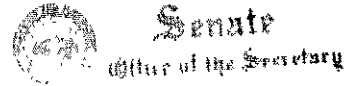


SIXTEENTH CONGRESS OF THE REPUBLIC)  
OF THE PHILIPPINES )  
First Regular Session )



'13 JUL -1 A9:10

SENATE

Senate Bill No. 21

RECEIVED BY: *ja*

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INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

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### EXPLANATORY NOTE

With the entry into force of the Maritime Labor Convention 2006 on 20 August 2013, the Philippines as the 30th Member State to ratify the Convention is in the thick of preparations for the implementation of the same through national laws, regulations and other measures. It is deemed appropriate that the Philippines implement the MLC 2006 through a national legislation. Such track is highly imperative considering that the Philippines is one of the major sources of seafarers around the world.

According to the International Labor Organization, there are more than 1.2 million seafarers worldwide and Filipino seafarers make up 30 per cent of the seafarers on the global shipping fleet. Likewise, archipelagic as it is, with more than 1,107 islands, the Philippines is also home to thousands of local seafarers manning domestic ships navigating the Philippine waters for purposes of commerce and trade.

In view of these considerations, passing the *Magna Carta for Seafarers* that promotes the welfare and protect the rights of Filipino seafarers and their families is imperative. The draft Magna Carta for Seafarers is a consolidation of all pending bills filed during the 15<sup>th</sup> Congress. Incorporated in this draft are inputs from the maritime stakeholders during the series of regional consultations and advocacy on the MLC 2006.

The draft Magna Carta for Filipino Seafarers seeks to ensure protection of the rights and welfare of overseas Filipino seafarers and their families. Specifically, it seeks to recognize the rights of Filipino seafarers, institute mechanisms for the enforcement and protection thereof, provide for compulsory benefits, and implement standards set by the MLC 2006.

  
JINGGOY EJERCITO ESTRADA  
Senator

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AN ACT  
INSTITUTING THE MAGNA CARTA OF FILIPINO SEAFARERS

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

Chapter I – General Provisions

1  
2  
3  
4 **SECTION 1.** *Short Title.* – This Act shall be known as the “*Magna Carta of*  
5 *Filipino Seafarers.*”

6  
7  
8 **SEC. 2.** *Declaration of Policies.* – It is hereby declared the policy of the State:

- 9  
10 a) To recognize the rights, contributions and unique role of Filipino seafarers  
11 as maritime professionals as well as their vulnerabilities, and afford them  
12 full protection before, during and after their employment;  
13  
14 b) To maintain and progressively develop a pool of competent and world-  
15 class seafarers for all officers, ranks and ratings, as well as service  
16 personnel on special types of vessels, through a system of education,  
17 training, accreditation and licensing;  
18  
19 c) To establish mechanisms for the enhancement of administrative,  
20 adjudicative, social as well as welfare services for them and their families;  
21  
22 d) To enact laws that adopt, and implement the standards set by  
23 international conventions and agreements on working conditions, and  
24 safety, among others, for seafarers particularly the Maritime Labour  
25 Convention, 2006;  
26  
27 e) To recognize manning and recruitment entities as vital partners in  
28 promoting the skill and competence of Filipino seafarers.

29  
30 Toward these ends, the State shall endeavor to improve the Filipino seafarers’  
31 working conditions, terms of employment, career prospects and provide them  
32 opportunities to harness their potentials to the fullest. The State shall further work  
33 to uplift the socio-economic well-being of the Filipino seafarers’ families.  
34

1 **SEC. 3. *Applicability.*** – This Act shall cover Filipino seafarers working on board  
2 coastal and ocean-going ships of Philippine or foreign registry.

3  
4 All rights, privileges and benefits previously enjoyed by Filipino seafarers before  
5 the effectivity of this Act, including those set forth in Presidential Decree No. 442  
6 otherwise known as the Labor Code of the Philippines, as amended, and  
7 Republic Act No. 8042, otherwise known as the “Migrant Workers and Overseas  
8 Filipinos Act of 1995,” as amended, shall continue to be recognized and shall not  
9 be diminished after the effectivity of this Act.

10  
11 Cadets on shipboard training shall be governed by separate rules and  
12 regulations issued by the Department of Labor and Employment in coordination  
13 with relevant government agencies.

14  
15  
16 **SEC. 4. *Definition of Terms.*** –

- 17  
18 (a) “Authority” shall refer to the document issued by the Department of  
19 Labor and Employment (DOLE) authorizing any person or entity to  
20 engage in the recruitment and placement of seafarers;  
21  
22 (b) “Coastal ship” shall refer to any Philippine flag vessel licensed to carry  
23 passengers or cargo, or both, in any port in the Philippines;  
24  
25 (c) “Coastal trade” shall refer to trade engaged in by a coastal ship within  
26 Philippine waters;  
27  
28 (d) “Cadet” refers to a student of maritime educational institution, who is  
29 required to undergo onboard training to complete the educational  
30 requirements for a maritime degree or technical course;  
31  
32 (e) “Departure” shall refer to the actual departure from the point of hire of a  
33 Filipino seafarer through air, sea or land travel transport to join his ship  
34 in a Philippine or foreign port;  
35  
36 (f) “Domestic Seafarers” shall refer to any seafarers employed on board a  
37 ship or vessel plying inter-island waters or waters within Philippine  
38 territory;  
39  
40 (g) “Foreign Registry” shall refer to the official public register of vessels of a  
41 country other than the Philippines;  
42  
43 (h) “International Maritime Convention” or “International Convention” shall  
44 refer to any written treaty or agreement, or any protocol or amendment  
45 thereto, affecting the maritime industry which has come into force and  
46 effect, including the Maritime Labour Convention, 2006;  
47  
48 (i) “License” shall refer to the document issued by the DOLE authorizing  
49 any person or entity to operate a manning or recruitment and placement  
50 agency;  
51  
52 (j) “Manning Agency” shall refer to any person, company, institution,  
53 licensed to engage in recruitment and deployment of overseas Filipino  
54 seafarers on board ships of foreign registry in behalf of its foreign  
55 principals;  
56

