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SIXTEENTH CONGRESS  
First Regular Session

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S. B. No. **1986**

INTRODUCED BY SENATOR SONNY M. ANGARA

EXPLANATORY NOTE

Some 1.5 million seafarers are said to be at sea daily, spread across the 100,000 or so ships that facilitate much of global trade and commerce today. By some estimates, up to 30 percent of this seaborne labor force is Filipino.

In 2012 alone, the country deployed 366,865 Filipino seafarers according to data from the Philippine Overseas Employment Administration (POEA). In the same year, seafarers were reported to have brought in up to US\$ 4.8 billion or 22 percent of the total foreign remittances the country received.

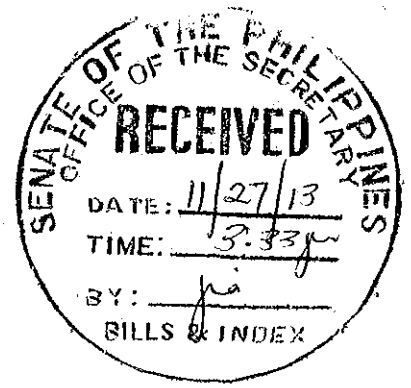
Seafarers deal with circumstances very different from mainstream Overseas Filipino Workers (OFWs) and other sectors within the labor force. However, existing labor laws and social legislation, particularly the Overseas Filipinos and Migrant Workers' Act of 1996 (RA 8042) do not adequately address the needs of seafarers nor do they adhere to international recognized instruments, such as those of the International Labor Organization (ILO) and the International Maritime Organization (IMO).

As a measure that aims to comprehensively protect the rights of Filipino seafarers, the foregoing bill aims to fill the gaps in legislation. Several references were considered in the crafting of this bill. Foremost of these are about twenty (20) legislative measures on seafaring which were filed during past Congresses. Provisions deemed beneficial to Filipino seafarers were lifted and incorporated into the enclosed proposal.

For emphasis, provisions from existing laws were also included, such as those from the Philippine Labor Code; Overseas Filipinos and Migrant Workers' Act of 1995 (RA 8042); the POEA Standard Employment Contract; International Convention on the STCW '78, as amended; 36 ILO Conventions relevant to the concerns and well-being of seafarers, four (4) of which were ratified by the Philippines; and the different laws creating and re-structuring the different government agencies relevant to the interest and welfare of Filipino seafarers. The Revised Rules of Court were also considered in relation to the jurisdiction and venue of illegal recruitment cases and money claims. Reference were also made to laws creating the government agencies enumerated herein for the purpose of enhancing their mandate and functions to provide better service and protection to seafarers.

Swift approval of this bill is earnestly sought.

  
SENATOR SONNY M. ANGARA



S. B. No. **1986**

INTRODUCED BY SENATOR SONNY M. ANGARA

AN ACT  
INSTITUTING THE MAGNA CARTA OF FILIPINO SEAFARERS

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

CHAPTER I

GENERAL PROVISIONS

1  
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4  
5 **SECTION. 1. Short Title.** This Act shall be known as the "*Magna Carta of Filipino*  
6 *Seafarers.*"

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, as well as  
11 their vulnerabilities, and afford them full protection before, during and after their  
12 employment;
- 13  
14 b) To adopt all laws, rules and regulations for the benefit and safety of seafarers that  
15 have been agreed upon in international conventions especially, but not limited to,  
16 the consolidated Marine Labor Convention which was approved by the International  
17 Labor Organization in 2006, as part of the law of the land;
- 18  
19 c) To maintain and progressively develop a pool of competent and world class domestic  
20 and international seafarers of all grades and ratings through a system of education  
21 and training and of accreditation and licensing; and
- 22  
23 d) To establish mechanisms for the enhancement of administrative, adjudicative, social  
24 as well as welfare services for seafarers and their families.

25  
26 Toward these ends, the State shall endeavor to improve the Filipino seafarer's working  
27 conditions, terms of employment, career prospects and provide them opportunities to harness  
28 their potential to the fullest. The State shall further work to uplift the socio-economic well-being  
29 of their respective families.

30  
31 **SEC. 3. Applicability.** All rights and benefits granted under this Act shall, except as may  
32 otherwise be provided herein, apply to the Filipino seafarers as defined herein. All rights,  
33 privileges and benefits previously enjoyed by Filipino seafarers before the effectivity of this Act,  
34 especially but not limited to those set forth in Republic Act 8042, shall continue to be recognized  
35 and shall not be diminished after the effectivity of this Act.

36  
37 **SEC. 4. Definitions.** For purposes of this Act, the following terms shall have the  
38 following definitions:  
39

- 1 a) "CDA" refers to the Cooperative Development Authority;
- 2
- 3 b) "Commission on Higher Education (CHED)" refers to the government agency
- 4 created pursuant to Republic Act No. 7722;
- 5
- 6 c) "Department of Education (Dep-Ed)" refers to the government agency created
- 7 pursuant to Executive Order No. 117 (30 January 1987), as amended by Republic
- 8 Acts 7722, 7796, and 9155 (11 August 2001);
- 9
- 10 d) "Department of Foreign Affairs (DFA)" refers to the government agency created
- 11 pursuant to Republic Act No. 7157;
- 12
- 13 e) "Department of Labor and Employment (DOLE)" refers to the government
- 14 agency created pursuant to Executive Order No. 292;
- 15
- 16 f) "Department of Transportation and Communications (DOTC)" refers to the
- 17 government agency created pursuant to Executive Order Nos. 125 and 125-A
- 18 series of 1987;
- 19
- 20 g) "Departure" refers to the actual departure from the point of hire of a Filipino
- 21 seafarer through air, sea or land travel transport to join his vessel in a Philippine
- 22 or foreign port;
- 23
- 24 h) "I.L.O" refers to the International Labour Organization;
- 25
- 26 i) "IMO" refers to the International Maritime Organization;
- 27
- 28 j) "Informal Blacklisting" refers to the unlawful practice of manning or crewing
- 29 agencies or recruitment and placement services, or companies to directly or
- 30 indirectly prevent or deter seafarers, without valid cause from gaining
- 31 productive employment, whether the job applicant is for employment or
- 32 reemployment;
- 33
- 34 k) "License" refers to the document issued by the DOLE authorizing any person or
- 35 entity to operate a manning agency;
- 36
- 37 l) "Manning or Crewing Agencies" or "Recruitment and Placement Services" shall
- 38 refer to any person, company, institution, agency or other organization in the
- 39 public or private sector, which is engaged in recruiting seafarers on behalf of the
- 40 employers or placing seafarers with employers;
- 41
- 42 m) "Maritime Industry" refers to all enterprises engaged in the business of
- 43 managing and/or operating shipping lines, management of ports, stevedoring
- 44 arrastre, customs brokerage and cargo surveys; of ship brokering or chartering,
- 45 designing, constructing, manufacturing, acquiring, operating, supplying,
- 46 repairing and/or maintaining vessels, or component parts thereof; of shipyards
- 47 and dry-docks; of providing maritime services such as ship supplies, ship
- 48 manning and training, maritime consultancy, ship repairs, machine shops,
- 49 shipping agencies, freight forwarding and similar enterprises;
- 50
- 51 n) "Maritime Industry Authority (MARINA)" refers to the government agency
- 52 created pursuant to Presidential Decree 474;
- 53
- 54 o) "Maritime Training Council (MTC)" refers to the government agency created
- 55 pursuant to Letter of Instruction 1404;
- 56
- 57 p) "Master" refers to a seafarer who has the command and is in-charge of the vessel
- 58 being the representative of the vessel's owner;
- 59

- 1 q) *"MLC 2006"* refers to the consolidated Maritime Labor Convention approved by  
2 the ILO in 2006;  
3
- 4 r) *"National Maritime Polytechnic"* refers to the only government-owned  
5 maritime training center in the country created pursuant to Presidential Decree  
6 No. 1369 and mandated to conduct training to Filipino seafarers and maritime  
7 research;  
8
- 9 s) *"NSO"* refers to the National Statistics Office;  
10
- 11 t) *"Officer"* refers to a seafarer other than the Master who is designated by national  
12 law or regulation as an officer or is serving in that capacity, such as the 3rd mate,  
13 2nd mate, chief mate, the marine engineer officers in the engine, and other  
14 special officers needed in the vessel;  
15
- 16 u) *"Overseas Workers Welfare Administration (OWWA)"* refers to the government  
17 agency created pursuant to Executive Order No. 126;  
18
- 19 v) *"Philippine Coast Guard (PCG)"* refers to the government agency created  
20 pursuant to Republic Act No. 5173;  
21
- 22 w) *"Philippine Overseas Employment Administration (POEA)"* refers to the  
23 government agency created pursuant to Executive Order No. 797, as amended by  
24 Executive Order No. 247;  
25
- 26 x) *"Philippine Port"* refers to any point of hire which may either be a Philippine  
27 airport or seaport;  
28
- 29 y) *"Philippine Ports Authority (PPA)"* refers to the government corporation  
30 created pursuant to Presidential Decree No. 55 as amended by, among others,  
31 Executive Order No. 159 series of 1987;  
32
- 33 z) *"PRC"* refers to the Professional Regulation Commission;  
34
- 35 aa) *"Philippine Seafarer One-Stop Processing Center (PSOC)"* refers to the facility  
36 center which houses all relevant offices or agencies involved in providing  
37 services to seafarers in one roof, created under Administrative Order No. 56 on  
38 24 January 2003;  
39
- 40 bb) *"Philippine Shipping Companies"* refer to entities registered and licensed under  
41 the laws of the Philippines to engage in the business of overseas and/or  
42 domestic water transportation;  
43
- 44 cc) *"Point of Hire"* refers to the place indicated in the contract of employment which  
45 shall be the basis for determining commencement and termination of contract;  
46
- 47 dd) *"Principal"* or *"Employer"* refers to any person, partnership or corporation  
48 registered and duly authorized to employ Filipino seafarers in its overseas  
49 shipping activities;  
50
- 51 ee) *"Rating"* refers to any member of the crew other than the Master or the Officer,  
52 who is considered as ordinary seaman, able seaman, boatswain or bosun in the  
53 deck; the wiper, motorman, fitters and such other special ratings needed on  
54 board the vessel;  
55
- 56 ff) *"Recruitment and Placement"* refers to any act of canvassing, enlisting,  
57 contracting, transporting, utilizing, hiring or procuring workers, and include  
58 referrals, contact services, promising or advertising employment, locally or  
59 abroad, whether for profit or not;

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- gg) *“Seafarer or Filipino Seafarer”* refers to any Filipino who fulfills the conditions to be employed or engaged or to work on board a ship or vessel as defined herein other than a government ship used for military or non-commercial purposes. The two (2) kinds of Filipino seafarer are:
    - i. *“Domestic Seafarer”* refers to a Filipino seafarer on board a Philippine-registered ship or vessel not engaged in international voyage;
    - ii. *“Overseas Seafarer”* refers to Filipino seafarer employed or engaged or working in any capacity on board a ship engaged in international voyage;
  - hh) *“Shipowner”* refers to the company or owner of the ship or any other organization or person, such as the manager, agent or bareboat charterer, who has assumed the responsibility for operation and management of the ship from the ship owner, and who, on assuming such responsibilities, has agreed to take over all the attendant duties and responsibilities of a ship owner;
  - ii) *“STCW 1978”* refers to the International Convention on Standards of Training, Certification and Watch-keeping for Seafarers, 1978 as amended in 1995 and 2010;
  - jj) *“Vessel or ship”* includes any ship or boat of any nature whatsoever, ordinarily engaged in maritime navigation, including mobile off-shore units capable of navigating under its own power;
  - kk) *“Technical Education and Skills Development Authority (TESDA)”* refers to the government agency created pursuant to Republic Act No. 7796;
  - ll) *“TLRC”* refers to the Technical and Livelihood Resource Center; and
  - mm) *“WHO”* refers to the World Health Organization.

