

NINETEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
*First Regular Session* )

'22 AUG 16 P 3 :03

**SENATE**  
**S. No. 1191**

RECEIVED BY



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Introduced by Senator Christopher Lawrence "Bong" T. Go

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

**EXPLANATORY NOTE**

The Philippines has been the primary supplier of maritime labor and considered the manning capital of seafarers globally since 1987. Of the 1.5 million mariners worldwide, 25% are Filipino sea-based workers, making them the single biggest nationality bloc in the maritime industry. Despite the risk accompanied by a seafaring job, many Filipinos still chose the profession and gambled their life on board just to provide a better life for their families. Filipino seafarers remittances have been genuinely beneficial to the Philippine economy. In fact, they contributed US\$6.54 Billion or around 21% of the total OFW remittances in 2021.

This representation recognizes the invaluable contributions of Filipino seafarers to nation-building and the economy. Thus, the country must enhance and strengthen its measures in fulfilling its duties and obligations as the 30th Member State to ratify the International Maritime Labor Convention of 2006 (MLC, 2006). It is high time for the government to pass an additional piece of legislation that would benefit Filipino seafarers and give them rights corresponding to the Maritime Labor Convention standards.

The Magna Carta of Filipino Seafarers could answer the call of MLC 2006 on its all State Parties to secure the right of all seafarers to decent and humane employment.

It shall also set as a guide for seafarers on their training, overseas employment, and retirement. Overall, the proposed measure seeks to institute mechanisms for the enforcement and protection of Filipino seafarers and provide compulsory benefits that they deserve.

This proposed measure adopts the committee report of the Senate Committee on Committee on Labor, Employment and Human Resources Development of the 18th Congress which was a product of extensive study and consultation.

In view of the foregoing, the approval of this bill is earnestly sought.



**SENATOR CHRISTOPHER LAWRENCE "BONG" T. GO**

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

1 CHAPTER I

2 DECLARATION OF POLICY

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

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

- 6 (a) To recognize the rights, contributions, and unique role of seafarers as essential  
7 maritime professionals, acknowledge their vulnerabilities, and afford them full  
8 protection before, during, and after their employment;
- 9 (b) To recognize that seafarers are a special category of key workers providing  
10 essential services, and given the global nature of the shipping industry and the  
11 different jurisdictions that seafarers may be brought into contact with, they are  
12 in need of special protection;
- 13 (c) To encourage the participation of women in the seafaring profession and  
14 contribute meaningfully to the achievement of national development goals as  
15 productive members of the community;

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

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

## 16 CHAPTER II

### 17 GENERAL PROVISIONS

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

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

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

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

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

12 (a) Abandonment – refers to a situation where, in violation of the terms of the  
13 employment contract, the shipowner:

14 (i) Fails to cover the cost of the seafarer's repatriation;

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

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

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

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

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

- 1 (e) International Convention on Standards of Training, Certification, and  
2 Watchkeeping for Seafarers (STCW) – refers to the international convention  
3 that establishes the minimum standards relating to training, certification, and  
4 watchkeeping for seafarers, which the Philippines acceded to on May 22,  
5 1984;
- 6 (f) Manning Agency – refers to a natural or juridical person duly licensed by the  
7 Secretary of the Department to engage in the recruitment and placement of  
8 seafarers;
- 9 (g) Maritime Accident – refers to any unforeseen occurrence or physical event  
10 connected to the navigation, operations, maneuvering, or handling of ships, or  
11 the machinery, equipment, material, or cargo on board such ships which may  
12 result in the detention of seafarers;
- 13 (h) Maritime Industry Stakeholders – refer to all private stakeholders engaged in  
14 the business of owning, managing, chartering, or operating domestic and  
15 international ship/s of Philippine or foreign registry, manning of ships,  
16 management ports, stevedoring and arrastre services, ship brokering and  
17 chartering, ship-building and ship repair, providing maritime services, such as  
18 ship supplies and provisions, maritime education and training, shipping  
19 agency, and other similar activities.  
20 This term shall also include bona fide maritime labor organizations,  
21 professional associations of seafarers, associations promoting seafarers'  
22 welfare, and women's maritime organizations;
- 23 (i) Maritime Labour Certificate – refers to the document that certifies that the  
24 working and living conditions of the seafarers on the ship have been inspected  
25 and are compliant with the requirements of the MLC, 2006 and of applicable  
26 Philippine laws and regulations;
- 27 (j) Maritime Labour Convention, 2006 (MLC, 2006) – refers to the consolidated  
28 Maritime Labour Convention approved by the International Labour  
29 Organization  
30 (ILO) in 2006 and ratified by the Philippines on August 20, 2012;

