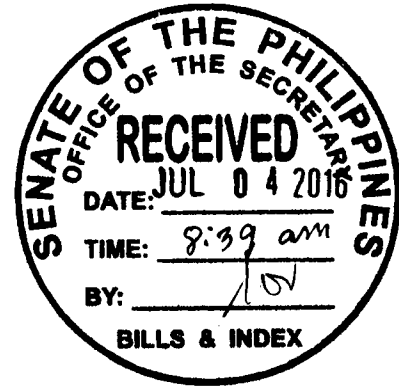


SEVENTEENTH CONGRESS)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



SENATE
S.B. No. 244

Introduced by SENATOR LOREN LEGARDA

AN ACT INSTITUTING THE MAGNA CARTA OF FILIPINO SEAFARERS

Explanatory Note

This bill seeks to recognize and protect the rights of the Filipino seafarers, integrate programs and policies that concern them, and assist in their development to continuously ensure their niche in the global arena through the establishment of the Magna Carta of Filipino Seafarers.

Filipino seafarers have been plying the world's seas for over five centuries. In the 16th century, Filipino seafarers manned the ships sailing the Mexico-Manila route of the Galleon Trade.

The advent of globalization led to the steady increase in the number of registered seafarers. Today, the Philippines is considered the world's ship manning capital because it accounts for 30 percent of the 1.2 million seafarers in the global shipping fleet today.

Despite the rich history and significant role of the Filipino seafarers in our society, they have been given inadequate attention. Incidents of abduction, unjust compensation and on-board accidents have been reported yet no legislation has been passed to protect and uphold the rights of the seafarers and address their specific needs.

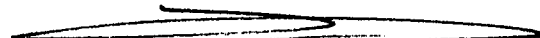
This measure seeks to deal with the shortcoming by creating a set of laws that focuses on the conditions and needs of the Filipino seafarer. The Magna Carta of Filipino Seafarers guarantees their right to humane working conditions and just compensation by ensuring that manning and crewing agencies provide adequate information about the on-board conditions as well as local and international laws that apply to the Filipino seafarer. Seafarers should be given ample time by the agency to examine his/her contract of employment and articles of agreement before he/she signs it. To ensure the security and safety of the overseas Filipino seafarers, they shall only be deployed in countries where their rights as Filipino sea-based migrant workers are observed and protected.

With the passage of this bill, more Filipinos will be given the knowledge and understanding of the transnational and globalized conditions the Filipino seafarers are experiencing through the establishment of the Filipino Seafarers' Research and Resource Center by the Commission on Higher Education, in coordination with the University of the Philippines School of Labor and Industrial relations (UP SOLAIR). The Center shall conduct studies and

researches that will enhance the well-being and interests of the Filipino seafarers.

The Magna Carta provides retraining or reintegration for the Filipino seafarer after his sea-service. A Reintegration Center within the Overseas Workers Welfare Administration (OWWA) shall be established which will also serve as a promotion house for the local employment of the Filipino seafarer.

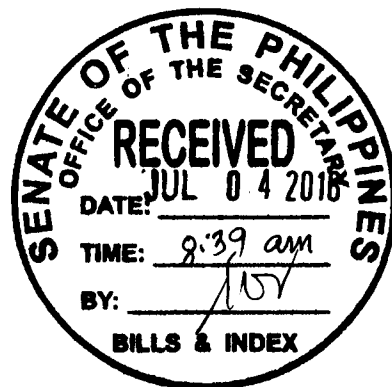
In view of the foregoing, immediate passage of this bill is earnestly sought.



LOREN LEGARDA

Senator

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



SENATE
S.B. No. 244

Introduced by SENATOR LOREN LEGARDA

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
2
3
4 **SECTION 1. Title.** - This Act shall be known as the "Magna Carta of
5 Filipino Seafarers."
6

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

- 9 a) To recognize the rights, contributions and unique role of Filipino
10 seafarers, as well as their vulnerabilities, and afford them full
11 protection before, during and after their employment;
- 12 b) To maintain and progressively develop a pool of competent and world-
13 class domestic and international seafarers of all grades and ratings
14 through a system of education and training and of accreditation and
15 licensing; and
- 16 c) To establish mechanism for the enhancement of administrative,
17 adjudicative, social as well as welfare services for them and their
18 families.

19
20 Toward these ends, the State shall endeavor to improve the Filipino
21 seafarers' working conditions, terms of employment, career prospects, and
22 provide them opportunities to harness their potentials to the fullest. The
23 State shall further work to uplift the socio-economic well-being of their
24 respective families.
25

26 **SEC. 3. Applicability.** - All rights and benefits granted under this Act shall,
27 except as may otherwise be provided herein apply to the Filipino seafarers
28 as defined herein
29

30 **SEC. 4. Definitions.** - For purposes of this Act, the following terms shall
31 mean as follows:
32

- 33 1) **"Authority"** refers to the document issued by the DOLE authorizing
34 any person or entity to engage in the recruitment and placement of
35 seafarers or OFWs;

- 1 **2) "Departure"** refers to actual departure from the point of hire of a
2 Filipino seafarer through air, sea, or land travel transport to join his
3 vessel in a Philippine or foreign port;
4
- 5 **3) "Domestic Seafarers"** refers to seafarers on board ship or vessel
6 plying inter-island water or waters within Philippine territory;
7
- 8 **4) "Filipino Seafarers"** refers to any person who fulfills the conditions to
9 be employed or engaged as part of the crew or complement of the ship
10 navigating the foreign seas other than a government ship used for
11 military or non-commercial purposes. This term includes seafarers
12 serving on foreign maritime mobile offshore units who perform
13 functions similar to those constituting a crew, fisherman and cruise
14 ship personnel;
15
- 16 **5) "Informal Blacklisting"** refers to the unlawful practice by
17 recruitment and placement services agencies to directly or indirectly
18 prevent or deter seafarers, without valid cause from gaining
19 productive employment whether the job applicant is for employment
20 or reemployment;
21
- 22 **6) "License"** refers to the document issued by the DOLE authorizing any
23 person or entity to operate a manning agency;
24
- 25 **7) "Manning or Crewing Agencies"** shall refer to any person, company,
26 institution, agency or other organization in the public or private
27 sector, which is engaged in recruiting seafarers in behalf of the
28 employers or placing seafarers with employers;
29
- 30 **8) "Maritime Industry"** refers to all enterprises engaged in the business
31 of managing and/or operating shipping lines, management of ports,
32 stevedoring arvester, customs brokerage and cargo surveys; of ship
33 brokering/chartering, designing, constructing, manufacturing vessels,
34 or component parts thereof, of shipyards and maintaining acquiring,
35 operating, supplying, repairing and/or dry-docks; of providing
36 maritime services such as ship supplies, ship manning and training,
37 maritime consultancy, ship repairs, machine shops, shipping
38 agencies, freight forwarding and similar enterprises;
39
- 40 **9) "Master"** refers to a seafarer who has the command and is in charge
41 of the vessel being the representative the vessel's owner;
42
- 43 **10) "Officer"** refers to seafarers other than the Master who is designated
44 by national law or regulations as an officer or is serving in that
45 capacity such as the 3rd mate, 2nd mate, chief mate, master mariner in
46 the ship's deck, the marine engineer officers in the engine, and other
47 special officers needed in the vessel;
48
- 49 **11) "Philippine Port"** refers to any Philippine airport or seaport;
50
- 51 **12) "Philippine Shipping Companies"** refers to entities registered and
52 licensed under the laws of the Philippine to engage in the business of
53 overseas and/or domestic water transportation;
54