## CHAPTER II

### FILIPINO SEAFARER’S RIGHTS

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**SEC. 5. Right to Educational Advancement and Training at Reasonable and Affordable Costs.** The State shall ensure Filipino seafarers, whether plying the domestic or international waters, access to educational advancement and training at reasonable and affordable costs.

Toward this end, the State shall:

- a) regulate the operation of all educational, training and review institutions offering courses related to seafaring; and
- b) pursue grant programs such as scholarships, subsidies, loan assistance and other measures that will harness the skills of Filipino seafarers toward greater competitiveness to new demands in the industry.

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

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Toward this end, manning or crewing agencies, and other organizations responsible for the recruitment and employment of Filipino seafarers, whether plying the domestic or international waters, shall be mandated to make every contract of employment, the

1 computation and manner by which salaries are remitted to their allottees, and the specific  
2 privileges and benefits available in the contract of employment, accessible to their recruits or  
3 clientele.

4  
5 All seafarers shall have access to an efficient, adequate and accountable system for  
6 finding employment on board ship without charge to the seafarer.

7  
8 **SEC. 7. *Right to Humane Conditions of Work and Right to Just Compensation.*** The  
9 State shall guarantee Filipino seafarers the right to humane conditions of work, the right to a  
10 safe and secure workplace that complies with safety standards, the right to decent working and  
11 living conditions on board ship, the right to health protection, medical care, welfare measures  
12 and other forms of social protection, the right to fair terms of employment and the right to  
13 standard salary commensurate to their rank, hours of work and other relevant basis for wage  
14 computation, minimum number of working hours, rest day, vacation pay, and end-of-contract  
15 pay in accordance with the agreement of the parties concerned and with existing domestic and  
16 international law.

17  
18 **SEC. 8. *Rights to Self-organization, to Engage in Collective Bargaining and to***  
19 ***Participate in Democratic Exercises.*** The State shall ensure Filipino seafarers of their right to  
20 self-organization, to collective bargaining and to participate in the deliberation of issues and in  
21 the formulation of policies that affect them, including the guarantee of representation in  
22 governing boards or appointment in government instrumentalities, to include, but not limited to,  
23 the CHED, TESDA, PRC, POEA, OWWA, MARINA.

24  
25 **SEC. 9. *Right to Legal Representation.*** Filipino seafarers who are victims of illegal  
26 recruitment, illegal dismissal or suspension and other forms of violation of contracts shall have  
27 the right to free legal assistance and protection at government expense. Courts, administrative  
agencies, and other tribunals should ensure a speedy and impartial disposition of their cases.

28  
29 Every seafarer accused of committing any offense in violation of any provision of his or  
30 her contract has the right to due process, an impartial tribunal and administrative body, and an  
31 expeditious payment of damages and liability in cases where the judgment is favorable to the  
Filipino seafarer.

32  
33 **SEC. 10. *Right to Repatriation.*** Seafarers have a right to be repatriated at no cost to  
34 themselves in the circumstances and under the conditions specified in the implementing rules  
35 and regulations of this Act.

36  
37 **SEC. 11. *Right Against Discrimination and Other Rights and Privileges.*** Equal  
38 remuneration for work of equal value shall apply to all seafarers employed on the same ship  
39 without discrimination based upon race, color, sex, religion, political opinion, national  
40 extraction or social origin. All other rights and privileges of seafarers recognized or granted  
41 under the MLC 2006, and other subsequent conventions with even better rights and privileges  
42 for seafarers which may be approved by the ILO, the United Nations or other international  
43 bodies in the future, shall be enjoyed by Filipino seafarers.

44  
45 **SEC. 12. *Right to Speedy Processing of All Documents and Claims.*** The processing of  
46 all documents needed by, and claims of, Filipino seafarers shall be speedy and not subject to  
47 any unreasonable delay.

48  
49 **SEC. 13. *Right to Consultation on All Matters Affecting Seafarers.*** Seafarers and  
50 seafarer organizations shall be consulted by the government before adopting any policy, law,  
51 executive issuance, rule or regulation that may directly or indirectly affect them and/or their  
52 families and beneficiaries.

53  
54 **SEC. 14. *Right Against Being Charged or Treated as a Criminal Suspect in Accident and***  
55 ***Pollution Cases.*** No criminal case shall be filed against a seafarer and no seafarer shall be  
56 treated as a criminal suspect in accident and pollution cases unless there is a *prima facie*  
57

1 evidence that the said accident and the cause of the pollution is directly the result of the  
2 deliberate criminal deed of the seafarer concerned.

3  
4 **SEC. 15. *Right to Communication.*** The right of the seafarer to communicate shall not be  
5 violated in any way subject to reasonable restrictions that shall be stated in his employment  
6 contract, which shall be clearly explained to him before signing.

7  
8 **SEC. 16. *Right of Seafarers, Seafarer-applicants, Seafarer-trainees, Cadets, Interns and***  
9 ***Similar Persons Against Exploitation, Any Kind of Physical Harm, Hazing, Sexual***  
10 ***Harassment, Virtual Peonage, Slavery, Drudgery, Involuntary, Unpaid or Underpaid Servitude***  
11 ***Shall Be Guaranteed by the State.*** Towards this end, the practice of subjecting the said persons  
12 to involuntary, unpaid or underpaid work or servitude, virtual peonage, slavery and drudgery  
13 shall henceforth be stopped and any work or servitude of the said persons shall henceforth be  
14 with fair and reasonable pay or remuneration and with proper observation or implementation  
15 of existing labor laws, rules and regulations. Any kind of exploitation, physical harm, hazing or  
16 sexual harassment against the said persons shall likewise be strictly prohibited.

17  
18 **SEC. 17. *Other Rights.*** All other rights enjoyed by OFWs and Filipino workers  
19 employed in the Philippines and other rights enjoyed by all workers as recognized by the ILO,  
20 United Nations and other international bodies that are applicable to Filipino seafarers shall  
21 likewise be enjoyed by all Filipino seafarers.

## 22 23 24 CHAPTER III

### 25 26 PHILIPPINE SEAFARER ONE-STOP PROCESSING CENTER

27  
28 **SEC. 18. *Philippine Seafarer One-Stop Processing Center (PSOC).*** The PSOC, as  
29 established under Administrative Order No. 56, has been tasked to operationalize and make  
30 available to the public, an integrated document processing center for the seafarers and the  
31 general public to conduct official transactions.

32  
33 PSOC shall have the services of the following government offices:

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

50  
51 **SEC. 19. *Rationalizing Government Systems and Procedures.*** The government offices  
52 enumerated under Section 18 hereof shall, within three (3) months from the effectivity of this  
53 Act, and in consultation with seafarer organizations, recruitment agency associations, and non-  
54 government organizations concerned, rationalize and streamline policies, rules, and procedures  
55 governing the documentation, licensing, certification, recruitment, hiring and deployment of  
56 seafarers and the OFWs, in general.

57  
58 Said offices, through the PSOC, shall enforce the streamlining of policies and procedures  
59 involved in overseas employment with the view of cutting the time required for documentary

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

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

- 5  
6 a) simplification of systems and procedures and reduction of documentary  
7 requirements;
- 8  
9 b) implementation of the full disclosure policy;
- 10  
11 c) formulation and implementation of a system of registration of seafarers and  
12 other OFWs, the registration, accreditation, and licensing of private manning or  
13 crewing agencies, and all other related regulatory function;
- 14  
15 d) elimination of unnecessary and duplicative requirements that go beyond the  
16 requirements as defined in the STCW 1978;
- 17  
18 e) formulation of a regulated employment standard setting by prescribing  
19 minimum provisions of the employment contract, in conformity with labor  
20 standard under Philippine laws and regulations;
- 21  
22 f) regulation of placement fee policy;
- 23  
24 g) formulation of rules that ensure speedy disposition of illegal recruitment cases;
- 25  
26 h) development and implementation of an effective information program, in  
27 coordination with manning or crewing agencies for the purpose of informing the  
28 seafarers of their rights, obligations, benefits, and option pertaining to specific  
29 situations that they may face in the course of their employment; and
- 30  
31 i) formulation of rules that shall further ensure the implementation of the law on  
32 the exemption from any tax of all the remittances into the country of seafarers  
33 employed overseas and the protection of said seafarers from vague, unnecessary  
34 or exorbitant remittance fees and charges, as well as rules that shall ensure that  
35 the rate of currency exchange, unless otherwise provided, shall in accordance  
36 with laws or regulations, be at the prevailing market rate or the official published  
37 rate and not unfavorable to the seafarer.