- 1 (k) Master – refers to a person having command of a ship and acts as the  
2 shipowners' representative;
- 3 (l) Ocean-Going Ship – refers to a ship other than those which navigate  
4 exclusively in inland water or in water within or closely adjacent to sheltered  
5 water, or areas where port regulations apply;
- 6 (m) Officer – refers to a member of the crew other than the master who has been  
7 designated as such by national law or regulation, or, in the absence of such  
8 designation, by collective agreement or custom;
- 9 (n) One-Stop-Shop Center for OFWs (OSSCO) – refers to the one-stop centers in  
10 various parts of the country established to ensure prompt, efficient, vital, and  
11 relevant services to Overseas Filipino Workers (OFWs) and other overseas  
12 Filipinos and their families, including seafarers. The OSSCOs shall be the venue  
13 for the acquisition of relevant clearances and permits, validation of overseas  
14 job offers, availment of reintegration services and all pertinent seminars and  
15 workshops for all stakeholders, among others. In all cases and as far as  
16 practicable, the OSSCOs shall be co-located with POEA regional offices.  
17 Agencies at these centers shall, as far as practicable, include the Department  
18 of Labor and Employment (DOLE), the Department of Foreign Affairs (DFA),  
19 Philippine Overseas Employment Administration (POEA), Overseas Workers  
20 Welfare Administration (OWWA), Technical Education and Skills Development  
21 Authority (TESDA), Professional Regulation Commission (PRC), Maritime  
22 Industry Authority (MARINA), Department of Health (DOH), Philippine Coast  
23 Guard (PCG), Home Development Mutual Fund (HDMF), Philippine Health  
24 Insurance Corporation (PhilHealth), Social Security System (SSS), Philippine  
25 Statistics Authority (PSA), Bureau of Immigration (BI), National Bureau of  
26 Investigation (NBI), Commission on Higher Education (CHED), Philippine  
27 National Police (PNP), Bureau of Internal Revenue (BIR), and such other  
28 government agencies as may be appropriate;
- 29 (o) Point of Hire – refers to the place indicated in the contract of employment, and  
30 which shall be the basis in determining the commencement of the contract;

- 1 (p) Recognized Organizations – refer to organizations recognized by the DOLE to  
2 carry out inspections or issue the Maritime Labour Certificate in accordance  
3 with the scope of activities covered by their authorizations;
- 4 (q) Repatriation – refers to the process of returning a seafarer to the point of  
5 destination, which shall be at the point of hire or the seafarer's place of  
6 domicile, at the option of the seafarer, or in case of incapacity or death, at the  
7 option of his/her next-of-kin;
- 8 (r) Standard Employment Contract (SEC) or Employment Contract – refers to a  
9 government-prescribed contract containing the minimum terms and conditions  
10 of employment;
- 11 (s) Seafarer – refers to any Filipino who is to be employed, is employed, or is  
12 engaged to work in any capacity on board a ship covered under this Act;
- 13 (t) Ship or Vessel – refers to any kind, class, or type of craft or artificial  
14 contrivance capable of floating in water, whether publicly or privately owned,  
15 ordinarily engaged in commercial activities; and
- 16 (u) Shipowner or Principal – refers to the owner of the ship employing Filipino  
17 seafarers to work on board domestic ships and ships engaged in international  
18 trade, or any other organization or person, such as the manager, agent, or  
19 bareboat charterer, who has assumed the responsibility for the operation and  
20 management of the ship from the shipowner, and who, in assuming such  
21 responsibilities, has agreed to take over all the attendant duties and  
22 responsibilities of a shipowner under this Act, regardless of whether any other  
23 organization or persons fulfill certain duties or responsibilities on behalf of the  
24 shipowner.

