

**SENATE**  
S. No. 937

'19 AUG 20 P2:41

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Introduced by Senator Grace Poe

RECEIVED BY: 

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**AN ACT**  
**TO PROTECT THE INTERESTS AND WELFARE OF FILIPINO SEAMEN AND**  
**SEA-BASED MIGRANT WORKERS, ESTABLISHING FOR THE PURPOSE A**  
**NATIONAL SEAFARERS ADMINISTRATION, APPROPRIATING FUNDS AND**  
**FOR OTHER PURPOSES**

*Explanatory Note*

This bill seeks to create the National Seafarers Administration to look into and protect the interests and welfare of Filipino seafarers.

A National Seamen Board was created in 1974 to develop and maintain a comprehensive program for Filipino Seafarers employed overseas. However, the Board was abolished in 1982 with the creation of the Philippine Overseas Employment Administration (POEA) under Executive Order No. 797 which has been empowered to formulate and undertake a systematic program for promoting and monitoring the overseas employment of Filipino workers. The body is likewise mandated to protect the rights of migrant workers including seamen so that they can enjoy fair and equitable employment practices. An Advisory Board for Seamen was also created which was composed of private sector to advise the POEA on its overseas operations.

While many commend the performance of POEA in protecting the rights and promoting the welfare of Filipino overseas workers, the overseas seamen continually claim that they have been overlooked by the government. The agency concerned may not be aware but the seafarers feel that they are not fully protected and their claims, not fully attended. The complex problem of these workers necessitates a government mechanism fully concentrating on the needs and concerns of the sea-based workers.

This legislation is highlighted with the following significant points:

1. The creation of a special body on Filipino seafarers. It shall be called the National Seafarers Administration, an attached agency under the administrative supervision of the Department of Labor and Employment (DOLE);
2. The body shall be the centralized government agency that would attend to the entire needs of Filipino seafarers by providing them the necessary services, supervision, regulation, and guidance in the pursuit of their profession prior, during, and after their employment on board domestic as well as overseas trade and fishing vessels;
3. The establishment shall be in full compliance also with an agreement of which the Philippines is a signatory: the International Maritime Organization Standards of Training, Certification, and Watchkeeping for Seafarers, 1978 (IMO STCW-78) as Amended in 1995. This will ensure that from the point of view of safety of life at sea and protection of the maritime environment, seafarers on board ships are qualified and fit for duties;
4. With a law governing seafarers specifically, there will be an assurance of upgrading the knowledge and skills of Filipino seafarers in modern ships technologies so as to meet the increasing demand of domestic and foreign shipping companies for competent and trained seafarers;
5. There will be a mechanism to revisit and globalize the education and curriculum on maritime, marine, and seamen education as well as the establishment of technical assistance and other linkages with the Commission on Higher Education (CHED).

Approval of the bill is strongly recommended.

  
GRACE POE

SENATE  
S. No. 937

'19 AUG 20 P2:42

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**AN ACT**  
**TO PROTECT THE INTERESTS AND WELFARE OF FILIPINO SEAMEN AND**  
**SEA-BASED MIGRANT WORKERS, ESTABLISHING FOR THE PURPOSE A**  
**NATIONAL SEAFARERS ADMINISTRATION, APPROPRIATING FUNDS AND**  
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*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

1 Section. 1. *Title.* – This act shall be known as the "*Pilipinong Marino Act*".

2 Sec. 2. *Declaration of Policy.* – It is hereby declared the policy of the State to  
3 afford full protection to labor, local and overseas, organized and unorganized, and  
4 promote full employment and equality of employment opportunities for all.

5 Pursuant to the foregoing state policy, the Philippines, through this Act, shall  
6 consolidate and institutionalize the existing government efforts in effecting  
7 meaningful programs on employment promotion, maritime manpower development  
8 and utilization, and welfare of seafarers integrated in one agency.

9 Sec. 3. *Creation of the National Seafarers Administration.* – There is hereby  
10 created a National Seafarers Administration, hereinafter referred to as the  
11 Administration, which shall be organized within sixty (60) days from the date of  
12 approval of this Act.