#### 38 39 40 CHAPTER IV

#### 41 42 MANDATORY REQUIREMENTS FOR FILIPINO SEAFARERS

43  
44 **SEC. 20. Mandatory Minimum Requirements.** To be eligible for employment, a seafarer  
45 must:

- 46  
47 a) be a Filipino citizen;
- 48  
49 b) be at least, eighteen (18) years old, except as may be determined by the DOLE  
50 Secretary and subject to the provisions of the last three paragraphs of this section;
- 51  
52 c) be fit for duty as certified by the government-accredited institution authorized to  
53 conduct physical and medical examination for overseas employment without  
54 violating the basic right of a seafarer or seafarer-applicant to choose the  
55 government-accredited clinic that will perform physical, medical, optical and/or  
56 dental examination; *Provided, That* seafarers who have been refused a certificate  
57 or have had a limitation imposed on their ability to work, in particular with  
58 respect to time, field of work or trading area, shall be given the opportunity to  
59 have a further examination by another independent medical practitioner or by an



1 independent medical referee duly certified as such by the DOLE Secretary;  
2 *Provided* further, that unless a shorter period is required by reason of the specific  
3 duties to be performed by the seafarer concerned or is required under STCW  
4 1978, a medical certificate shall be valid for a maximum period of two (2) years  
5 unless the seafarer is under the age of eighteen (18), in which case the maximum  
6 period of validity shall be one (1) year and a certification of color vision shall be  
7 valid for a maximum period of six (6) years; *Provided* finally, that a medical  
8 certificate issued in accordance with the requirements of STCW 1978 as amended  
9 shall be accepted by the manning or crewing agencies, medical practitioners,  
10 examiners, shipowners, seafarers' representatives and all other persons  
11 concerned with the conduct of medical fitness examinations of seafarer  
12 candidates and serving seafarers should follow the ILO or WHO guidelines for  
13 conducting pre-sea and periodic medical fitness examinations for seafarers,  
14 including any subsequent versions, and any other applicable international  
15 guidelines published by the ILO, the IMO or the WHO;

- 16
- 17 d) meet the qualification and certification requirements prescribed by the DOLE  
18 and the standard requirements under the STCW 1978, and other ILO-prescribed  
19 relevant standards;
  - 20
  - 21 e) be registered with and duly certified by the DOLE as eligible for overseas  
22 employment if employed overseas, and as eligible for local employment if  
23 serving on board domestic or inter-island vessels; and
  - 24
  - 25 f) comply with other qualification requirements as may be prescribed by the DOLE  
26 in keeping with international demands.

27 Persons under the age of eighteen (18) years shall not be employed or work on vessels,  
28 other than vessels upon which only members of the same family are employed but this shall not  
29 apply to work done by children or school-ship or training-ship; *Provided* that such work  
30 approved and supervised by the DOLE Secretary. *In order to facilitate the enforcement of this*  
31 *provision, every shipmaster shall be required to keep a registry of all persons under the age of*  
32 *eighteen (18) years employed on board his vessel, or a list of them in the articles of agreement,*  
33 *and of the dates of their births.*

34 Nightwork of seafarers under the age of eighteen (18) shall be prohibited. For the  
35 purposes of this standard, night shall be defined in accordance with the national law and  
36 practice. It shall cover a period of at least nine hours starting no later than midnight and ending  
37 no earlier than 5 a.m. An exception to strict compliance with the nightwork restriction may be  
38 made by the DOLE Secretary when: (a) the effective training of the seafarers concerned, in  
39 accordance with established programmes and schedules, would be impaired; or (b) the specific  
40 nature of the duty or a recognized training programme requires that the seafarers covered by  
41 the exception perform duties at night and the DOLE Secretary determines, after consultation  
42 with the shipowners and seafarer organizations concerned, that the work will not be  
43 detrimental to their health or well-being.

44 The employment, engagement or work of seafarers under the age of eighteen (18) shall  
45 be prohibited where the work is likely to jeopardize their health or safety. The types of such  
46 work shall be determined by this Act's implementing rules and regulations or by the DOLE  
47 Secretary, after consultation with the shipowner and seafarer organizations concerned, in  
48 accordance with relevant international standards.

49 **Sec. 21. Education.** A Filipino seafarer must have at least successfully completed the  
50 required basic courses as provided for in the curriculum approved by the CHED or the TESDA.  
51 The implementing rules and regulations of this Act shall set the educational and training  
52 requirements for each classification of seafarers.

53

54 **SEC. 22. Training.** A Filipino seafarer must, at least, undergo and successfully complete  
55 the required basic training appropriate to his or her position as set forth under the STCW 1978,

1 and under the ILO Conventions of which the Philippines is a signatory, as prescribed by the  
2 competent government agency regulating maritime training.

3  
4 Where in-service training and assessment of competence for the Filipino seafarer is  
5 required for purposes of certification under the STCW 1978, the person conducting the same  
6 either on board or ashore must meet the qualifications prescribed under the aforesaid section of  
7 the STCW.

8  
9 A seafarer shall not be permitted to work on a ship unless he has successfully completed  
10 training for personal safety on board a ship, with appropriate certificate thereof.

11  
12 **SEC. 23.** The State shall ensure that requirements on training and upgrading, as  
13 mandated by manning and crewing agencies for employment, reemployment or promotion  
14 purposes shall take into account the seafarers' right to spend quality time with his family.  
15 Trainings that are not specifically required by the employer in order for the seafarer to be able  
16 to do their jobs properly or that are not required by international conventions to be undergone  
17 by all seafarers shall not be made mandatory to all. The State shall first consult seafarer  
18 organizations before making any training mandatory to all seafarers.

## 21 CHAPTER V

### 22 GOVERNMENT AGENCIES

23  
24  
25 **SEC. 24. Role of Government Agencies.** The following government agencies shall  
26 perform the following to promote the welfare and protect the rights of Filipino seafarers and,  
27 whenever practicable, all overseas Filipinos:

- 28  
29 a) **Department of Foreign Affairs.** The DFA, through its home offices or foreign  
30 posts, shall take priority action or make representation with the foreign authority  
31 concerned to protect the rights of Filipino seafarers and other overseas Filipinos  
32 and extend immediate assistance, including the repatriation of distressed or  
33 beleaguered Filipino seafarers and other overseas Filipinos, and to encourage  
34 other countries to ratify the MLC 2006 or enact a law that will include most, if not  
35 all, the provisions of the said convention. The DFA shall consult the appropriate  
36 authorities of countries whose ships employ Filipino seafarers and/or where  
37 ports are located wherein ships that have Filipino seafarers on board are  
38 docking, with the aim of providing and improving seafarers' welfare facilities  
39 and services, both in port and on board ships, and of organizing international  
40 sports competitions for seafarers and international seminars on the subject of  
41 welfare of seafarers at sea and in port. The DFA, with the assistance of  
42 appropriate intergovernmental and other international organizations, shall  
43 endeavor, in cooperation with other countries, to achieve the greatest possible  
44 uniformity of action for the promotion of occupational safety and health  
45 protection and prevention of accidents. Furthermore, the DFA shall make  
46 representations in countries employing Filipino seafarers or whose ships have  
47 Filipino seafarers on board, with the end view of ensuring that Filipino seafarers  
48 are paid with at least the minimum wages that are in conformity with  
49 internationally-set or accepted standards. It shall likewise assist any Filipino  
50 seafarer who has any monetary claim or who has been paid at a rate lower than  
51 the minimum wage, are able to obtain or recover, by an inexpensive and  
52 expeditious judicial or other procedure, the said claim or the amount by which  
53 he or she has been underpaid. The DFA shall also provide legal assistance to  
54 Filipino seafarers wherever and whenever such assistance is needed by them.
- 55  
56 b) **Commission on Higher Education (CHED)** shall ensure the promotion of quality  
57 and efficiency in maritime education through advocacy and accountability.

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- (b.1) **Commission on Higher Education and the Technical Education and Skills Development Authority.** The CHED and TESDA shall ensure that the curricula for the seafarers' education and training are in consonance with the demands of global maritime industry as well as with the requirements of *STCW 1978*.
  - (b.2) **Commission on Higher Education and Maritime Training Council.** The CHED, in coordination with MTC, and maritime schools and training institutions, shall be responsible for the continuous and comprehensive research, review and upgrading of the system of education, training, certification and recruitment of all maritime schools and institutions, as well as the manning or crewing agencies and regulatory commissions.
  - c) **Department of Labor and Employment.** The DOLE shall ensure that labor and social welfare laws in foreign countries are fairly and faithfully applied to Filipino seafarers and whenever applicable, to other overseas Filipinos, including the grant of legal assistance and the referral to proper medical centers or hospitals:
    - (c.1) **Maritime Training Council.** The MTC shall be responsible for the formulation, adoption and enforcement of regulatory measures for the observance of both the accredited training centers and agencies and the trainees to ensure quality standards and mechanisms of training and competence of overseas Filipino seafarers, adhering to the standards set by the *STCW 1978*, in regular consultation with the organizations of accredited maritime training centers;
    - (c.2) **Maritime Industry Authority.** The MARINA shall be responsible for the formulation, adoption and enforcement of regulations governing the quality standards and mechanisms of training and competence of domestic seafarers.
    - (c.3) **Philippine Overseas Employment Administration.** In pursuit of promoting the well-being of the Filipino seafarers, the POEA shall:
      - a) look into and improve on the working conditions and terms of employment of the officers and crew of vessels of Philippine registry, and of such officers and crew members who are Filipino citizens and employed by foreign vessels;
      - b) develop an effective system of monitoring and gathering welfare concerns for purposes of determining future welfare programs, monitoring existing welfare activities and addressing current welfare issues prioritize according to urgency;
      - c) observe and conduct a comprehensive and updated system of pre-employment and pre-departure orientation seminars or briefings to seafarer job applicants, departing seafarers and other maritime workers scheduled for deployment. It shall also undertake studies and distribute relevant materials for use in pre-employment and pre-departure orientation seminars of maritime workers and other related activities. All these shall be at no cost to the seafarer job applicant, the departing seafarer and other maritime workers;
      - d) accredit, regulate and supervise pre-employment and pre-departure orientation seminars or briefings of authorized manning or crewing agencies;
      - e) formulate and undertake programs and projects for the effective and efficient utilization of the seafarers' welfare fund;