### 25 CHAPTER III

#### 26 SEAFARER'S RIGHTS

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

- 29 (a) A safe and secure workplace that complies with safety standards;
- 30 (b) Decent working and living conditions on board a ship;



- 1 (c) Medical care and confirmatory tests, welfare measures, and other forms of  
2 health and social protection;
- 3 (d) Fair terms and conditions of employment, including salary commensurate to  
4 their rank, hours of work, paid sick leave or sickness benefits, the maximum  
5 number of workers hours, and minimum hours of rest periods, consistent with  
6 Philippine laws or international maritime conventions; and
- 7 (e) Compensation and benefits in the event of death or long-term disability for  
8 occupational injuries, illnesses, hazards.

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

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

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

22 Toward this end, relevant government agencies shall:

- 23 (a) Regulate the operation of all educational and training institutions offering  
24 courses related to seafaring;
- 25 (b) Pursue grant programs, such as scholarships, subsidies, loan assistance, and  
26 other measures that will harness the skills of seafarers toward greater  
27 competitiveness given the new and evolving demands in the industry;
- 28 (c) Promote quality maritime education and training that respond to the needs of  
29 the industry and in accordance with minimum international maritime standards  
30 of competency; and

1 (d) Afford enhanced access to educational advancement and training of women in  
2 the seafaring industry.

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

5 *Sec. 8. Right to Information.* – Shipowners, manning agencies, and other  
6 organizations responsible for the recruitment and placement of seafarers, shall  
7 provide seafarers relevant information, including the terms and conditions of  
8 employment, company policies affecting seafarers, obligations of seafarers,  
9 conditions and realities attending to their profession, and necessary laws and  
10 regulations of countries covered by their sojourn. In addition, the seafarers shall, at  
11 all times, be furnished a copy of the duly executed Standard Employment Contract,  
12 as well as the results of the medical examination conducted on him/her. This right  
13 shall also include the right of seafarers' organizations to relevant information  
14 affecting the terms and conditions of employment of their members.

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

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

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

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

31 *Sec. 11. Right to Consultation.* – Seafarers and maritime stakeholders shall be  
32 adequately consulted before adopting any maritime policy, executive issuance, rules

1 or regulations, or in the enactment of any maritime law that may directly affect the  
2 seafarers and/or their families and beneficiaries.

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

9       Sec. 13. *Right to be Protected Against All Forms of Harassment and Bullying.* –  
10 Seafarers shall be protected against all forms of harassment and bullying while on  
11 board their ships. The shipowner shall put policies in place for the protection of all  
12 crew members. Maritime stakeholders and seafarers shall ensure that harassment  
13 and bullying do not take place.

14       Shipowners and manning agencies shall also establish helplines and grievance  
15 mechanisms for all victims of harassment and bullying.

16       Sec. 14. *Right to Free Legal Representation.* – Seafarers who are victims of  
17 violations of the provisions of this Act or whose contracts have been breached, who  
18 cannot afford the services of a competent and independent counsel, shall have the  
19 right to free legal assistance and protection at the government's expense, and to  
20 the fair and speedy disposition of the case, including the expeditious settlement of  
21 any money claims, subject to existing rules and regulations.

22       Sec. 15. *Right to Access to Communication.* – Seafarers, especially during their  
23 free time or when they are not on duty, shall have reasonable access to ship-to-  
24 shore telephone communications, email, and internet facilities, where available.

25       Sec. 16. *Right to Record of Employment or Certificate of Employment.* – At the  
26 expiration of the employment contract of the seafarer, the seafarer shall be given a  
27 record of his/her employment on board the ship, or a certificate of employment,  
28 specifying the length of service, the position the seafarer occupied, an account of  
29 his/her final wages, and such other relevant information.

30       Sec. 17. *Right to Fair Treatment in the Event of a Maritime Accident.* – In the  
31 event of a maritime accident, seafarers shall be treated fairly. They shall be entitled  
32 to all the rights under the ILO/International Maritime Organization (IMO) 2006

1 Guidelines on Fair Treatment of Seafarers in the Event of a Maritime Accident and  
2 its amendments.

3 CHAPTER IV

4 WOMEN IN THE MARITIME INDUSTRY

5 Sec. 18. *Discrimination Against Women Seafarers.* – In addition to the right  
6 against discrimination on the basis of sex, women seafarers shall be protected from  
7 the following discriminatory acts:

- 8 (a) Payment of a lesser compensation, including wage, salary or other form of  
9 remuneration and fringe benefits, to a male seafarer as against a female  
10 seafarer, for work of equal value; and  
11 (b) Favoring a male seafarer over a female seafarer with respect to promotion,  
12 training opportunities, study and scholarship grants, solely on account of their  
13 sexes.

