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SENATE
S. B. No. 135

RECEIVED

Introduced by Senator SONNY ANGARA

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.



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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

Section 1. *Short Title.* – This Act shall be known as the "Magna Carta of Filipino Seafarers."

Sec. 2. *Declaration of Policies.* – It is hereby declared the policy of the State:

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

Toward these ends, the State shall endeavor to improve the Filipino seafarers' working conditions, terms of employment, career prospects and provide them

1 opportunities to harness their potentials to the fullest. The State shall further work
2 to uplift the socio-economic well-being of the Filipino seafarers' families.

3 Sec. 3. *Applicability.* – This Act shall cover Filipino seafarers engaged,
4 employed, or working in any capacity on board Philippine registered ships operating
5 domestically or internationally as well as those on-board foreign registered ships.
6 This Act shall not cover the following categories of ships:

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

12 Sec. 4. *Definition of Terms.* – For the purposes of this Act, the following terms
13 shall be defined as follows:

- 14 (a) *Cadet* refers to the student of maritime educational institutions who is required
15 to undergo training on-board registered international ships or domestic ships
16 to fulfil a maritime academic course;
- 17 (b) *Domestic Shipping* refers to the transport of passenger or cargo or both by
18 ships duly registered and licensed under Philippine law to engage in trade and
19 commerce between Philippine ports and within Philippine territorial or internal
20 waters for hire or compensation with general or limited clientele whether
21 permanent, occasional or incidental with or without fixed routes and done for
22 contractual or commercial purposes.
- 23 (c) *International Maritime Convention or International Convention* refers to any
24 written treaty or agreement, or any protocol or amendment thereto, affecting
25 the maritime industry which has come into force and effect, including the
26 Maritime Labour Convention, 2006;
- 27 (d) *License* refers to the document issued by the Department of Labor and
28 Employment (DOLE) authorizing any person or entity to engage in the
29 recruitment and placement of seafarers;
- 30 e) *Manning/Recruitment and Placement Agency* refers to any Filipino person,
31 corporation, partnership, company, etc. engaged in the canvassing, enlisting,

- 1 contracting, transporting, utilizing, hiring or procuring whether for profit or
2 not, of seafarers whether domestic or international;
- 3 (f) *Maritime Industry Stakeholders* refer to all private sectors stakeholders,
4 engaged in the business of owning, managing, chartering and/or operating
5 domestic and international ship(s) of Philippine or foreign registry, manning of
6 ships, management of ports, stevedoring and arrastre services, ship brokering
7 and chartering, ship-building and ship repair, providing maritime services such
8 as ship supplies and provisions, maritime education and training, shipping
9 agency, and other similar activities. This term shall also include bona fide
10 maritime labor organizations and professional associations of seafarers;
- 11 (g) *Master* refers to a person having command of a ship;
- 12 (h) *Maritime Labour Certificate* refers to the document that certifies that the
13 working and living conditions of the seafarers on the ship have been
14 inspected and meet the requirements of Philippine laws and regulations;
- 15 (i.a) *Officer* refers to a member of the crew other than the master who has been
16 designated as such national law or regulation or in the absence of such
17 designation by collective agreement or custom;
- 18 (i.b) *Deck Officer* refers to an officer qualified in accordance with the provisions of
19 the International Convention on the Standards of Training, Certification and
20 Watchkeeping for Seafarers (STCW) 1978 as amended, Chapter II;
- 21 (i.c) *Engine Officer* refers to an officer qualified in accordance with the provisions
22 of the International Convention on the Standards of Training, Certification and
23 Watchkeeping for Seafarers (STCW) 1978 as amended, Chapter III;
- 24 (j) *Philippine National* refers to any individual who is a citizen of the Philippines, or
25 a commercial partnership or corporation organized under the laws of the
26 Philippines, at least 60% of the capital of which is owned by citizens of the
27 Philippines;
- 28 (k) *Philippine Seafarers' One Stop Processing Center (PSOC)* refers to the facility
29 center which houses multiple offices/agencies involved in providing services
30 to seafarers in one roof;
- 31 (l) *Point of Hire* refers to the place where the contract of employment was
32 executed;