- 1 f) keep, analyze and publish a record or statistics of all occupational  
2 accidents, injuries and diseases wherein information on the  
3 numerical data, nature, causes and effects of the said accidents,  
4 injuries and diseases, whether at sea or in port, is included and  
5 follows the ILO system or model of recording such statistics;  
6  
7 g) undertake research into the general trends and hazards as revealed  
8 by statistics gathered in order to provide a sound basis for measures  
9 to promote occupational safety and health protection and  
10 prevention of accidents, injuries and diseases which are due to  
11 particular hazards of maritime employment;  
12  
13 h) process and approve seafarers' employment contracts which shall  
14 strictly adhere to the pertinent provisions of this act and the MLC  
15 2006;  
16  
17 i) ensure that no manning or crewing agency commits informal  
18 blacklisting;  
19  
20 j) provide services to assist maritime workers and their immediate  
21 dependents and families; and  
22  
23 k) perform such other duties as may be essential in giving assistance to  
24 seafarers and their families.  
25  
26 d) *The Philippine Coast Guard.* PCG shall ensure that provisions on  
27 seafarers' rights, working and living conditions, documentary  
28 requirements, safety, health and sanitary standards and all other  
29 provisions of this act and of the MLC 2006 are being followed and  
30 implemented by all ships - including foreign-flag vessels, as part of the  
31 port state controlled inspection that are within or entering the Philippine  
32 territory, giving special attention to ships with at least one Filipino  
33 seafarer on board. The PCG shall have the power to prevent ships that  
34 are found to be in violation of any provision of this act or the  
35 *aforementioned convention from leaving Philippine territory and hold*  
36 *the said ships in a Philippine port until corrective measures have been*  
37 *implemented to the satisfaction of the appropriate authority or agency of*  
38 *the Philippine government. Toward these ends, the PCG shall conduct*  
39 *inspections of all ships, including foreign flag vessels, that are within or*  
40 *entering the Philippine territory. The PCG shall take the necessary*  
41 *measures so that duly qualified technical experts and specialists may be*  
42 *called upon, as needed, to assist in the work of inspectors. During*  
43 *inspections, the PCG shall interview as many Filipino seafarers as*  
44 *possible, who are on board the ship being inspected in order to ascertain*  
45 *their working conditions and grievances, if any, observe and detect any*  
46 *sub-standard working condition and violation of the MLC 2006 and/or*  
47 *Philippine laws, rules and regulations and refer them to the nearest*  
48 *appropriate government agency concerned. In turn, said government*  
49 *agency shall immediately implement the necessary measures to address*  
50 *the sub-standard working conditions, seafarers' grievances, and*  
51 *violations of the MLC 2006 and/or Philippine laws, rules and regulations*  
52 *before the said ship leaves the Philippine port or territory. The PCG shall*  
53 *hold an official inquiry into any serious marine casualty, leading to injury*  
54 *or loss of life, that involves ships that are within or entering the*  
55 *Philippine territory. The final report of an inquiry shall be made public.*  
56
- 57 e) *The MARINA* shall establish an effective system for the inspection and  
58 certification of maritime labor conditions, ensuring that the working and living

1 conditions for seafarers on ships that fly the Philippine flag meet, and continue to  
2 meet, the standards in MLC 2006. The MARINA shall require these ships to have  
3 a copy of this convention available on board.

4  
5 **SEC. 25. Filipino Seafarers' Research and Resource Center.** The CHED shall coordinate  
6 with the University of the Philippines School of Labor and Industrial Relations (UP SOLAIR)  
7 and the National Maritime Polytechnic for the establishment of an interdisciplinary research  
8 and resource center on Filipino seafarers and maritime affairs. The center shall primarily  
9 conduct studies and researches which shall enhance the well-being and interests of Filipino  
10 seafarers and their competitiveness in the global maritime market.

## 11 12 13 **CHAPTER VI**

### 14 15 **DOCUMENTATION, LICENSURE AND EXAMINATIONS**

16  
17 **SEC. 26. Documentation.** For purposes of documentation, the Filipino seafarers shall be  
18 categorized into domestic and overseas seafarers;

- 19  
20 a) Domestic seafarers are considered documented when they possess the following  
21 documents:
- 22 1) Seafarers Identification and Record Book (SIRB) and Certificate of  
23 Competency issued by the MARINA;
  - 24 2) Certificate of Completion of Training of prescribed courses issued by the  
25 accredited training centers; and
  - 26 3) Licensure Certificate if the seafarer is a Harbor Pilot or a Major or Minor  
27 Patron.
- 28  
29 b) Overseas seafarers are considered documented when they possess the following  
30 documents:
- 31 1) Seafarers Identification and Record Book (SIRB) and Certificate of  
32 Competency issued by the MARINA and the Seafarer's Registration  
33 Certificate (SRC) issued by the POEA;
  - 34 2) Certificate of Completion of Training of prescribed courses issued by the  
35 accredited training centers and the valid Certificate of Competency issued  
36 by the PRC for marine officers and the TESDA for ratings and support level  
37 crew or by the assessment center duly accredited by the MTC;
  - 38 3) Licensure Certificate if the seafarer is a marine officer;
  - 39 4) Employment contract that have been processed and approved by the  
40 POEA;
  - 41 5) Such other documents as may be required.
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51 **SEC. 27. Licensure and Examination.** The Professional Regulatory Commission (PRC)  
52 shall be the lead agency in administering licensure examinations and the issuance of such  
53 licensure certificates to seafarers in the officer level, except those categorized as Harbor Pilots  
54 and Major and Minor Patrons for local shipping which authority shall devolve to the MARINA.

55  
56 The TESDA shall be the lead agency in administering examinations and the issuance of  
57 the necessary certifications to seafarers in the ratings level. The aforementioned government

1 agencies shall formulate and undertake a systematic program of implementing government  
2 policies pertinent to the licensing of specific categories of seafarers.

3  
4 The issuance of licenses and endorsement certificates to seafarers shall not require pre-  
5 conditions other than what are required under the STCW 1978 and other specific laws enacted  
6 for the purpose of regulating the profession.

7  
8 **SEC. 28. *Integrated Documentation System.*** The DOLE, in coordination with  
9 government agencies concerned, shall develop an Integrated Documentation System (IDS) for  
10 the purpose of integrating and systemizing the documentation of education, training licensing,  
11 and certification among Filipino seafarers. Said IDS shall contain all relevant information on the  
12 seafarer, including, but not limited to, education, training, licensure examinations and  
13 certifications taken, data on the status of seafarers; licensed and unlicensed seafarers and those  
14 with pending labor and administrative cases. The IDS shall be used by the seafarer in all his  
15 transactions with the government, manning or crewing agencies, and other pertinent bodies.

16  
17 As such, the government agencies concerned shall develop and implement an  
18 information system that shall connect their respective databases for the purposes of data  
19 storage, sharing, and generation pursuant to Section 20 of Republic Act No. 8042.

## 20 21 22 CHAPTER VII

### 23 24 RECRUITMENT AND PLACEMENT

#### 25 26 A. *The Recruitment and Placement Industry*

27  
28 **SEC. 29. *Private Sector Participation in the Recruitment and Placement of Filipino***  
29 ***Seafarers.*** Pursuant to national development objectives and in order to harness and maximize  
30 the use of private sector resources and initiative in the development and implementation of a  
31 comprehensive employment program, the private sector shall participate in the recruitment and  
32 placement of Filipino seafarers, locally and overseas; *Provided,* That such recruitment and  
33 placement procedures are consistent with the provisions stipulated under this Act and such  
34 other guidelines, rules and regulations as may be promulgated by the DOLE; *Provided* further,  
35 that nothing in this section shall be deemed to prevent the State from maintaining a free public  
36 recruitment and placement service for seafarers within the framework of meeting the needs of  
37 seafarers and shipowners, whether the service forms part of or is coordinated with a public  
38 employment service for all workers and employers.

39  
40 **SEC. 30. *Capitalization in the Recruitment and Placement Industry.*** Individuals or  
41 corporations, partnerships or entities applying for license or authority or renewal thereof shall  
42 be required a minimum capitalization, and such other requirements as may be prescribed by the  
43 DOLE.

44  
45 The same shall be obliged to pay such escrow deposits and surety bonds, in an amount  
46 and conditions as may be prescribed by the DOLE to guarantee compliance with all terms and  
47 conditions of the contract of employment and applicable laws.

48  
49 Individuals or corporations, partnerships or entities applying for license or authority or  
50 renewal thereof shall be required to pay the filing and registration fees, as may be prescribed by  
51 the DOLE.

52  
53 **SEC. 31. *Non-Transferability of License.*** No license or authority shall be used directly or  
54 indirectly by any person other than the one in whose favor it was issued or at any place other  
55 than that stated in the license, nor may such license or authority be transferred, conveyed or  
56 assigned to any person or entity except under such guidelines as may be prescribed by the  
57 DOLE.

1 Any transfer of business address, appointment or designation of any agent or  
2 representative, including the establishment of additional offices anywhere shall require prior  
3 approval from the DOLE Secretary.  
4

5 **SEC. 32. *Suspension and/or Cancellation of License or Authority.*** The DOLE Secretary  
6 shall have the power to suspend or cancel and in both instances impose fine any license or  
7 authority to recruit Filipino seafarers for overseas employment for any violation of this Act or of  
8 other applicable provisions of laws, rules and regulations. In order to effectively exercise this  
9 power, the DOLE, through the POEA, shall establish an effective inspection and monitoring  
10 system for enforcing this Act and all laws, issuances and Rules and Regulations concerning  
11 seafarers or applicants.  
12

13 **SEC. 33. *Persons and Entities Prohibited from Engaging in Recruitment and Placement***  
14 ***Industry.*** The following are prohibited from engaging, directly or indirectly, in recruitment and  
15 placement industry:  
16

- 17 a) Any official or employee of the DOLE, DFA and their attached agencies or other  
18 government agencies involved in the implementation of this Act, or their  
19 relatives within the fourth civil degree of consanguinity or affinity;
- 20  
21 b) Persons and entities engaged in the business of travel agency or engaged in  
22 business as sales agent or airline and/or shipping companies, or their offices,  
23 directors or partners.  
24

25 **SEC. 34. *Supervision and Control by the DOLE.*** The DOLE, through POEA, shall closely  
26 supervise and control all seafarer recruitment and placement services. Any license or certificate  
27 or similar authorizations for the operation of private services shall be granted or renewed only  
28 after verification that the seafarer recruitment and placement service concerned meets the  
29 requirements of national laws and regulations. The POEA shall likewise clearly publish costs, if  
30 any, which the seafarer will be expected to bear in the recruitment process.  
31

32 **SEC. 35. *Handling of Investigations and Complaints.*** The POEA shall ensure that  
33 adequate machinery and procedures exists for the investigation, if necessary, of complaints  
34 concerning the activities of seafarer recruitment and placement services, involving, as  
35 appropriate, representatives of shipowners and seafarers.  
36

37 **SEC. 36. *Collection and Analysis of all Relevant information on the Maritime Labour***  
38 ***Market.*** The POEA shall maintain an arrangement for the collection and analysis of all relevant  
39 information on the maritime labor market including the current and prospective supply of  
40 seafarers that work as crew, classified according to their age, gender, rank and qualifications,  
41 and the industry's requirements. The collection of data based on age or gender shall be  
42 admissible for statistical purposes or if used in the framework of a programme to prevent  
43 discrimination based on age or gender.  
44

45 **SEC. 37. *Competence of Recruitment and Placement Services' Supervisory Staff.*** The  
46 POEA shall ensure that the staff responsible for the supervision of public and private seafarer  
47 recruitment and placement services for ship's crew responsibility for the ship's safe navigation  
48 and pollution prevention operations have had adequate training, including approved sea-  
49 service experience, and have relevant knowledge of the maritime industry, including the  
50 relevant maritime international instruments on training, certification and labor standards.  
51

52 **SEC. 38. *Prescribing of Standards for Seafarer Recruitment and Placement Services.*** The  
53 POEA shall prescribe operational standards and adopt codes of conduct and ethical practices  
54 for seafarer recruitment and placement services and exercise supervision of the licensing or  
55 certification system on the basis of a system of quality standards.  
56

57 **SEC. 39. *Adoption of Procedures by POEA to Ensure that Seafarers are Not Vulnerable***  
58 ***to Exploitation.*** The POEA shall prescribe procedures to be strictly followed by manning or  
59 crewing agencies that will ensure that seafarers are not subject to exploitation by the seafarer

1 recruitment and placement services or their personnel with regard to the offer of engagement  
2 on particular ships or by particular companies and to prevent the opportunities for exploitation  
3 of seafarers arising from the issue of joining advances or any other financial transactions  
4 between the shipowner and the seafarer which are handled by the seafarer recruitment and  
5 placement services.

