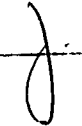


SEVENTEENTH CONGRESS)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



16 JUL 19 AIO :22

SENATE
S.B. No. 429

RECEIVED BY: 

Introduced by SENATOR LOREN LEGARDA

**AN ACT CREATING A NATIONAL SEAFARERS COMMISSION,
PRESCRIBING ITS POWERS AND FUNCTIONS, AND APPROPRIATING
FUNDS THEREFORE, AND FOR OTHER PURPOSES**

Explanatory Note

This bill seeks the establishment of the National Seafarers Commission, which shall develop, organize, maintain, operate, integrate and streamline the policies and programs related to the Philippine seafaring profession.

Despite their considerable contribution to the country's economy, Filipino seafarers are given inadequate attention. Seafarers have to go to different agencies to secure the necessary documentation for them to practice their profession locally and internationally. They have to secure their Seafarers Identification and Record Book (SIRB) and Certificate of Competency from the Maritime Industry Authority (MARINA) and their Seafarer's Registration Certificate (SRC) from the Philippine Overseas Employment Administration (POEA). Other trainings, seminars and documents have to be secured from other different agencies and organizations such as the National Telecommunications Commission, Philippine Coast Guard and the Boards of Marine Deck and Engineer Officers of the Professional Regulation Commission.

There is a need for legislation to create a one-stop shop to attend to all the requirements of seafarers and focus on the unique demands and conditions of the seafaring profession.

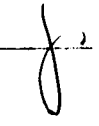
This measure seeks to create a National Seafarers Commission (NSC) which shall serve as a centralized government agency that will provide the necessary services, supervision, regulation and guidance the Filipino seafarer needs in order to develop as a globalized profession. Training programs, seminars, certifications and other documents needed by the seafarer will be readily made available under one agency.

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


LOREN LEGARDA
Senator

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**AN ACT CREATING A NATIONAL SEAFARERS COMMISSION,
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FUNDS THEREFOR, AND FOR OTHER PURPOSES**

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

1 **SECTION 1. Title.** This Act shall be known as the "National Seafarers
2 Commission Act."
3

4 **Sec. 2. Declaration of Policy.** It is hereby declared the policy of the State
5 to free the people from poverty through the policies that provide social
6 services, and promote full and equal employment for all.
7

8 Towards this end, it shall institutionalize government efforts in affecting
9 meaningful programs on the development, training, certification and welfare
10 system of local and overseas seafarers integrated under one agency.
11

12 **Sec. 3. Creation of the National Seafarers Commission.** There is hereby
13 created a National Seafarers Commission, hereinafter referred to as the
14 Commission, which shall be organized within sixty (60) days from the date
15 of the approval of this Act.
16

17 The Commission shall be under the direct supervision of the Office of the
18 President.
19

20 **Sec. 4. Objectives.** The Commission shall have the following objectives:
21

22 a) To develop, organize, maintain, operate, integrate and
23 streamline the manpower development system that shall undertake
24 the education, training, certification and qualification of Filipino
25 seafarers in accordance with the International Convention of
26 Standards of Training, Certification and Watchkeeping for Seafarers,
27 1978 as amended and other International Maritime Organization
28 (IMO) regulations, directed towards safer ships and cleaner oceans;
29

30 b) To establish and maintain a centralized government agency that
31 shall attend to the needs of Filipino seafarers, providing them the
32 necessary services, supervision, regulation and guidance in the
33 pursuit of their career without saddling them with unnecessary
34 bureaucratic and documentary requirements; and
35

1 c) To upgrade the knowledge and skills of Filipino seafarers in
2 modern ship technologies so as to meet increasing demand of
3 domestic and foreign shipping companies for competent seafarers.
4

5 **Sec. 5. The Governing Board and Its Composition.** The Commission shall
6 have a tripartite governing board hereinafter referred to as the Board
7 composed of the Chairman, and four (4) Commissioners. They shall be
8 appointed by the President of the Philippines upon recommendation of the
9 manning sector for a term of three (3) years.
10

11 **Sec. 6. Powers and Functions of the Board.** The Board shall be the
12 highest policy-making body of the Commission. It shall exercise overall
13 administrative supervision over the Commission to ensure the efficient
14 implementation of policies and programs. The Board shall have the following
15 functions:
16

- 17 a) Formulate policies in the education, training and certification of
18 seafarers for local and overseas deployment;
- 19 b) Regulate private sector participation in the recruitment and
20 placement of domestic and overseas seafarers through effective
21 licensing, regulation and monitoring system;
- 22 c) Maintain a proactive system of monitoring and addressing welfare
23 concern of the seafarers and their families;
- 24 d) Promote the marketability and competitive edge of Filipino
25 seafarers;
- 26 e) Secure the best terms and conditions of employment of Filipino
27 seafarers and ensure compliance therewith; and
28
- 29 f) Establish bilateral and/or multilateral arrangement with various
30 flag states hiring Filipino seafarers on issues affecting their
31 employment opportunities, welfare and development.
32

