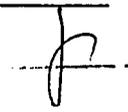


SENATE

21 AUG 26 P 4 :02

COMMITTEE REPORT NO. 289



Submitted by the Committees on Labor, Employment and Human Resources Development; and Foreign Relations; on AUG 26 2021.

Re: Senate Bill No. 2369

Recommending its approval in substitution of Senate Bill Nos. 135, 300, 357, 1369, 1745, and 2357; taking into consideration House Bill No. 8057

Sponsor: Senator Joel Villanueva

MR. PRESIDENT:

The Committees on Labor, Employment and Human Resources Development; and Foreign Relations; to which were referred:

Senate Bill No. 135 introduced by Senator Sonny Angara, entitled:

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

Senate Bill No. 300 introduced by Senator Ramon Bong Revilla, Jr., entitled:

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

Senate Bill No. 357 introduced by Risa Hontiveros, entitled:

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

Senate Bill No. 1369 introduced by Senator Nancy Binay, entitled:

**"AN ACT
ESTABLISHING THE MAGNA CARTA OF FILIPINO SEAFARERS"**

Senate Bill No. 1745 introduced by Senator Joel Villanueva, entitled:

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

Senate Bill No. 2357 introduced by Senator Juan Miguel F. Zubiri, entitled:

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

taking into consideration:

House Bill No. 8057 introduced by Representatives Aglipay; Arenas; Angara et. al.,
entitled:

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

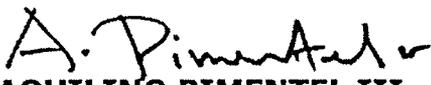
have considered the same and have the honor to report it back to the Senate with the recommendation that the attached **Senate Bill No. 2369** prepared by the Committees, entitled:

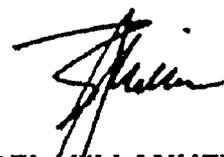
**"AN ACT
INSTITUTING THE MAGNA CARTA OF FILIPINO SEAFARERS"**

be approved in substitution of Senate Bill Nos. 135, 300, 357, 1369, 1745, 2357; taking into consideration House Bill No. 8057, with Senators Angara, Revilla, Jr., Hontiveros, Binay, Villanueva, and Zubiri as authors thereof.

Respectfully submitted:

Chairpersons


AQUILINO PIMENTEL III
Committee on Foreign Relations
Member, *Committee on Labor,*
Employment and Human Resources
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JOEL VILLANUEVA
Committee on Labor, Employment and
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RICHARD J. GORDON

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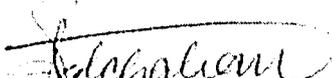
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WIN GATCHALIAN

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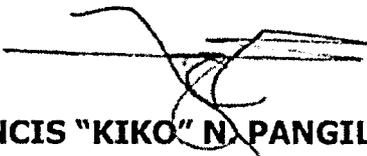
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Member, *Committee on Foreign
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RAMON BONG REVILLA JR.

Member, *Committee on Labor,
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Relations*



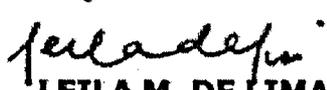
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Member, *Committee on Foreign
Relations*



LEILA M. DE LIMA

Member, *Committee on Foreign
Relations*



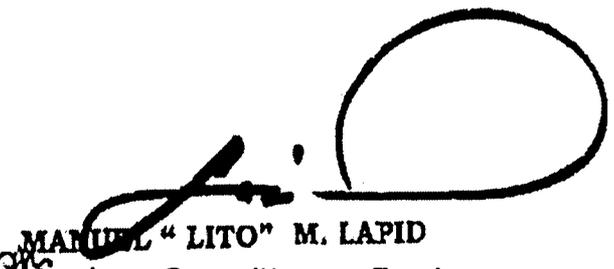
SONNY ANGARA

Member, *Committee on Labor,
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GRACE POE

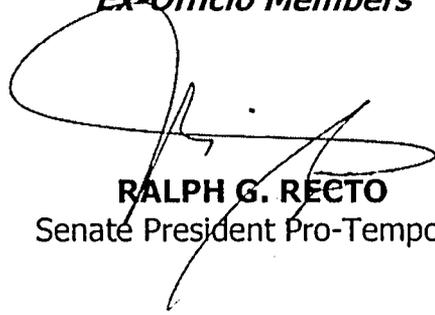
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MANUEL "LITO" M. LAPID

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Ex-Officio Members



RALPH G. RECTO
Senate President Pro-Tempore



JUAN MIGUEL F. ZUBIRI
Majority Leader



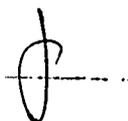
FRANKLIN M. DRILON
Minority Leader

HON. VICENTE C. SOTTO III
Senate President

SENATE

S. NO. 2369

9247



Prepared by the Committees on Labor, Employment and Human Resources Development;
and Foreign Relations with Senators Angara, Revilla Jr., Hontiveros, Binay, Villanueva, and
Zubiri as authors thereof.

**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

DECLARATION OF POLICY

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 seafarers as essential maritime professionals, acknowledge their vulnerabilities, and afford them full protection before, during, and after their employment;
- (b) To recognize that seafarers are a special category of key workers providing essential services, and given the global nature of the shipping industry and the different jurisdictions that seafarers may be brought into contact with, they are in need of special protection;
- (c) To encourage the participation of women in the seafaring profession and contribute meaningfully to the achievement of national development goals as productive members of the community;
- (d) To maintain and progressively develop a pool of competent and world-class seafarers through a system of education, training, certification, and licensing;

- 1 (e) To establish and enhance mechanisms of administrative, adjudicative, social,
2 and welfare services for seafarers and their families;
- 3 (f) To enact laws that adopt and implement the standards set by international
4 conventions and agreements regarding the working and living conditions and
5 occupational safety and health, among others, of seafarers, particularly the
6 Maritime Labour Convention, 2006 (MLC, 2006); and
- 7 (g) To recognize shipowners, maritime higher education institutions, and licensed
8 manning agencies as vital partners in promoting the rights, welfare, skills, and
9 competencies of seafarers.

10 Toward these ends, the State shall endeavor to improve the seafarers' working
11 conditions, terms and conditions of employment, and career prospects, and to provide
12 them opportunities to harness their potentials to the fullest. The State shall also uplift
13 the socio-economic well-being of the seafarers' families.

14 CHAPTER II

15 GENERAL PROVISIONS

16 Sec. 3. *Coverage.* – This Act shall cover:

- 17 (a) All Filipino seafarers who are to be engaged, engaged, employed, or working
18 in any capacity, on board Philippine or foreign-registered ships, except those to
19 be engaged, engaged, employed, or working in the following categories of
20 ships:
- 21 (1) Warships, naval auxiliaries, and Coast Guard vessels;
 - 22 (2) Government ships not engaged in commercial operations;
 - 23 (3) Ships of traditional built, as may be defined under existing rules and
24 regulations; and
 - 25 (4) Fishing vessels, as may be defined by appropriate rules and regulations to
26 be issued by the Department of Labor and Employment (DOLE), in
27 consultation with the Bureau of Fisheries and Aquatic Resources and other
28 relevant stakeholders.

29 For the purpose of this Act, a seafarer is deemed "to be engaged" as such if
30 the seafarer has been contracted for overseas employment but has yet to leave
31 the Philippines.

1 (b) All Filipino seafarers on board Philippine registered domestic ships engaged in
2 trade and commerce between Philippine ports and within Philippine territorial
3 or internal waters shall be covered primarily by equivalent provisions of the
4 Labor Code of the Philippines, as amended, and related social and welfare
5 benefits laws. For this purpose, the DOLE shall issue the appropriate rules and
6 regulations to govern the employment of domestic seafarers.