- 1 **13) "Point of Hire"** refers to the place indicated in the contact of
2 employment which shall be the basis for determining commencement
3 and termination of contact;
4
- 5 **14) "Principal" or "employer"** refers to any person, partnership or
6 corporation registered and duly authorized to engage in overseas
7 shipping activities engaging Filipino seafarers;
8
- 9 **15) "Rating"** refers to any member of the crew other than the Master or
10 the Officer, who is considered as ordinary seaman, boatswain or
11 bosun un the deck; the wiper, motorman, fitters, and such other
12 special rating needed on board the vessel.
13
- 14 **16) "Recruitment and Placement"** refers to any act of canvassing,
15 enlisting, contracting, transporting, utilizing, hiring or procuring
16 workers, and include referrals, contract services, promising or
17 advertising employment, locally or abroad whether for profit or not:
18 provided, that any person or entity, which is any manner, offers or
19 promise employment for a fee to two (2) or more person's shall be
20 deemed engaged in recruitment and placement;
21
- 22 **17) "Recruitment and Placement"** refers to any act of canvassing,
23 enlisting, contracting, transporting, utilizing, hiring or procuring
24 workers, and include referrals, contract services, promising or
25 advertising employment, locally or abroad, whether for profit or not:
26 provided, that any person or entity which, is any manner, offers or
27 promises employment for a fee to two (2) or more persons shall be
28 deemed engaged in recruitment and placement;
29
- 30 **18) "Seafarers"** refers to any person who fulfills the conditions to be
31 employed or engaged as part of the crew or complement of the ship
32 navigating the domestic and international water than a government
33 ship used for military or commercial purposes;
34
- 35 **19) "Shipowner"** refers to the owner of the ship or any other organization
36 or person, such as the manager agent or bareboat charterer, who has
37 assumed the responsibility for operation and management of the ship
38 from the ship owner, and who, on assuming such responsibilities, has
39 agreed to take over all the attendant duties and responsibilities of a
40 ship owner;
41
- 42 **20) "Vessel"** includes any ship or boat of any nature whatsoever,
43 ordinarily engaged in maritime navigation;
44
- 45 **21) "Commission on Higher Education (CHED)"** refers to the
46 government agency created pursuant to Republic Act No. 7722;
47
- 48 **22) "Department of Education (DepEd)"** refers to the government
49 agency created pursuant to executive order No. 117 (30 January
50 1987), as amended by Republic Acts. 7722, 7796 and 9155 (11
51 August 2001);
52
- 53 **23) "Department of Foreign Affairs (DFA)"** refers to the government
54 agency pursuant to Republic Act No. 7157;
55

- 1 **24) "Department of Labor and Employment"** refers to the government
2 agency created pursuant to executive Order No. 292;
3
4 **25) "ILO"** refers to the International Labor Organization;
5
6 **26) "IMO"** refers to the International Maritime Organization;
7
8 **27) "Maritime Industry Authority (MARINA)"** refers to the government
9 agency created pursuant to Presidential Decree 474;
10
11 **28) "Maritime Training Council"** refers to the government agency
12 created pursuant to letter of Instruction 1404;
13
14 **29) "NSO"** refers to the National Statistics Office;
15
16 **30) "Overseas Workers Welfare Administration (OWWA)"** refers to the
17 government agency created pursuant to Executive Order No. 797, as
18 amended by Executive Order No. 56;
19
20 **31) "Philippine Coast Guard (PCG)"** refers to the government agency
21 created pursuant to Republic Act No. 517;
22
23 **32) "Philippine Overseas Employment Agency (POEA)"** refers to the
24 government agency created pursuant to executive Order No. 797, as
25 amended by Executive Order No. 56;
26
27 **33) "Philippine Seafarer One Stop Processing Center (PSOC)"** refers to
28 the facility center which house all relevant offices/agencies involved in
29 providing services to seafarers in one roof, created under
30 Administrative Order No.56;
31
32 **34) "PRC"** refers to the Professional Regulation Commission as created by
33 Presidential Decree (P.D.) No. 223
34
35 **35) "STCW '78"** refers to the International Convention on Standards of
36 Training, Certification and Watch-keeping for Seafarers of 1978, as
37 amended;
38
39 **36) "Technical Education and Skills Development Authority"** refers to
40 the government agency created pursuant to Republic Act No. 7796;
41
42 **37) "TLC"** refers to the Technical and Livelihood Center; and
43
44 **38) "CDA"** refers to the Cooperative Development Authority
45

46 **CHAPTER II**
47 **FILIPINO SEAFARER'S RIGHTS**
48

49 **SEC. 5. Access to Educational Advancement and Training.** -The State
50 shall ensure Filipino Seafarers, whether plying the domestic or international
51 waters, access to educational advancement, and training at reasonable and
52 affordable costs.
53

54 Toward this end, the State shall:
55

- 1) Regulate the operation of all educational and review institutions offering courses related to seafaring;
- 2) Pursue grant programs such as scholarships, subsidies, load assistance, and other measures that will harness the skills of Filipino seafarers toward new demands in the industry; and
- 3) Ensure that requirements on training and upgrading as mandated by manning and crewing agencies for employment, reemployment or promotion purposes shall take into account the seafarer's right to spend quality time with his family.

SEC. 6. Access 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.

Toward this end, manning or crewing agencies, and other organizations responsible for the recruitment and employment of Filipino seafarers, whether plying domestic or international waters, shall be mandated to make contract of employment, the computation and manner by which salaries are remitted to their allottees, and the specific privileges and benefits available in the contract of employment accessible to their possible recruits or clientele.

SEC. 7. Right to Humane Conditions of Work and Right to Just Compensation. – The State shall guarantee Filipino seafarers the right to humane conditions of work and the right to standard salary compensatory to their rank, hours of work and other relevant basis for wage computation, minimum number of working hour, rest day, vacation pay, and “end-of-contract” pay in accordance with the agreement of the parties concerned and with existing domestic and international law.

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

SEC. 9. Right to Legal Representation. – Filipino seafarers who are victims of illegal recruitment, illegal dismissal or suspension, and other forms of violation of contract shall have 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.

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

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CHAPTER III
PHILIPPINE SEAFARER ONE STOP PROCESSING CENTER

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SEC. 10. Philippine Seafarer One Stop Processing Center (PSOC). - The PSOC, as established under Administrative Order No. 56, has been tasked to operational and make available to the public, an integrated document processing center for the seafarers and the general public to conduct official transactions.

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PSOC shall provide the services of the following government offices:

- 36 1) Overseas Workers Welfare Administration (OWWA);
- 37 2) Commission on Higher Education (CHED);
- 38 3) Professional Regulation Commission (PRC);
- 39 4) Technical Education and Skills Development Authority (TESDA);
- 40 5) Maritime Industry Authority (MARINA);
- 41 6) National Telecommunication Office (NTC);
- 42 7) Maritime Industry Council (MTC);
- 43 8) Department of Foreign Affairs (DFA);
- 44 9) National Bureau of Investigation (NBI);
- 45 10) Social Security System (SSS);
- 46 11) Pag-Ibig Fund;
- 47 12) Philippine Coast Guard (PCG);
- 48 13) National Statistics Office (NSO); and
- 49 14) Such other government offices that the Secretary of DOLE may deem necessary.

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SECTION 11. Rationalizing Government System and Procedures. - the government offices enumerated under Section 10 hereof shall within three (3) months from the effectivity of this Act, and in consultation with seafarers organizations, recruitment agency association, and non-government organizations concerned, rationalize and streamline policies, rule and procedures governing the documentation licensing, certification, recruitment, hiring and deployment of seafarers and the OFWs, in general.

Said offices, through the POC, shall enforce the streamlining of policies and procedures involved in overseas employment with the view of cutting the time required for documentary processing. Simplifying licensing and certification procedures, and facilitating and extension of welfare and support services to their respective clients.

