.

32  
33           Approved,