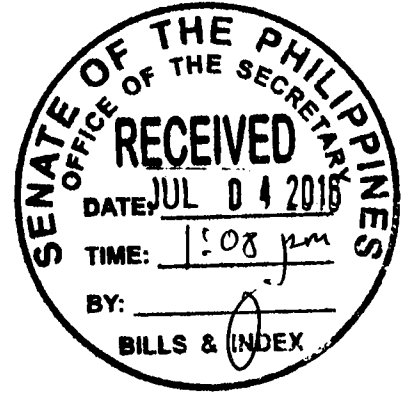


SEVENTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
First Regular Session )



SENATE

S.B. No. 314

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Introduced by Senator SONNY ANGARA

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**AN ACT  
INSTITUTING THE MAGNA CARTA OF FILIPINO SEAFARERS**

**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 25 percent of this seaborne labor force is Filipino. In 2014 alone, the country deployed 401,826 Filipino seafarers according to data from the Philippine Overseas Employment Administration (POEA). In 2015, seafarers were reported to have brought in up to US\$ 5.8 billion or 22.5 percent of the total foreign remittances the country received.

Seafarers deal with circumstances very different from mainstream or land-based 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 internationally recognized instruments, such as those of the International Labor Organization (ILO) and the International Maritime Organization (IMO).

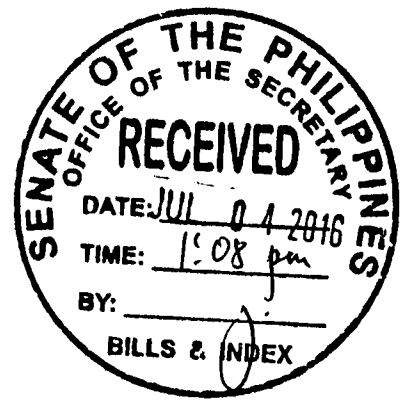
In view of these considerations, it is imperative to enact a *Magna Carta for Seafarers* that promotes the welfare and protect the rights of Filipino seafarers. As a measure that aims to comprehensively protect the rights of Filipino seafarers, the foregoing bill aims to fill the gaps in legislation. In particular, this draft bill is a consolidation of all pending bills in the past Congresses as a result of series of consultations and technical working group sessions with various stakeholders and which was finally endorsed by the Maritime Industry Tripartite Council (MITC) in March 2015.

This Magna Carta for Filipino Seafarers seeks to ensure protection of the rights and welfare of Filipino seafarers. Specifically, it seeks to recognize the rights of Filipino seafarers, institute mechanisms for the enforcement and protection thereof, provide for compulsory benefits, and implement standards set by the Maritime Labour Convention.

Swift approval of this bill is earnestly sought.

  
**SONNY ANGARA**

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



SENATE

S.B. No. 314

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Introduced by Senator **SONNY ANGARA**

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

5 **SEC. 2. Declaration of Policies.** It is hereby declared the policy of the State:

- 6 a) To recognize the rights, contributions and unique role of Filipino seafarers as maritime  
7 professionals as well as their vulnerabilities, and afford them full protection before,  
8 during and after their employment;  
9  
10 b) To maintain and progressively develop a pool of competent and world-class seafarers  
11 through a system of education, training, accreditation and licensing;  
12  
13 c) To establish mechanisms for the enhancement of administrative, adjudicative, social as  
14 well as welfare services for them and their families;  
15  
16 d) To enact laws that adopt, and implement the standards set by international conventions  
17 and agreements on working and living conditions, and occupational safety and health,  
18 among others, for seafarers particularly the Maritime Labour Convention, 2006; and  
19  
20 e) To recognize shipowners, manning and recruitment entities as vital partners in  
21 promoting the skills and competencies of Filipino seafarers.

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

1 **SEC. 3. Applicability.** This Act shall cover Filipino seafarers engaged, employed, or working in  
2 any capacity on board Philippine registered ships operating domestically or internationally as  
3 well as those on-board foreign registered ships.

4 This Act shall not cover the following categories of ships:

- 5 a) Warships and naval auxiliaries;
- 6 b) Government ships not engaged in commercial operations;
- 7 c) Ships of traditional built, as may be defined under existing rules and regulations; and
- 8 d) Fishing vessels.

9

10 **SEC. 4. Definition of Terms.**

11 (a) **“Cadet”** refers to the student of maritime educational institutions who is required to undergo  
12 training on-board registered international ships or domestic ships to fulfil a maritime academic  
13 course;

14 (b) **“Domestic Shipping”** refers to the transport of passenger or cargo or both by ships duly  
15 registered and licensed under Philippine law to engage in trade and commerce between  
16 Philippine ports and within Philippine territorial or internal waters for hire or compensation with  
17 general or limited clientele whether permanent, occasional or incidental with or without fixed  
18 routes and done for contractual or commercial purposes.