33 **Sec. 7. Executive Office of the Commission.** The Commission shall be
34 headed by the Chairman, who shall also act as Chief Executive Officer, to be
35 assisted by the Assistant Chairman. The Assistant Chairman must hold the
36 rank of a Master Mariner who has proved his tract record and versatility in
37 the seafaring sector.
38

39 The Commission shall be composed of the Manpower Development Office;
40 the Licensing, Accreditation and Placement Office; the Welfare Office; the
41 Research, Standard and Marketing Development Office; and the
42 Administrative Office, all of which shall be headed by career officials.
43

44 **Sec. 8. Functions of Executive Offices.** For proper coordination and
45 effective implementation of the purpose and objectives of the Commission,
46 each executive office shall perform the following functions:
47

- 48 a) *The Manpower Development Office.* The Manpower Development
49 Office shall implement policies and guidelines toward promotion of
50 skills and professional competence of seafarers, and in furtherance
51 thereof, the official shall:
52

- 1) Develop and establish education and training standards of Filipino seafarers;
- 2) In coordination with concerned government agencies, accredit, regulate and supervise maritime schools and training centers;
- 3) Close down maritime schools and training centers or cancel the permit to conduct maritime programs on grounds of sub-standard operation and/or major system nonconformities;
- 4) Issue Seafarers Identity Document in accordance with International Labor Organization (ILO) Convention No. 108;
- 5) Establish and maintain a centralized registry of competent and certificated seafarers for domestic and overseas trade;
- 6) Conduct examination and issue of certificates of competency and endorsement to marine officers in accordance with the STCW Convention as amended; and
- 7) Perform such other functions as may be directed by the Chairman.

b) *The Licensing Accreditation and Placement Office.* The Licensing, Accreditation and Placement Office shall undertake a systematic program of implementing the Commission's policies of promoting, regulating and monitoring the employment of seafarers as well as the operation of private manning agencies. Pursuant thereto, the office shall:

- 1) Establish, operate and maintain a licensing and accreditation system to regulate the recruitment and the monitoring the employment of seafarers in accordance with pertinent ILO conventions;
- 2) Process the application for licenses or authority to operate private manning agencies and shall super vise and regulate the operations of the said agencies;
- 3) Prepare and implement an inspection program for effective supervision and evaluation of the activities of private manning or shipping agencies;
- 4) Process all shipboard contracts and/or shipping articles, and secure the best possible terms and conditions of employment for the seafarer;
- 5) Hear cases involving violations of rules and regulations on the recruitment and placement, violations of rules and regulations on the recruitment and placement, violations of the condition of licenses or authority including complaints for suspension and cancellation or revocation thereof; and recommended to the Chairman appropriate actions as deemed necessary; and
- 6) Perform such other functions as may be directed by the Chairman.

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c) *The Welfare Office.* The Welfare Office shall undertake measures towards industrial peace and provide the necessary services to enhance the well-being of seafarers. In this regard it shall perform the following functions:

- 1) Establish and maintain speedy and efficient conciliation machinery. The resolution of which shall be made in every case within thirty (30) days from submission thereof;
- 2) Develop an effective system of monitoring and gathering welfare concerns through a pool of dedicated personnel for purposes of determining future welfare programs, monitoring existing welfare activities and addressing current welfare issues prioritized according to their urgency;
- 3) Conduct pre-departure orientation seminars or briefing to departing seafarers' scheduled employment. It shall also undertake studies and development materials for use in pre-departure orientation seminar of seafarers and other related activities;
- 4) Accredite, regulate, and supervise pre-departure orientation seminars or briefing of authorized manning or shipping industries;
- 5) Formulate and undertake programs and projects for the effective and efficient utilization of seafarers' welfare funds;
- 6) Provide services to assist the seafarers and their immediate dependents and families; and
- 7) Perform such other duties as may be directed by the Chairman.

d) *The Research, Standard and Marketing Development Office.* The Research, Standard and Marketing Development Office shall formulate, develop and implement a comprehensive maritime manpower export development strategy and market promotion geared towards enhancement of seafarers' employment opportunities in domestic and overseas markets. In furtherance thereto, it shall perform the following functions:

- 1) Conduct researches, studies and statistics on the trend and other data on both domestic and overseas shipping and manning industries for use as materials in policy formulation, market promotion/strategies and manpower development programs;
- 2) Provide support service and materials for the reproduction and publication of all printed materials of the Commission;
- 3) Develop, establish, and maintain a public information system and such facilities that would educate and orient seafarers regarding the Commission's policies; and
- 4) Perform such other information as may be directed by the Chairman.