7 *Sec. 4. Definition of Terms.* – As used in this Act, the following terms shall have
8 the following meaning:

9 (a) *Abandonment* – refers to a situation where, in violation of the terms of the
10 employment contract, the shipowner:

11 (i) Fails to cover the cost of the seafarer’s repatriation;

12 (ii) Has left the seafarer without the necessary maintenance and support; or

13 (iii) Has otherwise unilaterally severed their ties with the seafarer, including
14 failure to pay contractual wages for a period of at least two (2) months;

15 (b) *Cadet* – refers to a student of a maritime educational institution who is required
16 to undergo training on board registered international or domestic ships to fulfill
17 a maritime degree or technical course;

18 (c) *Domestic Shipping* – refers to the transport of passenger or cargo, or both, by
19 ships duly registered and licensed under Philippine law to engage in trade and
20 commerce between Philippine ports and within Philippine territorial or internal
21 waters, for hire or compensation, with general or limited clientele, whether
22 permanent, occasional, or incidental, with or without fixed routes, and done for
23 contractual or commercial purposes;

24 (d) *International Maritime Convention or International Convention* – refers to any
25 written treaty or agreement, or any protocol or amendment thereto, affecting
26 the maritime industry, which has come into force and effect, including the MLC,
27 2006;

28 (e) *International Convention on Standards of Training, Certification, and*
29 *Watchkeeping for Seafarers (STCW)* – refers to the international convention
30 that establishes the minimum standards relating to training, certification, and
31 watchkeeping for seafarers, which the Philippines acceded to on May 22, 1984;

- 1 (f) *Manning Agency* – refers to a natural or juridical person duly licensed by the
2 Secretary of the Department to engage in the recruitment and placement of
3 seafarers;
- 4 (g) *Maritime Accident* – refers to any unforeseen occurrence or physical event
5 connected to the navigation, operations, maneuvering, or handling of ships, or
6 the machinery, equipment, material, or cargo on board such ships which may
7 result in the detention of seafarers;
- 8 (h) *Maritime Industry Stakeholders* – refer to all private stakeholders engaged in
9 the business of owning, managing, chartering, or operating domestic and
10 international ship/s of Philippine or foreign registry, manning of ships,
11 management ports, stevedoring and arrastre services, ship brokering and
12 chartering, ship-building and ship repair, providing maritime services, such as
13 ship supplies and provisions, maritime education and training, shipping agency,
14 and other similar activities.
15 This term shall also include *bona fide* maritime labor organizations, professional
16 associations of seafarers, associations promoting seafarers’ welfare, and
17 women’s maritime organizations;
- 18 (i) *Maritime Labour Certificate* – refers to the document that certifies that the
19 working and living conditions of the seafarers on the ship have been inspected
20 and are compliant with the requirements of the MLC, 2006 and of applicable
21 Philippine laws and regulations;
- 22 (j) *Maritime Labour Convention, 2006 (MLC, 2006)* – refers to the consolidated
23 Maritime Labour Convention approved by the International Labour Organization
24 (ILO) in 2006 and ratified by the Philippines on August 20, 2012;
- 25 (k) *Master* – refers to a person having command of a ship and acts as the
26 shipowners’ representative;
- 27 (l) *Ocean-Going Ship* – refers to a ship other than those which navigate exclusively
28 in inland water or in water within or closely adjacent to sheltered water, or
29 areas where port regulations apply;
- 30 (m) *Officer* – refers to a member of the crew other than the master who has been
31 designated as such by national law or regulation, or, in the absence of such
32 designation, by collective agreement or custom;

- 1 (n) *One-Stop-Shop Center for OFWs (OSSCO)* – refers to the one-stop centers in
2 various parts of the country established to ensure prompt, efficient, vital, and
3 relevant services to Overseas Filipino Workers (OFWs) and other overseas
4 Filipinos and their families, including seafarers. The OSSCOs shall be the venue
5 for the acquisition of relevant clearances and permits, validation of overseas
6 job offers, availment of reintegration services and all pertinent seminars and
7 workshops for all stakeholders, among others. In all cases and as far as
8 practicable, the OSSCOs shall be co-located with POEA regional offices.
9 Agencies at these centers shall, as far as practicable, include the Department
10 of Labor and Employment (DOLE), the Department of Foreign Affairs (DFA),
11 Philippine Overseas Employment Administration (POEA), Overseas Workers
12 Welfare Administration (OWWA), Technical Education and Skills Development
13 Authority (TESDA), Professional Regulation Commission (PRC), Maritime
14 Industry Authority (MARINA), Department of Health (DOH), Philippine Coast
15 Guard (PCG), Home Development Mutual Fund (HDMF), Philippine Health
16 Insurance Corporation (PhilHealth), Social Security System (SSS), Philippine
17 Statistics Authority (PSA), Bureau of Immigration (BI), National Bureau of
18 Investigation (NBI), Commission on Higher Education (CHED), Philippine
19 National Police (PNP), Bureau of Internal Revenue (BIR), and such other
20 government agencies as may be appropriate;
- 21 (o) *Point of Hire* – refers to the place indicated in the contract of employment, and
22 which shall be the basis in determining the commencement of the contract;
- 23 (p) *Recognized Organizations* – refer to organizations recognized by the DOLE to
24 carry out inspections or issue the Maritime Labour Certificate in accordance
25 with the scope of activities covered by their authorizations;
- 26 (q) *Repatriation* – refers to the process of returning a seafarer to the point of
27 destination, which shall be at the point of hire or the seafarer’s place of
28 domicile, at the option of the seafarer, or in case of incapacity or death, at the
29 option of his/her next-of-kin;
- 30 (r) *Standard Employment Contract (SEC) or Employment Contract* – refers to a
31 government-prescribed contract containing the minimum terms and conditions
32 of employment;

- 1 (s) *Seafarer* – refers to any Filipino who is to be employed, is employed, or is
2 engaged to work in any capacity on board a ship covered under this Act;
- 3 (t) *Ship or Vessel* – refers to any kind, class, or type of craft or artificial contrivance
4 capable of floating in water, whether publicly or privately owned, ordinarily
5 engaged in commercial activities; and
- 6 (u) *Shipowner or Principal* – refers to the owner of the ship employing Filipino
7 seafarers to work on board domestic ships and ships engaged in international
8 trade, or any other organization or person, such as the manager, agent, or
9 bareboat charterer, who has assumed the responsibility for the operation and
10 management of the ship from the shipowner, and who, in assuming such
11 responsibilities, has agreed to take over all the attendant duties and
12 responsibilities of a shipowner under this Act, regardless of whether any other
13 organization or persons fulfill certain duties or responsibilities on behalf of the
14 shipowner.

15 CHAPTER III

16 SEAFARER'S RIGHTS

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

- 19 (a) A safe and secure workplace that complies with safety standards;
- 20 (b) Decent working and living conditions on board a ship;
- 21 (c) Medical care and confirmatory tests, welfare measures, and other forms of
22 health and social protection;
- 23 (d) Fair terms and conditions of employment, including salary commensurate to
24 their rank, hours of work, paid sick leave or sickness benefits, the maximum
25 number of workers hours, and minimum hours of rest periods, consistent with
26 Philippine laws or international maritime conventions; and
- 27 (e) Compensation and benefits in the event of death or long-term disability for
28 occupational injuries, illnesses, hazards.

1 *Sec. 6. Right to Self-Organization, to Engage in Collective Bargaining,*
2 *and to Participate in Democratic Exercises.* – Seafarers shall enjoy the right to self-
3 organization, to collectively bargain, to form or join international organization of
4 seafarers or network with seafarers of different nationalities, and to participate in the
5 deliberation of issues and in the formulation of policies that affect them, including the
6 guarantee of representation in governing boards or appointment in government
7 instrumentalities.

8 Women seafarers shall also have the right, and be encouraged, to join, assist,
9 or form labor unions or associations, or form networks with women seafarers of
10 different nationalities.