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

19 CHAPTER V

20 SEAFARER'S DUTIES

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

- 22 (a) To comply with and observe the terms and conditions of the Standard  
23 Employment Contract;  
24 (b) To abide by lawful and reasonable company personnel policies;  
25 (c) To follow and observe the chain and command of the vessel, and to comply  
26 with the relevant and reasonable policies and procedures on board the ship or  
27 while ashore, taking into consideration his/her religious freedom;  
28 (d) To be diligent in the performance of duties relating to the ship, its stores,  
29 equipment, and cargo, whether on board, in transit, or ashore;

- 1 (e) To continually improve his/her professional competency by keeping up-to-date  
2 with the latest technological and scientific knowledge applied in the maritime  
3 fields, constant reading and diligent studies, and keen observation of  
4 shipboard activities;
- 5 (f) To be, at all times, orderly and respectful to the shipmates, passengers,  
6 shippers, stevedores, port authorities, and other persons who have official  
7 business with the ship; and
- 8 (g) To take personal responsibility for his/her health while on board by  
9 maintaining 31 a healthy lifestyle and complying with medically prescribed  
10 instructions.

## 11 CHAPTER VI

### 12 MINIMUM REQUIREMENTS FOR SEAFARERS

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

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

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

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

26 During the conduct of a medical examination, the seafarer shall have the  
27 responsibility of answering truthfully all questions relating to his/her medical  
28 condition and/or medical history, including previously known illness, injury, or  
29 medical treatment, and to make a complete inventory of medication prescribed to  
30 him/her by physicians; Provided, that the processing of the medical information of

1 the seafarer shall at all times comply with the provisions of Republic Act No. 10173  
2 or the Data Privacy Act of 2012.

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

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

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

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

## 15 CHAPTER VII

### 16 TERMS AND CONDITIONS OF EMPLOYMENT

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

- 20 (a) Seafarer's full name, date of birth, age, birthplace, permanent, and/or  
21 residential address;
- 22 (b) Seafarer's Record Book Number, Seafarer's Identity Document Number, and  
23 POEA Seafarer's Registration Number;
- 24 (c) Shipowner's name and address;
- 25 (d) Place where and date when the seafarer's employment agreement is entered  
26 into;
- 27 (e) Duration of the contract;
- 28 (f) Point of hire;
- 29 (g) Capacity in which the seafarer is to be employed;

- 1 (h) Amount of the seafarer's salary, and the formula used for calculating the same;
- 2 (i) Maximum hours of work and minimum hours of rest;
- 3 (j) Wages and wage-related benefits, which shall include, but is not limited to,
- 4 overtime pay, holiday pay, vacation leave pay, premium pay, paid leaves, and
- 5 13th-month pay, if applicable;
- 6 (k) Compensation and benefits for occupational injury, illness, or death;
- 7 (l) Social security and welfare benefits, including the compulsory insurance
- 8 coverage as provided under Republic Act No. 8042, as amended by Republic
- 9 Act No. 10022, otherwise known as The Migrant Workers Act;
- 10 (m) Stipulations on repatriation or similar undertakings;
- 11 (n) Separation pay and retirement pay, if applicable;
- 12 (o) Reference to the CBA, if applicable; and
- 13 (p) Other benefits in accordance with law, company policy, or CBA.

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

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

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

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

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

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

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

- 21 (a) Public and customary holidays of the Philippines, whether or not they fall  
22 during the paid annual leave;
- 23 (b) Periods of incapacity for work (i) resulting from illness or injury; (ii) due to  
24 maternity or paternity leave in accordance with law;
- 25 (c) Temporary shore leave granted to a seafarer while employed; or
- 26 (d) Compensatory leave of any kind.

27 *Sec. 28. Wages.* – Without prejudice to higher rates provided under the  
28 Standard Employment Contract, or under a CBA, or by the shipowner as company  
29 practice or policy, the minimum wage applicable to seafarers on board ocean-going  
30 ships of Philippine or foreign registry shall be as provided in the Standard  
31 Employment Contract, which in no case be lower than the prevailing industry



1 standard on oceangoing seafaring wage rates for officers and other members of the  
2 ship's crew, and regularly paid in full at least once a month.