1 e) *The Administrative Office.* The Administrative Office shall be
2 responsible for providing the Commission with services relating to
3 personnel information, records, supplies equipment collection and
4 disbursements, security and custodial works. It shall provide the
5 Commission with staff, advice and assistance on budgetary, financial
6 and management matters.
7

8 **Sec. 9. Staffing Pattern.** The organizational framework and staffing
9 pattern of the Commission shall be prescribed and approved by the
10 Executive Secretary within sixty (60) days after the approval of this Act.
11

12 With regard to appointments to the positions in the approved staffing
13 pattern, optimum consideration shall be made conforming to the objective of
14 setting up and maintaining in the Commission the highest standards of
15 integrity, efficiency and competence.
16

17 In addition to other form of incentives that may be granted by the Board, all
18 personnel of the Commission shall be accorded to government employees.
19

20 **Sec. 10. Transitory Provisions.** The Maritime Training Council and all
21 offices, departments, branches, divisions or sections of the Commission on
22 Higher Education, Philippine Overseas Employment Administration, the
23 Maritime Industry Authority, the Overseas Workers Welfare Administration,
24 the Bureau of Local Employment, the Technical Education and Skills
25 Development Authority, the National Telecommunications Commission, the
26 Philippine Coast Guard, and the Boards of Marine Deck and Engineer
27 Officers of the Professional Regulation Commission and other government
28 agencies, and instrumentalities performing any of the functions provided for
29 under this Act are thereby transferred with their personnel, records, files,
30 supplies, vehicles, equipment, furniture, funds and other properties to the
31 National Seafarers Commission.
32

33 For the purpose of effecting a smooth, orderly, and expeditious
34 organizational and functional transition period, the following shall, among
35 other govern such undertakings:
36

37 a) The Commission shall coordinate with agencies and
38 instrumentalities mentioned in this Section in order to minimize
39 disruption of the usual services being rendered to public clientele;
40

41 b) Officials and employees of all agencies concerned are not
42 deprived of reemployment to the Commission nor shall be reduced of
43 their ranks or diminution of their salaries, unless a contrary existing
44 law so provides; and
45

46 c) That employees affected by the creation of the Commission shall
47 be given preference for appointment in the Commission on the basis
48 of merit and fitness: *Provided,* That those who may be laid off for
49 cause or by option of voluntary phase out, shall be given gratuity
50 equivalent to one (1) month's salary for every year of service, in
51 addition to all benefits to which they are entitled under existing rules
52 and regulations.
53

54 **SECTION 11. Penal Provisions.** Any person, association, corporation or
55 entity who violates any provisions of this Act, or the rules and regulations
56 made thereof shall upon conviction, be punished or fined according to the

1 degree of offenses as the court or adjudicating administration may impose
2 in accordance with existing civil or penal laws of the Philippine: *Provided*,
3 That in case the violation is committed by an association, corporation or
4 entity, the penalty that may be prescribed shall be imposed on the
5 responsible officers, directors, and/or owners of the said entities: *Provided*,
6 *finally*, that nothing in this Act shall prevent the National Seafarers
7 Commission from instituting administrative penalties for violation of any
8 regulation that it may promulgate.

9
10 **Sec. 12. Appropriations.** The amount necessary for the implementation of
11 this Act shall be taken from funds of all offices, departments, branches,
12 divisions or sections of the government agencies mentioned under Section
13 10 of this Act and other agencies and instrumentalities performing any of
14 the functions and operation and maintenance of the Commission shall be
15 included in the annual General Appropriations Act.

16
17 **Sec. 13. Repealing Clause.** Republic Act No. 8544 and Presidential Decree
18 No. 97, Republic Act No. 7722, Presidential Decree Nos. 474 and 223,
19 Republic Act No. 5137, Presidential Decree No. 601, Executive Order Nos.
20 396,546, 125, 125-1 and 126, and Letter of Issuance No, 538 and 1404,
21 and all laws and ordinances, rules and regulations, and other issuances or
22 p[arts thereof which are inconsistent with this Act , are hereby modified,
23 amended or repealed accordingly.

24
25 **Sec. 14. Separability Clause.** If for any reason, any section or provision of
26 this Act is declared unconstitutional or invalid the other sections or
27 provisions thereof, shall not be affected thereby.

28
29 **Sec. 15. Effectivity.** This Act shall take effect after its publication in at
30 least two (2) newspapers of general circulation.

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34 Approved,