These streamlining efforts shall focus on, among others:

- 1) Simplification of systems and procedures and reduction of documentary requirements;
- 2) Implementation of the full disclosure policy;
- 3) Formulation and implementation of a system of registration of seafarers and the other OFWs, the registration, accreditation, and licensing of private manning or crewing agencies, and all other related regulatory function;
- 4) Elimination of unnecessary duplicative requirements that go beyond the requirements as defined in the STCW '78, as amended;
- 5) Formulation of regulated employment standard setting by prescribing minimum provisions of the employment contract in conformity with labor standard under Philippine laws and regulations;

- 1 6) Regulation of rule that ensure speedy disposition of illegal recruitment
2 cases;
- 3 7) Formulation of rules that ensure speedy disposition of illegal
4 recruitment cases; and
- 5 8) Development and implementation of an effective information program,
6 in coordination with manning or crewing agencies for the purpose of
7 informing the seafarers of their rights, obligations benefits and option
8 attending to specific situations that they may face in the course of
9 their employment.

10
11 **CHAPTER IV**
12 **MANDATORY REQUIREMENTS FOR FILIPINO SEAFARERS**

13
14 **SECTION 12. Mandatory Minimum Requirements.** - To be eligible for
15 employment, a seafarer must:

- 16
17 1) Be a Filipino Citizen;
- 18 2) Be at least, eighteen (18) years old,
- 19 3) Be fit for duty as certified by the government- accredited institution
20 authorized to conduct physical and medical examination for overseas
21 employment;
- 22 4) Meet the qualification and certification requirements prescribed by the
23 DOLE agency concerned and the standard requirements under the
24 STCW '78 as amended, and other international instruments
25 prescribed relevant standards;
- 26 5) Registered with and duly certified by the DOLE agency concerned as
27 eligible for overseas employment if serving an ocean going vessels, and
28 as eligible for local employment if serving on board domestic or inter-
29 island vessels; and
- 30 6) Other qualification requirements that may be prescribed by the DOLE
31 in keeping with international demands.

32
33 **SECTION 13. Role of Government Agencies.** - The following government
34 agencies shall perform the following to promote the welfare and protect the
35 rights of Filipino seafarers and whenever practicable, all overseas Filipinos:

- 36
37 1) Department of Foreign Affairs. The DFA, through its home offices or
38 foreign posts, shall take priority action or make representation with
39 the foreign authority concerned to protect the rights of Filipino
40 seafarers and other overseas Filipinos and extend immediate
41 assistance, including the repatriation of distressed or beleaguered
42 Filipino seafarers and other overseas Filipinos;
- 43
44 2) Commission on Higher Education (CHED) shall ensure the promotion
45 of quality and efficiency in maritime education through advocacy and
46 accountability.
 - 47
48 a) Commission on Higher Education and Technical Education and
49 Skills Development Authority. The TESDA shall ensure that the
50 curricula for the seafarer's education and training are in
51 consonance with the demands of global maritime industry as well
52 as with the requirement of STCW '78 as amended.
 - 53
54 b) Commission on Higher Education and Maritime Training Council.
55 The CHED, in coordination with MTC and responsible for the
56 continuous and comprehensive research, review and upgrading of

1 the system of education, training, certification and recruitment of
2 all maritime schools and institutions, as well as the manning or
3 crewing agencies and regulatory commissions.
4

5 3) Department of Labor and Employment. The DOLE shall ensure that
6 labor and social welfare laws in foreign countries are fairly and
7 faithfully applied to Filipino seafarers and whenever applicable to
8 other overseas Filipinos, including the grant of legal assistance and
9 the referral to proper medical centers or hospitals;
10

11 a) Maritime Training Council. The MTC shall be responsible in the
12 formulation, adoption and enforcement of regulatory measures for
13 the observance of both the accredited training centers and
14 agencies and the trainees to ensure quality standard and
15 mechanisms of training and competence of local seafarers.
16

17 b) Maritime Industry Authority. The MARINA shall be responsible in
18 the formulation, adoption and enforcement of regulations
19 governing and quality standards and mechanisms of training and
20 competence of local seafarers.
21

22 c) Philippine Overseas Employment Agency. In pursuit of promoting
23 the well-being of the Filipino seafarers, the POEA shall:
24

25 1. Look into the improve on the working conditions and terms of
26 employment of the officers and crew of vessels of Philippine
27 registry, and of such officers and crew members who are
28 Filipino citizens and employed by foreign vessels;
29

30 2. Develop an effective system of monitoring and gathering welfare
31 concerns for purposes of determining future welfare programs,
32 monitoring existing welfare activities and addressing current
33 welfare issues prioritize according to urgency;
34

35 3. Observe and conduct a comprehensive and updated system of
36 pre-departure orientation seminars or briefings to departing
37 seafarers and other maritime workers scheduled for
38 deployment. It shall also undertake studies and distribute
39 relevant materials for use in pre-departure orientation seminars
40 of maritime workers and other related activities;
41

42 4. Accredite, regulate, and supervise pre-departure orientation
43 seminars or briefings of authorized manning or crewing
44 agencies;
45

46 5. Formulate and undertake programs and projects for the
47 effective and efficient utilization of the seafarers welfare fund;
48

49 6. Provide services to assist maritime worker and their immediate
50 dependents and families; and
51

52 7. Perform such other duties as may be essential in giving
53 assistance to seafarers and their families.
54

55 **SEC. 14. Filipino Seafarers' Research and Resources Center.** - The
56 CHED shall coordinate with the University of the Philippines School of
Labor and Industrial Relations (UP SOLAIR) for the establishment of an

1 interdisciplinary research and resource center of Filipino seafarers and
2 maritime affairs. The center shall primarily conduct studies and researches
3 which shall enhance the well-being and interests of Filipino seafarers and
4 their competitiveness in the global maritime market.

5
6 **CHAPTER VI**
7 **DOCUMENTATION, LICENSURE AND EXAMINATIONS**
8

9 **SEC. 15. Documentation**
10

- 11 a. For purposes of documentation, the Filipino seafarers shall be
12 categorized as local and overseas seafarers.
13
- 14 b. Local seafarers are considered documented when they possess the
15 following documents:
16 1) Seafarers identification and Record Book (SIRB) and Certificate of
17 Competency issued by the MARINA;
18 2) Certificate of Completion of Training of prescribed courses issued
19 by the accredited training centers;
20 3) Licensure Certificate if the seafarer is a harbor Pilot or a Major or
21 Minor Patron.
22
- 23 c. Overseas seafarers are considered documented when they possess the
24 following documents;
25
- 26 1) Seafarers Identification and Record Book (SIBR) and Certificate of
27 Competency issued by the MARINA and the Seafarer's Registration
28 Certificate (SRC) issued by the POEA;
29 2) Certificate of Completion of Training of prescribed courses issued
30 by the accredited training centers and the valid Certificate of
31 Competency issued by the PRC for marine officers and TESDA for
32 ratings and support level crew or by the assessment center duly
33 accredited by the MTC;
34 3) Licensure Certificate if the seafarer is a marine officer;
35 4) Such other documents as may be required.
36

37 **SEC. 16. Licensure and Examination.** - The Professional Regulatory
38 Commission (PRC) shall be the lead agency in administering licensure
39 examinations and the issuance of such licensure certificates to seafarers in
40 the officer level. Except those categorized as harbor Pilots and Major and
41 Minor Patrons for local shipping which authority shall devolve to the
42 MARINA.
43

44 The TESDA shall be the lead agency in administering examinations and the
45 issuance of the necessary certificates to seafarers in the ratings level. The
46 government agencies aforementioned shall formulate and undertake a
47 systematic program of implementing government policies pertinent to the
48 licensing of specific categories of seafarers.
49

50 The issuance of licenses and endorsement certificates to seafarers shall not
51 require pre-conditions other than what are required under the STCW '78 as
52 amended and other specific laws enacted for the purpose of regulating the
53 profession.
54

55 **SECTION 17. Integrated Documentation System.** - The DOLE, in
56 coordination with government agencies concerned, shall develop an

1 integrated Documentation System (IDS) for the purpose of integrating and
2 systematizing the documentation of education, training licensing, and
3 certification among Filipino Seafarers. Said IDS shall contain all relevant
4 information in the seafarer, including education, training, licensure
5 examinations and certification taken, it shall be used by the seafarers in all
6 his transactions with government, manning or crewing agencies, and other
7 pertinent bodies.