11 *Sec. 7. Right to Educational Advancement and Training at Reasonable and*
12 *Affordable Costs.* – Seafarers shall have access to educational advancement and
13 training at reasonable and affordable costs.

14 Toward this end, relevant government agencies shall:

- 15 (a) Regulate the operation of all educational and training institutions offering
16 courses related to seafaring;
17 (b) Pursue grant programs, such as scholarships, subsidies, loan assistance, and
18 other measures that will harness the skills of seafarers toward greater
19 competitiveness given the new and evolving demands in the industry;
20 (c) Promote quality maritime education and training that respond to the needs of
21 the industry and in accordance with minimum international maritime standards
22 of competency; and
23 (d) Afford enhanced access to educational advancement and training of women in
24 the seafaring industry.

25 CHED and MARINA shall work together to mainstream gender and development in the
26 curricula of maritime institutions and training centers.

27 *Sec. 8. Right to Information.* – Shipowners, manning agencies, and other
28 organizations responsible for the recruitment and placement of seafarers, shall provide
29 seafarers relevant information, including the terms and conditions of employment,
30 company policies affecting seafarers, obligations of seafarers, conditions and realities
31 attending to their profession, and necessary laws and regulations of countries covered
32 by their sojourn. In addition, the seafarers shall, at all times, be furnished a copy of

1 the duly executed Standard Employment Contract, as well as the results of the medical
2 examination conducted on him/her. This right shall also include the right of seafarers'
3 organizations to relevant information affecting the terms and conditions of
4 employment of their members.

5 All ships covered by this Act shall have a copy of the MLC, 2006, the grievance
6 procedures available on-board, duly executed Standard Employment Contract of
7 seafarers, and when there is a collective bargaining agreement (CBA), a copy of such
8 agreement, which shall be readily available to the seafarers.

9 *Sec. 9. Right to Information of a Seafarer's Family or Next-of-Kin.* – In critical
10 incidents, such as accidents or deaths on board or offshore, piracy, abandonment of
11 vessel, and other similar cases, the seafarer's family or next-of-kin shall be
12 immediately informed of the incident, including investigation reports, action/s taken,
13 and plans by the shipowner and the manning agency concerned.

14 In addition, it shall be the duty of the shipowner and the manning agency,
15 within a reasonable period of time, to report to the POEA and the OWWA such incident
16 and the details of the family or next-of-kin of the concerned seafarer/s.

17 *Sec. 10. Right to Safe Passage and Safe Travel.* – Seafarers shall be accorded
18 the rights to safe passage and safe travel, including the right to embark and disembark
19 in third countries when in transit, and the right to be repatriated and return home.

20 *Sec. 11. Right to Consultation.* – Seafarers and maritime stakeholders shall be
21 adequately consulted before adopting any maritime policy, executive issuance, rules
22 or regulations, or in the enactment of any maritime law that may directly affect the
23 seafarers and/or their families and beneficiaries.

24 *Sec. 12. Right against Discrimination.* – Seafarers shall have the right to be
25 protected from discrimination on the basis of race, age, sex, religion, or political
26 opinion, as well as on the basis of disablement, taking into consideration the inherent
27 requirements of the particular job or undertaking. Career opportunities shall be
28 promoted, and appropriate working and living conditions shall be guaranteed equally
29 among male and female seafarers.

- 1 (a) Payment of a lesser compensation, including wage, salary or other form of
2 remuneration and fringe benefits, to a male seafarer as against a female
3 seafarer, for work of equal value; and
- 4 (b) Favoring a male seafarer over a female seafarer with respect to promotion,
5 training opportunities, study and scholarship grants, solely on account of their
6 sexes.

7 *Sec. 19. Gender and Development.* – Shipowners and manning agencies shall
8 formulate gender and development policies. In addition, all maritime training
9 institutions shall ensure that appropriate gender-sensitive policies are in place to
10 promote the rights of women to adequate training and opportunities, free from
11 discrimination, harassment and bullying.

12 CHAPTER V

13 SEAFARER'S DUTIES

14 *Sec. 20. Duties of a Seafarer.* – Seafarers shall have the following duties:

- 15 (a) To comply with and observe the terms and conditions of the Standard
16 Employment Contract;
- 17 (b) To abide by lawful and reasonable company personnel policies;
- 18 (c) To follow and observe the chain and command of the vessel, and to comply
19 with the relevant and reasonable policies and procedures on board the ship or
20 while ashore, taking into consideration his/her religious freedom;
- 21 (d) To be diligent in the performance of duties relating to the ship, its stores,
22 equipment, and cargo, whether on board, in transit, or ashore;
- 23 (e) To continually improve his/her professional competency by keeping up-to-date
24 with the latest technological and scientific knowledge applied in the maritime
25 fields, constant reading and diligent studies, and keen observation of shipboard
26 activities;
- 27 (f) To be, at all times, orderly and respectful to the shipmates, passengers,
28 shippers, stevedores, port authorities, and other persons who have official
29 business with the ship; and
- 30 (g) To take personal responsibility for his/her health while on board by maintaining
31 a healthy lifestyle and complying with medically prescribed instructions.

1 CHAPTER VI

2 MINIMUM REQUIREMENTS FOR SEAFARERS

3 Sec. 21. *Minimum Age.* – No person below eighteen (18) years old, other than
4 a cadet, shall be employed, engaged, or otherwise allowed to work on board
5 Philippine-registered ships operating domestically or internationally, as well as on
6 board foreign-registered ships.

7 Sec. 22. *Medical Certificates.* – No seafarer shall be employed, engaged, or
8 otherwise allowed to work on board a domestic or ocean-going ship unless a medical
9 certificate has been issued declaring the seafarer to be fit to work.

10 For this purpose, the seafarer shall hold a valid medical certificate issued by a
11 medical facility duly accredited by the Department of Health (DOH), in accordance
12 with its rules and regulations.

13 The medical certificate shall certify that the person is expected to meet the
14 minimum requirements to perform the duty specific to the person's post safely and
15 effectively during the validity of the certificate.

16 During the conduct of a medical examination, the seafarer shall have the
17 responsibility of answering truthfully all questions relating to his/her medical condition
18 and/or medical history, including previously known illness, injury, or medical
19 treatment, and to make a complete inventory of medication prescribed to him/her by
20 physicians; *Provided*, that the processing of the medical information of the seafarer
21 shall at all times comply with the provisions of Republic Act No. 10173 or the Data
22 Privacy Act of 2012.

23 For the purposes of this Section, a medical certificate issued in accordance with
24 the requirements of STCW shall be accepted.

25 Sec. 23. *Training and Qualifications.* – Only seafarers certified by appropriate
26 government agencies in compliance with the STCW and other applicable international
27 standards, shall work, be employed, or be engaged on board a ship.

28 Sec. 24. *Recruitment and Placement.* – Only duly licensed manning agencies
29 shall be allowed to operate and engage in the recruitment and placement of seafarers,
30 in accordance with rules and regulations as may be issued by the Secretary of Labor
31 and Employment, or the Secretary in-charge of migration-related matters, including
32 the deployment of seafarers.

1 In all cases, no amount or fee, including placement fees, shall be charged to
2 the seafarer in relation to his/her recruitment and placement.