19 (c) **“International Maritime Convention”** or **“International Convention”** refers to any written  
20 treaty or agreement, or any protocol or amendment thereto, affecting the maritime industry  
21 which has come into force and effect, including the Maritime Labour Convention, 2006;

22 (d) **“License”** refers to the document issued by the Department of Labor and Employment  
23 (DOLE) authorizing any person or entity to engage in the recruitment and placement of  
24 seafarers;

25 (e) **“Manning/Recruitment and Placement Agency”** refers to any Filipino person, corporation,  
26 partnership, company, etc. who is engaged in the canvassing, enlisting, contracting,  
27 transporting, utilizing, hiring or procuring whether for profit or not, of seafarers whether domestic  
28 or international;

29 (f) **“Maritime Industry Stakeholders”** shall refer to all private sectors stakeholders, engaged in  
30 the business of owning, managing, chartering and/or operating domestic and international  
31 ship(s) of Philippine or foreign registry, manning of ships, management of ports, stevedoring  
32 and arrastre services, ship brokering and chartering, ship-building and ship repair, providing  
33 maritime services such as ship supplies and provisions, maritime education and training,  
34 shipping agency, and other similar activities. This term shall also include bona fide maritime  
35 labor organizations and professional associations of seafarers;

36 (g) **“Master”** – is a person having command of a ship;

37 (h) **“Maritime Labour Certificate”** - shall refer to the document that certifies that the working  
38 and living conditions of the seafarers on the ship have been inspected and meet the  
39 requirements of Philippine laws and regulations;

40 (i.a) **“Officer”** – means a member of the crew other than the master who has been designated  
41 as such national law or regulation or in the absence of such designation by collective agreement  
42 or custom;

- 1 (i.b) **“Deck Officer”** means an officer qualified in accordance with the provisions of the  
2 International Convention on the Standards of Training, Certification and Watchkeeping for  
3 Seafarers (STCW) 1978 as amended, Chapter II;
- 4 (i.c) **“Engine Officer”** means an officer qualified in accordance with the provisions of the  
5 International Convention on the Standards of Training, Certification and Watchkeeping for  
6 Seafarers (STCW) 1978 as amended, Chapter III;
- 7 (j) **“Philippine National”** shall refer to any individual who is a citizen of the Philippines, or a  
8 commercial partnership or corporation organized under the laws of the Philippines, at least 60%  
9 of the capital of which is owned by citizens of the Philippines;
- 10 (k) **“Philippine Seafarers’ One Stop Processing Center (PSOC)”** shall refer to the facility  
11 center which houses multiple offices/agencies involved in providing services to seafarers in one  
12 roof;
- 13 (l) **“Point of Hire”** refers to the place where the contract of employment was executed;
- 14 (m) **“Recognized Organizations”** refer to organizations recognized by the DOLE to carry out  
15 inspections and/or issue the Maritime Labour Certificate in accordance with the scope of  
16 activities covered by their authorizations;
- 17 (n) **“Repatriation”** refers to the process of returning a seafarer to the point of hire;
- 18 (o) **“Seafarer”** shall refer to all persons who are employed or are engaged or work in any  
19 capacity on board a ship to which the Act applies;
- 20 (p) **“SHIP” or “VESSEL”** shall refer to any kind, class or type of craft or artificial contrivance  
21 capable of floating in water, whether publicly or privately owned, ordinarily engaged in  
22 commercial activities and offshore operations, except fixed platform;
- 23 (q) **“Sea Going Ship”** refers to a ship other than those which navigate exclusively inland water  
24 or in water within or closely adjacent to sheltered water or areas where port regulations apply;  
25 and
- 26 (r) **“Shipowner”** refers to the owner of the ship hiring Filipino seafarers to work on board  
27 domestic ships and ships engaged in international trade, or any other organization or person,  
28 such as the manager, agent or bareboat charterer, who has assumed the responsibility for  
29 operation and management of the ship, and who, on assuming such responsibilities, has agreed  
30 to take over all the attendant duties and responsibilities of a shipowner under this Act,  
31 regardless of whether any other organization or persons fulfil certain of the duties or  
32 responsibilities on behalf of the shipowner.

## 33 34 **Chapter II. Seafarer’s Rights**

35 **SEC. 5. Right to Just Terms and Conditions of Work.** Seafarers shall have the right to:

- 36 a) a safe and secure workplace that complies with safety standards;
- 37 b) decent working and living conditions on-board ship;
- 38 c) medical care, welfare measures and other forms of health and social protection; and
- 39 d) fair terms and conditions of employment including salary commensurate to their rank,  
40 hours of work, and other relevant basis for wage computation, minimum number of  
41 working hours, rest period consistent with Philippine laws or international maritime  
42 conventions, when applicable.