8
9 As such, agencies of the government concerned shall develop and
10 implement an information system that shall connect their respective
11 databases for the purposes of data storage sharing and generation pursuant
12 to section 20 of Republic Act No. 8042.

13
14
15 **CHAPTER VII**
16 **RECRUITMENT AND PLACEMENT**

17
18 **A. The Recruitment and Placement Industry**

19
20 **SEC. 18. Private Sector Participation in the Recruitment and**
21 **Placement of Filipino Seafarers.** - Pursuant to national development
22 objectives and in order to harness and maximize the use of private sector
23 resources and initiative in the development and implementation of a
24 comprehensive employment program, the private sector shall participate in
25 the recruitment and placement of Filipino seafarers locally and overseas:
26 *Provided*, That such recruitment and placement procedures are consistent
27 with the provisions stipulated under this Act and such other guidelines,
28 rules and regulations as may be promulgated by the DOLE

29
30 **SEC. 19. Capitalization in the Recruitment and Placement Industry.** -
31 Individuals or corporations, partnership or entities applying for a license or
32 authority or renewal thereof shall be required a minimum capitalization and
33 such other requirements as may be prescribed by DOLE.

34
35 The same shall be obliged to pay such escrow deposits and surety bonds, in
36 an amount and conditions as may be prescribed by the DOLE to guarantee
37 compliance with all terms and conditions of the contract of employment and
38 applicable laws.

39
40 Individuals or corporations, partnerships or entities applying for license or
41 authority or renewal thereof shall be required to pay the filing and
42 registration fees as may be prescribed by DOLE.

43
44 **SEC. 20. Non-Transferability of License.** - No license or authority shall be
45 used directly or indirectly by any person other than the one in whose favor
46 it was issued or at any place other than that stated in the license, nor may
47 such license or authority be transferred, conveyed or assigned to any person
48 or entity except under such guidelines as may be prescribed by the DOLE.

49
50 Any transfer of business address, appointment or designation of any agent
51 or representative, including the establishment of additional offices anywhere
52 shall acquire prior approval from the Secretary of the DOLE.

53
54 **SEC. 21. Suspension and/or Cancellation of License or Authority.** - The
55 Secretary of DOLE shall have the power to suspend or cancel and in both

1 instance impose fine any license or authority of this act or of other
2 applicable provisions of laws rules and regulations.

3
4 **SEC. 22. Persons and Entitles Prohibited from Engaging in**
5 **Recruitment and Placement Industry.** – The following are prohibited from
6 engaging directly or indirectly, in the recruitment and placement industry:

- 7
8 1. Any official or employees of DOLE, DFA and their attached agencies or
9 other government agencies involved in the implementation of this Act,
10 or their relatives within the fourth civil degree of consanguinity or
11 affinity;
12 2. Persons and entitles engaged in the business of travel agency or
13 engaged in business as sales agent or airline and/or shipping
14 companies, or their offices, directors or partners.

15
16 **B. Recruitment Placement Policies**

17
18 **SEC. 23. Recruitment and Placement Policies.** – Manning or crewing
19 agencies engaged in private recruitment and placement service shall:

- 20
21 1. Make certain that placement fees or another charges for recruitment
22 or for providing employment to seafarer shall not be borne directly or
23 indirectly, in whole or in part, by the seafarers other than those
24 authorized by law;
25
26 2. For this purpose, the costs of the personal travel documents and
27 Seaman's Book shall not be deemed as "fees and other charges for
28 recruitment,";
29
30 3. Cause the reimbursement of any expenses incurred by the seafarer in
31 connection with his/her documentation and processing for purposes
32 of development, in the event where non-deployment is not the
33 seafarer's fault;
34
35 4. Ensure that the rights and well-being of Filipino seafarers shall be the
36 primary consideration in their recruitment;
37
38 5. Guarantee that recruitment, placement and deployment of Filipino
39 seafarers shall not be made in countries that are deemed inimical to
40 their interest and to the Republic of the Philippines;
41
42 6. Specify, with due regard to the right to privacy and the need to protect
43 confidentially, the conditions under which the personal data of
44 Filipino seafarers are processed by the manning or crewing agencies
45 including the collection, storage combination and communication of
46 such data to third parties;
47
48 7. Cease from furnishing or publishing any false notice or information or
49 document in relation to recruitment and employment, including or
50 attempting to induce a seafarer already employed to quit his/her
51 employment and offering another employment or influencing or
52 attempting to influence whether deliberately or unintentionally, any
53 person on entity not to employ any seafarer or the enforcement of a
54 waiver of quit claims to any seafarer before during and after
55 employment, which act shall be deemed unlawful;
56

- 1 8. Cease from substituting or altering to the prejudice of the seafarer the
2 employment contact approved and process by the DOLE and
3 withholding or denying travel or employment documents from
4 applicant seafarer considerations other than those authorized under
5 this Act the implementing rules and regulations promulgated
6 pursuant to this Act; and
7
- 8 9. Refrain from using means or mechanisms intended to prevent or deter
9 seafarers from gaining employment.
10

11 **SEC. 24. Duties of Manning and Crewing Agencies.** – It shall be
12 incumbent upon manning and crewing agencies to ensure that:
13

- 14 1. Any seafarer recruited or placed by them is qualified and is in
15 possession of the documents necessary for the job concerned;
- 16 2. The contract of employment and articles of agreement are in
17 accordance with the standard terms and conditions governing the
18 employment of the Filipino seafarer on board ocean-going vessel as
19 prescribed by the concerned agency of the DOLE;
- 20 3. The Filipino seafarer is informed of his/her rights and duties under
21 his/her contract of the employment and the article of agreement prior
22 to and in the process of engagement;
- 23 4. Proper arrangements and opportunities are given for the Filipino
24 seafarer to examine his/her contract of employment and the articles
25 of agreement before and after he/she signed such pertinent
26 documents and for him/her to receive a copy of the duly-signed
27 contact of employment;
- 28 5. Adequate information about the conditions attending to the situations
29 on board the vessel and overseas, as well as local and international
30 laws and regulations which apply to the Filipino seafarer in the course
31 of his/her employment or sojourn shall be provided; AND
- 32 6. A registry of all seafarer recruited or placed through them shall be put
33 in place and shall be available for inspection by the competent
34 authority.
35

36 **C. Hiring, Deployment and Employment**

37

38 **SEC. 25. Hiring by Certain Employers.** – Members of the diplomatic corps,
39 foreign government and international organizations may hire Filipino
40 seafarer; provided, that the provisions of this Act and other applicable
41 guidelines, rules and regulations are followed.
42

43 **SEC. 26. Selective Development of Overseas Filipino Seafarers.** –
44 Deployment of overseas Filipino seafarer shall be allowed only in counties
45 where the rights of overseas Filipino seafarer are observed and protected.
46

47 Any of the following legal instruments shall be recognized as guarantee on
48 the part of the receiving country for the protection of the rights of overseas
49 Filipino seafarers:
50

- 51 1. The receiving country has existing labor and social laws protecting the
52 rights of overseas seafarer;
- 53 2. It is a signatory to a multi-lateral convention, declaration, or
54 resolution relating to the protection of overseas seafarer;
- 55 3. It has a bilateral agreement or arrangement with the Philippine
56 government protecting the rights of overseas seafarer; or

1 4. It is taking positive concrete measures to protect the rights of
2 overseas seafarer;

3
4 **SEC. 27. Ban on Restrictions on Deployment.** – Notwithstanding the
5 provisions of the immediately preceding section, the DOLE, in pursuit of
6 national interest or when public welfare so requires, may, at any time ,
7 terminate or impose such restricts or ban on the deployment of overseas
8 Filipino seafarer.

