



LRS Reports

Legislative Research Service



SUMMARY OF SENATE BILL ON SECOND READING* Second Regular Session, Eighteenth Congress

S. No. 2369 AN ACT INSTITUTING THE MAGNA CARTA OF FILIPINO SEAFARERS

Author: Senators Angara, Sonny, Revilla Jr., Ramon Bong, Hontiveros, Risa, Binay, Maria Lourdes Nancy S., Villanueva, Joel, Zubiri, Juan Miguel "Migz" F., Pacquiao, Emmanuel "Manny" D., Villar, Cynthia A., Go, Christopher Lawrence T., De Lima, Leila M., Gatchalian, Win

Referred to: Committee on Labor, Employment and Human Resources Development

Key words: Filipino seafarers, seafarers onboard Philippine or foreign-registered ships, employment contract, terms and condition of employment, grievance machinery, repatriation, reintegration

The bill, known as the Magna Carta of Filipino Seafarers, covers all Filipino seafarers who are to be engaged, engaged, employed, or working in any capacity, on board Philippine or foreign-registered ships, except those under the following categories of ships: (1) warships, naval auxiliaries, and coast guard vessels; (2) government ships not engaged in commercial operations; (3) ships of traditional built; (4) fishing vessels, as may be defined by appropriate rules and regulations to be issued by the Department of Labor and Employment (DOLE).

The bill grants to seafarers the following rights: right to just terms and conditions of work, right to self-organization, right to engage in collective bargaining, right to participate in democratic exercises, right to educational advancement and training at reasonable and affordable costs, right to information, right to safe passage and safe travel, right to consultation, and right against discrimination, among others.

It also enumerates the following duties of seafarers: to comply with the terms and conditions of the employment contract, to abide by lawful company personnel policies, to follow the chain and command of the vessel, to comply with the reasonable policies of the vessel, to be diligent in the performance of duties relating to the ship, its stores, equipment, and cargo, to continually improve his professional competency by keeping up-to-date with the latest technological and scientific knowledge applied in the maritime fields, to be, at all times, orderly and respectful to the shipmates, passengers, shippers, stevedores, port authorities, and other persons who have official business with the ship, and to take personal responsibility for his health while on board, by maintaining a healthy lifestyle and complying with medically prescribed instructions, among others.

The bill requires that there shall be a standard employment contract in writing between the shipowner and the seafarer, containing basic information and terms and conditions of employment. The employment contract shall be in a working language or in the English language, executed in four (4) original copies before the commencement of the employment. A signed original shall also be made available on board the ship. For ocean-going Philippine-registered ships or foreign-registered ships, the POEA shall issue a standard employment contract containing the minimum standards to be observed in the employment of seafarers. Such contract shall be reviewed and updated regularly.

A grievance machinery shall be established on board and onshore at no cost to the seafarer, for the expeditious resolution of grievances or complaints. In cases where a seafarer is a member of a legitimate trade union organization and covered by a CBA, he shall be assisted by a union-designated representative in the proceedings. Any agreements reached by the parties at the grievance proceedings shall be final and binding.

In all cases of repatriation, the affected seafarers shall be repatriated to the point of hire or the place of domicile of the seafarer, at his option, or in case of incapacity or death, at the option of his next-of kin. All costs related to the repatriation and/or transport of the personal effects and remains of seafarers, shall be borne by the shipowner or the manning agency concerned to expedite the repatriation without prior determination of the cause of repatriation or termination of the seafarer's employment.

The bill provides for a national reintegration program for seafarers, which shall be embedded in all stages of migration for work beginning from pre-deployment, on-site during employment and upon return. The program covers the different dimensions of support needed by the seafarer such as economic, social, psychosocial, and cultural. The program shall ensure contribution to national development through investments and transfer of technology from skilled or professional seafarers.

The Department of Labor and Employment (DOLE), in coordination with concerned agencies, and upon consultation with relevant stakeholders, shall within 90 days from the effectivity of this bill, formulate rules and regulations for its implementation.

(Summary prepared by: Ma. Gloria Socorro A. Ocampo, 06 October 2021)