6  
7 **B. Recruitment and Placement Policies**  
8

9 **SEC. 40. Recruitment and Placement Policies.** Manning or crewing agencies engaged in  
10 private recruitment and placement services shall:

- 11  
12 a) ensure that no fees or other charges for seafarer recruitment or placement or for  
13 providing employment to seafarers are borne directly or indirectly, in whole or  
14 in part, by the seafarer, other than the cost of obtaining a national statutory  
15 medical certificate, the national seafarer's book and a passport or other similar  
16 personal travel documents. However, the cost of obtaining a visa shall be borne  
17 by the shipowner.  
18  
19 b) cause the reimbursement of any expenses incurred by the seafarer in connection  
20 with his or her documentation and processing for purposes of deployment, in the  
21 event where non-deployment is not the seafarer's fault, or in the event of  
22 deployment or non-deployment in cases where the manning or crewing agency,  
23 in violation of item (a) above, collected any fee or charge from the seafarer, which  
24 is not allowed under this Act;  
25  
26 c) ensure that the Filipino seafarers' well-being and rights shall be the primary  
27 consideration in the recruitment and placement of seafarers;  
28  
29 d) guarantee that recruitment, placement and deployment of Filipino seafarers shall  
30 not be made in jobs that are deemed inimical to their interests and to the  
31 Republic of the Philippines;  
32  
33 e) specify, with due regard to the right to privacy and the need to protect  
34 confidentiality, the conditions under which the personal data of Filipino  
35 seafarers are processed by manning or crewing agencies including the collection,  
36 storage, combination and communication of such data to third parties;  
37  
38 f) cease from furnishing or publishing any false notice or information or document  
39 in relation to recruitment and employment,  
40  
41 g) cease from influencing or attempting to influence, whether deliberately or  
42 unintentionally, any person or entity not to employ any seafarer who has not  
43 applied thru the said manning or crewing agency;  
44  
45 h) refrain from requiring the submission of a waiver of quitclaims to any seafarer  
46 before, during and after employment a condition for recruitment;  
47  
48 i) cease from substituting or altering to the prejudice of the seafarer the  
49 employment contract approved and processed by the DOLE, and withholding or  
50 denying travel or employment documents from applicant seafarer; and  
51  
52 j) refrain from using means or mechanisms intended to prevent or deter seafarers  
53 from gaining employment.  
54

55 **SEC. 41. Duties of Manning and Crewing Agencies.** It shall be incumbent upon manning  
56 and crewing agencies to ensure that:

- 57  
58 a) Any seafarer recruited or placed by them is qualified and is in possession of the  
59 documents necessary for the job concerned;



- 1  
2 b) The contract of employment and articles of agreement are in accordance with  
3 The MLC 2006 and applicable laws and regulations and any collective bargaining  
4 agreement that forms part of the employment agreement;  
5  
6 c) The Filipino seafarer is informed of his or her rights and duties under his or her  
7 contract of the employment and the articles of agreement prior to and in the  
8 process of engagement;  
9  
10 d) Proper arrangements and opportunities are given for the Filipino seafarer to  
11 examine his or her contract of employment and the articles of agreement before  
12 and after he or she signs such pertinent documents and for him or her to receive  
13 a copy of the duly-signed contract of employment;  
14  
15 e) Adequate information about the conditions attending to the situations on-board  
16 the vessel and overseas, as well as local and international laws and regulations  
17 which apply to the Filipino seafarer in the course of his or her employment or  
18 sojourn shall be provided to the seafarer, any of his or her relatives or to any  
19 individual, non-government organization or government agency that may  
20 request for such information;  
21  
22 f) A registry of all seafarers recruited or placed through them shall be put in place  
23 and shall be available for inspection by the competent authority;  
24  
25 g) As far as practicable, the shipowner has the means to protect seafarers from being  
26 stranded in a foreign port;  
27  
28 h) They shall examine and respond to any complaint concerning their activities and  
29 advise the competent authority of any unresolved complaint;  
30  
31 i) Their operations shall conform with the standardized system of licensing,  
32 certification or any other form of regulation prescribed by the implementing  
33 rules and regulations of this Act. This system shall be established, modified or  
34 changed only after consultation with the shipowner and seafarer organizations  
35 concerned. In the event of doubt as to whether the consolidated MLC applies to a  
36 private recruitment and placement service, the question shall be determined by  
37 the DOLE Secretary after consultation with the shipowner and seafarer  
38 organizations concerned;  
39  
40 j) Filipino seafarers or applicants are advised on the possible problems of signing  
41 on a ship that flies the flag of a state which has not ratified the MLC 2006, until  
42 the Manning and Crewing Agency is satisfied that standards equivalent to those  
43 fixed by the said convention are being applied. Measures taken to this effect shall  
44 not contradict the principle of free movement of workers stipulated by treaties to  
45 which the two (2) states concerned may be parties;  
46  
47 k) The list of ships, which seafarer recruitment and placement services provide to  
48 seafarers, is maintained and periodically updated, and that there are readily  
49 available means by which the manning and crewing agencies can be contacted in  
50 an emergency at all hours;  
51  
52 l) Procedures are in place to ensure that information or advice requested by  
53 families of seafarers while the seafarers are at sea, are dealt with promptly,  
54 sympathetically and at no cost;  
55  
56 m) The recruited or placed Filipino seafarers serve only on ships with the required  
57 documents and a sufficient number of seafarers on board to ensure that the said  
58 ships are operated safely and manned by a crew that is adequate, in size and  
59 qualifications;

- 1  
2 n) Informal blacklisting is not committed;  
3  
4 o) Procedures are adopted to verify that ventilation, heating, sleeping, food and  
5 catering, recreation, medical care, laundry, sanitary facilities and other conditions  
6 aboard ships where Filipino seafarers are placed, conform with the MLC 2006 or  
7 applicable collective bargaining agreements (CBA) concluded between a  
8 shipowner and a representative seafarer organization and, as a matter of policy,  
9 supplying seafarers only to shipowners that offer employment terms and  
10 conditions which comply with applicable laws, regulations, collective agreements  
11 or the MLC 2006; and  
12  
13 p) Payments due to seafarers are made at no greater than monthly intervals and in  
14 accordance with any applicable collective agreement and that seafarers shall be  
15 given a monthly account of the payments due and amounts paid, including  
16 wages, additional payments and the rate of exchange used where payment has  
17 been made in a currency or at a rate different from the one agreed to.  
18

19 **SEC. 42. Violation of any of the Provisions of Sections 40 and 41.** An administrative  
20 finding by the POEA of any violation of any of the provisions of Sections 40 and 41 shall cause  
21 the manning or crewing agency concerned to suffer the penalty of suspension or cancellation of  
22 its license to operate.  
23

### 24 *C. Hiring, Deployment and Employment*

25  
26 **SEC. 43. Hiring by Certain Employers.** Members of the diplomatic corps, foreign  
27 governments and international organizations may hire Filipino seafarers; *Provided,* That the  
28 provisions of this Act and other applicable guidelines, rules and regulations are followed.  
29

30 **SEC. 44. Selective Deployment of Overseas Filipino Seafarers.** Deployment of overseas  
31 Filipino seafarers shall be allowed only in countries where the rights of overseas Filipino  
32 seafarers are observed and protected.  
33

34 Any of the following legal instruments shall be recognized as guarantee, on the part of  
35 the receiving country, on the protection of the rights of overseas Filipino seafarers:  
36

- 37 a) The receiving country has existing labor and social laws protecting the rights of  
38 overseas seafarers as certified by the Secretaries of the DFA and DOLE with the  
39 said numbers, titles and brief description of laws stated in the said certification;  
40  
41 b) The receiving country is a signatory to multilateral conventions, declarations or  
42 resolutions relating to the protection of overseas seafarers;  
43  
44 c) The receiving country has a bilateral agreement or arrangement with the  
45 Philippine government protecting the rights of overseas seafarers; or  
46  
47 d) The receiving country is taking positive concrete measures to protect the rights of  
48 overseas seafarers, as certified by the Secretaries of the DFA and DOLE with such  
49 measures enumerated in detail in the said certification.  
50

51 **SEC. 45. Ban on Restrictions on Deployment.** Notwithstanding the provisions of Section  
52 44, the DOLE, in pursuit of national interest or when public welfare so requires, may at any  
53 time, terminate or impose such restrictions or ban on the deployment of overseas Filipino  
54 seafarers, especially when the ship with one or several Filipino seafarers on board will sail on or  
55 near the waters of, or dock on ports in, countries where there is war, civil war, insurgency,  
56 piracy, rampant kidnapping, seizing by force of ships and/or ongoing lawlessness as reported  
57 by reliable international news agencies or television networks.  
58



1 shall be imposed if illegal recruitment constitutes economic sabotage as defined  
2 in Section 49: *Provided, however,* That the maximum penalty shall be imposed if  
3 the person illegally recruited is less than eighteen (18) years of age or that the act  
4 of illegal recruitment is committed by a non-licensee or non-holder of authority.  
5

6 **Sec 50. Prohibition on Officials and Employees.** It shall be unlawful for any official or  
7 employee of the DOLE or other government agencies involved in the implementation of this  
8 Act, or their relatives within the fourth civil degree of consanguinity or affinity, to engage,  
9 directly or indirectly, in the business of recruiting Filipino seafarers, as defined under this Act.  
10

11 **SEC. 51. Venue.** A criminal action arising from illegal recruitment as herein defined shall  
12 be filed with the Regional Trial Court of the province or city where the offense was committed  
13 or where the offended party actually resides at the time of commission of the offense.  
14

15 **SEC. 52. Mandatory Period for Filing of Illegal Recruitment Cases.** The preliminary  
16 investigation of cases under this Act shall be terminated within a period of thirty (30) calendar  
17 days from the date of their filing. Where the preliminary investigation is conducted by a  
18 prosecution officer and a *prima facie* case is established, the corresponding information shall be  
19 filed in court within twenty-four (24) hours from the termination of the investigation.  
20