9
10 **SEC. 28. Prohibitions against Indiscriminate Deployment of Filipino**
11 **Seafarer.** – The indiscriminate deployment of following Filipino seafarer
12 shall be deemed prohibited:

- 13
14 1. Those below eighteen (18) years old age;
15 2. Those medically diagnosed to be unfit to work for the job being
16 applied;
17 3. Those whose employment non-qualified for overseas employment;
18 4. Those whose employment contract was not processed and approved
19 by the POEA; and
20 5. Any other factor that the DOLE may deemed prohibited.

21
22 **SEC. 29. Visitorial Powers of the DOLE.** – The Secretary of the DOLE or
23 his/her duly designated representative may, at any time inspect vessels and
24 ships within Philippine jurisdiction of the accredited principal/ship-owner
25 to determine compliance with safety standards and living conditions of
26 seafarer.

27
28 **CHAPTER VIII**
29 **ILLEGAL RECRUITMENT**

30
31 **SEC. 30. Illegal Recruitment.** – For purposes of this Act, illegal
32 recruitment shall refer to any act of canvassing, enlisting, contracting,
33 transporting, utilizing, hiring, or procuring seafarer and includes referring,
34 contract servicing, promising, or advertising of employment for abroad
35 whether for profit or not, when undertaken by a non-licensee or non-holder
36 of authority contemplated under Article 13 (f) of Presidential Decree No. 422,
37 as amended, otherwise known as the Labor Code of the Philippines:
38 *Provided*, That any such non-license or non-holder who, in any manner,
39 offers as promises for a fee employment abroad to two or more person's
40 shall be deemed engaged.

41
42 Illegal recruitment when committed by a syndicate or in a large scale shall
43 be considered an offense involving economic sabotage.

44
45 Illegal recruitment is deemed committed by a syndicate if carried out by a
46 group of three (3) members or more persons conspiring or confederating
47 with one another. It is deemed committed in large scale if committed against
48 three (3) or more persons individually or as a group. Illegal recruitment is
49 also deemed committed in a large scale if the financial or material
50 consideration involved amounts to more than One Hundred Thousand Pesos
51 (P100,000.00), regardless of the number of persons involved.

52
53 The persons criminally liable for the above offenses are the principals,
54 accomplice and accessories. In case of juridical persons, the officers having
55 control, management or direction of their business shall be liable.

1 **SEC. 31. Penalties.**
2

- 3 1. Any person found guilty of illegal recruitment shall suffer the penalty
4 of imprisonment of not less than six (6) years and one (1) day but not
5 more than twelve (12) years and a fine of not less than Two Hundred
6 Thousand Pesos (P200,000.00) nor not more than Five Hundred
7 Thousand Pesos (P500,000.00).
8
- 9 2. The penalty of life imprisonment and a fine of not less than Five
10 Hundred Thousand Pesos (P500,000.00) nor more than One Million
11 Pesos (P1,000,000.00) shall be imposed if illegal recruitment
12 constitutes economic sabotage as defined in the preceding article:
13 *Provided, however,* That the maximum penalty shall be imposed if the
14 person illegally recruited is less than eighteen (18) years of age or that
15 the act of illegal recruitment is committed by a non-license or non-
16 holder of authority
17

18 **SEC. 32. Prohibition on Officials and Employees.** – It shall be unlawful
19 for any official or employee of the DOLE agency concerned or other
20 government agencies involved in the implementation of this Act, or their
21 relatives within the fourth civil degree of consanguinity or affinity, to engage
22 directly or indirectly, in the business of recruiting Filipino seafarers, as
23 defined under this Act. The penalties provided for in the preceding
24 paragraphs shall be imposed upon them.
25

26 **SEC. 33. Venue.** – A criminal action arising from illegal recruitment as
27 herein defined shall be filed with the Regional Trial Court of the province or
28 with city where the offense was committed or where the offended party
29 actually resides at the time of commission of the offense.
30

31 **SEC. 34. Mandatory Period for Filing of illegal Recruitment Cases.** –
32 The preliminary investigation of cases under this Act shall be terminated
33 within a period of thirty (30) calendar days from the date of their filing.
34 Where the preliminary investigation is conducted by a prosecution officer
35 and a prima facie case is established, the corresponding information shall
36 be filed in court within twenty-four (24) hours from the termination of the
37 investigation.
38

39 If the preliminary investigation is conducted by a judge and a prima facie
40 case is found to exist, the corresponding information shall be filed by the
41 proper prosecution officer within forty-eight (48) hours from the date of
42 receipt of the record of the case.
43

44 **SEC. 35. Prescriptive Periods.** – Illegal recruitment cases under this Act
45 shall prescribe in five (5) years after the commission of the prohibited act;
46 provided, however, that illegal recruitment cases involving economic
47 sabotage as defined herein shall prescribe in twenty (20) years.
48

49 **SEC. 36. Free Legal Assistance; Preferential Entitlement Under the**
50 **Witness Protection Program.** – A mechanism for free legal assistance for
51 victims of illegal recruitment shall be made available by the pertinent
52 agencies of government. Such mechanism shall include coordination and
53 cooperation among the DOLE, DOJ, the IBP, and other non-government
54 organization and volunteer groups.
55

1 Notwithstanding the provisions of Republic Act No. 6981 to the contrary,
2 any person who is the victim of illegal recruitment, or who is willing to be a
3 witness on behalf of the government, shall be entitled to the Witness
4 Protection Program provided thereunder.
5

6 **CHAPTER IX**
7 **CONDITIONS OF EMPLOYMENT**
8

9 **SEC. 37. Employment Agreement.** - The employer shall provide for a
10 written agreement, which shall be drawn up with the seafarer concerning
11 ship work. The agreement shall contain the following:
12

- 13 1. The Capacity in which the seafarer is to serve;
- 14 2. The arrangement made as to the place of discharge and notice to
15 terminate the agreement;
- 16 3. Provisions on rest periods;
- 17 4. The wage agreed upon, its method of computation and manner of
18 payment. In no case shall the parties agree to wages lower than the
19 basic minimum wage prescribe by appropriate government agencies at
20 the time of engagement; and
- 21 5. The duration of the employment contract.
22

23 **SEC. 38. Allotment and Remittances.** - It shall be mandatory for all
24 seafarers to remit a portion of their earning to their families, dependents,
25 and/or beneficiaries in accordance with rules and regulations prescribed by
26 the Secretary of DOLE.
27

28 **SEC. 39. Limitations on Wage Deductions.** - a deduction from the
29 seafarer's wages shall not be made without his/her written consent, unless
30 the deduction is provided for in the contract of employment and is
31 authorized by law.
32

33 **SEC. 40. Rest Periods.** - a seafarer shall be allowed reasonable rest periods
34 in accordance with International standards and the Labor Code. He/she
35 shall entitled to adequate time for rest and sleep. The period of rest shall
36 during any 24-hour period, amount to not less than 10 hours.
37