13 The administration, as an attached agency, shall be under the administrative  
14 supervision of the Department of Labor and Employment (DOLE).

15 Sec. 4. *Objectives.* – The Administration shall have the following objectives:

- 16 1. To establish and maintain a centralized government agency that would attend  
17 to the needs of Filipino seafarers by providing them the necessary services,  
18 supervision, regulation, and guidance in the pursuit of their profession prior,

1 during, and after their employment on board domestic as well as overseas  
2 trade and fishing vessels;

3 2. To give full and complete effect to the International Maritime Organization  
4 Standards of Training, Certification, and Watchkeeping for Seafarers, 1978  
5 (IMO STCW-78) as amended in 1995 so as to ensure that from the point of  
6 view of safety of life at sea and protection of the maritime environment,  
7 seafarers on board ships are qualified and fit for duties;

8 3. To develop, organize, maintain, and operate an integrated maritime  
9 manpower development system that shall undertake the training, certification,  
10 or licensing and qualification of Filipino seafarers in accordance with IMO  
11 STCW-78 and International Labor Organization (ILO) Conventions, governing  
12 pre-employment qualification requirements and documentation for both  
13 domestic and overseas manning and fishing industries;

14 4. To upgrade the knowledge and skill of Filipino seafarers in modern ship  
15 technologies so as to meet the increasing demand of domestic and foreign  
16 shipping companies for competent and trained seafarers;

17 5. To promote skills training of Filipino seafarers in safety of life and property at  
18 sea in order to prevent sea disasters which are attributed to human factors;

19 6. To organize, maintain and operate an exclusive adjudication and welfare  
20 office for domestic as well as overseas seafarers and fishermen that shall  
21 protect their welfare under just and humane conditions of work and wages,  
22 and promote a sound and stable manning industry;

23 7. To establish, maintain and operate a seafarers market promotion and  
24 information office that shall enhance employment opportunity to Filipino  
25 seafarers;

26 8. To encourage and monitor foreign exchange receipts from the earnings of  
27 overseas Filipino seafarers and fishermen as major contribution to the  
28 upliftment of our national economy in coordination with the Department of  
29 Finance (DoF) and the Bangko Sentral ng Pilipinas (BSP).

30 9. To represent the Philippine Government in all international and regional  
31 meetings, conferences and/or conventions concerning maritime labor, training  
32 and certification of seafarers;

1 10. To keep under constant review all international and regional meetings,  
2 conferences and/or conventions concerning maritime labor, training and  
3 certification of seafarers;

4 11. To provide technical assistance and other linkages with the Commission on  
5 Higher Education (CHED) in all matters pertaining to education and training  
6 and skills development of seafarers.

7 *Sec. 5. General Powers and Functions of the Administration.* – The  
8 Administration shall have the power to regulate and supervise the manpower  
9 development and hiring of Filipino seafarers by shipping companies, entities or  
10 persons on board domestic as well as overseas trade vessels.

11 *Sec. 6. The Governing Board.* – The Administration shall have a tripartite  
12 governing board hereinafter referred to as the Board which shall serve as the  
13 management and policy-making body. The Board shall be authorized to organize a  
14 Technical Working Committee on a permanent or ad hoc basis. The Board shall be  
15 composed of nine (9) members to be appointed by the President: three (3)  
16 representatives from the Government Sector with the Secretary of DOLE as ex-officio  
17 Chairman; three (3) representatives from the management sector, one of whom  
18 shall come from the association of ship owners in the overseas trade, another from  
19 the inter-island domestic ship-owners association and the last from the manning  
20 agent's association; and three (3) representatives from the labor sector, one of  
21 whom shall come from the unions of seafarers in the overseas trade, another from  
22 the unions of seafarers in the domestic trade and the last to be proposed by the  
23 above stated unions.