- 1 (k) "Maritime Industry" shall refer to all stakeholders engaged in the  
2 business of owning, managing, chartering and/or operating coastal or  
3 ocean-going ship(s) of Philippine or foreign registry, manning of ships,  
4 management of ports, stevedoring and arrastre services, ship brokering  
5 and chartering, ship-building and ship repair, providing maritime  
6 services such as ship supplies and provisions, maritime education and  
7 training, shipping agency, and other similar activities;  
8
- 9 (l) "Master" shall refer to a seafarer who is licensed and authorized to  
10 command and/or navigate a ship by law or regulation and appointed as  
11 representative of the shipowner;  
12
- 13 (m) "Officers" shall refer to seafarers who are licensed by law or regulation  
14 to serve in such capacity, such as Master Mariner, Chief Officer, 2nd  
15 Officer, and 3rd Officer for the Deck department and Chief Engineer,  
16 2nd Engineer, 3rd Engineer, and 4th Engineer for the Engine  
17 department;  
18
- 19 (n) "Overseas Filipino Worker (OFW)" or "Migrant Worker" shall refer to a  
20 person who is to be engaged, is engaged or has been engaged in a  
21 remunerated activity in a state of which he or she is not a citizen or on  
22 board a vessel navigating the foreign seas other than a government  
23 ship used for military or non-commercial purposes or on an installation  
24 located offshore or on the high seas;  
25
- 26 (o) "Philippine National" shall refer to any individual who is a citizen of the  
27 Philippines, or a commercial partnership or corporation organized under  
28 the laws of the Philippines, at least 60% of the capital of which is owned  
29 by citizens of the Philippines;  
30
- 31 (p) "Philippine Port" shall refer to any Philippine airport or seaport;  
32
- 33 (q) "Philippine Seafarers' One Stop Processing Center (PSOC)" shall refer  
34 to the facility center which houses all relevant offices/agencies involved  
35 in providing services to seafarers in one roof;  
36
- 37 (r) "Philippine Shipping Companies" shall refer to entities registered and  
38 licensed under the laws of the Philippines to engage in the business of  
39 overseas and/or domestic water transportation;  
40
- 41 (s) "Philippine Waters" shall refer to the inland waters, archipelagic waters,  
42 territorial sea and exclusive economic zone of the Philippines, as  
43 defined by law and as recognized by international conventions;  
44
- 45 (t) "Point of Hire" shall refer to the place indicated in the contract of  
46 employment which shall be the basis for determining commencement  
47 and termination of contract;  
48
- 49 (u) "Principal" or "employer" shall refer to any person, partnership or  
50 corporation hiring Filipino seafarers to work on board coastal and  
51 ocean-going ships;  
52
- 53 (v) "Rating" shall refer to any member of the crew other than the Officers as  
54 defined herein;  
55
- 56 (w) "Recruitment and Placement" shall refer to any act of canvassing,  
57 enlisting, contracting, transporting, utilizing, hiring or procuring workers,

1 and includes referrals, contract services, promising or advertising  
2 employment, locally or abroad, whether for profit or not: Provided, that  
3 any person or entity, which in any manner, offers or promises  
4 employment for a fee to two (2) or more persons shall be deemed  
5 engaged in recruitment and placement;  
6

7 (x) "Recruitment and placement agency" shall refer to any Filipino person,  
8 corporation, partnership, company, etc. who is engaged in recruiting  
9 seafarers for placement or employment on board ships of Philippine or  
10 foreign registry;  
11

12 (y) "Repatriation" shall refer to a process of returning a person back to  
13 one's point of hire;  
14

15 (z) "Philippine Registry" shall refer to the official public register under the  
16 authority of the Registrar of Ships which shall hold the record of all  
17 vessels and its encumbrances registered under Philippine laws;  
18

19 (aa) "Seafarer" shall refer to any person who is employed or engaged or  
20 works in any capacity on board a ship covered by this Act;  
21

22 (bb) "Overseas Filipino Seafarer (OFS)" shall refer to a seafarer employed  
23 on board a ship plying outside inland waters, archipelagic waters or  
24 territorial seas of the Philippines;  
25

26 (cc) "Ocean-going ship" shall refer to any Philippine or foreign-registered  
27 ship which is authorized to carry passengers or cargo, or both, in trade  
28 between a Philippine port and a foreign port, or between two foreign  
29 ports;  
30

31 (dd) "Shipowner" shall refer to the owner of the ship or any other  
32 organization or person, such as the manager, agent or bareboat  
33 charterer, who has assumed the responsibility for operation and  
34 management of the ship from the shipowner, and who, on assuming  
35 such responsibilities, has agreed to take over all the attendant duties  
36 and responsibilities of a shipowner under this Act;  
37  
38

## 39 Chapter II – Seafarer's Rights

40  
41  
42 **SEC. 5.** *Right to Just Terms and Conditions of Work.* – Seafarers shall have the  
43 rights to:  
44

45 (a) a safe and secure workplace that complies with safety standards;  
46

47 (b) decent working and living conditions on board ship;  
48

49 (c) medical care, welfare measures and other forms of health and social  
50 protection;  
51

52 (d) fair terms and conditions of employment including salary commensurate to  
53 their rank, hours of work, and other relevant basis for wage computation,  
54 minimum number of working hours, rest period consistent with Philippine  
55 laws or international maritime conventions, when applicable.  
56

1 **SEC. 6.** *Rights to Self-organization, to engage in Collective Bargaining and to*  
2 *participate in democratic exercises.* – Seafarers shall enjoy their right to self-  
3 organization, to collective bargaining and to participate in the deliberation of  
4 issues and in the formulation of policies that affect them, including the guarantee  
5 of representation in governing boards or appointment in government  
6 instrumentalities.