38 **SEC. 41. Shore Leave.** - The seafarer shall be allowed shore leave when
39 practicable, upon the consent of the master of deputy, taking into
40 consideration the operation and safety of the vessel and the seafarer.
41

42 **SEC. 42. Short Manning and Save Wages.** - In the event that the whole or
43 part of the voyage is carried out with as smaller crew than what it was
44 previously appointed, or if the number of the active members of the crew is
45 reduced prior to or during voyage, the wages saved due to this
46 circumstances shall be distributed proportionately among the members of
47 the active crew who assumed additional work resulting therefrom.
48

49 **SEC. 43. Personal Effects.** - A seafarer may bring a reasonable number of
50 articles for personal use: *Provided, however,* That this does not involve
51 inconvenience to the ship or cargo or pose any health risk on board. If the
52 seafarers' personal effect are lost or damaged as a result of shipwreck, loss
53 or stranding, abandonment of the vessel, or as a result of fire, flooding,
54 collision or piracy, the employer shall reimburse him/her for said loss or
55 damage.
56

1 **SEC. 44. Consideration of Seaworthiness.** – When more than half of the
2 crew makes a written complaint to the master regarding the seaworthiness
3 of the ship for the forthcoming voyage, if the chief engineer of first mate
4 make a similar complaint regarding the part of the ship, appurtenances or
5 equipments under their respective supervision, the ship master shall be
6 bound to have the ship examined. If the shipmaster refuses to let the ship
7 be examined despite valid complaint to do so, the crew may refuse to
8 proceed the voyage.
9

10 **CHAPTER X**
11 **HEALTH AND SAFETY**
12

13 **SEC. 45. Prevention of Health Hazards.** – Work on board the vessel must
14 be organized and executive in such a manner that the seafarer's life and
15 limb is well looked after. When a seafarer is assigned to work due regard
16 shall be paid to his qualification to undertake then work on a safe and
17 sound basis. Provisions shall be made to ensure that the seafarer is well
18 informed of the hazards inherent in the work and that he is given the proper
19 guidance and adequate practice necessary to avoid such hazards.
20

21 **SEC. 46. Sanitary Conditions.** – Measures should be undertaken to ensure
22 cleanliness and proper hygiene on board. The master shall ensure that the
23 crew is provided well-balanced diet. He should also guarantee that the crew
24 receives the necessary vaccination or inoculation as required by the
25 circumstances or the laws of the country of which the vessel may enter.
26

27 **SEC. 47. Medical Examination and Medical Service.** – A seafarer engaged
28 to perform services on board shall secure a medical certificate to the effect
29 that he is not suffering from any illness or mental or physical defect
30 rendering him unfit for work or which may constitute danger to other
31 persons aboard. Any member of the crew may also be required to submit to
32 a medical examination, at the expense of such examination is necessary to
33 monitor and maintain the health and environmental conditions on board
34 the vessels.
35

36 **SEC. 48. Protection from Sexual Harassment.** – it shall be the duty of the
37 master and the employer to prevent the commission of acts constituting
38 sexual harassment and provide measures for the resolution, settlement or
39 prosecution of acts of sexual harassment.
40

41 Sexual harassment is herein defined as an act committed by an employer,
42 employee, supervisor, agent of the employer, any other person who, having
43 authority, influence or moral ascendancy over another in a work
44 environmental demands, request or otherwise requires any sexual favor
45 from another, regardless of whether the demand, request or requirement is
46 accepted by the subject of the said act.
47

48 **CHAPTER XI**
49 **SOCIAL WELFARE SERVICE AND DISABILITY BENEFITS**
50

51 **SEC. 49. Disability.** – In case of work-related total or partial disability of
52 the seafarer during the term of his/her employment cause by either injury
53 or illness, the seafarer shall be compensated in accordance with the
54 schedule of the benefits prescribed by the law. Computation of his/her
55 benefits arising from an illness or disease shall be governed by the rates and

1 the rules of compensation applicable at the time the illness or disease was
2 contracted.

3
4 No compensation shall be payable in respect in any injury, incapacity,
5 disability or death of the seafarer resulting from his/her willful or criminal
6 act; provided however, that the employer can prove that such injury,
7 incapacity, disability or death is directly attributable to the seafarer.

8
9 When requested, the employer shall furnish the seafarer a copy of all
10 pertinent medical reports or records at no cost to the seafarer.

11
12 **SEC. 50. Employer's Liability in Case of Death.** - When the seafarer dies
13 as a result of injury or illness during the term of employment, the employer
14 shall pay the beneficiary/ies of the seafarer all outstanding obligations due
15 the seafarer under his/her employment contract; the employer is also
16 mandated to notify the next of kin and make arrangement for burial, return
17 or repatriation of the remains. If the death occurs in a foreign territory, the
18 master shall also inform the nearest Philippine Embassy or Foreign Service
19 Office of said death. The remains and personal effects of the seafarer shall
20 be transported to the Philippines employer's expense except if the death
21 occurred in the port where local government laws or regulations do not
22 permit the transport of such remains.

23
24 In case death occurs at sea, arrangements for the handling of the remains
25 shall be drawn up and proposed by the shipmaster to the deceased next of
26 kin. In all cases, the employer and/or shipmaster through the manning and
27 crewing agency, shall communicate with the next of kin of the deceased and
28 secure the next of kin's concurrence as regards the proposed arrangements
29 covering the handling of the seafarer's remains. The employer shall also pay
30 for the seafarer's burial expenses.

31
32 **SEC. 51. Death Benefits.** - In case of work-related death of the Filipino
33 seafarer during the term of his contract, the employer shall pay his
34 beneficiaries the corresponding death benefits.

35
36 The benefits shall be separate and distinct from and shall be in addition to
37 whatever benefits shall be payable in case of death resulting from a willful
38 act by the Filipino seafarer. In connection thereto, the employer can prove
39 that such death is directly attributable to the seafarer.

40
41 **SEC. 52. Payment of Benefits.** - The Employer shall have ensure
42 expeditious arrangement for the payment of death or personal injury
43 benefits provided under this Act. The employer shall likewise arrange for
44 adequate insurance coverage.

45
46 **SEC. 53. Review of Benefits.** - The POEA shall, upon consultation with the
47 seafarer's unions and associations of manning agencies and shipping
48 companies undertake a regular annual review of death benefits provided
49 under this Act and through its governing board, update or amend the death
50 benefits to keep it at par with prevailing international standards.

51
52 **SEC. 54. Seafarer's Loan Guarantee Fund.** - The OWWA in coordination
53 with government financial institutions, shall institute financing schemes
54 that will expand the grant of pre-departure load and family assistance load
55 to seafarer in accordance with Section 21 of RA No. 8042.