- 1 (m) *Recognized Organizations* refer to organizations recognized by the DOLE to
2 carry out inspections and/or issue the Maritime Labour Certificate in
3 accordance with the scope of activities covered by their authorizations;
- 4 (n) *Repatriation* refers to the process of returning a seafarer to the point of hire;
- 5 (o) *Seafarer* refers to all persons who are employed or are engaged or work in
6 any capacity on board a ship to which the Act applies;
- 7 (p) *Ship* or *Vessel* refers to any kind, class or type of craft or artificial contrivance
8 capable of floating in water, whether publicly or privately owned, ordinarily
9 engaged in commercial activities and offshore operations, except fixed
10 platform;
- 11 (q) *Sea Going Ship* refers to a ship other than those which navigate exclusively
12 inland water or in water within or closely adjacent to sheltered water or areas
13 where port regulations apply; and
- 14 (r) *Shipowner* refers to the owner of the ship hiring Filipino seafarers to work on
15 board domestic ships and ships engaged in international trade, or any other
16 organization or person, such as the manager, agent or bareboat charterer,
17 who has assumed the responsibility for operation and management of the
18 ship, and who, on assuming such responsibilities, has agreed to take over all
19 the attendant duties and responsibilities of a shipowner under this Act,
20 regardless of whether any other organization or persons fulfil certain of the
21 duties or responsibilities on behalf of the shipowner.

22 **CHAPTER II – Seafarer’s Rights**

23 *Sec. 5. Right to Just Terms and Conditions of Work.* – Seafarers shall have
24 the right to:

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

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

6 Sec. 7. *Right to Educational Advancement and Training at Reasonable and*
7 *Affordable Costs.* – Seafarers shall have access to educational advancement and
8 training at reasonable and affordable costs. Toward this end, relevant government
9 agencies shall:

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

18 Sec. 8. *Right to Relevant Information.* – Shipowners, manning agencies, and
19 other organizations responsible for the recruitment and placement of Filipino
20 seafarers shall be mandated to provide seafarers relevant information. This right
21 shall include the right of seafarers organizations to relevant information affecting the
22 terms and conditions of employment of their members. All ships covered by this Act
23 shall have a copy of the Maritime Labour Convention, 2006 and the grievance
24 procedures available on-board.

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

30 Sec. 10. *Right Against Discrimination.* – Upon employment, seafarers shall
31 have the right against discrimination by sole reason of race, sex, religion and

1 political opinion. Career opportunities shall be promoted and appropriate working
2 and living conditions shall be guaranteed equally among male and female seafarers.

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

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

10 **CHAPTER III – Seafarer's Duties**

11 Sec. 13. *Duties of Seafarers.* – Seafarers shall have the following duties:

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

26 **CHAPTER IV – Minimum Requirements for Seafarers**

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

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

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

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

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

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

14 Sec. 17. *Recruitment and Placement.* – Only duly licensed manning or
15 placement and recruitment agency shall be allowed to operate and engage in the
16 recruitment and placement of seafarers, in accordance with the rules and regulations
17 as may be issued by the Secretary of Labor and Employment.

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

19 Sec. 18. *Contracting or Subcontracting of Services.* – Contracting or
20 subcontracting work arrangement involving seafarers on-board domestic ships shall
21 be governed by existing rules and regulations issued by the department of labor and
22 employment.

23 **CHAPTER V – Cadetship**

24 Sec. 19. *Applicability.* – The following provisions of this Act shall be applicable
25 in the shipboard training of cadets: Sec. 8 (Right to Relevant Information); Sec. 10
26 (Right Against Discrimination); Sec. 11 (Right to Free Legal Representation); Sec.
27 12 (Right to Access to Communication); Sec. 15 (Medical Certificate); Chapter VII
28 (Repatriation); Chapter IX (Accommodation, Recreational Facilities, Food and
29 Catering); and Sec. 42 (On-board and Onshore Grievance Machinery).

30 Sec. 20. *Shipboard Training Agreement for Cadets.* – There shall be a written
31 agreement between the shipowner on one hand, and the cadet and the maritime

1 institution/school on the other, which shall embody the following terms and
2 conditions:

- 3 a) The cadet's full name, date of birth, age (at least 16 years old) and
4 birthplace;
- 5 b) The maritime institution's/school's name and address;
- 6 c) The shipowner's name and address, if applicable;
- 7 d) The place and date when the cadet's agreement is entered into;
- 8 e) The capacity in which the cadet is to be trained;
- 9 f) The amount of the cadet's allowance or stipend, if applicable;
- 10 g) Required number of hours of training and rest which would not be less than
11 the prescribed hours of work and rest in Sec. 21 of this Act; and
- 12 h) Other benefits in accordance with law, company policy or agreements.