7  
8  
9 **SEC. 7.** *Right to Educational Advancement and Training at Reasonable and*  
10 *Affordable Costs.* – Seafarers shall have access to educational advancement  
11 and training at reasonable and affordable costs.

12  
13 Toward this end, relevant government agencies shall:

- 14  
15 (a) Regulate the operation of all educational, training, and review institutions  
16 offering courses related to seafaring;  
17  
18 (b) Pursue grant programs such as scholarships, subsidies, loan assistance  
19 and other measures that will harness the skills of Filipino seafarers toward  
20 greater competitiveness to new demands in the industry; and,  
21  
22 (c) Promote quality maritime education and training that respond to the needs  
23 of the industry and in accordance with international maritime standards.

24  
25  
26 **SEC. 8.** *Right to Relevant Information.* – Seafarers shall have adequate and  
27 relevant information regarding their rights, benefits, obligations, conditions and  
28 realities attendant to their profession, their duties, responsibilities and obligations.

29  
30 Towards this end, manning agencies, and other organizations responsible for the  
31 recruitment and placement of Filipino seafarers shall be mandated to provide  
32 seafarers information on the computation and payment of salaries and specific  
33 privileges and benefits available in their contract of employment.

34  
35  
36 **SEC. 9.** *Right to Consultation.* – Seafarers and seafarers' organizations or  
37 unions as well as concerned maritime industry representatives shall be  
38 adequately consulted before adopting any policy, law, executive issuance, rule or  
39 regulation that may directly or indirectly affect them and/or their families and  
40 beneficiaries.

41  
42  
43 **SEC. 10.** *Right Against Discrimination.* – Seafarers shall have the right against  
44 discrimination by sole reason of race, sex, religion and political opinion. Career  
45 opportunities shall be promoted and appropriate working and living conditions  
46 shall be guaranteed equally among male and female seafarers.

47  
48  
49 **SEC. 11.** *Right to Legal Representation.* – Seafarers who are victims of  
50 violations of the provisions of this Act, shall have the right to free legal assistance  
51 and protection at government's expense.

52  
53  
54 **SEC. 12.** *Right to Access to Communication.* – Seafarers, especially during their  
55 free time or off-duty, shall be given access to communication and they shall be  
56 allowed to use the internet, mobile phone and other communication facilities.

57

### Chapter III – Seafarer’s Duties

**SEC. 13.** Seafarer shall have the following duties:

1. To comply with and observe the terms and conditions of his/her employment contract;
2. To abide by the Code of Discipline;
3. To be obedient to the lawful commands of the Master or any person who shall lawfully succeed him and to comply with the shipowner’s/principal’s policy on safety and operational procedures and instructions given in connection therewith;
4. To be diligent in his duties relating to the ship, its stores and cargo, whether on board, in boats or ashore;
5. To conduct himself at all times in an orderly and respectful manner towards shipmates, passengers, shippers, stevedores, port authorities, and other persons who have official business with the ship;
6. To take personal responsibility for his health at all times by practicing a healthy lifestyle.

### Chapter IV – Minimum Requirements for Seafarers

**SEC. 14. *Minimum Age.*** – No person below eighteen (18) years old shall be employed, engaged, or otherwise allowed to work on board a coastal or ocean-going ship.

**SEC. 15. *Medical Certificates.*** – No seafarer shall be employed, engaged, or otherwise allowed to work on board a coastal or ocean-going ship unless certified as medically fit to perform his/her duties.

Seafarer shall hold a medical certificate issued by a medical facility duly accredited by the Department of Health.

The medical certificate shall certify that the person is expected to be able to meet the minimum requirements for performing the duty specific to his/her post at sea safely and effectively during the period of validity of the certificate.

The validity of the medical certificate shall not exceed a period of two (2) years.

**SEC. 16. *Education.*** – Seafarer must have at least successfully completed the required academic requirements for a maritime degree provided for in the curriculum approved by the Commission on Higher Education, or must have completed the basic training courses for the position applied for as required by TESDA for ratings. The implementing rules and regulations of this Act shall set the educational and/or training requirements for each classification of seafarers.

1 **SEC. 17. Training.** – No seafarer shall be employed, engaged, or otherwise  
2 allowed to work on board a coastal or ocean-going ship unless he/she is properly  
3 trained and certified as competent or otherwise qualified to perform his/her duties  
4 on board in accordance with the standards of international maritime  
5 convention(s) providing for seafarer's training, qualification, competency or  
6 certification.

7  
8  
9 **SEC. 18. Recruitment and Placement.** Unless otherwise provided under this Act  
10 and/or its Implementing rules and regulations, no amount or fee shall be charged  
11 in the recruitment and placement of a seafarer.

12  
13 Only duly licensed manning or placement and recruitment agency shall be  
14 allowed to operate and engage in the recruitment and placement of seafarers, in  
15 accordance with the rules and regulations as may be issued by the Secretary of  
16 Labor and Employment.

17  
18 DOLE regulations shall govern the recruitment and placement and/or contracting  
19 and subcontracting work arrangement of seafarers.

20  
21 Seafarers shall be compensated for monetary loss that may be incurred as a  
22 result of the failure of recruitment and placement service or the relevant  
23 shipowner under the seafarer's employment agreement to meet its obligations by  
24 way of insurance or an appropriate measure.