24 The members of the Board shall be entitled to a per diem of One Thousand  
25 Pesos (Php1,000.00) for actual attendance in meetings which shall not exceed Two  
26 Thousand Pesos (Php2,000.00) per month. The members of the Technical Working  
27 Committee shall be entitled to a per diem of Five Hundred Pesos (Php500.00) for  
28 actual attendance in meetings but which shall not exceed Two Thousand Pesos  
29 (Php2,000.00) per month.

30 *Sec. 7. Powers and Functions of the Board.* – The Board shall be the highest  
31 policy making-body of the Administration. It shall exercise overall administrative  
32 supervision over the Administration to ensure the efficient implementation of policies

1 and programs laid down by the Board. The Chairman shall appoint the officials and  
2 employees of the administration upon the recommendation of the Board and  
3 subsequent approval of the Civil Service Commission (CSC). The Board shall have  
4 the following functions:

- 5 a) Promote and protect the rights and well-being of the Filipino sea-based  
6 workers for domestic and overseas employment to fair recruitment and  
7 employment practices;
- 8 b) Regulate private sector participation in the recruitment and placement of  
9 domestic and overseas sea-based workers by setting up a licensing and  
10 registration system.
- 11 c) Formulate, in coordination with appropriate entities concerned, a system for  
12 promoting and monitoring the domestic and overseas employment of Filipino  
13 sea- based workers taking into consideration their welfare and domestic  
14 manpower requirements;
- 15 d) Exercise original and exclusive jurisdiction to hear and decide all arising out of  
16 an employee-employer relationship or by virtue of any law or contract  
17 involving Filipino sea-based workers for domestic and overseas employment  
18 including disciplinary cases; and all pre-employment cases which are  
19 administrative in character involving or arising out of violation of the condition  
20 for issuance of license or authority to recruit workers. All prohibited  
21 recruitment activities and practices defined by virtue of existing laws shall be  
22 prosecuted in the regular courts in close coordination with the concerned  
23 departments or agencies;
- 24 e) Promote the development of skills and careful selection of Filipino sea-based  
25 workers for domestic and overseas employment;
- 26 f) Undertake the overseas market development activities for placement of  
27 Filipino sea- based workers;
- 28 g) Secure the best terms and conditions of employment of Filipino sea-based  
29 contract workers and ensure compliance therewith; and
- 30 h) Establish and maintain close relationship and enter into joint projects with the  
31 Department of Foreign Affairs (DFA), Philippine Tourism Authority (PTA),  
32 Ninoy Aquino International Airport (NAIA), Department of Justice (DOJ),

1 Department of Budget and Management (DBM), and other relevant  
2 government entities, in the pursuit of its objectives. The Board shall also  
3 establish and maintain joint projects with private organizations, domestic or  
4 foreign, in the furtherance to its objectives.

5 *Sec. 8. General Powers and Functions of the Administrators and the Deputy*  
6 *Administrator. –*

7 a.) The Administrator shall be the Chief Executive Officer of the Administration  
8 and, in exercising the functions, shall establish and maintain close functional  
9 relationship with the bureau of Local Employment of DOLE and other  
10 government and private entities concerning manpower development and  
11 employment of seafarers in relation to the needs of the industries, and shall  
12 direct and supervise the overall operation of the Administration. The  
13 Administration shall have the following functions and duties:

- 14 1) Assume full responsibility of implementing the purpose and objective of  
15 the Administration;
- 16 2) Formulate, develop, and subject to the approval of the Board, implement  
17 programs and measures that would effectively carry out the policies laid  
18 down by the Board;
- 19 3) Execute and administer all approved policies programs and measures, and  
20 allocate appropriate resources for their operations;
- 21 4) Recommend to the Board the appointment of all supervisory, technical,  
22 clerical and other personnel of the administration;
- 23 5) Represent the Administration in all its official transaction or dealings and  
24 to authorize with his signature legal contracts, annual reports, financial  
25 statements, correspondences and other documents;
- 26 6) Submit to the Board an annual report on the operation of the  
27 Administration; and
- 28 7) Perform other duties and functions as may be authorized by law as  
29 directed by the Secretary of Labor and Employment or his designated  
30 permanent representative;