21 If the preliminary investigation is conducted by a judge and a *prima facie* case is found to  
22 exist, the corresponding information shall be filed by the proper prosecution officer within  
23 forty-eight (48) hours from the date of receipt of the record of the case.  
24

25 **SEC. 53. Prescriptive Periods.** Illegal recruitment cases under this Act shall prescribe in  
26 ten (10) years after the commission of the prohibited act: *Provided, however,* That illegal  
27 recruitment cases involving economic sabotage as defined herein shall prescribe in twenty (20)  
28 years.  
29

30 **SEC. 54. Free Legal Assistance; Preferential Entitlement Under the Witness Protection**  
31 **Program.** A mechanism for free legal assistance for victims of illegal recruitment shall be made  
32 available by the pertinent agencies of the government. Such mechanism shall include  
33 coordination and cooperation among the DOLE, DOJ, the IBP, and other non-government  
34 organizations and volunteer groups.  
35

36 Notwithstanding the provisions of RA 6981 to the contrary, any person who is a victim  
37 of illegal recruitment, or who is willing to be a witness on behalf of the government, shall be  
38 entitled to the Witness Protection Program provided thereunder.  
39  
40

## 41 CHAPTER IX

### 42 CONDITIONS OF EMPLOYMENT

43  
44  
45 **SEC. 55. Employment Agreement.** The employer shall provide for a written agreement in  
46 English, which shall be drawn up with the seafarer concerning ship work. The agreement shall  
47 contain the following:  
48

- 49 a) The seafarer's full name, date of birth, age and birthplace;
- 50 b) The shipowner's name and address;
- 51 c) The place where and date when the seafarer's employment agreement is entered  
52 into;
- 53 d) The wage agreed upon, including overtime pay, their method of computation  
54 and manner of payment. In no case shall the parties agree to wages lower than  
55 the basic minimum wage prescribed by appropriate government agencies, in  
56 conformity with internationally-accepted standards, at the time of engagement;  
57  
58  
59

- 1  
2 e) The amount of paid annual leave or, where applicable, the formula used for  
3 calculating it;  
4  
5 f) The termination of the agreement and the conditions thereof, including: (i) if the  
6 agreement has been made for an indefinite period, the conditions entitling either  
7 party to terminate it, as well as the required notice period, which shall not be less  
8 for the shipowner than for the seafarer; (ii) if the agreement has been made for a  
9 definite period, the date fixed for its expiry; and (iii) if the agreement has been  
10 made for a voyage, the Port of Destination and the time which has to expire after  
11 arrival before the seafarer should be discharged;  
12  
13 g) The health, safety and social security protection benefits to be provided to the  
14 seafarer by the shipowner including a provision that ensures that measures, in  
15 accordance with the MLC 2006, are in place on the ship to provide seafarers with  
16 a right to material assistance and support from the shipowner with respect to the  
17 financial consequences of sickness, injury or death occurring while they are  
18 serving under a seafarers' employment agreement or arising from their  
19 employment under such agreement which shall not affect any other legal  
20 remedies that a seafarer may seek;  
21  
22 h) The seafarer's entitlement to repatriation and a provision that shall prohibit  
23 shipowners from requiring that seafarers make an advance payment towards the  
24 cost of repatriation at the beginning of their employment, and also from  
25 recovering the cost of repatriation from the seafarers' wages or other  
26 entitlements except where the seafarer has been found, in accordance with  
27 national laws, regulations, applicable CBA or other measures, to be in serious  
28 default of the seafarer's employment obligations;  
29  
30 i) Reference to the collective bargaining agreement, if applicable;  
31  
32 j) The capacity in which the seafarer is to serve;  
33  
34 k) A provision stating that equal remuneration for work of equal value shall apply  
35 to all seafarers employed on the same ship without discrimination based upon  
36 race, colour, sex, religion, political opinion, national extraction or social origin;  
37  
38 l) A provision stating that the seafarer's employment agreement, specifying the  
39 applicable wages or wage rates, shall be carried on board the ship and that  
40 information on the amount of wages or wage rates shall be made available to  
41 each seafarer by providing at least one signed copy of the relevant information to  
42 the seafarer in a language which the seafarer understands;  
43  
44 m) A provision stating that wages shall be paid in legal tender and, where  
45 appropriate, they may be paid by bank transfer, bank cheque, postal cheque or  
46 money order;  
47  
48 n) A provision stating that on termination of engagement, all remuneration due  
49 shall be paid without undue delay;  
50  
51 o) For seafarers whose wages are fully or partially consolidated, a provision which  
52 shall specify clearly the number of hours of work expected of the seafarer in  
53 return for this remuneration, and any additional allowances which might be due  
54 in addition to the consolidated wage, and in which circumstances;  
55  
56 p) A provision stating that adequate penalties shall be borne by the employer or  
57 other appropriate remedies shall be given the seafarer when a shipowner delays  
58 deliberately and/or unduly, or fails to make, payment of all remuneration due;  
59

- 1 q) A provision stating that wages shall be paid directly to the seafarer's designated  
2 bank account unless the seafarer requests otherwise in writing;  
3
- 4 r) A provision stating that the shipowner shall impose no limit on the seafarer's  
5 freedom to dispose of his or her remuneration except when there is an express  
6 provision in national laws, regulations or in an applicable collective agreement  
7 and the seafarer has been adequately informed of the conditions for such  
8 deductions;  
9
- 10 s) A provision stating that the deductions shall not in total exceed the limit that  
11 may have been established by national laws, regulations, applicable collective  
12 agreements or court decisions for making such deductions and that no  
13 deductions shall be made from a seafarer's remuneration in respect of obtaining  
14 or retaining employment;  
15
- 16 t) A provision stating that monetary fines against seafarers other than those  
17 authorized by national laws or regulations, collective agreements or other  
18 measures shall be prohibited;  
19
- 20 u) A provision stating that, to the extent that seafarer's claims for wages and other  
21 sums due from their employment are not secured in accordance with the  
22 provisions of the International Convention on Maritime Liens and Mortgages,  
23 1993, such claims should be protected in accordance with the Protection of  
24 Worker's Claims (Employer's Insolvency) Convention, 1992 (No. 173).  
25
- 26 v) A provision that shall ensure that the ship shall carry on board and provide to  
27 seafarers on board free of charge, food and drinking water of appropriate  
28 quality, nutritional value and quantity that adequately covers the requirements  
29 of the ship and takes into account the differing cultural and religious  
30 backgrounds of the seafarers on board;  
31
- 32 w) A provision that shall ensure that all seafarers on ships are covered by adequate  
33 measures toward the protection of their health, such that they have access to  
34 prompt and adequate medical care while working on board and that the said  
35 protection and care shall be provided at no cost;  
36
- 37 y) Provisions on adequate leave and rest periods in conformity with the standards  
38 set by the MLC 2006;  
39
- 40 z) The duration of the employment contract.  
41

42 The terms and conditions for employment of a seafarer shall be set out in a clearly  
43 written, legally enforceable agreement and shall be consistent with the standards set out in the  
44 MLC 2006 providing the seafarer with decent working and living conditions on board the ship,  
45 among others. The shipowner and seafarer concerned shall each have a signed original of the  
46 seafarer employment agreement.  
47

48 The minimum notice period to be given by the seafarers and shipowner for the early  
49 termination of a seafarer employment agreement shall not be shorter than seven (7) days. A  
50 notice period shorter than the minimum may be given in circumstances which are recognized  
51 under the implementing rules and regulations of this Act of the applicable collective bargaining  
52 agreement as justifiable termination of the employment agreement at shorter notice or without  
53 notice. In determining those circumstances, the implementing rules and regulations of this Act  
54 shall include provisions that shall ensure that the need of the seafarer to terminate, without  
55 penalty, the employment agreement on shorter notice or without notice for compassionate or  
56 other urgent reasons is taken into account.  
57

58 **SIC. 56. POEA-Prescribed Seafarers' Employment Agreement.** The POEA shall  
59 prescribe a sample seafarer employment agreement which shall strictly adhere to the standards

1 set by this act and the MLC 2006 especially on, but not limited to, salaries and wages and the  
2 payments and remittance thereof, which shall also contain all the necessary provisions for the  
3 adequate protection and well-being of Filipino seafarers, including, but not limited to,  
4 mandatory SSS coverage of all Filipino seafarers with employers' contributions. The manning or  
5 crewing agencies shall see to it that any and all seafarer employment agreements that are  
6 processed and/or consummated in the course of their recruitment and placement activities shall  
7 strictly adhere to the MLC 2006 and to the said sample agreement prescribed by the POEA as a  
8 minimum guarantee for the protection of Filipino seafarers. Furthermore, the said employment  
9 agreement shall contain, among others, a provision that all seafarers shall be paid for their work  
10 regularly and in full in accordance with their employment agreements, safeguards against  
11 prolonged exposure to vibration on board ship and provisions on seafarer complaints or  
12 grievance handling procedures, on-shore and on-board, and masters or captain or employer  
13 disciplinary procedures that shall comply with at least the minimum requirements of the MLC  
14 2006 in order to ensure maximum possible protection of all Filipino seafarers. Nothing in this  
15 section shall be deemed to prevent the negotiation and/or consummation of such agreements  
16 that may contain higher than the minimum standards set by the POEA and/or the consolidated  
17 MLC 2006.

18  
19 **SEC. 57. *Voluntary and Free Acceptance of Agreement.*** Seafarers signing a seafarer  
20 employment agreement shall be given an opportunity to examine and seek advice on the  
21 agreement before signing, as well as such other facilities necessary to ensure that they have  
22 freely entered into an agreement with sufficient understanding of their rights and  
23 responsibilities.

24  
25 **SEC. 58. *Collective Bargaining Agreements.*** To the extent compatible with Philippine  
26 law and practice, seafarer employment agreements shall be understood to incorporate any  
27 applicable CBA. In furtherance of this, the POEA shall undertake measures to ensure that  
28 where a CBA forms all or part of a seafarer's employment agreement, a copy of that agreement  
29 shall be available on board and where the language of the seafarer employment agreement and  
30 any applicable CBA is not in English, the following shall also be available in English: (a) a copy  
31 of a standard form of the agreement; and, (b) the portions of the CBA that are subject to a port  
32 state inspection.