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**SEC. 6. Right to Self-organization, to Engage in Collective Bargaining and to Participate in Democratic Exercises.** Seafarers shall enjoy 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.

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

Toward this end, relevant government agencies shall:

- a) Regulate the operation of all educational and training institutions offering courses related to seafaring;
- 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; and
- c) Promote quality maritime education and training that respond to the needs of the industry and in accordance with minimum international maritime standards of competency.

**SEC. 8. Right to Relevant Information.** Shipowners, manning agencies, and other organizations responsible for the recruitment and placement of Filipino seafarers shall be mandated to provide seafarers relevant information. This right shall include the right of seafarers organizations to relevant information affecting the terms and conditions of employment of their members.

All ships covered by this Act shall have a copy of the Maritime Labour Convention, 2006 and the grievance procedures available on-board.

**SEC. 9. Right to Consultation.** Seafarers, shipowners and legitimate seafarers' and shipowners' organizations, as well as other relevant stakeholders, shall be adequately consulted before adopting any maritime policy, executive issuance, rule or regulation or in the enactment of any maritime law that may directly affect them and/or their families and beneficiaries.

**SEC. 10. Right Against Discrimination.** Upon employment, seafarers shall have the right against discrimination by sole reason of race, sex, religion and political opinion. Career opportunities shall be promoted and appropriate working and living conditions shall be guaranteed equally among male and female seafarers.

**SEC. 11. Right to Free Legal Representation.** Seafarers who are victims of violations of the provisions of this Act and who cannot afford the services of a competent and independent counsel shall have the right to free legal assistance and protection at government's expense subject to existing rules and regulations.

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**SEC. 12. Right to Access to Communication.** Seafarers, especially during their free time or off-duty shall have reasonable access to ship-to-shore telephone communications, and email and internet facilities, where available.

### **Chapter III. Seafarer's Duties**

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

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

### **Chapter IV. Minimum Requirements for Seafarers**

**SEC. 14. Minimum Age.** No person below eighteen years old (18), other than a cadet, shall be employed, engaged, or otherwise allowed to work on board Philippine registered ships operating domestically or internationally as well as those on-board foreign registered ships.

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

Seafarer shall hold a valid medical certificate issued by a medical facility duly accredited by the Department of Health in accordance with its existing rules and regulations.

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

For the purpose of this SEC., a medical certificate issued in accordance with the requirements of STCW shall be accepted.

**SEC. 16. Training and Qualifications.** Only seafarers certified by appropriate government agencies shall work, be employed or be engaged on-board a ship.

1 **SEC. 17. Recruitment and Placement.** Only duly licensed manning or placement and  
2 recruitment agency shall be allowed to operate and engage in the recruitment and placement of  
3 seafarers, in accordance with the rules and regulations as may be issued by the Secretary of  
4 Labor and Employment.

5 No amount or fee shall be charged to the seafarer in the recruitment and placement.  
6

7 **SEC. 18. Contracting or Subcontracting of Services.** Contracting or subcontracting work  
8 arrangement involving seafarers on-board domestic ships shall be governed by existing rules  
9 and regulations issued by the department of labor and employment.  
10

#### 11 **Chapter V. Cadetship**

12 **SEC. 19. Applicability.** The following provisions of this Act shall be applicable in the shipboard  
13 training of cadets: SEC. 8 (Right to Relevant Information); SEC. 10 (Right Against  
14 Discrimination); SEC. 11 (Right to Free Legal Representation); SEC. 12 (Right to Access to  
15 Communication); SEC. 15 (Medical Certificate); Chapter VII (Repatriation); Chapter IX  
16 (Accommodation, Recreational Facilities, Food and Catering); and SEC. 42 (On-board and  
17 Onshore Grievance Machinery).  
18

19 **SEC. 20. Shipboard Training Agreement for Cadets.** There shall be a written agreement  
20 between the shipowner on one hand, and the cadet and the maritime institution/school on the  
21 other, which shall embody the following terms and conditions:

- 22 a) The cadet's full name, date of birth, age (at least 16 years old) and birthplace;
- 23 b) The maritime institution's/school's name and address;
- 24 c) The shipowner's name and address, if applicable;
- 25 d) The place and date when the cadet's agreement is entered into;
- 26 e) The capacity in which the cadet is to be trained;
- 27 f) The amount of the cadet's allowance or stipend, if applicable;
- 28 g) Required number of hours of training and rest which would not be less than the  
29 prescribed hours of work and rest in SEC. 21 of this Act; and
- 30 h) Other benefits in accordance with law, company policy or agreements.

31 The foregoing agreement shall be in a working language or in English, executed in three (3)  
32 original copies before the commencement of the shipboard training. The shipowner, cadet and  
33 the maritime institution/school shall each have a signed original of the agreement and an  
34 electronic copy thereof shall be submitted to the Department of Labor and Employment (DOLE)  
35 through the Bureau of Working Conditions (BWC). A signed original shall also be made  
36 available on-board the ship.