31 b.) The Deputy Administrator – The Deputy Administrator shall be the assistant  
32 of the Administrator in all matters pertaining to the overall operations of the

1 Administration. The person shall have the following duties and  
2 responsibilities:

- 3 1) Advise and assist the Administrator in the formulation and implementation  
4 of policies and programs of the administration;
- 5 2) Evaluate the effectiveness of the Administration's organizational and  
6 functional systems in the rendition of efficient delivery of services, and if  
7 necessary recommend appropriate measures to improve performances of  
8 cognizant offices in the Administration;
- 9 3) Oversee and coordinate the operational activities of the Administration,  
10 and shall be responsible to the Administrator for their economical but  
11 efficient and effective services;
- 12 4) Act as Chairman of the Personnel Selection and Promotions Board, and  
13 shall be responsible for the welfare, morale and discipline of personnel in  
14 the Administration;
- 15 5) As deputy to the Administrator, assume the powers, duties and  
16 responsibilities of the Administrator as may be authorized by law or as  
17 directed by his immediate superior; and
- 18 6) Perform such other and responsibilities as may be authorized by law or as  
19 directed by his immediate superior.

20 *Sec. 9. Functions of the Principal Offices.* – For proper coordination and  
21 effective implementation of the purpose and objectives of the Administration, each  
22 principal subordinate office shall perform the following functions:

23 a.) The Manpower Development Office – The Manpower Development Office shall  
24 implement policies and guidelines towards the promotion of skills and  
25 professional competence of seafarers, and in the furtherance thereof, the  
26 office shall:

- 27 1) Develop and establish training standards for Filipino seafarers;
- 28 2) In coordination with concerned government agencies, accredit, regulate,  
29 and supervise maritime training centers;
- 30 3) Issue Seafarers Identity document or Seamen's Service Record Book as  
31 prescribed by ILO Convention No. 108 and other rules and regulations  
32 governing the issuance of said document;



- 1 4) Issue certificates of proficiency and/or endorsement of certificates in  
2 conformity with IMO-ILO Convention on STCW-78, and ILO Convention  
3 Nos. 74 and 69, and other qualification requirements of the shipping  
4 industries, in coordination with the Marine Board of Examiners for Engine  
5 and Deck Officers of the Professional Regulation Commission;
- 6 5) Establish and maintain a centralized registry of properly trained and  
7 certified seafarers for domestic and overseas trade and fishing vessels;  
8 and
- 9 6) Perform such other functions as may be directed by the Administrator.

10 b.) The Licensing Accreditation and Placement Office – The Licensing,  
11 Accreditation and Placement Office shall undertake a systematic program of  
12 implementing the Administration’s policies of promoting, regulating, and  
13 monitoring the employment of seafarers as well as the operation of private  
14 manning agencies. Pursuant thereto, the offices shall:

- 15 1) Establish, operate, and maintain a licensing and accreditation system to  
16 regulate the recruitment and the placement of seafarers in accordance  
17 with ILO Convention No. 9 and in conformity with existing Philippine laws,  
18 rules and regulations governing employment of seafarers;
- 19 2) Process the application for licenses or authority to operate private  
20 manning agencies and supervise and regulate the operations of the said  
21 agencies;
- 22 3) Prepare and implement an inspection program for the effective supervision  
23 and evaluation of the activities of private manning or shipping agencies;
- 24 4) Process all shipboard contracts and/or shipping articles, and secure the  
25 best possible terms and conditions of employment for seafarers;
- 26 5) Hear cases involving violations of rules and regulations on the recruitment  
27 and placement; violations of the conditions of licenses or authority  
28 including complaints for suspension and cancellation or revocation thereof,  
29 and recommend to the Administrator appropriate actions deemed  
30 necessary;

1           6) Register and issue seamen's registration cards to all employable and  
2           qualified seafarers and fishermen desiring to be employed on board  
3           domestic as well as overseas trade and fishing vessels; and

4           7) Perform such other functions as may be directed by the Administrator.