33  
34 **SEC. 59. *Accessibility of Information and Record of Employment on Board Ship and in***  
35 ***Ports to be visited.*** The POEA shall undertake measures to ensure that clear information as to  
36 the conditions of seafarer employment can be easily obtained on board by seafarers, including  
37 the ship's master, and that such information, including a copy of the seafarer employment  
38 agreement, is also accessible for review by officers of a competent authority, including those in  
39 ports to be visited, and that the seafarers shall be given a document containing a record of  
40 their employment on board the ship.

41  
42 **SEC. 60. *Seafarer Compensation for Ship's Loss or Founding, Hours of Work, Overtime***  
43 ***Work and Pay, Leaves and Shipboard Working Arrangements.*** The manning or crewing  
44 agencies shall ensure that the standards set by the MLC 2006 concerning seafarer compensation  
45 for the ship's loss or foundering, hours of work, overtime work and pay, entitlement to leave  
46 and shipboard working arrangements are met on any and all seafarer employment agreements  
47 that are processed and/or consummated in the course of their recruitment and placement  
48 activities.

49  
50 **SEC. 61. *Salaries, Wages, Allotment and Remittances.*** All seafarers shall be paid for  
51 their work regularly and in full in accordance with their employment agreements. It shall be  
52 mandatory for all seafarers to remit a portion of their earnings to their families, dependents,  
53 and/or beneficiaries in accordance with rules and regulations prescribed by the DOLE  
54 Secretary.

55 **SEC. 62. *Limitations on Wage Deductions.*** A deduction from the seafarer's wages shall  
56 not be made without his or her written consent, unless the deduction is provided for in the  
57 contract of employment and is authorized by law.





1  
2 Any member of the crew is entitled to free medical examination should there be any  
3 reason to believe that such is necessary to monitor and maintain his good health and  
4 environmental conditions on board the vessel.  
5

6 **SEC. 73. Protection from Sexual Harassment.** It shall be the duty of the master and the  
7 employer to prevent the commission of acts constituting sexual harassment and to provide  
8 measures for the resolution, settlement or prosecution of acts of sexual harassment.  
9

10 Sexual harassment is herein defined as an act committed by an employer, employee,  
11 supervisor, agent of the employer, any other person who, having authority, influence or moral  
12 ascendancy over another in a work, training, cadetship, internship environment demands,  
13 requests or otherwise requires any sexual favor from another, regardless of whether the  
14 demand, request or requirement is accepted by the subject of the said Act.  
15

## 16 17 CHAPTER XI

### 18 19 SOCIAL WELFARE SERVICES AND DISABILITY BENEFITS

20  
21 **SEC. 74. Disability.** In case of total or partial disability of the seafarer during the term of  
22 his or her employment caused by either injury or illness, the seafarer shall be compensated in  
23 accordance with the schedule of the benefits prescribed by the law. Computation of his or her  
24 benefits arising from an illness or disease shall be governed by the rates and the rules of  
25 compensation applicable at the time the illness or disease was contracted.  
26

27 No compensation shall be payable in respect in any injury, incapacity, disability or death  
28 of the seafarer resulting from his or her willful or criminal act; *Provided, however,* That the  
29 employer can prove that such injury, incapacity, disability or death is directly attributed to the  
30 seafarer.  
31

32 When requested, the employer shall furnish the seafarer a copy of all pertinent medical  
33 reports or records at no cost to the seafarer.  
34

35 **SEC. 75. Employer's Liability in Case of Death.** When the seafarer dies as a result of  
36 injury or illness during the term of employment, the employer shall pay the beneficiary of the  
37 seafarer all outstanding obligations due to the seafarer under his or her employment contract;  
38 The employer is also mandated to notify the next of kin and make arrangement for burial,  
39 return or repatriation of the remains. If the death occurs in a foreign territory, the master shall  
40 also inform the nearest Philippine Embassy or Foreign Service Office of said death. The remains  
41 and personal effects of the seafarer shall be transported to the Philippines at the employer's  
42 expense except if the death occurred in the port where local government laws or regulations do  
43 not permit the transport of such remains.  
44

45 In case death occurs at sea, the arrangements for the handling of the remains shall be  
46 drawn up and proposed by the shipmaster to the next of kin of the deceased. In all cases, the  
47 employer and/or shipmaster, through the manning and crewing agency, shall communicate  
48 with the next of kin of the deceased and secure the next of kin's concurrence as regards the  
49 proposed arrangements covering the handling of the seafarer's remains. The employer shall  
50 also pay for the seafarer's burial expenses.  
51

52 **SEC. 76. Death Benefits.** In case of death of the Filipino seafarer during the term of his or  
53 her contract, the employer shall pay his or her beneficiaries the corresponding death benefits.  
54

55 The benefits shall be separate and distinct from and shall be in addition to whatever  
56 benefits the seafarer is entitled to under Philippine laws and regulations.  
57

1 No benefits shall be payable in case of death resulting from a willful act by the Filipino  
2 seafarer. In connection thereto, the employer can prove that such death is directly attributed to  
3 the seafarer.

4  
5 **SEC. 77. *Payment of Benefits.*** The employer shall ensure expeditious arrangement for  
6 the payment of death or personal injury benefits provided under this Act.

7  
8 The employer shall likewise arrange for adequate insurance coverage.

9  
10 **SEC. 78. *Review of Benefits.*** The POEA shall, upon consultation, with the seafarer  
11 unions and associations of manning agencies and shipping companies, undertake a regular  
12 annual review of the death benefits provided under this Act and through its governing board,  
13 update or amend the death benefits to keep it at par with prevailing international standards.

14  
15 **SEC. 79. *Seafarer's Loan Guarantee Fund.*** The OWWA, in coordination with  
16 government financial institutions, shall institute financing schemes that will expand the grant of  
17 pre-departure loan and family assistance loan to seafarers in accordance with Section 21 of RA  
18 8042. All other laws, rules and regulations and OWWA Board Resolutions that may be enacted  
19 or adopted in the future, which shall grant OWWA loans to Overseas Filipino Workers and/or  
20 their families or beneficiaries, shall be deemed to include Filipino seafarers working abroad  
21 and/or their families or beneficiaries.

22  
23 **SEC. 80. *Housing and Provident Benefits.*** Seafarers shall be provided access to the  
24 government's housing program through membership in the Pag-IBIG Fund (Home  
25 Development Mutual Fund).

26  
27 **SEC. 81. *Care of the Sick or Injured.*** In case of illness or injury during the term of  
28 employment, the master shall arrange for the seafarer to receive proper nursing care on board  
29 or ashore, including proper medical attention and medicines.

30  
31 The sick or injured seafarer shall continue to receive his wages during the time he is  
32 under contract.

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

38  
39 **SEC. 82. *Care for Repatriated Seafarers.*** If after repatriation, the overseas seafarer still  
40 requires medical attention arising from said injury or illness, he or she shall be so provided, at  
41 cost to the employer until such time he or she is declared fit and the degree of his or her  
42 disability has been established by the employer-designated physician.

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

50  
51 **SEC. 83. *Social Security Benefits.*** All seafarers shall be members of the welfare fund of  
52 the OWWA, the PAG-IBIG Fund, the SSS, and the Philippine Health Insurance Corporation  
53 (Philhealth).

54  
55 **SEC. 84. *Welfare Facilities and Services.*** The DOLE, in coordination with the DOTC,  
56 PPA and other relevant government agencies, shall ensure the provision of such welfare  
57 facilities and services as may be required, in appropriate seaports and airports of the country to  
58 be known as Seafarer Welfare Center. The DOLE, in coordination with the aforementioned  
59 agencies, shall take measures designed to expedite the free circulation among ships, seafarers,

1 central supply agencies and welfare establishments of welfare materials such as films, books,  
2 newspaper and sports equipment for use by seafarers on board their ships and in welfare  
3 centers ashore. International seminars on the subject of welfare of seafarers at sea and in port  
4 shall be organized. Where appropriate, facilities for religious observances, legal services and  
5 personal counseling shall be provided in the said welfare centers.  
6  
7

## 8 CHAPTER XII

### 9 DISCIPLINARY AND DISPUTE SETTLEMENT PROCEDURE

#### 10 SEC. 85. *Duties of the Employer Master.*

- 11  
12  
13
- 14 a) To faithfully comply with the stipulated terms and conditions of the employment  
15 contract, particularly the prompt payment of wages, remittance of allotment and  
16 the expeditious settlement of valid claims of the seafarer;
  - 17  
18 b) To make operational on board the vessel the grievance machinery provided in  
19 this contract and ensure its free access at all times by the seafarer; and
  - 20  
21 c) To ensure the protection and safety of seafarers at all times.
- 22  
23

#### 24 SEC. 86. *Duties of the Seafarer.*

- 25  
26
- 27 a) To faithfully comply with and observe the terms and conditions of his contract,  
28 violations of which shall be subject to disciplinary sanctions;
  - 29 b) To treat the ship and the cargo with proper care his duties as a whole with due  
30 responsibility;
  - 31  
32 c) To comply with company rules, regulations and policies consistent with the rules  
33 and regulations issued by the DOLE;
  - 34  
35 d) To conduct himself or herself in an orderly and respectful manner towards  
36 passengers and shipper stevedores, port authorities and other persons with  
37 official business with the ship. Each shall treat his or her colleagues on board  
38 with due consideration; and
  - 39  
40 e) To observe the grievance procedure outlined in this Act.
- 41

42 **SEC. 87. *Disciplinary Procedures.*** The employer or master shall serve seafarers with a  
43 written notice containing the grounds for the charges as well as the date, time and place for a  
44 formal investigation of the charges against the seafarer concerned.  
45

46 The employer or master or authorized representative shall conduct the investigation or  
47 hearing, giving the seafarer the opportunity to explain or defend himself or herself against the  
48 charges. An entry on the investigation shall be made in the ship's logbook. If, after the  
49 investigation or hearing, the employer or master is convinced that the imposition of a penalty is  
50 justified, the employer or master shall issue a written notice of penalty and the reason thereof to  
51 the seafarer, with copies furnished to the manning or crewing agency which deployed the said  
52 seafarer.  
53

54 The aggrieved seafarer may appeal in writing within a period of five (5) days from the  
55 date the master rendered decision to a grievance resolution committee composed of one (1)  
56 representative from the ratings to be chosen by the concerned seafarer, one (1) representative  
57 from the officer level to be chosen by the master, and one (1) neutral party to be agreed on by  
58 the concerned seafarer and shipmaster.  
59

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

5 **SEC. 88. *Grievance Machinery.***  
6

7 a) If the seafarer considered himself or herself aggrieved, he or she shall make his or her  
8 complaint in accordance with the following procedures:  
9

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

33 b) The Grievance Machinery shall be availed of by the parties to the dispute irrespective  
34 of whether or not their contractual relationship is covered by a collective bargaining  
35 agreement. The procedure shall be a condition precedent prior to the assumption by  
36 the voluntary arbiter or panel of voluntary arbitrators or the labor arbiter of their  
37 original and exclusive jurisdiction. When availed by the seafarer, the grievance  
38 procedure and all actions or decisions agreed upon shall be properly documented for  
39 the protection and interest of both parties. Speedy resolution of cases shall be given  
40 utmost priority.