13 The foregoing agreement shall be in a working language or in English,
14 executed in three (3) original copies before the commencement of the shipboard
15 training. The shipowner, cadet and the maritime institution/school shall each have a
16 signed original of the agreement and an electronic copy thereof shall be submitted
17 to the Department of Labor and Employment (DOLE) through the Bureau of Working
18 Conditions (BWC). A signed original shall also be made available on-board the ship.
19 Maritime Higher Education Institutions (MHEIs) shall demonstrate that over the last
20 three (3) years, an average of at least seventy percent (70%) of students enrolled in
21 their Bachelor of Science in Marine Transportation (BSMT) or BSMarE programs are
22 able to secure cadet berths in connection with their studies. CHED, in coordination
23 with MARINA, shall ensure that only BSMT or MSMarE programs in MHEIs that meet
24 the above requirement are conferred approved or accredited status.

25 **CHAPTER VI – Terms and Condition of Employment**

26 Sec. 21. *Standard Employment Agreement for Seafarers.* – There shall be an
27 agreement in writing between the shipowner and the seafarer, which shall include
28 the following terms:

- 29 a) the seafarer's full name, date of birth or age, and birthplace;
- 30 b) the shipowner's name and address;
- 31 c) the place where and date when the seafarer's employment agreement is
32 entered into;

- d) the capacity in which the seafarer is to be employed;
- e) the amount of the seafarer's salary, and the formula used for calculating the same;
- f) hours of work and hours of rest;
- g) wages and wage-related benefits, which include the following: overtime pay, holiday pay, premium pay, paid leaves, 13th month pay, if applicable;
- h) social security and welfare benefits;
- i) stipulation on repatriation or similar undertakings;
- j) separation pay and retirement pay, if applicable;
- k) reference to the collective bargaining agreement, if applicable; and
- l) other benefits in accordance with law, company policy or agreements.

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

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

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

Sec. 22. *Wages.* – Upon effectivity of this Act, the Regional Tripartite Wages and Productivity Boards shall set the minimum wage rates of the seafarers on-board ships engaged in domestic shipping, taking into account the peculiarities of the employment arrangement of seafarers and the criteria as determined pursuant to Republic Act No. 6727: *Provided,* That wages for actual work hours and days shall not be lower than the applicable minimum wage rates in the head office of the shipowner. Wages shall be paid at least once every two weeks or twice a month at intervals not exceeding sixteen (16) days.

Sec. 23. *Hours of work and hours of rest.* – The normal hours of work of seafarer shall not exceed eight (8) hours a day. If the seafarer is allowed to work beyond eight (8) hours, the maximum hours of work shall not exceed fourteen (14)

1 hours in any twenty-four (24)-hour period and seventy-two (72) hours in any seven-
2 day period.

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

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

12 Sec. 24. *Paid Annual Leave.* – Whenever applicable, the seafarers shall be
13 paid an annual leave to be calculated on the basis of a minimum of 2.5 calendar
14 days per month of employment.

15 For ships licensed to engage in domestic shipping, the rules found in Book
16 Three Chapter III, on “Holidays’, Service Incentives Leave and Service Charges” of
17 the Labor Code of the Philippines shall continue to apply and shall be considered as
18 substantially complying with international standards unless higher annual leave is
19 already provided under the Collective Bargaining Agreement or by the shipowner as
20 company practice or policy.

21 **CHAPTER VII – Repatriation**

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

1 Sec. 26. *Emergency Repatriation for Seafarers On-board Foreign Registered*
2 *Ships.* – The Overseas Workers Welfare Administration (OWWA), in coordination
3 with the Department of Foreign Affairs (DFA) and in appropriate situations, with
4 international agencies, shall undertake the repatriation of seafarers in cases of war,
5 epidemics, abandonment of ships by shipowners, disasters or calamities, natural or
6 man-made, and other similar events without prejudice to reimbursement by the
7 responsible shipowner or manning/recruitment and placement agency within sixty
8 days of notice. In such case, the POEA shall simultaneously identify and give notice
9 to the shipowner or agency concerned.

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

12 Sec. 27. *Repatriation for Seafarers On-board Domestic Ships.* – The provisions
13 on repatriation shall also apply to seafarers working on domestic ships. Seafarers on-
14 board domestic ships shall be entitled to emergency repatriation in cases of war,
15 epidemics, abandonment of ships by shipowners, disasters or calamities, natural or
16 man-made, and other similar events.

17 **CHAPTER VIII – Manning Requirement**

18 Sec. 28. *Manning Levels.* – All ships of Philippine registry shall have the
19 required minimum manning levels in accordance with the requirements prescribed
20 by MARINA.

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

24 Sec. 29. *Crew Competence.* – Every member of the crew of a ship of
25 Philippine Registry shall possess the appropriate certificate of competency setting
26 forth his competence to serve in the capacity and perform the functions involved at
27 the level of responsibility, for the position held, for the type, tonnage, power, means
28 of propulsion, and trading patterns of the ships concerned.