## 25 26 27 **Chapter V. Terms and Condition of Employment**

28  
29  
30 **SEC. 19. Standard Employment Agreement for Seafarers.** – There shall be an  
31 agreement in writing between the shipowner and the seafarer, which shall  
32 include the following terms:

- 33  
34 a) the seafarer's full name, date of birth or age, and birthplace;  
35  
36 b) the shipowner's name and address;  
37  
38 c) the place where and date when the seafarer's employment  
39 agreement is entered into;  
40  
41 d) the capacity in which the seafarer is to be employed;  
42  
43 e) the amount of the seafarer's salary, and the formula used for  
44 calculating the same;  
45  
46 f) hours of work;  
47  
48 g) wages and wage-related benefits, which include the following:  
49 overtime pay, holiday pay, premium pay, paid leaves, 13<sup>th</sup>  
50 month pay;  
51  
52 h) social security and welfare benefits;  
53  
54 i) stipulation on repatriation or similar undertakings;  
55  
56 j) separation pay and retirement pay; and  
57  
58 k) other benefits in accordance with law, company policy or  
59 agreements.  
60  
61



1 The foregoing employment agreement shall be in a working language and in  
2 English, executed in three (3) original copies before the commencement of the  
3 employment. The shipowner and the seafarer shall each have a signed original  
4 of the agreement. A signed original shall be made available onboard the ship.

5  
6 When there is a collective bargaining agreement, a copy thereof must be  
7 maintained onboard the ship.

8  
9 However, for overseas Filipino seafarers the Standard Employment Contract  
10 (SEC) approved by the governing board of POEA shall be observed; Provided,  
11 that in the absence of a reliever, the employment contract of a seafarer shall not  
12 be extended more than three (3) months from the date of the expiration of the  
13 contract, in which case the seafarers shall be allowed to disembark or shall be  
14 repatriated to the point of hire.

15  
16  
17 **SEC. 20. Wages.** – Upon effectivity of this Act, the Regional Tripartite Wages  
18 and Productivity Boards shall set the minimum wage rates of the seafarers on-  
19 board ships engaged in domestic shipping, taking into account the peculiarities of  
20 the employment arrangement of seafarers. Provided, that wages for actual work  
21 hours and days shall not be lower than the applicable minimum wage rates in the  
22 domicile or head office of the shipowner, whichever is higher. Wages shall be  
23 paid at least once every two weeks or twice a month at intervals not exceeding  
24 sixteen (16) days.

25  
26  
27 **SEC. 21. Freedom to Stipulate.** – The seafarer and the shipowner are allowed to  
28 stipulate and mutually agree on other terms and conditions exceeding the  
29 minimum standards, provided that the additional provisions are mutually  
30 beneficial to both parties and are not contrary to law, public policy and morals.

31  
32  
33 **SEC. 22. Hours of work and hours of rest.** – The normal hours of work of  
34 seafarer shall be eight (8) hours but in no case exceed fourteen (14) hours in any  
35 24-hour period and seventy-two (72) hours in any 7-day period.

36  
37 The minimum hours of rest for seafarers shall not be less than 10 hours in any  
38 24-hour period and 77 hours in any 7-day period.

39  
40 Provided that, for ships licensed to engage in coastal trade only the rules found  
41 in Book Three, "Conditions of Employment", Title I "Working Conditions and Rest  
42 Periods", Chapter I, "Hours of Work", Chapter II, "Weekly Rest Periods", And  
43 Chapter II, "Holidays, Service Incentive Leaves and Service Charges" of the  
44 "Labor of the Philippines", Presidential Decree No. 442 as amended, shall  
45 continue to apply and shall be considered as substantially complying with  
46 international standards.

47  
48 **SEC. 23. Paid Annual Leave.** – Whenever applicable, the seafarers shall be paid  
49 an annual leave to be calculated on the basis of a minimum of 2.5 calendar days  
50 per month of employment.

51  
52  
53 **Chapter VI – Repatriation**

54  
55  
56 **SEC. 24. Repatriation.** – Seafarers shall be entitled to repatriation. All costs  
57 related to the repatriation and / or transport of the personal effects of a seafarer

1 shall be borne by or charged to the shipowner and manning or crewing agency  
2 concerned. The expenses of repatriation shall include the transportation charges,  
3 the accommodation and the food of the seafarer during the journey. However, in  
4 cases where the termination of employment is due solely to the fault of the  
5 seafarer, the shipowner or manning/crewing agency shall not in any manner be  
6 responsible for the repatriation of the former and/or his/her personal effects.  
7  
8

9 **SEC. 25. *Mandatory Repatriation of Underage Seafarers.*** – Upon discovery or  
10 information of a Filipino seafarer whose actual age falls below eighteen (18)  
11 years of age, the nearest Philippine consulate office shall, without delay,  
12 repatriate the said seafarer and advise the DFA and DOLE as soon as possible  
13 of such discovery and other relevant information.  
14  
15

16 **SEC. 26. *Emergency Repatriation.*** –The DOLE, in coordination with the OWWA  
17 and the DFA, shall undertake the repatriation of seafarers in cases of war,  
18 epidemics, abandonment of ships by shipowners, disasters or calamities, natural  
19 or man-made, and other similar events without prejudice to reimbursement by the  
20 responsible shipowner or manning crewing agency.  
21  
22

23 **SEC. 27. *Repatriation in Case of Coastal Vessels.*** – The provisions on  
24 repatriation shall also apply to seafarers working on coastal vessels.  
25  
26

## 27 **Chapter VII. Manning Requirement**

28  
29

30 **SEC. 28. *Manning Levels.*** – All ships of Philippine registry shall have the  
31 required minimum manning levels in accordance with the requirements set by  
32 MARINA.  
33

34 Every ship shall be manned by a crew that is adequate in terms of size and  
35 qualifications taking into account the need to operate the vessel safely and  
36 efficiently.  
37  
38