37 Maritime Higher Education Institutions (MHEIs) shall demonstrate that over the last three (3)  
38 years, an average of at least seventy percent (70%) of students enrolled in their Bachelor of  
39 Science in Marine Transportation (BSMT) or BSMarE programs are able to secure cadet berths  
40 in connection with their studies. CHED, in coordination with MARINA, shall ensure that only  
41 BSMT or MSMarE programs in MHEIs that meet the above requirement are conferred approved  
42 or accredited status.

1 **Chapter VI. Terms and Condition of Employment**

2 **SEC. 21. Standard Employment Agreement for Seafarers.** There shall be an agreement in  
3 writing between the shipowner and the seafarer, which shall include the following terms:

- 4 a) the seafarer's full name, date of birth or age, and birthplace;  
5  
6 b) the shipowner's name and address;  
7  
8 c) the place where and date when the seafarer's employment agreement is entered into;  
9  
10 d) the capacity in which the seafarer is to be employed;  
11  
12 e) the amount of the seafarer's salary, and the formula used for calculating the same;  
13  
14 f) hours of work and hours of rest;  
15  
16 g) wages and wage-related benefits, which include the following: overtime pay, holiday pay,  
17 premium pay, paid leaves, 13th month pay, if applicable;  
18  
19 h) social security and welfare benefits;  
20  
21 i) stipulation on repatriation or similar undertakings;  
22  
23 j) separation pay and retirement pay, if applicable;  
24  
25 k) reference to the collective bargaining agreement, if applicable; and  
26  
27 l) other benefits in accordance with law, company policy or agreements.

28 The foregoing employment agreement shall be in a working language or in English, executed in  
29 three (3) original copies before the commencement of the employment. The shipowner and the  
30 seafarer shall each have a signed original of the agreement. A signed original shall be made  
31 available on-board the ship.

32 For seafarers on-board foreign registered ships, the Standard Employment Contract (SEC)  
33 approved by the Department of Labor and Employment shall be observed.

34 When there is a collective bargaining agreement, a copy thereof must be maintained on-board  
35 the ship and readily accessible to the seafarers.  
36

37 **SEC. 22. Wages.** Upon effectivity of this Act, the Regional Tripartite Wages and Productivity  
38 Boards shall set the minimum wage rates of the seafarers on-board ships engaged in domestic  
39 shipping, taking into account the peculiarities of the employment arrangement of seafarers and  
40 the criteria as determined pursuant to Republic Act No. 6727. Provided, that wages for actual  
41 work hours and days shall not be lower than the applicable minimum wage rates in the head



1 office of the shipowner. Wages shall be paid at least once every two weeks or twice a month at  
2 intervals not exceeding sixteen (16) days.

3  
4 **SEC. 23. Hours of work and hours of rest.** The normal hours of work of seafarer shall not  
5 exceed eight (8) hours a day. If the seafarer is allowed to work beyond eight (8) hours, the  
6 maximum hours of work shall not exceed fourteen (14) hours in any 24-hour period and  
7 seventy-two (72) hours in any seven-day period.

8 The minimum hours of rest for every seafarer shall not be less than ten (10) hours. Hours of rest  
9 may be divided into no more than two periods, one of which shall be at least six (6) hours in  
10 length, and the interval between consecutive periods of rest shall not exceed fourteen (14)  
11 hours.

12 In exceptional cases, seafarers in watchkeeping duties may be required to work beyond  
13 fourteen (14) hours provided that the rest period is not less than seventy (70) hours in any  
14 seven-day period. This exception shall not be allowed for more than two (2) consecutive weeks.  
15 The intervals between two (2) periods of exceptions shall not be less than twice the duration of  
16 the exception.

17  
18 **SEC. 24. Paid Annual Leave.** Whenever applicable, the seafarers shall be paid an annual  
19 leave to be calculated on the basis of a minimum of 2.5 calendar days per month of  
20 employment.

21 For ships licensed to engage in domestic shipping, the rules found in Book Three Chapter III, on  
22 "Holidays", Service Incentives Leave and Service Charges" of the Labor Code of the Philippines  
23 shall continue to apply and shall be considered as substantially complying with international  
24 standards unless higher annual leave is already provided under the Collective Bargaining  
25 Agreement or by the shipowner as company practice or policy.