3 CHAPTER VII

4 TERMS AND CONDITIONS OF EMPLOYMENT

5 Sec. 25. *Standard Employment Contract for Seafarers.* – There shall be a
6 Standard Employment Contract in writing between the shipowner and the seafarer,
7 which shall include, but not be limited to, the following information and terms:

8 (a) Seafarer's full name, date of birth, age, birthplace, permanent, and/or
9 residential address;

10 (b) Seafarer's Record Book Number, Seafarer's Identity Document Number, and
11 POEA Seafarer's Registration Number;

12 (c) Shipowner's name and address;

13 (d) Place where and date when the seafarer's employment agreement is entered
14 into;

15 (e) Duration of the contract;

16 (f) Point of hire;

17 (g) Capacity in which the seafarer is to be employed;

18 (h) Amount of the seafarer's salary, and the formula used for calculating the same;

19 (i) Maximum hours of work and minimum hours of rest;

20 (j) Wages and wage-related benefits, which shall include, but is not limited to,
21 overtime pay, holiday pay, vacation leave pay, premium pay, paid leaves, and
22 13th-month pay, if applicable;

23 (k) Compensation and benefits for occupational injury, illness, or death;

24 (l) Social security and welfare benefits, including the compulsory insurance
25 coverage as provided under Republic Act No. 8042, as amended by Republic
26 Act No. 10022, otherwise known as The Migrant Workers Act;

27 (m) Stipulations on repatriation or similar undertakings;

28 (n) Separation pay and retirement pay, if applicable;

29 (o) Reference to the CBA, if applicable; and

30 (p) Other benefits in accordance with law, company policy, or CBA.

1 The employment contract shall be in a working language or in the English
2 language, executed in four (4) original copies before the commencement of the
3 employment. The shipowner and the seafarer shall each have a signed original of the
4 agreement. In addition, a signed original shall be made available on board the ship.

5 For ocean-going Philippine-registered ships or foreign-registered ships, the
6 POEA shall issue a Standard Employment Contract containing the minimum standards
7 to be observed in the employment of seafarers. The Standard Employment Contract
8 shall be reviewed and updated regularly and must, at all times, be consistent with the
9 MLC, 2006, and other existing treaties and conventions governing seafarers, which
10 the Philippines has ratified or will ratify in the future.

11 *Sec. 26. Maximum Hours of Work and Minimum Hours of Rest.* – The normal
12 hours of work of a seafarer shall not exceed eight (8) hours a day with one (1) rest
13 day per week. If the seafarer is required to work beyond eight (8) hours, the maximum
14 hours of work shall not exceed fourteen (14) hours in any 24-hour period, and seventy-
15 two (72) hours in any seven (7)-day period.

16 The minimum hours of rest for every seafarer shall not be less than ten (10)
17 hours in a 24-hour period. The hours of rest may be divided into two periods, one of
18 which shall be at least six (6) hours in length, and the interval between the two periods
19 of rest shall not exceed fourteen (14) hours.

20 In exceptional cases, seafarers in watchkeeping duties may be required to work
21 beyond fourteen (14) hours: *Provided*, that the rest period is not less than seventy
22 (70) hours in any seven-day period; *Provided, further*, that such watchkeeping duties
23 shall not be allowed for more than two (2) consecutive weeks; *Provided, finally*, that
24 the intervals between the two (2) periods shall not be less than twice the duration of
25 the exception.

26 Seafarers shall be granted reasonable periods of shore leaves while the vessel
27 is docked for the benefit of their health and well-being, subject to proportionate and
28 specifically adopted rules, regulations, and measures of the Port State.

1 *Sec. 27. Paid Annual Leave.* – Unless a higher annual leave is already provided
2 in the employment contract, or under a CBA, or by the shipowner as company practice
3 or policy, the seafarers shall be paid an annual leave, to be calculated on the basis of
4 a minimum of 4.5 calendar days per month of employment, without prejudice to any
5 future increases as may be prescribed by laws, rules, or regulations; *provided*, that
6 the following shall not be counted as part of the annual paid leave:

7 (a) Public and customary holidays of the Philippines, whether or not they fall during
8 the paid annual leave;

9 (b) Periods of incapacity for work (i) resulting from illness or injury; (ii) due to
10 maternity or paternity leave in accordance with law;

11 (c) Temporary shore leave granted to a seafarer while employed; or

12 (d) Compensatory leave of any kind.

13 *Sec. 28. Wages.* – Without prejudice to higher rates provided under the
14 Standard Employment Contract, or under a CBA, or by the shipowner as company
15 practice or policy, the minimum wage applicable to seafarers on board ocean-going
16 ships of Philippine or foreign registry shall be as provided in the Standard Employment
17 Contract, which in no case be lower than the prevailing industry standard on ocean-
18 going seafaring wage rates for officers and other members of the ship's crew, and
19 regularly paid in full at least once a month.

20 *Sec. 29. Remittance of Wages.* – Shipowners shall provide the appropriate
21 facilities and assistance to the seafarer to enable the seafarer to remit his/her wages
22 to his/her designated allottee/s in the Philippines through any authorized Philippine
23 bank or financial intermediary; *Provided*, that such allotment shall not be less than
24 eighty percent (80%) of the seafarer's monthly basic salary.

25 *Sec. 30. Limitations on Wage Deductions.* – A deduction from the seafarer's
26 wages shall not be made without his/her written consent unless the deduction is
27 provided for in the contract of employment and/or is authorized by law.

- 1 (b) All second-hand ships, whether ocean-going or domestic, acquired or leased,
2 and entered in the Philippine Registry after the entry date into force of the said
3 Convention, insofar as they can be reasonably refitted, unless provided
4 exemption by the relevant Philippine government agency; and
- 5 (c) All ships constructed prior to the entry into force of the MLC, 2006, which have
6 undergone major or substantial structural alterations after the entry into force
7 of the Convention, unless provided exemption by the relevant Philippine
8 government agency.

9 *Sec. 36. Accommodation Facilities.* – Unless otherwise exempted herein or by
10 appropriate regulations, all ships shall have safe, decent, and adequate
11 accommodations for seafarers, taking into account the need to protect the health and
12 safety of seafarers working or living on board the ship. There shall be a basic shipboard
13 facility for women, such as separate sleeping rooms.

14 *Sec. 37. Requirements for Sanitation.* – All ships shall have sanitation facilities
15 that meet the minimum standards for health and hygiene, which shall be accessible
16 to seafarers on board. The sanitation facilities shall be located at convenient places,
17 allowing for easy access to workstations. Separate sanitation facilities shall also be
18 provided for male and female crew members of the ship.

19 *Sec. 38. Recreation Facilities.* – Unless otherwise exempted herein or by
20 appropriate regulations, all ships shall have recreation facilities, amenities, and
21 services that are appropriate and accessible to seafarers; *Provided*, that domestic
22 ships shall be exempted from this requirement considering that their trading patterns
23 and length of voyages allow their crew to go home or to make use of comparable
24 facilities onshore.

25 *Sec. 39. Food and Catering.* – All ships shall ensure protection and promotion
26 of the health of the seafarer. Toward this end, shipowners shall ensure that ships carry
27 on-board and serve free food and drinking water of appropriate quality, quantity, and
28 nutritional value that adequately cover the requirements of the ship and take into
29 consideration the differing cultural and religious backgrounds of the seafarers on
30 board the ship. The food and drinks in the preparation thereof shall be in accordance
31 with the standards of the Sanitation Code of the Philippines and pertinent laws, rules,

1 and regulations, and/or with international standards. In all cases, the ship's cooks shall
2 be trained and qualified.

3 CHAPTER IX

4 MEDICAL CARE AND MARITIME OCCUPATIONAL

5 SAFETY AND HEALTH STANDARDS

6 *Sec. 40. Medical Care On Board Ships and Ashore.* – The shipowner shall
7 provide adequate medical facility, equipment, paraphernalia, and medical supplies,
8 including medicines on board, and shall ensure access to shore facilities for the health
9 of seafarers, as well as the corresponding medical or trained personnel who shall
10 provide first-aid and medical care.

11 The medicine chest and its contents, the medical equipment, and the medical
12 guide on board shall be maintained and inspected regularly to ensure that labeling,
13 expiry dates, and conditions of storage of all medicines and the directions for their use
14 are checked, and all equipment are functioning properly.

15 The shipowner shall ensure that seafarers have access to medical treatment for
16 any illness or injury, hospitalization, and dental treatment until the sick or injured
17 seafarer has recovered or until the sickness or incapacity has been declared of a
18 permanent character.