39 **SEC. 29. *Crew Competence.*** – Every member of the crew of a ship of Philippine  
40 Registry shall possess the appropriate certificate of competency setting forth his  
41 competence to serve in the capacity and perform the functions involved at the  
42 level of responsibility, for the position held, for the type, tonnage, power, means  
43 of propulsion, and trading patterns of the ship concerned.  
44

45 The certificate of competency shall attest to the fact that the seafarer to whom it  
46 is issued meets the requirements for service, age, medical fitness training,  
47 qualification, and examinations for the position held.  
48  
49

50 **SEC. 30. *Registry of Seafarers.*** – The POEA, for ocean-going ships of foreign  
51 registry and MARINA for coastal and ocean-going ships of Philippine registry  
52 shall maintain a registry of all seafarers in the Philippines. The registry shall  
53 contain the following information:  
54

- 55 a. The name of the seafarer;
- 56 b. Qualifications;
- 57 c. Record of employment;

- 1 d. Education and training;
- 2 e. Current certificates;
- 3 f. Occupational category.

4  
5 Such other relevant information shall be included in the registry that will allow the  
6 relevant agency to promote employment opportunities for seafarers whether on  
7 board or ashore, or allow for further training and education to support skills  
8 development and competencies of seafarers in order to secure or improve  
9 employment opportunities.

## 10 11 12 **Chapter VIII – Accommodation, Recreational Facilities, Food and Catering**

13  
14  
15 **SEC. 31. *Application.*** – The requirements of this Chapter for crew  
16 accommodation and recreational facilities covering ships of Philippine Registry  
17 shall be applicable to the following:

- 18 (a) All ocean-going ships and coastal ships constructed on or after the date  
19 when the Maritime Labor Convention of 2006 come into force;
- 20  
21 (b) All second hand ships, whether ocean-going or coastal, acquired or  
22 leased, and entered in the Philippine Registry after the entry date into  
23 force of the said Convention unless provided exemption by the relevant  
24 Philippine government agency;
- 25  
26 (c) All ships constructed prior to the entry into force of the Maritime Labor  
27 Convention, 2006, as the case may be, which undertake major or substantial  
28 structural alterations after the entry into force of the Convention unless  
29 provided exemption by the relevant Philippine government agency.

30  
31  
32  
33 **SEC. 32. *Accommodation Facilities.*** – Unless otherwise exempted herein or by  
34 appropriate regulations, all ship of Philippine registry shall have safe, recent and  
35 adequate accommodations for seafarers taking into account the need to protect  
36 the health and safety of seafarers working or living on board.

37  
38  
39 **SEC. 33. *Requirements for Sanitation.*** – All ships of Philippine registry shall  
40 have access to sanitation facilities meeting the minimum standards for health and  
41 hygiene. The sanitation facilities shall be located at convenient places, allowing  
42 for easy access to work stations. Separate facilities shall be provided for male  
43 and female crew.

44  
45  
46 **SEC. 34. *Recreational Facilities.*** – Unless otherwise exempted herein or by  
47 appropriate regulations, all ships of Philippine registry shall have recreational  
48 facilities, amenities, and services appropriate for seafarers.  
49 Coastal ships are exempted from this requirement considering the trading  
50 patterns and length of voyages of such ships which allow the crew to go home or  
51 to have access and make use of comparable facilities on land.

52  
53  
54 **SEC. 35. *Food and Catering.*** – The shipowner shall ensure protection and  
55 promotion of the health of the seafarer. Whenever applicable, shipowners shall  
56 ensure that ships carry onboard and serve free food and drinking water of  
57 appropriate quality, quantity and nutritional value that adequately cover the

1 requirements of the ship and take into consideration the differing cultural and  
2 religious backgrounds. The foods and drinks and the preparation thereof shall be  
3 in accordance with the standards of the Sanitation Code of the Philippines and  
4 pertinent laws, rules and regulations.  
5  
6

#### 7 **Chapter IX – Health Protection and Medical Care**

8  
9

10 **SEC. 36. *Medical Care Onboard Ship and Ashore.*** – The shipowner shall  
11 provide adequate medical services and medicine chest onboard, and access to  
12 shore facilities for the protection of the health of the seafarers, as well as the  
13 corresponding medical and/or trained personnel who shall provide first-aid and  
14 medical care pursuant to the Occupational Safety and Health Standards and  
15 other pertinent laws, rules and regulations.  
16

17 The shipowner shall ensure that seafarers have access to treatment for sickness  
18 or injury, hospitalization and dental treatment.  
19

20 The seafarer shall have the right to consult a qualified physician or dentist  
21 without delay in ports of call, where practicable.  
22

23 **SEC. 37. *Shipowners' Liability.*** – Without prejudice to existing laws and policies,  
24 collective bargaining agreement or other applicable employment agreement, the  
25 shipowner shall be responsible for the health protection and medical care for  
26 seafarers with respect to sickness and injury, for compensation in case of death  
27 or long term disability due to occupational injury, illness or hazard, for payment of  
28 expenses for medical care and treatment until recovery or until the seafarer's  
29 illness or incapacity is declared permanent in character, and for payment of burial  
30 expenses.  
31

32  
33 **SEC. 38. *Maritime Occupational Safety and Health Standards.*** – The DOLE  
34 shall formulate guidelines for the implementation of the occupational safety and  
35 health policy and program for seafarers.  
36  
37

#### 38 **Chapter X – Welfare and Social Security Protection**

39  
40

41 **SEC. 39. *Social Welfare Benefits.*** – Without prejudice to established company  
42 policy, collective bargaining agreement or other applicable employment  
43 agreement, all seafarers shall be entitled to coverage for social welfare benefits  
44 such as Pag-IBIG Fund (Republic Act No. 7742) and PhilHealth (Republic Act  
45 No. 7875, as amended by Republic Act No. 9241) Employees' Compensation  
46 Law (Presidential Decree No. 626), and the Social Security Law (Republic Act No  
47 1161 as amended by Republic Act No. 8282), and other applicable laws.  
48

49 The cost of health services for the sickness and injuries suffered by the seafarer  
50 shall be covered by mandatory social welfare programs under existing laws.  
51

#### 52 **Chapter XI – Compliance and Enforcement**

53  
54

55 **SEC. 40. *Compliance.*** – All ships of Philippine registry shall comply with the  
56 provisions of this Act. The shipowner or master shall ensure the compliance of  
57 the ship with this Act and its implementing rules and regulations.