5       c.) The Welfare Office – The Welfare Office shall undertake measures to enhance  
6       the well-being of seafarers. In this regard, it shall perform the following  
7       functions:

8           1) Conduct pre-departure orientation seminars or briefings to departing  
9           seafarers scheduled for employment. It shall also undertake studies and  
10          development materials for use in pre-departure orientation seminar of  
11          seafarers and other related activities;

12          2) Accredit, regulate and supervise pre-departure orientation seminars or  
13          briefings of authorized manning or shipping agencies;

14          3) Formulate and undertake programs and projects for the effective and  
15          efficient utilization of seafarers welfare funds;

16          4) Provide services to assist the seafarers and their immediate dependents  
17          and families; and

18          5) Perform such other duties as may be directed by the Administrator.

19       d.) The Adjudication Office. – The Adjudication Office shall undertake measures  
20       towards industrial peace. In this regard, it shall perform the following  
21       functions:

22          1) Establish and maintain speedy and efficient conciliation and adjudication  
23          machinery, the resolution of which shall be made in every case within  
24          thirty (30) days from submission thereof;

25          2) Exercise exclusive jurisdiction over all cases involving seafarers employer-  
26          employee relationship including money claims of both parties: Provided,  
27          That each case shall be decided within ninety (90) days from the time the  
28          issues are joined or from the date of filing of said claim;

29          3) Hear complaints and/or adjudicate cases or illegal recruitment or exaction  
30          of excessive employment fees: Provided, That each case shall be disposed  
31          of within sixty (60) days from the filing thereof; and

32          4) Perform such other duties as may be directed by the Administrator.

1 e.) The Research, Standard and Marketing Development Office – The Research,  
2 Standard and Marketing Development Office shall formulate, develop, and  
3 implement a comprehensive maritime manpower export development and  
4 market promotion strategies geared towards enhancement of seafarers'  
5 employment opportunities in domestic and overseas markets. In furtherance  
6 thereto, it shall perform the following functions:

- 7 1) Conduct researches, studies, and statistics on the trend and other data on  
8 both domestic and overseas shipping and manning industries for use as  
9 materials in policy formulation, market promotion, and manpower  
10 development program;
- 11 2) Based on researches and studies, formulate and develop standards for the  
12 Administration's manning offices;
- 13 3) Provide appropriate data and statistics in the formulation of plans and  
14 programs of the Administration;
- 15 4) Provide support services and materials for the reproduction and  
16 publication of all printed materials of the Administration;
- 17 5) Develop, establish and maintain a public information system and such  
18 facilities that would educate and orient seafarers regarding the  
19 Administration's policies, programs, and activities affecting their  
20 professions; and
- 21 6) Perform such functions as may be directed by the Administration.

22 f.) The Administrative Office – The Administrative Office shall be responsible for  
23 providing the administration with services relating to personnel information,  
24 records, supplies, equipment, collection and disbursements, and security and  
25 custodial works. It shall provide the Administration with staff advice and  
26 assistance on budgetary, financial, and management matters.

27 *Sec. 10. Organization and Functions of Field Offices.* – Whenever it becomes  
28 necessary for the Administration to expand its operation to major seaports or  
29 outports, it shall establish such number of field offices which shall be the operating  
30 arm of the Administration in those areas. These field offices shall assume the  
31 responsibilities of implementing and administering the function of the Administration  
32 at those levels and the location, composition, organization and functional

1 requirements of the field offices shall be determined by the Secretary of DOLE upon  
2 the recommendation of the Administration.

3       Sec. 11. *Staffing Pattern.* – The organizational framework and staffing pattern  
4 of the Administration shall be prescribed and approved by the Secretary of Labor  
5 and Employment within sixty (60) days after the approval of this Act. The  
6 compensation plan of the Administration shall at least be patterned after that of the  
7 Philippine Overseas Employment Administration (POEA).

8       With regard to appointments to positions in the approved staffing pattern,  
9 optimum consideration shall be made conforming to the objective of setting up and  
10 maintaining in the Administration the highest standards of integrity, efficiency, and  
11 competence.