19 A seafarer shall have the right to consult a qualified physician or dentist without
20 delay in ports of call, where practicable.

21 The health protection and medical care under this Section shall be provided at
22 no cost to the seafarer, in accordance with rules and regulations issued for this
23 purpose.

24 *Sec. 41. Protection of Seafarers from Epidemics, Pandemics, or Other Public*
25 *Health Emergencies.* – Seafarers on ships should be covered by adequate measures
26 for protection from health-related outbreaks, such as epidemics and pandemics,
27 including the provision of personal protective supplies and equipment, as appropriate.

28 Seafarers shall have access to prompt and adequate medical care while on
29 board, including medical advice and confidential helplines on physical and mental
30 health, which shall be free of charge.

1 Shipowners shall institute preventive measures in accordance with the health
2 regulations of the Flag State and the appropriate guidelines issued by the World Health
3 Organization (WHO), including the necessary disinfection, decontamination, de-
4 ratting, or other measures necessary to prevent the spread of infection or
5 contamination. Affected seafarers shall also be properly isolated and treated pursuant
6 to established guidelines of the Flag State, the WHO, and applicable rules and
7 regulations.

8 In ports of call, seafarers in need of medical care shall have access to medical
9 facilities onshore.

10 The transit of seafarers who are medically fit to work shall be facilitated and
11 exempted from travel-related, health-related, or movement restrictions until arrival at
12 the point of destination.

13 *Sec. 42. Financial Security System to Assist Seafarers in case of Occupational*
14 *Injury and Other Causes.* – In accordance with the MLC, 2006 on Financial Security
15 for vessels, the shipowner shall provide an expeditious and effective financial security
16 system to assist seafarers in the event of their abandonment and to assure
17 compensation for contractual claims in the event of sickness, injury, or death occurring
18 while they are serving under a seafarer’s employment contract, or arising from their
19 employment under such agreement.

20 CHAPTER X

21 TERMINATION OF EMPLOYMENT

22 *Sec. 43. Termination of Employment.* –

23 (a) The employment of seafarers on board Philippine-registered ships operating
24 internationally, as well as those on board foreign-registered ships, shall cease
25 when the seafarers complete their period of contractual service aboard the ship,
26 signs-off from the ship, and arrive at the destination as specified under this
27 paragraph (b) of this Section.;

28 (b) The employment is also terminated effective upon arrival at the point of
29 destination, which shall either be at the point of hire or the seafarer’s place of
30 domicile, at the option of the seafarer, or in case of the seafarer’s incapacity or
31 death, at the option of his/her next-of-kin, for any of the following reasons:

- 1 (1) When the seafarer signs-off and is disembarked for medical reasons in the
2 event the seafarer is declared: (i) fit for repatriation; or (ii) when after an
3 illness, the seafarer is declared fit to work, but the shipowner is unable to
4 find employment for the seafarer on board the ship originally boarded or
5 another ship of the shipowner;
- 6 (2) When the seafarer signs-off due to sale of the ship, lay-up of the ship,
7 discontinuance of voyage or change of ship principal, shipwreck, grounding,
8 or unseaworthiness;
- 9 (3) When the seafarer voluntarily resigns in writing and signs-off prior to the
10 expiration of contract within a reasonable period as may be prescribed in
11 the implementing rules and regulations of this Act; or
- 12 (4) When the seafarer is discharged for just causes in accordance with the
13 provisions of the Standard Employment Contract.

14 *Sec. 44. Extension of Employment.* – In the event of the extension of the term
15 of a seafarer’s employment contract, the seafarer shall be furnished a copy of the
16 new, or supplemental contract covering the extension of his employment, with
17 adequate time to review and obtain expert advice regarding the terms and conditions
18 of his/her extended employment, which shall in no case be lower than the terms of
19 his/her original employment. In all cases, the shipowner, or a duly authorized
20 representative or the manning agency shall ensure that the seafarer has considered
21 the effect of such an extension to any accumulated entitlement and repatriation
22 benefits, among others.

23 Manning agencies and shipowners shall submit periodic reports to the POEA on
24 the welfare and well-being of seafarers subjected to such contract extensions.

25 CHAPTER XI

26 SETTLEMENT OF DISPUTES

27 *Sec. 45. On board and Onshore Grievance Machinery.* – All ships of Philippine
28 registry shall establish a grievance machinery and fair, effective, and expeditious on
29 board and onshore procedures, at no cost to the seafarer, for the resolution of
30 grievances or complaints.

1 Any grievance or complaints shall first be referred to the appropriate grievance
2 mechanism provided under this Section. In cases where a seafarer is a member of a
3 legitimate trade union organization and covered by a CBA, he/she shall be assisted by
4 a union-designated representative in the proceedings. Any agreements reached by the
5 parties at the grievance proceedings shall be final and binding.

6 *Sec. 46. Mandatory Conciliation - Mediation.* – In the absence of an agreement
7 or settlement at the grievance machinery level, the following rules shall apply:

8 (a) If there is a CBA, the matter shall be submitted for voluntary arbitration in
9 accordance with existing laws, rules, and regulations;

10 (b) If there is no CBA, the parties shall have the option to submit the case to
11 compulsory arbitration or voluntary arbitration, or conciliation-mediation
12 services provided under Republic Act No. 10396, otherwise known as "An Act
13 Strengthening Conciliation-Mediation as a Voluntary Mode of Dispute
14 Settlement for all Labor Cases, Amending for this Purpose Article 228 of
15 Presidential Decree No. 442, as amended, Otherwise Known as the 'Labor Code
16 of the Philippines'" and its implementing rules and regulations.

17 *Sec. 47. Maritime Industry Labor Arbitration.* – There shall be a pool of trained
18 maritime industry conciliators-mediators and experts with the appropriate
19 competence, integrity, and knowledge of the Philippine and global maritime industry
20 practices and standards, MLC, 2006, and related Philippine-ratified conventions and
21 treaties, who shall handle the mediation or conciliation or arbitration of all issues
22 relating to the employment of seafarers.

23 CHAPTER XII

24 REPATRIATION

25 *Sec. 48. Seafarers' Repatriation.* – In all cases of repatriation, the affected
26 seafarer shall be repatriated to the point of hire or the place of domicile of the seafarer,
27 at his/her option, or in case of incapacity or death, at the option of his/her next-of-
28 kin, and all costs related to the repatriation and/or transport of the personal effects
29 and remains of seafarers, including the provision on financial security in case of
30 abandonment of seafarers, shall be borne by or charged to the shipowner or the
31 manning agency concerned to expedite the repatriation without prior determination
32 of the cause of repatriation or termination of the seafarer's employment.

1 Sec. 49. *Repatriation Expenses; Advance and Recovery.* – The repatriation
2 expenses that shall be borne by or charged to the shipowner or the manning agency
3 concerned shall include:

- 4 (a) Basic pay and allowances from the moment the seafarers leave the ship until
5 they reach the repatriation destination;
- 6 (b) Accommodation and food during the journey to the repatriation destination;
- 7 (c) Transportation charges, the normal mode of transport should be by air;
- 8 (d) Deployment cost of the principal; and
- 9 (e) Immigration fees, fines, and penalties.

10 However, in cases where the termination of employment is for just cause or
11 upon the request of the seafarer, the cost of repatriation shall be for the account of
12 the seafarer in accordance with the employment agreement.

13 The responsibility to provide for the repatriation costs shall be without prejudice
14 to the right to civil, criminal or other claims in accordance with law or otherwise,
15 particularly in cases of maritime accident or death other than natural causes.