1 The shipowner and master shall be made principally liable for any violation of the  
2 provisions of this Act and its implementing rules and regulations.  
3  
4

5 **SEC. 41. Enforcement.** – For purposes of this Act, the Secretary of Labor or  
6 his/her duly authorized representative, shall have the sole and exclusive authority  
7 to inspect all ships, coastal or ocean-going, regardless of their flag state to  
8 ensure compliance with the provisions of this Act.  
9

10 The Secretary of Labor may authorize other government agencies or duly  
11 recognized organizations in the enforcement of the provisions of this Act and its  
12 implementing rules and regulations.  
13

14 Unless directly exercised by the Secretary of Labor, the duly authorized  
15 representative shall have the power to board ship and carry out any examination,  
16 test or inquiry which they may consider necessary in order to satisfy themselves  
17 that the standards are strictly observed.  
18

19 The Secretary of Labor and Employment or his/her duly authorized  
20 representative shall have the power to order immediate correction of, and impose  
21 fine for, violations of the provisions of this Act.  
22

23 If the violation or deficiency constitutes serious breach of the requirement of this  
24 Act and its implementing rules and regulations or poses imminent danger to the  
25 ships, and/or to the life or limbs of the seafarer, the Secretary of Labor or his/her  
26 duly authorized representative may order the detention of the ship until the  
27 violation or deficiency is corrected.  
28  
29

30 **SEC. 42. Maritime Labour Certificate and Declaration of Maritime Labour**  
31 **Compliance.** – All ships of Philippine registry shall have a maritime labour  
32 certificate issued by the Secretary of Labor or his/her duly authorized  
33 representative.  
34

35 All ships of Philippine registry shall also have a declaration of maritime labour  
36 compliance drawn up by the shipowner or master.  
37

38 A ship of less than 500 gross ton shall not be required to have a maritime labour  
39 certificate and declaration of maritime labour compliance.  
40

41 A maritime labour certificate shall be valid for three (3) years subject to renewal.  
42

43 Intermediate inspection may be conducted during the validity of the maritime  
44 labour certificate.  
45  
46

47 **SEC. 43. Recognized Organization.** – Recognized Organizations shall be  
48 authorized by the Secretary of Labor to conduct inspection and issue certification  
49 in accordance with the provisions of this Act and its implementing rules and  
50 regulations.  
51

52 A recognized organization shall have the necessary knowledge of the  
53 requirements of this Act and its implementing rules and regulations, Maritime  
54 Labour Certificate, 2006 and other relevant international treaty or convention.  
55  
56  
57

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

## 4 5 6 **Chapter XII – Termination of Employment**

### 7 8 9 **SEC. 44. *Termination of Employment.*** –

- 10  
11 1) The shipowner, master or their representative may, after notice and  
12 hearing, terminate the services of the seafarer working on ocean-going  
13 ships any time before the expiration of the contract for any grounds as  
14 may be stipulated therein, or under the company rules and regulations or  
15 code of discipline. A seafarer working on ocean-going ships may, by mere  
16 service of notice, terminate his or her services any time before the  
17 expiration of the contract for any grounds as may be stipulated therein or  
18 under company rules and regulations.
- 19  
20 2) Seafarer working on coastal ships may, by mere notice, terminate his or  
21 her services for any of the following causes:
- 22  
23 a) Serious insult on the honor and person of the seafarer by the  
24 shipowner, master or their representative;
- 25  
26 b) Inhuman treatment of the seafarer by the shipowner, master or their  
27 representative;
- 28  
29 c) Commission of a crime or offense against the seafarer by the  
30 shipowner, master or their representative; and,
- 31  
32 d) Other causes analogous to the foregoing.
- 33  
34 3) A shipowner may, after notice and hearing, terminate the services of a  
35 seafarer working on coastal ships for any of the following causes:
- 36  
37 a) Serious misconduct or willful disobedience by the seafarer of the  
38 lawful order of the shipowner, master or their representative in  
39 connection with his or her work;
- 40  
41 b) Gross or habitual neglect by the seafarer of his or her duties;
- 42  
43 c) Fraud or willful breach by the seafarer of the trust reposed in him or  
44 her by the shipowner, master or their representative;
- 45  
46 d) Commission of a crime or offense by the seafarer against the person of  
47 the shipowner, master or any immediate member of his or her family;  
48 and,
- 49  
50 e) Other causes analogous to the foregoing.

## 51 52 53 **Chapter XIII – Settlement of Disputes**

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**SEC. 45. *On-board and Onshore Complaint Procedure.*** – All ships of Philippine  
registry shall develop and implement a fair, effective and expeditious on-board  
and on-shore complaint procedures in accordance with the implementing rules  
and regulations of this Act.

1 All disputes including violation of the provisions of employment agreement,  
2 termination cases and claims for damages arising from employment involving  
3 seafarers shall undergo a conciliation and mediation proceedings before the  
4 National Conciliation and Mediation Board.

5  
6 Unresolved disputes including violation of the provisions of employment  
7 agreement, termination cases and claims for damages arising from employment  
8 involving seafarers shall be within the jurisdiction of the Labor Arbiters of the  
9 National Labor Relations Commission.

10  
11 Voluntary arbitrators or panel of voluntary arbitrators, upon agreement of the  
12 parties, may also hear and decide all disputes including violation of contract,  
13 termination and claims for damages arising from employment involving seafarers.