1 **SEC. 55. Housing and Provident Benefits** – Seafarers shall be provided
2 access to the government’s housing program through membership in the
3 Home Development Mutual Fund (Pag-Ibig Fund).
4

5 **SEC. 56. Care of the Sick or Injured.** – In case of illness or injury during
6 the term of employment, the master shall arrange for the seafarer to receive
7 proper nursing care on board or ashore, including medical attention,
8 medicines and attention.
9

10 The sick or injured seafarer shall continue to receive his wage during the
11 time he is under contract.
12

13 If the work-related injury or illness requires medical and/or dental
14 treatment in a foreign port, the employer shall be liable for the full cost of
15 such medical, serious dental, surgical and hospital treatment as well as
16 board and lodging until the seafarer is declared fit to work or to be
17 repatriated.
18

19 **SEC. 57. Care for Repatriated Seafarers.** – If after repatriation the
20 overseas seafarer still requires medical attention arising from said injury or
21 illness, he shall be so provided, at cost to the employer until such time he is
22 declared fit and the degree of his disability has been established by the
23 employer-designated physician.
24

25 For this purpose, the seafarer shall submit himself to a post-employment
26 medical examination by a company-designated physician within three (3)
27 working days upon his return except when he is physically incapacitated to
28 do so, in which case, a written notice to the agency within the same period
29 is deemed as compliance, failure of the seafarer to comply with the
30 mandatory reporting requirement shall result in his forfeiture of his right to
31 claim the above benefits.
32

33 **CHAPTER XII**
34 **DISCIPLINARY AND DISPUTE SETTLEMENT PROCEDURE**
35

36 **SEC. 58. Duties of the Employer/Master.**
37

- 38 1. To faithfully comply with the stipulated terms and conditions of the
39 employment contract, particularly the prompt payment of wages,
40 remittance of allotment and the expeditious settlement of valid claims
41 of the seafarer;
42
- 43 2. To make operational on board the vessel the grievance machinery
44 provided in his contract and ensure its free access at all times by the
45 seafarer; AND
46
- 47 3. To ensure the protection and safety of seafarer at all times
48

49 **SEC. 59. Duties of the Seafarer.**
50

- 51 1. To faithfully comply with and observe the terms and conditions of his
52 contract violation of which shall be subject to disciplinary sanctions;
53
- 54 2. To treat the ship and the cargo with proper care out his duties as a
55 whole with due responsibility;
56

- 1 3. To comply with company rules, regulations and policies consistent
2 with the rules and regulations issued by the DOLE;
3
- 4 4. To conduct himself in an orderly and respectful manner towards
5 passengers and shippers stevedores, port authorities and other
6 persons official business with the ship. Each shall treat his/her
7 colleagues on board with due consideration; and
8
- 9 5. To observe the grievance procedure outlined in this Act.
10

11 **SEC. 60. Disciplinary Procedures.** - The employer/master shall serve the
12 seafarer with a written notice containing the grounds for the charges against
13 the seafarer concerned.
14

15 The employer/master or his/her authorized representative shall conduct the
16 investigation or hearing, giving the seafarer the opportunity to explain or
17 defend himself against the charges. An entry on the investigation shall be
18 made in the ships logbook if, after the investigation or hearing, the
19 employer/master is convinced that the imposition of a penalty is justified
20 the employer/master shall issue a written notice of penalty and the reason
21 thereof to the seafarer, with copies furnished to the manning or crewing
22 agency which deployed the said seafarer.
23

24 The aggrieved seafarer may appeal in writing within a period of five (5) days
25 from the date the Master rendered decision to a Grievance Resolution
26 Committee composed of one (1) representative from the ratings to be the
27 chosen by the concerned seafarer, one (1) representative from the officer
28 level to be chosen by the Master, and shipmaster.
29

30 The Grievance Resolution Committee shall review the appeal within a period
31 of not more than fifteen (15) days from the date of appeal execution of
32 judgment is deemed suspended upon filling of the appeal.
33

34 **SEC. 61. Grievance Machinery.**
35

36 (a) If the seafarer considered himself aggrieved he shall make his
37 complaint in accordance with the following procedures:
38

- 39 1. The seafarer shall approach the head of the Department in which he
40 is assigned to explain his grievance:
41
- 42 2. The seafarer shall state his grievance in writing and in an orderly
43 manner and shall choose a proper time when his complaint or
44 grievance can be properly heard;
45
- 46 3. The department head shall seek resolve the complaint or grievance
47 and where solution is not possible at his level refer the complaint or
48 grievance to the Master;
49
- 50 4. If the seafarer is not satisfied with the decision of the Mater, he may
51 appeal to the Grievance Resolution Committee which shall be chosen
52 by the concerned seafarer, one (1) representative from the officer level
53 to be chosen by the Master, and one (1) neutral party to be agreed on
54 by the concerned seafarer and shipmaster;
55

- 1 5. The Grievance Resolution Committee shall seek to address and
2 resolve the grievance within a period of fifteen (15) days upon receipt
3 of written appeal;
4
- 5 6. If no satisfactory result is achieved, the seafarer concerned may
6 appeal to the management of the company or with a Philippine Labor
7 Attache or consular officer overseas;
8
- 9 7. The Master shall afford such facilities necessary to enable the seaman
10 to transmit hi appeal; and
11
- 12 8. When availed by the seafarer the grievance procedure and all actions
13 or decisions agreed upon shall be properly documented for the
14 protection and interest of both parties. Speedy resolution of cases
15 shall be given utmost priority.
16

17 **SEC. 62. Dispute Settlement.** - The procedure herein stated shall be
18 without prejudice to the other action that may be brought by the seafarer
19 before the jurisdiction of the concerned regular courts and/or NLRC; or to
20 the exclusive and original jurisdiction of the voluntary arbitrators of the
21 National Conciliation and Mediation Board (NCMB) of DOLE.
22

23 **SEC. 63. Voluntary Arbitration.** - Pursuant to the constitutional mandate
24 on the preferential use of voluntary modes of dispute settlement, the DOLE
25 shall adopt procedural guidelines in the conduct of voluntary arbitration
26 proceedings involving the maritime sector and promote the use of voluntary
27 arbitration as a mode to achieve speedy resolution of cases.
28

29 **SEC. 64. Money Claims.** - Notwithstanding any provision of law to
30 contrary, the Labor Arbiters of the NLRC shall have the original and
31 exclusive jurisdiction to hear and decide, within ninety (90) calendar days
32 after filling of the complaint, the claims arising out of an employer-employee
33 relationship or by virtue of any law or contract involving a Filipino seafarer,
34 including claims for actual, moral exemplary and other forms of damages.
35

36 The liability of the principal/employer and the manning or crewing agency
37 for any and all claims under this section shall be joint and several this
38 provision shall be a condition precedent for its approval. The performance
39 bond to be filed by the manning and crewing agency, as provided by law,
40 shall be answerable for all money claims or damages that maybe awarded to
41 the seafarer concerned. If the manning or crewing agency is a juridical being
42 the corporate officers and directors and partners shall themselves be jointly
43 and solitarily liable with the corporation or partnership for the aforesaid
44 claims and damages.
45

46 Such liabilities shall continue during the entire duration of the employment
47 contact and shall not be affected by any substitution, amendment or
48 modification made locally or in a foreign country where the said contact was
49 entered into any compromise, amicable settlement or voluntary agreement
50 on money claims inclusive at damages under this section shall be paid
51 within four (4) months from the approval of the settlement by the
52 appropriate authority.
53

54 In case of termination of overseas employment without just, valid or
55 authorized cause defined by law or contract the seafarer shall be entitled to
56 the full reimbursement of his/her placement fee with interest at twelve

1 percent (12%) per annum, plus his/her placement fee with interest at
2 portion of his/her employment contract or for three (3) months for every
3 year of the unexpired term, whichever is less.

4
5 **SEC. 65. Liability for Claims.** - The liability of the principal/employer and
6 the manning agency for any claims made by Filipino seafarer under this title
7 shall be joint and several.

8
9 **SEC. 66. Prescriptive Period.** - Recognizing the particular nature of
10 overseas shipboard employment, all monetary claims arising from the
11 seafarer's contact shall prescribe within three (3) years from the date of the
12 seafarer's return to the point of hire. All monetary claims of those employed
13 in domestic shipping shall prescribe within three (3) years from the day
14 action commenced.