41 c) The Grievance Resolution Committee shall include, among others in its resolution,  
42 order or decision a certification of whether or not the relationship of the parties to the  
43 dispute are covered by a collective bargaining agreement, and the referral of the  
44 dispute to the appropriate venue.  
45

46 **SEC. 89. *Dispute Settlement.*** The procedure herein stated shall be without prejudice to  
47 the other action that maybe brought by the seafarer before the jurisdiction of the concerned  
48 regular courts and/or National Labor Relations Commission (NLRC); or to the exclusive and  
49 original jurisdiction of the voluntary arbitrator or panel of arbitrators appointed from the  
50 accredited voluntary arbitrators of the National Conciliation and Mediation Board (NCMB) of  
51 DOLE.  
52

1           **SEC. 90. Voluntary Arbitration.** Pursuant to the constitutional mandate on the  
2 preferential use of voluntary modes of dispute settlement, the DOLE shall adopt procedural  
3 guidelines in the conduct of voluntary arbitration proceedings involving the maritime sector,  
4 and promote the use of voluntary arbitration as a mode to achieve speedy resolution of cases.  
5

6           **SEC. 91. Money Claims.** Notwithstanding any provision of law to the contrary, the  
7 Labor Arbiters of the NLRC shall have the original and exclusive jurisdiction to hear and  
8 decide, within ninety (90) calendar days after filing of the complaint, the claims arising out of an  
9 employer-employee relationship or by virtue of any law or contract involving a Filipino  
10 seafarer, including claims for actual, moral, exemplary and other forms of damages.  
11

12           The Labor Arbiter, recognizing the significance of the different modes of alternative  
13 dispute resolution shall before its assumption of jurisdiction ensure that the dispute has  
14 undergone the mandatory grievance procedure and not within the ambit of voluntary  
15 arbitration.  
16

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

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

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

38           **SEC. 92. Liability for Claims.** The liability of the principal or employer and the manning  
39 agency for any claims made by a Filipino seafarer under this title shall be joint and several.  
40

41           **SEC. 93. Mandatory Liability Insurance.** The State shall establish a system of  
42 protection, by way of insurance or an equivalent appropriate measure, to compensate seafarers  
43 for monetary loss that they may incur as a result of the failure of a recruitment and placements  
44 service or the relevant shipowner under the seafarer employment agreement to meet its  
45 obligation to them. Towards this end, a mandatory liability insurance coverage for the benefit  
46 of seafarers and to cover seafarer's money claims shall be established by the government  
47 whereby all manning or crewing agencies shall be required to join in. The seafarer or applicant  
48 shall not be made to pay any charge or premium for this insurance. The State shall ensure the  
49 payment in full and without delay of seafarer money claims. An administrative finding by the  
50 POEA of any violation of this section shall cause the manning or crewing agency concerned to  
51 suffer the penalty of suspension or cancellation of its license to operate.  
52

53           **SEC. 94. Prescriptive Period.** Recognizing the particular nature of overseas shipboard  
54 employment, all monetary claims arising from the seafarer contract shall prescribe within three  
55 (3) years from the date of the seafarer's return to the point of hire. All monetary claims of those  
56 employed in domestic shipping shall prescribe within three (3) years from the day the action  
57 commenced.  
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**CHAPTER XIII**

**POST EMPLOYMENT**

**SEC. 95. *Termination of Employment.*** The employment of the overseas seafarer shall cease when he or she:

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

**SEC. 96. *Termination by the Seafarer.***

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

**SEC. 97. *Prohibition against Transfer of Station.*** A Filipino seafarer shall not be transferred at any port to any vessel owned or operated, manned or managed by the same employer without the seafarer's consent. In the event that the seafarer concerned consents with such transfer, the position of the seafarer and the rate of his or her wages and terms of services shall, in no way, be lower or inferior and the total period of employment shall not exceed what was originally agreed upon. Any form of transfer shall be documented and reported by the manning or crewing agency to the POEA.

**SEC. 98. *Post-Employment Benefits.*** Whenever applicable, in addition to the benefits a seafarer may be entitled to under the OWWA and the SSS, a retiring seafarer covered by collective bargaining agreement shall be entitled to such post-employment benefits as may be provided in his or her employment agreement.

A Filipino seafarer who is not covered by a CBA, on the other hand, may, upon notice to his or her manning or crewing agency and principal, authorize the deduction of a specified

1 percentage of his or her monthly wages to form part of his or her voluntary contribution to the  
2 post-employment fund. The amount to be deducted shall be placed in an account in the name of  
3 the contributing seafarer.  
4

## 5 6 CHAPTER XIV

### 7 8 REPATRIATION 9

10 **SEC. 99. *Repatriation.*** All costs related to the repatriation and/or transport of the  
11 personal effects of a seafarer shall be borne by or charged to the manning or crewing agency  
12 concerned and/or its principal. The expenses of repatriation shall include the transportation  
13 charges, the accommodation and the food of the seafarer during the journey. However, in cases  
14 where the termination of employment is due solely to the fault of the seafarer, the principal or  
15 employer or manning or crewing agency shall not in any manner be responsible for the  
16 repatriation of the former and/or his or her personal effects. The implementing rules and  
17 regulations of this act shall contain of seafarers that shall strictly adhere to the relevant  
18 provisions of the MLC 2006.  
19

20 **SEC. 100. *Mandatory Repatriation of Underage Seafarers.*** Upon discovery or  
21 information of a Filipino seafarer under the age of eighteen (18) in violation of Sec. 20 (b) of this  
22 Act, the nearest Philippine consulate office shall, without delay, repatriate the said seafarer and  
23 advise the DFA and DOLE as soon as possible of such discovery and other relevant  
24 information.  
25

26 **SEC. 101. *Emergency Repatriation.*** The DOLE, in coordination with the OWWA and the  
27 DFA, shall undertake the repatriation of seafarers in cases of war, epidemics, disasters or  
28 calamities, natural or man-made, and other similar events without prejudice to reimbursement  
29 by the responsible principal or manning or crewing agency. Seafarers who are detained in a  
30 foreign port shall be dealt with promptly under due process of law and shall be provided by the  
31 DFA with appropriate consular protection and shall be repatriated promptly, especially when  
32 the family of the seafarer or the seafarer himself or herself requests immediate repatriation.  
33

34 **SEC. 102. *Legal Assistance Fund.*** The Legal Assistance Fund created under RA No. 8042  
35 shall extend legal services to an overseas seafarer who is in distress in accordance with the  
36 guidelines, criteria and procedures promulgated therein.  
37

## 38 39 CHAPTER XV

### 40 41 REINTEGRATION SERVICES 42

43 **SEC. 103. *Retraining and Reintegration.*** Returning or unemployed seafarers may avail  
44 of the livelihood development or re-training programs and placements services offered by  
45 concerned government agencies, including OWWA and TESDA, TIC, and the CDA.  
46

47 These agencies shall formulate skills upgrading or retraining curricula to meet the needs  
48 of returning or unemployed seafarers. The participation of the maritime industry, in particular,  
49 port and shipping industry, and maritime educational institutions shall be likewise solicited by  
50 the DOLE in devising the appropriate retraining and local job placement programs for  
51 unemployed seafarers.  
52

53 **SEC. 104. *Establishment of Reintegration Center.*** A Re-integration Center within the  
54 OWWA shall be established to attend to the needs of returning seafarers. The Center shall  
55 provide a mechanism for their reintegration into the Philippine society, serve as a promotion  
56 house for their local employment, and tap their skills and potentials for national development.  
57

58 The Center shall provide the following services:  
59

- 1 a) Develop livelihood programs and projects for returning seafarers in coordination  
2 with the private sector and concerned government agencies;  
3  
4 b) Coordinate with appropriate private government agencies in the promotion,  
5 development, and full utilization of their potentials. For this purpose, the DOLE  
6 shall be the implementer. The CDA and the TLRRC shall develop among returning  
7 Filipino seafarers, technical expertise in the enterprise building and  
8 development, while the DSWD shall provide the necessary services for the  
9 effective social re-integration of migrant workers;  
10  
11 c) Develop a matching program that will allow returning Filipino seafarers to  
12 establish business partnerships and employment options with public and private  
13 sector enterprises in the country; and  
14  
15 d) Provide a periodic study of the assessment of job opportunities for returning  
16 seafarers.  
17

18 **SEC. 105. Scholarship Programs.** Qualified seafarers or their immediate descendants,  
19 who intend to pursue science and technology related courses may apply for scholarships with  
20 the OWWA, which shall benefit deserving overseas seafarers and/or their immediate  
21 descendants below twenty-one (21) years of age who intend to pursue courses or training  
22 primarily in the field of science and technology.  
23

24 The DOLE, in coordination with the CHED, shall establish a similar program for  
25 domestic seafarers within a period of three (3) years from the enactment of this Act.  
26  
27

## 28 CHAPTER XVI

### 29 ACCOUNTABILITY OF GOVERNMENT OFFICIAL AND PERSONNEL

30  
31  
32 **SEC. 106. Accountability of Government Officials and Personnel.** Any government  
33 official and personnel who fails or refuses to render service(s) and/or assistance to seafarers  
34 without just cause shall, after due notice and hearing, and if found guilty, be punished with  
35 suspension from office of not less than thirty (30) days or dismissal from the service with  
36 forfeiture of retirement and other benefits.  
37

## 38 CHAPTER XVII

### 39 TRANSITORY PROVISIONS

40  
41  
42  
43 **SEC. 107. Implementing Rules and Regulations.** The DOLE, in coordination with the  
44 DFA and the Senate Committee on Labor and the House Committee on Overseas Workers'  
45 Affairs and other agencies concerned, after consultation with the stakeholders and within  
46 ninety (90) days after the affectivity of this act, shall formulate its rules and regulations.  
47

48 **SEC. 108. Separability Clause.** If any provision of this Act is declared unconstitutional,  
49 the remaining provisions shall continue in force.  
50

51 **SEC. 109. Repealing Clause.** All laws, presidential decrees, or issuance, executive orders,  
52 letters of instruction, rules or regulations inconsistent with the provisions of this Act are hereby  
53 repealed or modified accordingly.  
54

55 **SEC. 110. Effectivity Clause.** This Act shall take effect fifteen (15) days after its  
56 publication in the Official Gazette or in at least two (2) newspapers of general circulation,  
57 whichever comes first.  
58

59 Approved,