14  
15  
16 **SEC. 46. Mandatory Conciliation-Mediation.** – Seafarers may avail of the  
17 conciliation-mediation services of the DOLE pursuant to Republic Act 10396 and  
18 its Implementing Rules and Regulations, by filing a request for assistance before  
19 the conciliation-mediation desks at the Regional/Field/Provincial Offices of the  
20 DOLE.

#### 21 22 23 **Chapter XIV – Reintegration for Overseas Filipino Seafarers**

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25  
26 **SEC. 47. Reintegration.** – For overseas Filipino seafarers, returning or  
27 unemployed seafarers may avail of the livelihood development, training programs  
28 and placements services offered by concerned government agencies, including  
29 OWWA and TESDA, TLC, and the CDA.

30  
31 These agencies shall formulate skills upgrading or retraining curricula to meet the  
32 needs of returning or unemployed seafarers. The participation of the maritime  
33 industry, in particular, port and shipping industry, and maritime educational  
34 institutions shall be likewise solicited by the DOLE in devising the appropriate  
35 retraining and local job placement programs for unemployed seafarers.

36  
37 The National Reintegration Center for OFWs (NRCO) shall attend to the needs of  
38 returning seafarers. The Center shall provide a mechanism for their reintegration  
39 into the Philippine society, serve as a promotion house for their local  
40 employment, and tap their skills and potentials for national development.

#### 41 42 43 **Chapter XV – Incentives and Awards Granted to the Maritime Industry**

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46 **SEC. 48. Incentives and Awards.** – There shall be established an incentives and  
47 awards system for the maritime industry stakeholders which shall be developed  
48 and administered by the concerned government agency.

49  
50 Under such rules and regulations that may be promulgated, deserving ship  
51 owners, seafarers, manning and other organizations or entities shall be  
52 incentivized or awarded for their outstanding performance in upholding the rights  
53 of seafarers or complying with this Magna Carta.

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4 **Chapter XV – Government Agencies**

5 **SEC. 49. Role of Government Agencies.** – The following government agencies  
6 shall perform the following functions to promote the welfare and protect the rights  
7 of Filipino seafarers:

- 8 a) Department of Labor and Employment. The DOLE shall ensure that the  
9 standards set forth under this Act, Presidential Decree No. 442, as  
10 amended, and other laws, the Maritime Labour Convention, 2006 and  
11 other international treaties and conventions to which the Philippines is a  
12 signatory are faithfully complied with and fairly applied to Filipino  
13 seafarers;  
14  
15 b) To this end, the DOLE shall establish an effective system for the  
16 inspection and certification to ensure that the working and living conditions  
17 of seafarers are met and continue to be met pursuant to the Maritime  
18 Labour Convention 2006;  
19  
20 c) Department of Foreign Affairs. The DFA, through its home offices or  
21 foreign posts, shall take priority action or make representation with the  
22 foreign authority concerned to protect the rights of Filipino seafarers and  
23 extend immediate assistance, including the repatriation of distressed or  
24 beleaguered Filipino seafarers;  
25  
26 d) Department of Health. - The Department of Health (DOH) shall regulate  
27 the activities and operations of all clinics which conduct medical, physical,  
28 optical, dental, psychological and other similar examinations, hereinafter  
29 referred to as health examinations, on Filipino seafarers;

30  
31 The Department of Health shall determine and prescribe the nature of the  
32 medical examination that shall be required of a seafarer, ensuring that  
33 such examination will genuinely determine the seafarer's state of health,  
34 considering the duties that he/she shall be required to perform on board.  
35 The DOH shall likewise prescribe the contents of the medical certificate to  
36 ensure that such certification will genuinely reflect the seafarer's state of  
37 health.

- 38  
39 e) Philippine Overseas Employment Agency. The POEA shall look into and  
40 improve on the working conditions and terms of employment of the officers  
41 and crew of vessels of Philippine registry, and of such officers and crew  
42 members who are Filipino citizens and employed by foreign vessels;  
43 develop an effective system of monitoring and gathering welfare concerns  
44 for purposes of determining future welfare programs, monitoring existing  
45 welfare activities and addressing current welfare issues prioritize  
46 according to urgency; observe and conduct a comprehensive and  
47 updated system of pre-departure orientation seminars or briefings to  
48 departing seafarers and other maritime workers; scheduled for  
49 deployment. It shall also undertake studies and distribute relevant  
50 materials for use in pre-departure orientation seminars of maritime  
51 workers and other related activities; accredit, regulate and supervise  
52 predeparture orientation seminars or briefings of authorized manning or  
53 crewing agencies; formulate and undertake programs and projects for the  
54 effective and efficient utilization of the seafarers' welfare fund; provide  
55 services to assist maritime workers and their immediate dependents and  
56 families; and perform such other duties as may be essential in giving  
57 assistance to seafarers and their families;



1 f) Overseas Workers Welfare Administration. - The OWWA through its  
2 welfare officer or in his absence, the coordinating officer, shall provide the  
3 Filipino seafarers and his family all the assistance they may need in the  
4 enforcement of contractual obligations by agencies and/or by their  
5 principals.

6  
7 The OWWA shall likewise formulate and implement welfare programs for  
8 overseas Filipino seafarers and their families while they are abroad and  
9 upon their return. It shall ensure the awareness by the overseas Filipino  
10 workers and their families of these programs and other related  
11 governmental programs.

12  
13 g) Commission on Higher Education (CHED), TESDA and MTC shall ensure  
14 the promotion of quality and efficiency in maritime education through  
15 advocacy and accountability.

16  
17 h) Commission on Higher Education and the Technical Education and Skills  
18 Development Authority. The CHED and the TESDA shall ensure that the  
19 curricula for the seafarers' education and training are in consonance with  
20 the demands of global maritime industry as well as with the requirements  
21 of STCW '78, as amended.