15
16 **CHAPTER XIII**
17 **POST EMPLOYMENT**

18
19 **SEC. 67. Termination of Employment.** - The employment of the overseas
20 seafarer shall cease when he/she:

- 21
22 a) Completes his/her period of contractual service aboard the vessel,
23 signs off from the vessel and arrives at the point of hire;
24
25 b) Arrives at the point of hire for any of the following reasons:
26
27 1. Voluntarily resigns for just cause and signs off prior to expiration
28 of contract;
29 2. Signs off and disembarks for health reasons;
30 3. Signs off due to shipwreck, lay-up of vessel, change of vessel or
31 discontinuance of voyage; and
32 4. Is discharged for just cause.

33
34 **SEC. 68. Termination by Seafarer.** - A seafarer may terminate the
35 employer-employees relationship based on either:

- 36
37 1. The ship is not seaworthy;
38 2. The principal changes
39 3. The vessel is sold;
40 4. The vessel is shipwrecked;
41 5. The seafarer has been ill-treated on board and the master has failed
42 to protect him when requested to do so;
43 6. The voyage is discontinued or substantially altered;
44 7. After the seafarers start on board, it appears that the ship is at risk of
45 being seized by a belligerent power or exposed to war damage, or that
46 such risk is imminent or has increased considerably; and
47 8. After the seafarers starts on board, it appears that a violent epidemic
48 disease has broken out in the port for which the ship is bound.

49
50 In the cases mentioned in subparagraphs 6 - 8 hereof, the seafarer may
51 take his/her departure with immediate effect if the voyage has not
52 commenced, or otherwise at the ship's first port of call after he has become
53 aware of the situation.

54
55 **SEC. 69. Prohibition against Transfer of Station.** - A Filipino seafarer
56 shall not be transferred at any port to any vessel owned or operated,

1 manned or managed by the same employer without the seafarer's consent.
2 In the event that the seafarer concerned consents with such transfer, the
3 position of the seafarer and the rate of his/her wages and terms of services
4 shall, in no way, be lower or inferior and the total period of employment
5 shall not exceed that original agreed upon. Any form of transfer shall be
6 documented and reported by the manning or crewing agency to the POEA.
7 Within five (5) days of transfer.

8
9 **SEC. 70. Post-Employment Benefits.** - Whenever applicable, in addition to
10 the benefits a seafarer may be entitled to under the OWWA and the SSS, a
11 retiring seafarer covered by collective bargaining agreement shall be entitled
12 to such post-employment benefits as may be provided in his/her contract or
13 agreement.

14
15 A Filipino seafarer who is not covered by a collective bargaining agreement,
16 on the other hand, may, upon notice to his/her manning or crewing agency
17 and principal, authorize deduction of a specified percentage of his/her
18 monthly wages to form part of his/her voluntary contribution to the post-
19 employment fund. The amount to be deducted shall be placed in an account
20 in the name of the contributing seafarer.

21
22 **CHAPTER XIV**
23 **REPATRIATION**
24

25 **SEC. 71. Repatriation.** - All costs related to the repatriation and/or
26 transport of the personal effects of a seafarer shall be borne by or charge to
27 the manning or crewing agency concerned and/or its principal. The
28 expenses of repatriation shall include the transportation charges, the
29 accommodation and the food of the seafarer during the journey. However, in
30 cases where the termination of employment is due solely to the fault of the
31 seafarer, the principal/employer or manning/crewing agency shall not in
32 any manner be responsible for the repatriation of the former and/or his/her
33 personal effects.

34
35 **SEC. 72. Mandatory Repatriation of Underage Seafarers.** - Upon
36 discovery or information of a Filipino seafarer whose actual age falls below
37 eighteen (18) years of age, the nearest Philippine consulate office shall,
38 without delay, repatriate the said seafarer and advise the DFA and DOLE as
39 soon as possible of such recovery and other relevant information.

40
41 **SEC. 73. Emergency Repatriation.** - The DOLE, in coordination with the
42 OWWA and the DFA, shall undertake the repatriation of seafarers in cases
43 of war, epidemics, disasters or calamities natural or man-made, and other
44 similar events without prejudice to reimbursement by the responsible
45 principal or manning/crewing agency.

46
47 **SEC. 74. Legal Assistance Fund.** - The Legal Assistance Fund created
48 under R.A. No. 8042 shall extend legal services to an overseas seafarer who
49 is in distress in accordance with the guidelines, criteria and procedures
50 promulgated therein.

51
52 **CHAPTER XV**
53 **REINTEGRATION SERVICES**
54

55 **SEC. 75. Retraining and Reintegration.** - Returning or unemployed
56 seafarers may avail of the livelihood development/re-training programs and

1 placements services offered by concerned government agencies, including
2 OWWA and TESDA, TLC and the CDA.

3
4 The agencies shall formulate upgrading skills or retraining curricula to meet
5 the needs of returning or unemployed seafarers. The participation of the
6 maritime industry, in particular, port and shipping industry, and maritime
7 education institutions shall be likewise solicited by the DOLE in devising the
8 appropriate retraining and local job placement programs for unemployed
9 seafarers.

10
11 **SEC. 76. Establishment of Reintegration Center.** - A Re-integration
12 Center within the OWWA shall be established to attend to the needs of
13 returning seafarers. The center shall provide a mechanism for their
14 reintegration into the Philippine society, serve as a promotion house for
15 their local employment, and tap their skills and potentials for national
16 development.

17
18 The Center shall provide the following services:

- 19
20 a) Develop livelihood programs and project for returning seafarers in
21 coordination with the private sector and concerned government
22 agencies;
23 c) Coordinate with appropriate private government agencies in the
24 promotion, development, and full utilization of their potentials. For
25 this purpose, the DOLE shall be the lead implementer. The CDA and
26 the TLRC shall develop among returning seafarers, technical expertise
27 in the enterprise building and development, while the DSWD shall
28 provide the necessary services for the effective social reintegration of
29 migrant workers;
30 d) Develop a matching program that will allow returning Filipino
31 seafarers to develop business partnerships and employment options
32 with public and private sector enterprises in the country; and
33 e) provide a periodic study of the assessment of job opportunities for
34 returning seafarers.

35
36 **SEC. 77. Scholarship Program.** - Qualified seafarers or their immediate
37 descendants, who intent to pursue science and technology related courses
38 may apply for scholarships with the OWWA which shall benefit deserving
39 overseas seafarers and/or their immediate descendants below twenty-one
40 (21) years of age who intend to pursue courses or training primarily in the
41 field of science and technology.

42
43 The DOLE, in coordination with the CHED, shall establish a similar
44 program for domestic seafarers within a period of three (3) years from the
45 enactment of this Act.

46
47 **CHAPTER XVI**
48 **ACCOUNTABILITY OF GOVERNMENT OFFICIAL AND PERSONNEL**
49

50 **SEC. 78. Accountability of Government Officials and Personnel.** - Any
51 government official and personnel who fails or refuse to render services (s)
52 and/or assistance to seafarers without just cause shall, after dues notice
53 and hearing, and if found guilty, be punished with suspension from office of
54 not less than sixty days (60) or dismissal from the service with forfeiture of
55 retirement and other benefits.

1
2
3
4 **CHAPTER XVII**
5 **TRANSITORY PROVISIONS**

6 **SEC. 79. Implementing Rules and Regulations.** - The DOLE, in
7 coordination with the DFA and other agencies concerned and within ninety
8 (90) days after the effectivity of this Act, shall formulate its rules and
9 regulations.

10 **SEC. 80. Separability Clause.** If any provision of this Act is declared
11 unconstitutional, the remaining provisions shall continue in force.

12 **SEC. 81. Repealing Clause.** All laws, presidential decrees, issuances,
13 executive orders, letters of instruction, rules or regulations inconsistent
14 with the provisions of this Act are hereby repealed or modified accordingly.

15
16 **SEC. 82. Effectivity Clause.** This Act shall take effect fifteen (15) days after
17 its publication in two newspapers of national circulation.

18
19
20 Approved,