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

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

11       Sec. 31. *Personal Effects.* – A seafarer may bring a reasonable number of  
12 articles for personal use on board the ship; Provided, that this shall not  
13 inconvenience the ship or cargo or pose any risk on board the ship. If the seafarers'  
14 personal effects are lost or damaged as a result of shipwreck, loss or stranding,  
15 abandonment of the vessel, or as a result of fire, flooding, collision, or piracy, the  
16 shipowner shall reimburse him/her for said loss or damage, subject to limits  
17 prescribed by existing rules and regulations, unless a higher limit is provided under  
18 the existing CBA, but in no case lower than international standards.

19       Sec. 32. *Social Welfare Benefits.* – Without prejudice to established policy,  
20 CBA, or other applicable social agreement, all seafarers shall be members of, and  
21 receive the benefits conferred by, the Overseas Workers Welfare Administration  
22 (OWWA), Social Security System (SSS), Employees' Compensation and State  
23 Insurance Fund, PhilHealth, HDMF, or Pag-IBIG Fund, and other applicable social  
24 protection laws, rules and regulations, as may now or hereafter be created in favor  
25 of Filipino workers and/or OFWs.

26       Sec. 33. *Sick Leave and Sickness Benefits During Public Health Emergencies.* –  
27 A seafarer who has contracted an illness or disease during public health  
28 emergencies, such as epidemics or pandemics, while in transit, or is under  
29 quarantine, shall be entitled to paid sick leave and sickness benefits until the  
30 seafarer joins the vessel.





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

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

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

12 Shipowners shall institute preventive measures in accordance with the health  
13 regulations of the Flag State and the appropriate guidelines issued by the World  
14 Health Organization (WHO), including the necessary disinfection, decontamination,  
15 deratting, or other measures necessary to prevent the spread of infection or  
16 contamination. Affected seafarers shall also be properly isolated and treated  
17 pursuant to established guidelines of the Flag State, the WHO, and applicable rules  
18 and regulations.

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

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

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

31 CHAPTER X

32 TERMINATION OF EMPLOYMENT

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

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

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

11       (1) When the seafarer signs-off and is disembarked for medical reasons in the  
12       event the seafarer is declared: (i) fit for repatriation; or (ii) when after an  
13       illness, the seafarer is declared fit to work, but the shipowner is unable to  
14       find employment for the seafarer on board the ship originally boarded or  
15       another ship of the shipowner;

16       (2) When the seafarer signs-off due to sale of the ship, lay-up of the ship,  
17       discontinuance of voyage or change of ship principal, shipwreck,  
18       grounding, or unseaworthiness;

19       (3) When the seafarer voluntarily resigns in writing and signs-off prior to the  
20       expiration of contract within a reasonable period as may be prescribed in  
21       the implementing rules and regulations of this Act; or

22       (4) When the seafarer is discharged for just causes in accordance with the  
23       provisions of the Standard Employment Contract.

24       *Sec. 44. Extension of Employment. –* In the event of the extension of the term  
25       of a seafarer's employment contract, the seafarer shall be furnished a copy of the  
26       new, or supplemental contract covering the extension of his employment, with  
27       adequate time to review and obtain expert advice regarding the terms and  
28       conditions of his/her extended employment, which shall in no case be lower than  
29       the terms of his/her original employment. In all cases, the shipowner, or a duly  
30       authorized representative or the manning agency shall ensure that the seafarer has  
31       considered the effect of such an extension to any accumulated entitlement and  
32       repatriation benefits, among others.

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

3 CHAPTER XI

4 SETTLEMENT OF DISPUTES

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

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

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

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

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

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

1 CHAPTER XII  
2 REPATRIATION

3 Sec. 48. *Seafarers' Repatriation.* – In all cases of repatriation, the affected  
4 seafarer shall be repatriated to the point of hire or the place of domicile of the  
5 seafarer, at his/her option, or in case of incapacity or death, at the option of his/her  
6 next-of-kin, and all costs related to the repatriation and/or transport of the  
7 personal effects and remains of seafarers, including the provision on financial  
8 security in case of abandonment of seafarers, shall be borne by or charged to the  
9 shipowner or the manning agency concerned to expedite the repatriation without  
10 prior determination of the cause of repatriation or termination of the seafarer's  
11 employment.