## 26 27 **Chapter VII. Repatriation**

28 **SEC. 25. Repatriation.** Seafarers shall be entitled to repatriation. All costs related to the  
29 repatriation and / or transport of the personal effects of a seafarer shall be borne by or charged  
30 to the shipowner and the manning agency concerned. The expenses of repatriation shall include  
31 the transportation charges, pay and allowances from the moment the seafarers leave the ship  
32 until they reach the repatriation destination, the accommodation and the food of the seafarer  
33 during the journey and transportation of 30 kg of the seafarers' personal luggage to the  
34 repatriation destination. However, in cases where the termination of employment is due solely to  
35 the fault of the seafarer, the shipowner or manning agency shall not in any manner be  
36 responsible for the cost of the repatriation of the former and/or his/her personal effects.

37  
38 **SEC. 26. Emergency Repatriation for Seafarers On-board Foreign Registered Ships.** The  
39 Overseas Workers Welfare Administration (OWWA), in coordination with the Department of  
40 Foreign Affairs (DFA) and in appropriate situations, with international agencies, shall undertake  
41 the repatriation of seafarers in cases of war, epidemics, abandonment of ships by shipowners,  
42 disasters or calamities, natural or man-made, and other similar events without prejudice to

1 reimbursement by the responsible shipowner or manning/recruitment and placement agency  
2 within sixty days of notice. In such case, the POEA shall simultaneously identify and give notice  
3 to the shipowner or agency concerned.

4 DFA shall take lead in the repatriation of the effected seafarers in areas where there are no  
5 Philippine Overseas Labor Offices (POLO) present.

6  
7 **SEC. 27. Repatriation for Seafarers On-board Domestic Ships.** The provisions on  
8 repatriation shall also apply to seafarers working on domestic ships. Seafarers on-board  
9 domestic ships shall be entitled to emergency repatriation in cases of war, epidemics,  
10 abandonment of ships by shipowners, disasters or calamities, natural or man-made, and other  
11 similar events.

### 12 13 **Chapter VIII. Manning Requirement**

14 **SEC. 28. Manning Levels.** All ships of Philippine registry shall have the required minimum  
15 manning levels in accordance with the requirements prescribed by MARINA.

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

18  
19 **SEC. 29. Crew Competence.** Every member of the crew of a ship of Philippine Registry shall  
20 possess the appropriate certificate of competency setting forth his competence to serve in the  
21 capacity and perform the functions involved at the level of responsibility, for the position held, for  
22 the type, tonnage, power, means of propulsion, and trading patterns of the ships concerned.

23 The certificate of competency shall attest to the fact that the seafarer to whom it is issued meets  
24 the requirements for service, age, qualification, and examinations for the position held.

25  
26 **SEC. 30. Registry of Seafarers.** The POEA, for ocean-going ships of foreign registry and  
27 MARINA for domestic and ocean-going ships of Philippine registry shall maintain a registry of all  
28 seafarers in the Philippines. The registry shall contain the relevant information or data to  
29 promote employment opportunities for seafarers whether on board or ashore, or allow for  
30 further training and education to support skills development and competencies of seafarers in  
31 order to secure or improve employment opportunities as may be provided in the Implementing  
32 Rules and Regulations.

### 33 34 **Chapter IX. Accommodation, Recreational Facilities, Food and Catering**

35 **SEC. 31. Application.** The requirements of this Chapter for crew accommodation and  
36 recreational facilities covering ships of Philippine Registry shall be applicable to the following:

- 37 a) All ocean-going ships and domestic ships constructed on or after the date when the  
38 Maritime Labor Convention of 2006 came into force;
- 39  
40 b) All second hand ships, whether ocean-going or domestic, acquired or leased, and  
41 entered in the Philippine Registry after the entry date into force of the said Convention  
42 unless provided exemption by the relevant Philippine government agency; and

1  
2 c) All ships constructed prior to the entry into force of the Maritime Labor Convention, 2006,  
3 as the case may be, which undertake major or substantial structural alterations after the  
4 entry into force of the Convention unless provided exemption by the relevant Philippine  
5 government agency.  
6

7 **SEC. 32. Accommodation Facilities.** Unless otherwise exempted herein or by appropriate  
8 regulations, all ships of Philippine registry shall have safe, decent and adequate  
9 accommodations for seafarers taking into account the need to protect the health and safety of  
10 seafarers working or living on board.  
11

12 **SEC. 33. Requirements for Sanitation.** All ships of Philippine registry shall have sanitation  
13 facilities meeting the minimum standards for health and hygiene and accessible to seafarers on-  
14 board. The sanitation facilities shall be located at convenient places, allowing for easy access to  
15 work stations. Separate facilities shall be provided for male and female crew.  
16

17 **SEC. 34. Recreational Facilities.** Unless otherwise exempted herein or by appropriate  
18 regulations, all ships of Philippine registry shall have recreational facilities, amenities, and  
19 services appropriate and accessible for seafarers.