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

1 Sec. 30. *Registry of Seafarers.* – The POEA, for ocean-going ships of foreign
2 registry and MARINA for domestic and ocean-going ships of Philippine registry shall
3 maintain a registry of all seafarers in the Philippines. The registry shall contain the
4 relevant information or data to promote employment opportunities for seafarers
5 whether on board or ashore, or allow for further training and education to support
6 skills development and competencies of seafarers in order to secure or improve
7 employment opportunities as may be provided in the Implementing Rules and
8 Regulations.

9 **CHAPTER IX – Accommodation, Recreational Facilities, Food and Catering**

10 Sec. 31. *Application.* – The requirements of this Chapter for crew
11 accommodation and recreational facilities covering ships of Philippine Registry shall
12 be applicable to the following:

- 13 a) All ocean-going ships and domestic ships constructed on or after the date
14 when the Maritime Labor Convention of 2006 came into force;
- 15 b) All second hand ships, whether ocean-going or domestic, acquired or leased,
16 and entered in the Philippine Registry after the entry date into force of the
17 said Convention unless provided exemption by the relevant Philippine
18 government agency; and
- 19 c) All ships constructed prior to the entry into force of the Maritime Labor
20 Convention, 2006, as the case may be, which undertake major or substantial
21 structural alterations after the entry into force of the Convention unless
22 provided exemption by the relevant Philippine government agency.

23 Sec. 32. *Accommodation Facilities.* – Unless otherwise exempted herein or by
24 appropriate regulations, all ships of Philippine registry shall have safe, decent and
25 adequate accommodations for seafarers taking into account the need to protect the
26 health and safety of seafarers working or living on board.

27 Sec. 33. *Requirements for Sanitation.* – All ships of Philippine registry shall
28 have sanitation facilities meeting the minimum standards for health and hygiene and
29 accessible to seafarers on-board. The sanitation facilities shall be located at
30 convenient places, allowing for easy access to work stations. Separate facilities shall
31 be provided for male and female crew.

1 Sec. 34. *Recreational Facilities.* – Unless otherwise exempted herein or by
2 appropriate regulations, all ships of Philippine registry shall have recreational
3 facilities, amenities, and services appropriate and accessible for seafarers.

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

7 Sec. 35. *Food and Catering.* – The shipowner shall ensure protection and
8 promotion of the health of the seafarer. Whenever applicable, shipowners shall
9 ensure that ships carry on-board and serve free food and drinking water of
10 appropriate quality, quantity and nutritional value that adequately cover the
11 requirements of the ship and take into consideration the differing cultural and
12 religious backgrounds. The foods and drinks and the preparation thereof shall be in
13 accordance with the standards of the Sanitation Code of the Philippines and
14 pertinent laws, rules and regulations.

15 **CHAPTER X – Health Protection and Medical Care**

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

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

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

26 **CHAPTER XI – Welfare and Social Security Protection**

27 Sec. 37. *Social Welfare Benefits.* – Without prejudice to established policy,
28 collective bargaining agreement or other applicable social agreement, all seafarers
29 shall be covered by the Social Security System, Employees' Compensation and State
30 Insurance Fund, Philhealth, Pag-IBIG Fund, and other applicable laws.

CHAPTER XII – Compliance and Enforcement

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

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

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

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

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

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

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

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

1 Sec. 40. *Recognized Organization.* – Recognized Organizations may be
2 authorized by the Secretary of Labor to conduct inspection and issue certification in
3 accordance with the provisions of this Act and its implementing rules and
4 regulations.

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

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

11 **CHAPTER XIII – Termination of Employment**

12 Sec. 41. *Termination of Employment.* –

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

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

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

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

Chapter XIV. Settlement of Disputes

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

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

Sec. 43. *Mandatory Conciliation-Mediation and Arbitration.* – Seafarers whether engaged, employed or working on-board ships of Philippine registry or other registries, shall avail of the conciliation-mediation services of the DOLE pursuant to Republic Act No. 10396 and its Implementing Rules and Regulations, by filing a request for assistance before the conciliation-mediation desks at the Regional/Field/Provincial Offices of the DOLE or its attached agencies.

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

CHAPTER XV – Reintegration for Overseas Filipino Seafarers

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

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

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

5 **CHAPTER XVI – Incentives and Awards Granted to the Maritime Industry**

6 Sec. 45. *Incentives and Awards.* – There shall be established an incentives
7 and awards system for the maritime industry stakeholders which shall be developed
8 and administered by the concerned government agency in consultation with the
9 Maritime Industry Tripartite Council (MITC).