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

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

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

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

28 Sec. 50. *Quarantine and Medical Expenses in Repatriation Due to Infection,*  
29 *Epidemics or Pandemic.* – Before or during the process of repatriation, the expenses  
30 of medical care and board and lodging for periods spent by seafarers in self-  
31 isolation or quarantine, whether or not the seafarers have symptoms, have been





1 arrangement of seafarers and the criteria for wage-fixing pursuant to Republic Act  
2 No. 6727, otherwise known as the "Wage Rationalization Act;" Provided, that wages  
3 for actual work hours and days shall not be lower than the applicable minimum  
4 wage rates for actual work hours and days shall not be lower than the applicable  
5 minimum wage rates in the place where the ship is registered. Wages of domestic  
6 seafarers shall be paid in full and regularly at least twice a week in a month, or at  
7 intervals not greater than 16 days as provided in the Labor Code of the Philippines,  
8 as amended.

9 In addition, the provisions of the Labor Code of the Philippines, as amended,  
10 on "Prohibitions Regarding Wages," "Wage Studies, Wage Agreements, and Wage  
11 Determination," "Administration and Enforcement," "Holidays," "Service Incentive  
12 Leaves and Service Charges," shall continue to apply, unless higher annual leave is  
13 already provided under the CBA or by the shipowner as company practice or policy  
14 or seafarers' employment agreement. In addition, domestic seafarers shall also be  
15 entitled to (i) 13<sup>th</sup> month pay pursuant to Presidential Decree No. 851, as amended,  
16 (ii) paid maternity leave under Republic Act No. 11210, otherwise known as the  
17 105Day Expanded Maternity Leave Law, (iii) paid paternity leave under Republic Act  
18 No. 8187, otherwise known as the Paternity Leave Act of 1996, (iv) Paid parental  
19 leave for solo parents under Republic Act No. 8972, otherwise known as the Solo  
20 Parents' Welfare Act of 2000; (v) paid leave for victims of violence against women  
21 and their children under Republic Act No. 9262, otherwise known as the Anti-  
22 Violence Against Women and their Children Act of 2004, (vi) paid special leave due  
23 to surgery for any gynecological disorder, under Republic Act No. 9710, otherwise  
24 known as the Magna Carta of Women, and retirement pay, pursuant to Republic Act  
25 No. 7641.

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

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

- 1 (a) Seafarer's full name, date of birth, age, birthplace, permanent, and/or  
2 residential address;
- 3 (b) Seafarer's Record Book Number, Seafarer's Identity Document Number;
- 4 (c) Shipowner's name and address;
- 5 (d) Place where and date when the seafarer's employment agreement is entered  
6 into;
- 7 (e) Duration of the contract;
- 8 (f) Point of hire;
- 9 (g) Capacity in which the seafarer is to be employed;
- 10 (h) Amount of the seafarer's salary, and the formula used for calculating the  
11 same; (i) Maximum hours of work and minimum hours of rest;
- 12 (j) Wages and wage-related benefits, which shall include, but is not limited to,  
13 overtime pay, holiday pay, vacation leave pay, premium pay, paid leaves, and  
14 13th-month pay, if applicable;
- 15 (k) Compensation and benefits for occupational injury, illness, or death;
- 16 (l) Social security and welfare benefits, including the compulsory insurance  
17 coverage as provided under Republic Act No. 8042, as amended by Republic  
18 Act No. 10022, otherwise known as The Migrant Workers Act;
- 19 (m) Stipulations in case of rescues or other similar undertakings;
- 20 (n) Separation pay and retirement pay, if applicable;
- 21 (o) Reference to the CBA, if applicable; and
- 22 (p) Other benefits in accordance with the law, company policy, or CBA.

23 The foregoing employment agreement shall be executed by and between the  
24 shipowner and the seafarer before the commencement of employment, in a  
25 language or dialect understandable to both parties. The shipowner shall provide the

1 domestic seafarer the signed original copy of the agreement and a certified true  
2 copy shall be made available on board the ship.

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

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

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

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

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

## 25 CHAPTER XV

### 26 MANNING LEVELS AND COMPLIANCE AND ENFORCEMENT

#### 27 OF SHIPS OF PHILIPPINE REGISTRY

28 Sec. 59. *Manning Levels.* – All ships of Philippine registry shall have the  
29 required minimum manning levels as prescribed by the Maritime Industry Authority

1 (MARINA). They shall, at all times, be manned by a crew that is adequate in terms  
2 of size and qualifications taking into account the need to operate the vessel safely  
3 and efficiently.