20 Domestic ships are exempted from this requirement taking into consideration the trading  
21 patterns and length of voyages of such ship which allow the crew to go home or to have access  
22 and make use of comparable facilities on land.  
23

24 **SEC. 35. Food and Catering.** The shipowner shall ensure protection and promotion of the  
25 health of the seafarer. Whenever applicable, shipowners shall ensure that ships carry on-board  
26 and serve free food and drinking water of appropriate quality, quantity and nutritional value that  
27 adequately cover the requirements of the ship and take into consideration the differing cultural  
28 and religious backgrounds. The foods and drinks and the preparation thereof shall be in  
29 accordance with the standards of the Sanitation Code of the Philippines and pertinent laws,  
30 rules and regulations.  
31

## 32 **Chapter X. Health Protection and Medical Care**

33 **SEC. 36. Medical Care On-board Ships and Ashore.** The shipowner shall provide adequate  
34 medical services and medicine chest on-board, and access to shore facilities for the protection  
35 of the health of the seafarers, as well as the corresponding medical and/or trained personnel  
36 who shall provide first-aid and medical care pursuant to the Maritime Occupational Safety and  
37 Health Standards and other pertinent laws, rules and regulations.

38 The shipowner shall ensure that seafarers have access to treatment for sickness or injury,  
39 hospitalization and dental treatment.

40 The seafarer shall have the right to consult a qualified physician or dentist without delay in ports  
41 of call, where practicable.  
42

1 **Chapter XI. Welfare and Social Security Protection**

2 **SEC. 37. Social Welfare Benefits.** Without prejudice to established policy, collective bargaining  
3 agreement or other applicable social agreement, all seafarers shall be covered by the Social  
4 Security System, Employees' Compensation and State Insurance Fund, Philhealth, Pag-IBIG  
5 Fund and other applicable laws.

6  
7 **Chapter XII. Compliance and Enforcement**

8 **SEC. 38. Compliance and Certification.** All ships of Philippine registry shall comply with the  
9 provisions of this Act. The shipowner or master shall ensure the compliance of the ship with this  
10 Act and its implementing rules and regulations.

11 The shipowner and master, as acting shipowner's representative, shall be made principally  
12 liable for any violation of the provisions of this Act and its implementing rules and regulations.

13 For this purpose, a Maritime Labour Certificate or a certificate of compliance, as applicable,  
14 shall be issued in accordance with the implementing rules and regulations. DOLE, DFA and  
15 MARINA, in consultation with shipowners and seafarers' organizations, shall formulate the said  
16 implementing rules and regulations.

17  
18 **SEC. 39. Inspection and Enforcement.** For purposes of this Act, the Secretary of Labor or  
19 his/her duly authorized representative, shall have the sole and exclusive authority to inspect all  
20 Philippine ships, domestic or ocean-going to ensure compliance with the provisions of this Act.

21 The Secretary of Labor and Employment may authorize other government agencies or duly  
22 recognized organizations to conduct inspection and issue certification in accordance with the  
23 provisions of this Act and its implementing rules and regulations.

24 Unless directly exercised by the Secretary of Labor and Employment, the duly authorized  
25 representative shall have the power to board ships and carry out any examination, test or  
26 inquiry which they may consider necessary in order to satisfy themselves that the standards are  
27 strictly observed.

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

31 If the violation or deficiency constitutes serious breach of the requirement of this Act and its  
32 implementing rules and regulations or poses imminent danger to the ships, and/or to the life or  
33 limbs of the seafarer, the Secretary of Labor or his/her duly authorized representative may order  
34 the detention of the ship immediately until the violation or deficiency is corrected.

35  
36 **SEC. 40. Recognized Organization.** Recognized Organizations may be authorized by the  
37 Secretary of Labor to conduct inspection and issue certification in accordance with the  
38 provisions of this Act and its implementing rules and regulations.

39 A recognized organization shall have the necessary knowledge of the requirements of this Act  
40 and its implementing rules and regulations, Maritime Labour Certificate, 2006 and other relevant  
41 international treaty or convention.

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

### 5 Chapter XIII. Termination of Employment

#### 6 SEC. 41. Termination of Employment.

7 A. The employment of Filipino seafarers on-board Philippine-registered ships operating  
8 internationally as well as those on-board foreign-registered ships shall cease when the  
9 seafarer completes his period of contractual service aboard the ship, signs-off from the ship  
10 and arrives at the point of hire.

11  
12 It is also terminated effective upon arrival at the point of hire for any of the following reasons:

- 13  
14 1. When the seafarer signs-off and is disembarked for medical reasons in the event the  
15 seafarer is declared: (a) fit for repatriation; or (b) fit to work but the employer is unable to  
16 find employment for the seafarer on-board his former ship or another ship of the  
17 employer;
- 18 2. When the seafarer signs-off due to ship's sale, lay-up of ship, discontinuance of voyage  
19 or change of ship principal, as provided for in the POEA Standard Employment Contract;
- 20 3. When the seafarer in writing, voluntarily resigns and signs-off prior to expiration of  
21 contract within a reasonable period as may be prescribed in the IRR of this Act; or
- 22 4. When the seafarer is discharged for just causes in accordance with the provisions of the  
23 POEA Standard Employment Contract.