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

14 **CHAPTER XVII – Government Agencies**

15 Sec. 46. *Role of Government Agencies.* – The following government agencies
16 shall perform the following functions to promote the welfare and protect the rights
17 of Filipino seafarers:

- 18 a) Department of Labor and Employment (DOLE) – The DOLE shall ensure that
19 the standards set forth under this Act, Presidential Decree No. 442, as
20 amended, and other laws, the Maritime Labour Convention, 2006 and other
21 international treaties and conventions to which the Philippines is a signatory
22 are faithfully complied with and fairly applied to Filipino seafarers;

23 To this end, the DOLE shall establish an effective system for the
24 inspection and certification to ensure that the working and living conditions of
25 seafarers are met and continue to be met pursuant to the Maritime Labour
26 Convention 2006.

- 27 b) Department of Foreign Affairs (DFA) – The DFA, through its home offices or
28 foreign posts, shall take priority action or make representation with the
29 foreign authority concerned to protect the rights of Filipino seafarers and
30 extend immediate assistance, including the repatriation of distressed or
31 beleaguered Filipino seafarers;

- 1 c) Department of Health (DOH) – The Department of Health (DOH) shall
2 regulate the activities and operations of all clinics which conduct medical,
3 physical, optical, dental, psychological and other similar examinations,
4 hereinafter referred to as health examinations, on Filipino seafarers;

5
6 The Department of Health shall determine and prescribe the nature of
7 the medical examination that shall be required of a seafarer, ensuring that
8 such examination will genuinely determine the seafarer's state of health,
9 considering the duties that he/she shall be required to perform on board. The
10 DOH shall likewise prescribe the contents of the medical certificate to ensure
11 that such certification will genuinely reflect the seafarer's state of health.

- 12 d) Philippine Overseas Employment Administration (POEA) – The POEA shall look
13 into and improve on the working conditions and terms of employment of the
14 officers and crew of vessels of Philippine registry, and of such officers and
15 crew members who are Filipino citizens and employed by foreign vessels;

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

20 The OWWA shall likewise formulate and implement welfare programs
21 for overseas Filipino seafarers and their families while they are abroad and
22 upon their return. It shall ensure the awareness by the overseas Filipino
23 workers and their families of these programs and other related governmental
24 programs.

- 25 f) Maritime Industry Authority (MARINA) – The MARINA shall ensure that all
26 maritime education including the curricula and training programs are
27 structured and delivered in accordance with the written programs, methods
28 and media of delivery, procedures and course materials compliant with
29 international standards as prescribed under the STCW Convention;

- 30 g) Philippine Coast Guard (PCG) – The PCG, in line with its function to assist in
31 the enforcement of applicable laws within the maritime jurisdiction of the
32 Philippines, shall assist the DOLE in the enforcement of Department Orders

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

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

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

18 **CHAPTER XVIII – Final Provisions**

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

25 *Sec. 49. Illegal Exercise of Authority.* – Any person who, without proper
26 delegation, exercises the authority granted to the Secretary of Labor under Sections
27 39 and 40 of this Act shall be punished with a fine of not less than one hundred
28 thousand pesos (P100,000.00) nor more than four hundred thousand pesos
29 (P400,000.00), or imprisonment of not less than one (1) year nor more than four (4)
30 years, or both at the discretion of the court. The offense provided herein shall
31 prescribe after five (5) years from its commission.

1 Sec. 50. *Implementing Rules and Regulations.* – The DOLE, in coordination
2 with the DFA, MARINA and other agencies concerned shall formulate the rules and
3 regulations of this Act within ninety (90) days after its effectivity.

4 Sec. 51. *Transitory Provision.* – All rights, privileges and benefits previously
5 enjoyed by Filipino seafarers before the effectivity of this Act, including those set
6 forth in Presidential Decree No. 442, otherwise known as the Labor Code of the
7 Philippines, as amended, and Republic Act No. 8042, otherwise known as the
8 "Migrant Workers and Overseas Filipinos Act of 1995," as amended, shall continue to
9 be recognized and shall not be diminished after the effectivity of this Act.

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

13 Sec. 53. *Repealing Clause.* – All laws, presidential decrees, or issuance,
14 executive orders, letters of instruction, rules or regulations inconsistent with the
15 provisions of this Act are hereby repealed or modified accordingly.

16 Sec. 54. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after
17 its publication in the *Official Gazette* or in at least two (2) newspapers of general
18 circulation, whichever comes first.

 Approved,