12       In addition to other forms of incentive that may be granted by the Board, all  
13 personnel of the Administration shall be entitled to the benefits normally accorded to  
14 government employees.

15       Sec. 12. *Special Provisions.* – In implementing the provisions of this Act, the  
16 Administration may call upon the government agency or instrumentality for technical  
17 and personnel assistance. And in order to strengthen its coordinative functions, the  
18 Administration shall hire and train appropriate technical personnel which may be  
19 assigned to other government agencies involved in the implementation of laws, rules  
20 and regulations relative to the operations of the Administration.

21       Sec. 13. *Transitory Provisions.* – The Maritime Training Council (MTC) and all  
22 offices, departments, branches, divisions, or sections of the POEA, Overseas Workers  
23 Welfare Administration (OWWA), the Maritime Industry Authority (MARINA), the  
24 Philippine Coast Guard (PCG), and the Marine Board of Examiners for Engine and  
25 Deck of the Professional Regulation Commission (PRC) under presidential Decree No.  
26 97 as amended, Maritime Section of CHED, Maritime Section of National  
27 Telecommunication Commission (NTC), and other government agencies and  
28 instrumentalities performing any of the functions provided for under paragraphs “a”  
29 and “e” and each of the subparagraphs therein of Section 9 of this Act are hereby  
30 transferred with their personnel, records, files, supplies, vehicles, equipment,  
31 furniture, funds, and other properties to the National Seafarers Administration.

1 For the purpose of affecting a smooth, orderly and expeditious organizational  
2 and functional transition period, the following shall among others govern such  
3 undertakings:

- 4 a) The Administration shall coordinate with agencies and instrumentalities  
5 mentioned in this Section in order to minimize the disruption of the usual  
6 services being rendered to the public and its clientele;
- 7 b) Officials and employees of all agencies concerned shall not be deprived of re-  
8 employment to the Administration nor shall there be a diminution in their  
9 ranks or salaries, unless a contrary existing law so provides; and
- 10 c) Employees affected by the creation of the Administration shall be given  
11 preference for appointment in the Administration on the basis of merit and  
12 fitness: Provided, That those who may be laid off for cause or by option of  
13 voluntary phase out, shall be given gratuity equivalent to one (1) month's  
14 salary for every year of service, in addition to all benefits to which they are  
15 entitled under existing laws and regulations.

16 Sec. 14. *Penal Provisions.* – Any person, association, corporation or entity  
17 who violates any provisions of this Act, or the rules and regulations thereof shall  
18 upon conviction be punished or fined in accordance to the degree of offense as the  
19 court or adjudicating administration may impose in accordance with existing civil or  
20 penal laws of the Philippines: Provided. That in case the violation is committed by an  
21 association, corporation or entity, the penalty shall be imposed on the responsible  
22 officers, directors, or owner of the said entities: Provided finally, that nothing in this  
23 Act shall prevent the National Seafarers Administration from instituting  
24 administration penalties for violations of any regulations that it may promulgate.

25 Sec. 15. *Appropriations.* – The amount necessary for the implementation of  
26 this Act shall be taken from the funds of all offices, departments, branches, divisions  
27 or sections of POEA, MARINA, MTC, the Philippine Navy (PN), and the Marine Board  
28 of Examiners for Engine and Deck of PRC under Presidential Decree No. 97, as  
29 amended, and other government agencies and instrumentalities performing any of  
30 the functions and programs provided for this Act. Thereafter, such sums as may be  
31 needed for the operation and maintenance of the Administration shall be included in  
32 the annual General Appropriations Act.

1           Sec. 16. *Repealing Clause.* – All laws, ordinances, rules and regulations, and  
2 other issuances or parts thereof which are inconsistent with this Act, are hereby  
3 repealed or modified accordingly.

4           Sec. 17. *Separability Clause.* – If for any reason any section or provision of  
5 this Act is declared unconstitutional or invalid, the other sections or provisions  
6 thereof, shall not be affected thereby.

7           Sec. 18. *Effectivity.* – This Act shall take effect upon its complete publication  
8 in at least two (2) national newspaper of general circulation.

*Approved,*