22  
23 i) Commission on Higher Education and MARINA. The CHED, in  
24 coordination with MARINA, and maritime schools and training institutions,  
25 shall be responsible for the continuous and comprehensive research,  
26 review and upgrading of the system of education, training, certification and  
27 recruitment of all maritime schools and institutions, as well as the manning  
28 or crewing agencies and regulatory commissions.

29  
30 j) Maritime Industry Authority. The MARINA shall be responsible in the  
31 formulation, adoption and enforcement of regulations governing the quality  
32 standards and mechanisms of training and competence of local seafarers.

33  
34 Unless otherwise provided in this Act, the mandate, power and function of all  
35 existing department, agency and instrumentality of the government including  
36 government owned and controlled corporation shall remain and continue to be  
37 recognized in accordance with the law or order creating them.

38  
39  
40 **SEC. 50.** *Philippine Seafarer One Stop Processing Center (PSOC).* – The  
41 PSOC, as established under Administrative Order No. 56, has been tasked to  
42 operationalize and make available to the public, an integrated document  
43 processing center for the seafarers and the general public to conduct official  
44 transactions.

45  
46 PSOC shall have the services of the following government offices:

- 47  
48 a) Department of Labor and Employment;  
49 b) Department of Foreign Affairs;  
50 c) Department of Health;  
51 d) Philippine Overseas Employment Administration;  
52 e) Overseas Workers Welfare Administration (OWWA);  
53 f) Commission on Higher Education (CHED);  
54 g) Professional Regulation Commission (PRC);  
55 h) Technical Education and Skills Development Authority (TESDA);  
56 i) Maritime Industry Authority (MARINA);  
57 j) National Telecommunications Office (NTC);

- 1 k) Department of Foreign Affairs (DFA);
- 2 l) National Bureau of Investigation (NBI);
- 3 m) Social Security System (SSS);
- 4 n) PhilHealth
- 5 o) Pag-IBIG Fund;
- 6 p) Philippine Coast Guard (PCG);
- 7 q) National Statistics Office (NSO); and
- 8 r) Such other government offices that the Secretary of DOLE may deem
- 9 necessary.

## 10 11 Chapter XVI. Penal Provisions

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15 **SEC. 51.** Any public officer or employee, organization or person who, without  
16 proper delegation, exercises the authority granted to the Secretary of Labor shall  
17 be punished of a fine of not less than ten thousand pesos (P10,000.00) nor more  
18 than forty thousand pesos (P40,000.00), or imprisonment of not less than one (1)  
19 year nor more than four (4) years, or both at the discretion of the court.

20  
21  
22 **SEC. 52.** Any public officer or employee, organization or person who, without  
23 proper delegation, exercises the authority granted to the Secretary of Labor shall  
24 be punished of punished with a fine of not less than ten thousand pesos  
25 (P10,000.00) nor more than forty thousand pesos (P40,000.00), or imprisonment  
26 of not less than one (1) year nor more than four (4) years, or both at the  
27 discretion of the court.

28  
29  
30 **SEC. 53.** Any shipowner, master, their representatives or other person who  
31 denies or refuses the Secretary of Labor, his duly authorized representative or  
32 the duly recognized organization to access to, board, and inspect the ship or any  
33 part thereof or its principal place of office, or branch office or any part thereof to  
34 determine compliance with this Act shall be punished of punished with a fine of  
35 not less than one hundred thousand pesos (P100,000.00) nor more than four  
36 hundred thousand pesos (P400,000.00), or imprisonment of not less than one (1)  
37 year nor more than four (4) years, or both at the discretion of the court.

38  
39  
40 **SEC. 54.** Any shipowner, master, their representatives or other person who fails  
41 or refuses to present employment records such as payrolls, daily time records,  
42 payslip, or other when required by the Secretary of Labor, his duly authorized  
43 representative or the duly representative of recognize organization shall be  
44 punished of punished with a fine of not less than one hundred thousand pesos  
45 (P100,000.00) nor more than four hundred thousand pesos (P400,000.00), or  
46 imprisonment of not less than one (1) year nor more than four (4) years, or both  
47 at the discretion of the court.

48  
49  
50 **SEC. 55.** *Investigation of Complaints.* – The DOLE and POEA shall investigate  
51 and take appropriate action on any complaint concerning any violations of this  
52 Act and its implementing rules and regulations.

53  
54  
55 **SEC. 56.** *Prescriptive Periods.* – Offenses defined and penalized under this Act  
56 shall prescribe in five (5) years: Provided, however, that illegal recruitment cases

1 involving economic sabotage as defined herein shall prescribe in twenty (20)  
2 years.

3  
4  
5 **Chapter XVII – Final Provisions**  
6

7  
8 **SEC. 57. *Implementing Rules and Regulations.*** – The DOLÉ, in coordination  
9 with the DFA, MARINA and other agencies concerned shall formulate its rules  
10 and regulations within ninety (90) days after the effectivity of this Act.

11  
12  
13 **SEC. 58. *Separability Clause.*** – If, for any reason, any section, clause or term of  
14 this Act is held to be illegal, invalid, or unconstitutional, such parts not affected by  
15 such declaration shall remain in full force and effect.

16  
17  
18 **SEC. 59. *Repealing Clause.*** – All laws, presidential decrees, or issuance,  
19 executive orders, letters of instruction, rules or regulations inconsistent with the  
20 provisions of this Act are hereby repealed or modified accordingly.

21  
22 **SEC. 60. *Effectivity Clause.*** – This Act shall take effect fifteen (15) days after its  
23 publication in the Official Gazette or in at least two (2) newspapers of general  
24 circulation, whichever comes first.

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30 *Approved,*