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

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

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

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

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

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

27       The enforcement and compliance monitoring activities may be coordinated and  
28 conducted by the DOLE with the relevant government agencies, including  
29 MARINA and PCG, in conjunction with their schedules for inspection and  
30 certification.

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

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

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

21 The conduct of port state controls shall be in accordance with international  
22 conventions and instruments ratified or to be ratified in the future.  
23 The PCG Commandant or his/her duly authorized representative shall have the  
24 power to order immediate correction of, and impose fines for, violations of the  
25 relevant provisions of this Act.

26 The PCG shall prohibit a ship from leaving port upon the order of the Secretary  
27 of Labor or the appropriate Secretary in-charge of migration-related matters,  
28 or in case of finding of non-compliance with the provisions of this Act and the  
29 MLC, 2006 and/or its amendments and the conditions on board are clearly  
30 hazardous to the safety, health, or security of seafarers. In all cases, the  
31 prohibition to leave the port shall be in place until the same have been  
32 rectified or until a plan of action to rectify the non-conformities is shown to be

1 implemented in an expeditious manner, and cleared by the Secretary of Labor  
2 or the appropriate Secretary in-charge of migration-related matters.

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

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

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

## 13 CHAPTER XVI

### 14 SHIPBOARD TRAINING OF CADETS

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

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

- 24 (a) Cadet's full name, date of birth, birthplace, and age, which should be at least  
25 16 years old;
- 26 (b) Name and address of maritime institution or school;
- 27 (c) Name and address of shipowner and its manning and placement agency, if  
28 applicable;

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

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

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

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

## 24 CHAPTER XVII

### 25 INCENTIVES AND AWARDS GRANTED TO THE MARITIME INDUSTRY

26 Sec. 67. *Incentives and Awards.* – There shall be established an incentives and  
27 awards system for the maritime industry stakeholders, which shall be developed and  
28 administered by the concerned government agency upon consultation with the  
29 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  
4 of 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  
8 shall perform the following functions to promote the welfare and protect the rights  
9 of 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  
17 close 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  
24 and certification to ensure that the working and living conditions of seafarers  
25 are 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,  
3 and other similar examinations, hereinafter referred to as health examinations,  
4 on 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  
22 and their families of these programs and other related governmental  
23 programs.
- 24 (g) Maritime Industry Authority (MARINA). The MARINA shall ensure that the  
25 examination, licensing, and certification system for seafarers are in accordance  
26 with the requirements prescribed under the STCW Convention, international  
27 agreements, other conventions relevant thereto, and other applicable laws,  
28 rules, and regulations.
- 29 (h) National Maritime Polytechnic. The NMP shall strengthen its research capability  
30 to provide studies/resources for evidenced-based policy decision-making and  
31 program development, and continuously address gaps in the protection and  
32 welfare of the seafarers.

1 The NMP shall also continue to develop, enhance, and increase the  
2 accessibility of its gender and women empowerment and training courses for  
3 seafarers to the maritime industry, which shall be made available in any  
4 format, including 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  
21 established in each region a One Stop Shop Center for OFWs, which shall be co-  
22 located in the regional offices of the POEA, and shall have, as far as practicable,  
23 representatives from agencies that process the documents or issue the required  
24 licenses, permits and 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,  
27 shall maintain a registry of all seafarers in the Philippines; Provided, that the  
28 registry of seafarers aboard ocean-going ships shall be integrated to the  
29 management information system established under the Migrant Workers and  
30 Overseas Filipinos Act, as amended. The registry shall contain updated and relevant  
31 information or data to promote employment opportunities for seafarers, whether on

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

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

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

## 13 CHAPTER XIX

### 14 FINAL PROVISIONS

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

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

28 *Sec. 74. Penalties for Violations of Sections 69 and 70.* – Any person who,  
29 without proper authorization, exercises the authority granted to the Secretary of

1 Labor and Employment under Sections 69 and 70 of this Act shall be punished with  
2 a fine of not less than Two Hundred Thousand Pesos (Php200,000.00) nor more  
3 than Two Million Pesos (Php2,000,000), or imprisonment of not less than one (1)  
4 year nor more than four (4) years, or both at the discretion of the court. The  
5 foregoing offense shall prescribe after five (5) years from its commission.

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

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

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

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

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

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26       *Approved,*