16 Sec. 50. *Quarantine and Medical Expenses in Repatriation Due to Infection,*
17 *Epidemics or Pandemic.* – Before or during the process of repatriation, the expenses
18 of medical care and board and lodging for periods spent by seafarers in self-isolation
19 or quarantine, whether or not the seafarers have symptoms, have been exposed or
20 are quarantined as a safety precaution for the community, shall be covered by the
21 shipowner or manning agency until the seafarers have been duly repatriated to the
22 repatriation destination. Thereafter, medical care and quarantine expenses after
23 repatriation to the destination shall be borne by the Philippine government, following
24 the whole-of-government approach in the management of epidemics/pandemics.

25 Sec. 51. *Waiver of Entitlement to Repatriation.* – Entitlement to repatriation
26 may be waived by a seafarer; *Provided,* That the waiver shall be written, made freely
27 and voluntarily, with full knowledge of its consequences; *Provided, however,* that no
28 such waiver shall be allowed or presumed when a seafarers is abandoned, held captive
29 on or off the ship as a result of acts of piracy or armed robbery against the ship, or
30 are incapable of traveling due to illness, injury or incapacity, or other cases that affect
31 the seafarer’s safety and security.

1 CHAPTER XIII

2 REINTEGRATION OF OVERSEAS FILIPINO SEAFARERS

3 Sec. 52. *Reintegration.* – There shall be developed and implemented a full-cycle
4 and comprehensive national reintegration program for seafarers, which shall be
5 embedded in all stages of migration for work beginning from pre-deployment, on-site
6 during employment and upon return, whether voluntary or involuntary. The
7 reintegration program shall cover the different dimensions of support needed by the
8 seafarer, such as economic, social, psychosocial, and cultural, including skills
9 certification and recognition of equivalency for effective employment services, and
10 shall ensure contribution to national development through investments and transfer
11 of technology from skilled or professional seafarers.

12 CHAPTER XIV

13 PROVISIONS APPLICABLE TO DOMESTIC SEAFARERS

14 Sec. 53. *Wages, Holiday Pay, Service Incentive Leave, and other Statutory*
15 *Benefits.* – The minimum wage rate of seafarers on board ships engaged in domestic
16 shipping shall be determined by the Regional Wages and Productivity Boards
17 (RTWPB), taking into account the peculiarities of the employment arrangement of
18 seafarers and the criteria for wage-fixing pursuant to Republic Act No. 6727, otherwise
19 known as the "Wage Rationalization Act;" *Provided,* that wages for actual work hours
20 and days shall not be lower than the applicable minimum wage rates for actual work
21 hours and days shall not be lower than the applicable minimum wage rates in the
22 place where the ship is registered. Wages of domestic seafarers shall be paid in full
23 and regularly at least twice a week in a month, or at intervals not greater than 16
24 days as provided in the Labor Code of the Philippines, as amended.

25 In addition, the provisions of the Labor Code of the Philippines, as amended,
26 on "Prohibitions Regarding Wages," "Wage Studies, Wage Agreements, and Wage
27 Determination," "Administration and Enforcement," "Holidays," "Service Incentive
28 Leaves and Service Charges," shall continue to apply, unless higher annual leave is
29 already provided under the CBA or by the shipowner as company practice or policy or
30 seafarers' employment agreement. In addition, domestic seafarers shall also be
31 entitled to (i) 13th month pay pursuant to Presidential Decree No. 851, as amended,
32 (ii) paid maternity leave under Republic Act No. 11210, otherwise known as the 105-

1 Day Expanded Maternity Leave Law, (iii) paid paternity leave under Republic Act No.
2 8187, otherwise known as the Paternity Leave Act of 1996, (iv) Paid parental leave for
3 solo parents under Republic Act No. 8972; otherwise known as the Solo Parents'
4 Welfare Act of 2000; (v) paid leave for victims of violence against women and their
5 children under Republic Act No. 9262, otherwise known as the Anti-Violence Against
6 Women and their Children Act of 2004, (vi) paid special leave due to surgery for any
7 gynecological disorder, under Republic Act No. 9710, otherwise known as the Magna
8 Carta of Women, and retirement pay, pursuant to Republic Act No. 7641.

9 Domestic seafarers shall also be entitled to SSS, PhilHealth, and Employee
10 Compensation Commission (ECC) benefits, HDMF or Pag-IBIG Fund, and other
11 applicable social protection in accordance with law, regardless of the benefits already
12 provided under a contract, CBA, or company practice or policy.

13 *Sec. 54. Employment Contract.* There shall be an agreement in writing between
14 the shipowner and the seafarer, which shall include the following terms:

- 15 (a) Seafarer's full name, date of birth, age, birthplace, permanent, and/or
16 residential address;
- 17 (b) Seafarer's Record Book Number, Seafarer's Identity Document Number;
- 18 (c) Shipowner's name and address;
- 19 (d) Place where and date when the seafarer's employment agreement is entered
20 into;
- 21 (e) Duration of the contract;
- 22 (f) Point of hire;
- 23 (g) Capacity in which the seafarer is to be employed;
- 24 (h) Amount of the seafarer's salary, and the formula used for calculating the same;
- 25 (i) Maximum hours of work and minimum hours of rest;
- 26 (j) Wages and wage-related benefits, which shall include, but is not limited to,
27 overtime pay, holiday pay, vacation leave pay, premium pay, paid leaves, and
28 13th-month pay, if applicable;
- 29 (k) Compensation and benefits for occupational injury, illness, or death;
- 30 (l) Social security and welfare benefits, including the compulsory insurance
31 coverage as provided under Republic Act No. 8042, as amended by Republic
32 Act No. 10022, otherwise known as The Migrant Workers Act;

- 1 (m) Stipulations in case of rescues or other similar undertakings;
- 2 (n) Separation pay and retirement pay, if applicable;
- 3 (o) Reference to the CBA, if applicable; and
- 4 (p) Other benefits in accordance with the law, company policy, or CBA.

5 The foregoing employment agreement shall be executed by and between the
6 shipowner and the seafarer before the commencement of employment, in a language
7 or dialect understandable to both parties. The shipowner shall provide the domestic
8 seafarer the signed original copy of the agreement and a certified true copy shall be
9 made available on board the ship.

10 The DOLE shall keep a copy of the employment contract between the shipowner
11 and the domestic seafarer.

12 *Sec. 55. Maximum Hours of Work and Minimum Hours of Rest.* – The provision
13 of Section 26 shall also apply to domestic seafarers. In addition, waiting time shall not
14 be considered as compensable working time if the seafarer is completely relieved from
15 his/her duty and can use the time effectively for his/her own purpose.

16 *Sec. 56. Termination of Employment of Domestic Seafarers.* – The termination
17 of employment of a seafarer on board domestic ships shall be governed by the
18 provisions of the Labor Code of the Philippines, as amended, and applicable rules and
19 regulations issued by DOLE. In case the termination of employment is initiated by the
20 shipowner, the substantial and procedural aspects of due process shall be observed.

21 *Sec. 57. Rescue of Seafarers On-Board Domestic Ships.* – The provisions under
22 this Act on repatriation, as may be applicable, shall also apply to seafarers working on
23 domestic ships. Seafarers on board domestic ships shall be entitled to emergency
24 rescues in cases of war, epidemics, abandonment of ships by shipowners, disasters or
25 calamities, whether natural or man-made, and other similar events. The Philippine
26 Coast Guard and MARINA shall undertake and assist in the rescue of seafarers on
27 board domestic ships.

28 *Sec. 58. Contracting or Subcontracting of Services.* – The contracting or
29 subcontracting of seafarers for work on-board domestic ships shall be governed by
30 existing rules and regulations issued by the DOLE.

1 CHAPTER XV

2 MANNING LEVELS AND COMPLIANCE AND ENFORCEMENT
3 OF SHIPS OF PHILIPPINE REGISTRY

4 Sec. 59. *Manning Levels.* – All ships of Philippine registry shall have the required
5 minimum manning levels as prescribed by the Maritime Industry Authority (MARINA).
6 They shall, at all times, be manned by a crew that is adequate in terms of size and
7 qualifications taking into account the need to operate the vessel safely and efficiently.