24  
25 B. The termination of employment of a seafarer on-board domestic ships shall be governed by  
26 the provisions of the Labor Code of the Philippines, as amended.

### 27 28 Chapter XIV. Settlement of Disputes

29 SEC. 42. On-board and Onshore Grievance Machinery. All ships of Philippine registry shall  
30 have a fair, effective and expeditious on-board and on-shore grievance machinery at no cost to  
31 the seafarer in accordance with the implementing rules and regulations of this Act.

32 In cases where a seafarer is a member of a legitimate trade union organization, any grievance  
33 shall, as a condition precedent to conciliation-mediation, undergo the grievance machinery with  
34 the involvement of the union as established in the CBA. Without prejudice to any existing law,  
35 any agreements reached by the parties during grievance machinery shall be final and binding.

36  
37 SEC. 43. Mandatory Conciliation-Mediation and Arbitration. Seafarers whether engaged,  
38 employed or working on-board ships of Philippine registry or other registries, shall avail of the  
39 conciliation-mediation services of the DOLE pursuant to Republic Act 10396 and its  
40 Implementing Rules and Regulations, by filing a request for assistance before the conciliation-  
41 mediation desks at the Regional/Field/Provincial Offices of the DOLE or its attached agencies.

1 In case of failure of conciliation-mediation in cases where seafarers are covered by CBA, the  
2 case shall be submitted for Voluntary Arbitration in accordance with Articles 261 and 262 of the  
3 Labor Code, as amended. In cases where seafarers are not covered by the CBA, the seafarer  
4 shall have the option to submit the case to Compulsory Arbitration or Voluntary Arbitration.  
5

#### 6 **Chapter XV. Reintegration for Overseas Filipino Seafarers**

7 **SEC. 44. Reintegration.** For overseas Filipino seafarers, returning or unemployed seafarers  
8 may avail of the livelihood development, training programs and placements services offered by  
9 concerned government agencies, including OWWA and TESDA, TLC, and the CDA and the  
10 NMP and CHED.

11 These agencies shall formulate skills upgrading or retraining curricula to meet the needs of  
12 returning or unemployed seafarers. The participation of the maritime industry, in particular, port  
13 and shipping industry, and maritime educational institutions shall be likewise solicited by the  
14 DOLE in devising the appropriate retraining and local job placement programs for unemployed  
15 seafarers.

16 The National Reintegration Center for OFWs (NRCO) shall attend to the needs of returning  
17 seafarers. The Center shall provide a mechanism for their reintegration into the Philippine  
18 society, serve as a promotion house for their local employment, and tap their skills and  
19 potentials for national development.  
20

#### 21 **Chapter XVI. Incentives and Awards Granted to the Maritime Industry**

22 **SEC. 45 Incentives and Awards.** There shall be established an incentives and awards system  
23 for the maritime industry stakeholders which shall be developed and administered by the  
24 concerned government agency in consultation with the Maritime Industry Tripartite Council  
25 (MITC).

26 Under such rules and regulations that may be promulgated, deserving shipowners, seafarers,  
27 manning and other organizations or entities shall be incentivized or awarded for their  
28 outstanding performance in upholding the rights of seafarers or complying with this Magna  
29 Carta.  
30

#### 31 **Chapter XVII. Government Agencies**

32 **SEC. 46. Role of Government Agencies.** The following government agencies shall perform  
33 the following functions to promote the welfare and protect the rights of Filipino seafarers:

34 a) Department of Labor and Employment. – The DOLE shall ensure that the standards set  
35 forth under this Act, Presidential Decree No. 442, as amended, and other laws, the  
36 Maritime Labour Convention, 2006 and other international treaties and conventions to  
37 which the Philippines is a signatory are faithfully complied with and fairly applied to  
38 Filipino seafarers;  
39

40 a) To this end, the DOLE shall establish an effective system for the inspection and  
41 certification to ensure that the working and living conditions of seafarers are met and  
42 continue to be met pursuant to the Maritime Labour Convention 2006.

1 b) Department of Foreign Affairs. – The DFA, through its home offices or foreign posts,  
2 shall take priority action or make representation with the foreign authority concerned to  
3 protect the rights of Filipino seafarers and extend immediate assistance, including the  
4 repatriation of distressed or beleaguered Filipino seafarers;

5  
6 c) Department of Health. – The Department of Health (DOH) shall regulate the activities  
7 and operations of all clinics which conduct medical, physical, optical, dental,  
8 psychological and other similar examinations, hereinafter referred to as health  
9 examinations, on Filipino seafarers;

10  
11 The Department of Health shall determine and prescribe the nature of the medical  
12 examination that shall be required of a seafarer, ensuring that such examination will  
13 genuinely determine the seafarer's state of health, considering the duties that he/she  
14 shall be required to perform on board. The DOH shall likewise prescribe the contents of  
15 the medical certificate to ensure that such certification will genuinely reflect the  
16 seafarer's state of health.