8 Sec. 60. *Crew Competence.* – Every member of the crew of a ship of Philippine
9 Registry shall possess, in addition to the required medical certificate, the appropriate
10 certificate of competency issued by the relevant government agency/ies, setting forth
11 his/her competence to serve in the capacity, and perform the functions involved at
12 the level of responsibility, for the position held, for the type, tonnage, power, means
13 of propulsion, and trading patterns of the ships concerned.

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

17 Sec. 61. *Compliance and Certification.* – All ships of Philippine registry shall
18 comply with the provisions of this Act. The shipowner and master shall ensure the
19 compliance of the ship with this Act and its implementing rules and regulations, who
20 shall be made principally liable for any violation thereof.

21 For this purpose, a Maritime Labour Certificate or a certificate of compliance,
22 as applicable, shall be issued in accordance with the implementing rules and
23 regulations of this Act.

24 Sec. 62. *Inspection and Enforcement.* –

25 (a) The Secretary of Labor or the appropriate Secretary in-charge of migration-
26 related matters, or his/her duly authorized representative, shall have the
27 authority to inspect all ships of Philippine registry, domestic or ocean-going, to
28 ensure compliance with labor standards and occupational safety and health as
29 provided under this Act.

1 The enforcement and compliance monitoring activities may be coordinated and
2 conducted by the DOLE with the relevant government agencies, including
3 MARINA and PCG, in conjunction with their schedules for inspection and
4 certification.

5 The Secretary of Labor or the appropriate Secretary in-charge of migration-
6 related matters, or his/her duly authorized representative shall have the power
7 to order immediate correction of, and impose fines for, violations of the relevant
8 provisions of this Act.

9 If the violation or deficiency constitutes a serious breach of the requirement of
10 this Act and its implementing rules and regulations or poses an imminent
11 danger to the ships, and/or to the life or limbs of the seafarer, the Secretary of
12 Labor or the appropriate Secretary in-charge of migration-related matters, or
13 his/her duly authorized representative shall coordinate with the PCG to order
14 the detention of the ship immediately until the violation or deficiency is
15 corrected or until a plan of action to rectify the non-conformities is shown to
16 be implemented in an expeditious manner.

17 (b) The Philippine Coast Guard (PCG) shall have the authority to conduct port state
18 control inspections of vessels, including all foreign-flagged vessels, calling at
19 any port of the Philippines, for the promotion of safety of life and property at
20 sea, control and prevention of maritime pollution, and verification of compliance
21 with the minimum standards of training and social condition of officers and
22 crew on board the ships. The PCG shall assist relevant agencies in the
23 enforcement of the provisions of this Act and its implementing rules and
24 regulations, and the MLC, 2006.

25 The conduct of port state controls shall be in accordance with international
26 conventions and instruments ratified or to be ratified in the future.

27 The PCG Commandant or his/her duly authorized representative shall have the
28 power to order immediate correction of, and impose fines for, violations of the
29 relevant provisions of this Act.

1 The PCG shall prohibit a ship from leaving port upon the order of the Secretary
2 of Labor or the appropriate Secretary in-charge of migration-related matters,
3 or in case of finding of non-compliance with the provisions of this Act and the
4 MLC, 2006 and/or its amendments and the conditions on board are clearly
5 hazardous to the safety, health, or security of seafarers. In all cases, the
6 prohibition to leave the port shall be in place until the same have been rectified
7 or until a plan of action to rectify the non-conformities is shown to be
8 implemented in an expeditious manner, and cleared by the Secretary of Labor
9 or the appropriate Secretary in-charge of migration-related matters.

10 *Sec. 63. Recognized Organizations.* – Recognized organizations may be
11 authorized by the Secretary of Labor to conduct inspection and issue certification in
12 accordance with the provisions of this Act and its implementing rules and regulations.

13 A recognized organization shall have the necessary knowledge of the
14 requirements of this Act and its implementing rules and regulations, MLC, 2006, and
15 other relevant international treaties or conventions.

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

19 CHAPTER XVI

20 SHIPBOARD TRAINING OF CADETS

21 *Sec. 64. Applicability.* – The provisions of Sections 5 to 17 (Seafarers' Rights),
22 Sections 18 to 19 (Women in the Maritime Industry), Section 22 (Medical Certificate),
23 Sections 35 to 39 (Accommodation, Recreation Facilities, Food and Catering in Ships),
24 Section 40 (Medical Care On Board Ships and Ashore), Sections 45 to 47 (Settlement
25 of Disputes), Sections 48 to 50 (Repatriation) shall apply with respect to the training
26 of cadets.

27 *Sec. 65. Shipboard Training Agreement for Cadets.* – There shall be a written
28 agreement among the shipowner, the cadet, and the maritime institution or school,
29 which shall embody the following information, terms, and conditions:

- 30 (a) Cadet's full name, date of birth, birthplace, and age, which should be at least
31 16 years old;
- 32 (b) Name and address of maritime institution or school;

- 1 (c) Name and address of shipowner and its manning and placement agency, if
2 applicable;
- 3 (d) Place and date when the agreement is entered into;
- 4 (e) Capacity in which the cadet is to be trained;
- 5 (f) The amount of the cadet's allowance or stipend, if applicable;
- 6 (g) Required number of hours of training and rest which shall not be less than the
7 prescribed hours of rest in Section 23 of this Act;
- 8 (h) Duties and responsibilities of the sponsoring company, the Maritime Higher
9 Educational Institution (MHEIs), and cadets, as may be provided under the
10 Standard Cadet Training Agreement on Ships Engaged in International Voyage
11 of the Philippine Overseas Employment Administration (POEA); and
- 12 (i) Other benefits in accordance with existing laws, company policy, or
13 agreements.

14 In no case shall cadets perform activities outside of the scope of the cadet
15 shipboard training program.

16 The foregoing agreement shall be in a language familiar to and understood by
17 all parties or in English, executed in four (4) original copies before the commencement
18 of the shipboard training. The shipowner, cadet and the maritime institution/school
19 shall each have a signed original of the agreement, and an electronic copy thereof
20 shall be submitted to the DOLE, through the Bureau of Working Conditions (BWC). A
21 signed original copy shall also be made available on-board the ship.

22 *Sec. 66. No Discrimination of Women for Shipboard Training.* – Women cadets
23 shall be accorded equal access to training and shall not be discriminated against for
24 shipboard training.

25 CHAPTER XVII

26 INCENTIVES AND AWARDS GRANTED TO THE MARITIME INDUSTRY

27 *Sec. 67. Incentives and Awards.* – There shall be established an incentives and
28 awards system for the maritime industry stakeholders, which shall be developed and
29 administered by the concerned government agency upon consultation with the
30 Maritime Industry Tripartite Council (MITC).

1 Under such rules and regulations that may be promulgated, deserving
2 shipowners, seafarers, manning, and other organizations or entities shall be
3 commended or awarded for their outstanding performance in upholding the rights of
4 seafarers and complying with this Act.

5 CHAPTER XVIII

6 ROLE OF GOVERNMENT AGENCIES

7 *Sec. 68. Role of Government Agencies.* – The following government agencies shall
8 perform the following functions to promote the welfare and protect the rights of
9 seafarers:

10 (a) Commission on Higher Education (CHED). CHED shall set the standards and
11 monitor the performance of maritime education programs and maritime higher
12 education institutions, ensuring that quality maritime education, including
13 curricula and training programs, are structured and delivered in accordance
14 with the written programs, methods, and media of delivery, procedures, and
15 course materials compliant with international standards prescribed under the
16 STCW Convention and its amendments. For this purpose, CHED shall be in close
17 coordination with the MARINA.

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

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

26 (c) Department of Foreign Affairs (DFA). DFA, through its consular offices or
27 foreign service posts, in coordination with the appropriate government agency,
28 shall take priority action or make representation with the foreign authority
29 concerned to protect the rights of seafarers and extend immediate assistance,
30 including the repatriation of distressed or beleaguered seafarers.

- 1 (d) Department of Health (DOH). DOH shall regulate the activities and operations
2 of all clinics which conduct medical, physical, optical, dental, psychological, and
3 other similar examinations, hereinafter referred to as health examinations, on
4 seafarers.
- 5 The DOH shall determine and prescribe the nature of the medical examination
6 that shall be required of a seafarer, ensuring that such examination will
7 genuinely determine the seafarer's State of health, considering the duties that
8 he/she shall be required to perform on board. The DOH shall likewise prescribe
9 the contents of the medical certificate to ensure that such certification will
10 genuinely reflect the seafarer's state of health.
- 11 (e) Philippine Overseas Employment Administration (POEA). POEA shall review and
12 improve on the working conditions and terms of employment of the officers
13 and crew of vessels of Philippine registry, and of such officers and crew
14 members who are Filipino citizens and employed by foreign vessels.
- 15 (f) Overseas Workers' Welfare Administration (OWWA). The OWWA, through its
16 welfare officer or, in his absence, the coordinating officer, shall provide the
17 seafarers and his/her family all the assistance they may need in the
18 enforcement of contractual obligations by agencies and/or by their principals.
19 The OWWA shall likewise formulate and implement welfare programs for
20 overseas Filipino seafarers and their families while they are abroad and upon
21 their return. It shall ensure the awareness by the overseas Filipino workers and
22 their families of these programs and other related governmental programs.
- 23 (g) Maritime Industry Authority (MARINA). The MARINA shall ensure that the
24 examination, licensing, and certification system for seafarers are in accordance
25 with the requirements prescribed under the STCW Convention, international
26 agreements, other conventions relevant thereto, and other applicable laws,
27 rules, and regulations.
- 28 (h) National Maritime Polytechnic. The NMP shall strengthen its research capability
29 to provide studies/resources for evidenced-based policy decision-making and
30 program development, and continuously address gaps in the protection and
31 welfare of the seafarers.

1 The NMP shall also continue to develop, enhance, and increase the accessibility
2 of its gender and women empowerment and training courses for seafarers to
3 the maritime industry, which shall be made available in any format, including
4 digital and/or e-learning format.

- 5 (i) Philippine Coast Guard (PCG). The PCG shall undertake port state control
6 inspections of vessels calling at any port of the Philippines, in accordance with
7 international conventions and standards, for the promotion of safety of life and
8 property at sea, control and prevention of maritime pollution, and verification
9 of compliance with the minimum standards of training and social condition of
10 officers and crew on board the ships.

11 The PCG shall likewise, in line with its function to assist in the enforcement of
12 applicable laws within the maritime jurisdiction of the Philippines, assist the
13 DOLE in the enforcement of the rules and regulations issued for the purpose of
14 implementing the MLC, 2006, including orders to detain vessels found in gross
15 violation of pertinent laws, rules and regulations.

16 Unless otherwise provided in this Act, the mandate, power and function of all
17 existing departments, agencies, and instrumentalities of the government, including
18 government-owned and controlled corporations, shall remain and continue to be
19 recognized in accordance with law or order creating them.

20 *Sec. 69. One-Stop Shop Center for OFWs (OSSCO).* – There shall be established
21 in each region a One Stop Shop Center for OFWs, which shall be co-located in the
22 regional offices of the POEA, and shall have, as far as practicable, representatives
23 from agencies that process the documents or issue the required licenses, permits and
24 clearances required of seafarers.

25 *Sec. 70. Registry of Seafarers.* – The POEA, for ocean-going ships of foreign
26 registry, and MARINA, for domestic and ocean-going ships of Philippine registry, shall
27 maintain a registry of all seafarers in the Philippines; *Provided,* that the registry of
28 seafarers aboard ocean-going ships shall be integrated to the management
29 information system established under the Migrant Workers and Overseas Filipinos Act,
30 as amended. The registry shall contain updated and relevant information or data to
31 promote employment opportunities for seafarers, whether on board or ashore, or to

1 provide a list of available training and education to support skills development and
2 competencies of seafarers, as well as a digitalized copy of the duly executed contract.

3 POEA and MARINA shall ensure compliance with Republic Act No. 10173,
4 otherwise known as the "Data Privacy Act of 2012," and its implementing rules and
5 regulations in handling the relevant information or data of seafarers in their respective
6 registries.

7 *Sec. 71. Maritime Occupational Safety and Health Standards.* – The DOLE, in
8 consultation with the maritime industry stakeholders, shall formulate the Maritime
9 Occupational Safety and Health Standards (MOSHS) pursuant to the provisions of
10 Republic Act No. 11058, otherwise known as the "Occupational Safety and Health Law"
11 and pertinent maritime conventions and treaties ratified by the Philippines.

12 CHAPTER XIX

13 FINAL PROVISIONS

14 *Sec. 72. Administrative Fines and Penalties.* – Any shipowner, master, their
15 representatives or other person who fails or refuses to present employment records,
16 such as payrolls, daily time records, payslip, or other documents, such as medical
17 records, when required by the individual seafarer, the Secretary of Labor or his duly
18 authorized representative, or the duly authorized representative of a recognized
19 organization, shall be subjected to administrative fines ranging from One Hundred
20 Thousand Pesos (Php100,000) to One Million Pesos (Php1,000,000), in accordance
21 with the implementing rules and regulations of this Act.

22 *Sec. 73. Penalties for Violations of Section 68.* – Any shipowner, master, their
23 representatives who operate without, or fails to present, a valid Maritime Labour
24 Certificate, or its equivalent, shall be punished with fines ranging from One Hundred
25 Thousand Pesos (Php100,000) to One Million Pesos (Php1,000,000.00), in accordance
26 with the implementing rules and regulations of this Act.

27 *Sec. 74. Penalties for Violations of Sections 69 and 70.* – Any person who,
28 without proper authorization, exercises the authority granted to the Secretary of Labor
29 and Employment under Sections 69 and 70 of this Act shall be punished with a fine of
30 not less than Two Hundred Thousand Pesos (Php200,000.00) nor more than Two
31 Million Pesos (Php2,000,000), or imprisonment of not less than one (1) year nor more

1 than four (4) years, or both at the discretion of the court. The foregoing offense shall
2 prescribe after five (5) years from its commission.

3 *Sec. 75. Transitory Provision.* – All rights, privileges, and benefits previously
4 enjoyed by seafarers before the effectivity of this Act, including those set forth in
5 Presidential Decree No. 442, otherwise known as the Labor Code of the Philippines,
6 as amended, and Republic Act No. 8042, otherwise known as the “Migrant Workers
7 and Overseas Filipinos Act of 1995,” as amended, shall continue to be recognized and
8 shall not be diminished after the effectivity of this Act.

9 *Sec. 76. Implementing Rules and Regulations.* – Within ninety (90) days from
10 the effectivity of this Act, the DOLE, in coordination with DFA, MARINA, CHED, TESDA,
11 PCG, POEA, OWWA, and other concerned agencies, and upon consultation with
12 relevant stakeholders, shall formulate the rules and regulations for the effective
13 implementation of this Act.

14 *Sec. 77. Separability Clause.* – If, for any reason, any section, clause or term
15 of this Act is held to be illegal, invalid, or unconstitutional, such parts not affected by
16 such declaration shall remain in full force and effect.

17 *Sec. 78. Repealing Clause.* – All laws, presidential decrees, issuances, executive
18 orders, letters of instruction, rules, and regulations inconsistent with the provisions of
19 this Act are hereby repealed or modified accordingly.

20 *Sec. 79. Effectivity Clause.* – This Act shall take effect fifteen (15) days after its
21 publication in the Official Gazette or in a newspaper of general circulation.

Approved,