17  
18 d) Philippine Overseas Employment Administration (POEA). – The POEA shall look into  
19 and improve on the working conditions and terms of employment of the officers and  
20 crew of vessels of Philippine registry, and of such officers and crew members who are  
21 Filipino citizens and employed by foreign vessels;

22  
23 e) Overseas Workers Welfare Administration (OWWA). – The OWWA through its welfare  
24 officer or in his absence, the coordinating officer, shall provide the Filipino seafarers and  
25 his family all the assistance they may need in the enforcement of contractual obligations  
26 by agencies and/or by their principals.

27  
28 The OWWA shall likewise formulate and implement welfare programs for overseas  
29 Filipino seafarers and their families while they are abroad and upon their return. It shall  
30 ensure the awareness by the overseas Filipino workers and their families of these  
31 programs and other related governmental programs.

32  
33 f) Maritime Industry Authority (MARINA). – The MARINA shall ensure that all maritime  
34 education including the curricula and training programs are structured and delivered in  
35 accordance with the written programs, methods and media of delivery, procedures and  
36 course materials compliant with international standards as prescribed under the STCW  
37 Convention.

38  
39 g) Philippine Coast Guard (PCG). – The PCG, in line with its function to assist in the  
40 enforcement of applicable laws within the maritime jurisdiction of the Philippines, shall  
41 assist the DOLE in the enforcement of Department Orders and other issuances

1 implementing the MLC, 2006 including orders to detain vessels found in gross violation  
2 of pertinent laws, rules and regulations.

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

7  
8 **SEC. 47. Philippine Seafarer One Stop Processing Center (PSOC).** The PSOC, as  
9 established under Administrative Order No. 56, has been tasked to operationalize and make  
10 available to the public, an integrated document processing center for the seafarers and the  
11 general public to conduct official transactions. The agencies that are mandated to provide  
12 services in the PSOC are as follows:

- 13 a) Department of Foreign Affairs (DFA);  
14 b) Overseas Workers Welfare Administration (OWWA);  
15 c) Philippine Overseas Employment Administration (POEA);  
16 d) National Bureau of Investigation (NBI); and  
17 e) National Statistics Office (NSO);

18  
19 **Chapter XVIII. Final Provisions**

20 **SEC. 48. Administrative Fines and Penalties.** Any shipowner, master, their representatives or  
21 other person who fails or refuses to present employment records such as payrolls, daily time  
22 records, payslip, or other documents when required by the Secretary of Labor, his duly  
23 authorized representative or the duly authorized representative of recognized organization shall  
24 be subjected to administrative fines and penalties in accordance with the IRR.

25  
26 **SEC. 49. Illegal Exercise of Authority.** Any person who, without proper delegation, exercises  
27 the authority granted to the Secretary of Labor under SEC.s 38 and 39 of this Act shall be  
28 punished with a fine of not less than one hundred thousand pesos (P100,000.00) nor more than  
29 four hundred thousand pesos (P400,000.00), or imprisonment of not less than one (1) year nor  
30 more than four (4) years, or both at the discretion of the court. The offense provided herein shall  
31 prescribe after five (5) years from its commission.

32  
33 **SEC. 50. Implementing Rules and Regulations.** The DOLE, in coordination with the DFA,  
34 MARINA and other agencies concerned shall formulate the rules and regulations of this Act  
35 within ninety (90) days after its effectivity.

36  
37 **SEC. 51. Transitory Provision.** All rights, privileges and benefits previously enjoyed by Filipino  
38 seafarers before the effectivity of this Act, including those set forth in Presidential Decree No.  
39 442, otherwise known as the Labor Code of the Philippines, as amended, and Republic Act No.  
40 8042, otherwise known as the "Migrant Workers and Overseas Filipinos Act of 1995," as  
41 amended, shall continue to be recognized and shall not be diminished after the effectivity of this  
42 Act.



1 **SEC. 52. Separability Clause.** If, for any reason, any section, clause or term of this Act is held  
2 to be illegal, invalid, or unconstitutional, such parts not affected by such declaration shall remain  
3 in full force and effect.

4

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

8

9 **SEC. 54. Effectivity Clause.** This Act shall take effect fifteen (15) days after its publication in  
10 the Official Gazette or in at least two (2) newspapers of general circulation, whichever comes  
11 first.

12

13 Approved,