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SENATE

P. S. RES. NO. 571

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Introduced by Senator JOEL VILLANUEVA

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**RESOLUTION**

**DIRECTING THE COMMITTEE ON LABOR, EMPLOYMENT AND HUMAN RESOURCE DEVELOPMENT AND OTHER APPROPRIATE COMMITTEE/S OF THE SENATE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE COMPLIANCE OF PHILIPPINE-REGISTERED VESSELS WITH THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS ACT**

**WHEREAS**, Article 1755 of the Civil Code of the Philippines provides that a “common carrier is bound to carry the passengers safely as far as human care and foresight can provide, using the utmost diligence of very cautious persons, with a due regard for all the circumstances”;

**WHEREAS**, Sections 9 and 10 of Republic Act No. 9295 or the Domestic Shipping Development Act of 2004 mandates the Maritime Industry Authority (MARINA) to set safety standards for vessels in accordance with applicable conventions and regulations. For this purpose, MARINA has the power to inspect vessels and all equipment on board to check whether they complied with operational and safety standards, maintain their vessels in safe and serviceable conditions, meet the standards of safety of life at sea and safe manning requirements, and furnish safe, adequate, efficient, reliable and proper service at all times;

**WHEREAS**, Section 3(b) of Republic Act No. 9993 or the Philippine Coast Guard Law of 2009 authorizes the Philippine Coast Guard (PCG) to inspect all merchant ships and vessels, including but not limited to inspections prior to departure, to ensure and enforce compliance with safety standards, rules and regulations;

**WHEREAS**, Section 16 of Republic Act No. 11058 or the Occupational Safety and Health Standards (OSH) Law requires all workers to undergo a mandatory 8-hour safety and health seminar, as required by Department of Labor and Employment (DOLE), which also includes a portion on joint employer-employee orientation. Section 31 of the OSH Law also mandates DOLE to coordinate with other government agencies, such as MARINA and PCG, in ensuring the effective implementation of the OSH Law, as well as the related programs and projects that are established to prevent and eliminate the incidence of injury, sickness or death in all workplaces;

**WHEREAS**, DOLE Department Order No. 132, series of 2013, requires all owners of Philippine-registered ships, regardless of destination, to have occupational safety and health policies and programs for their employees and a safety and health committee on board or onshore for ships with at least five seafarers;<sup>1</sup>

**WHEREAS**, despite these measures to prevent maritime disasters and tragedies, several incidents took the life of a number of passengers, injured hundreds, and destroyed marine life;

**WHEREAS**, on March 29, 2023, passenger ship MV Lady Mary Joy 3, with at least 200 passengers, caught fire around 10:40PM while heading to Jolo, Sulu from Zamboanga City. The fire killed 32 passengers, including a six-month old baby, while one person is still missing;<sup>2</sup>

**WHEREAS**, the recent incident happened on the heels of the oil spill disaster wherein MT Princess Empress, carrying 800,000 litres of industrial fuel, sank off the coast of Oriental Mindoro on February 28, 2023. It affected 26 out of the 34 or 80% of the marine protected areas in 10 municipalities and caused 18,000 fishermen to lose their livelihood;<sup>3</sup>

**WHEREAS**, MARINA investigated 769 maritime accidents/incidents from 2017 to 2022. Of this number, 91 accidents are listing/capsizing, 51 are contact/allision/ramming, 49 are fire/explosion, 34 are collision, and 4 are sinking;<sup>4</sup>

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<sup>1</sup> January 20, 2016. Baldoz issues advisory on MOSH training requirements for safety and health officers onboard Philippine-registered ships. Department of Labor and Employment. Available at <https://www.dole.gov.ph/news/baldoz-issues-advisory-on-mosh-training-requirements-for-safety-and-health-officers-onboard-philippine-registered-ships/#:~:text=D.%20O.-No.,with%20five%20or%20more%20seafarers> (Accessed on April 13, 2023).

<sup>2</sup> March 30, 2023. 28 die as vessel catches fire off Basilan. Philippine News Agency. Available at <https://www.pna.gov.ph/articles/1198533> (Accessed on April 12, 2023); April 2, 2023. Shipping firm 'profoundly sorry' for Basilan ferry fire. Inquirer. Available at <https://newsinfo.inquirer.net/1751310/shipping-firm-profoundly-sorry-for-basilan-ferry-fire#ixzz7yfRsYVWfs> (Accessed on April 12, 2023); April 9, 2023. MV Lady Mary Joy 3 deaths rise to 32. Daily Tribune. Available at <https://tribune.net.ph/2023/04/10/mv-lady-mary-joy-3-deaths-rise-to-32/> (Accessed on April 12, 2023); April 12, 2023. PCG finds another possible casualty of Basilan ferry fire. Manila Bulletin. Available at <https://mb.com.ph/2023/4/12/pcg-finds-another-possible-casualty-of-basilan-ferry-fire> (Accessed on April 12, 2023).

<sup>3</sup> March 3, 2023. Oil slick spreads to most of marine protected areas in 10 Oriental Mindoro towns. CNN Philippines. Available at <https://www.cnnphilippines.com/news/2023/3/3/Oil-slick-spreads-to-most-of-marine-protected-areas-in-10-Oriental-Mindoro-towns.html> (Accessed on March 9, 2023); March 4, 2023. 36,000 hectares of coral reefs, mangroves possibly affected by Mindoro oil spill. PhilStar. Available at <https://www.philstar.com/headlines/2023/03/04/2249267/36000-hectares-coral-reefs-mangroves-possibly-affected-mindoro-oil-spill> (Accessed on March 9, 2023); March 8, 2023. Oriental Mindoro oil spill leaves fishers short on cash and food. PhilStar. Available at <https://www.philstar.com/headlines/2023/03/08/2250158/oriental-mindoro-oil-spill-leaves-fishers-short-cash-and-food> (Accessed on March 9, 2023); March 8, 2023. Philippines oil spill: Residents report nausea and dizziness in affected villages. BBC. Available at <https://www.bbc.com/news/world-asia-64871285> (Accessed on March 9, 2023); March 6, 2023. Tanker behind Oriental Mindoro oil spill located. CNN Philippines. Available at <http://www.cnnphilippines.com/news/2023/3/6/oriental-mindoro-oil-spill-tanker-located.html> (Accessed on April 12, 2023).

<sup>4</sup> MARINA Statistical Report 2017-2021. Available at [https://marina.gov.ph/wp-content/uploads/2022/06/2017-2021-MARINA-Statistical-Report\\_FINAL\\_revised.pdf](https://marina.gov.ph/wp-content/uploads/2022/06/2017-2021-MARINA-Statistical-Report_FINAL_revised.pdf) (Accessed on April 14, 2023); 2022 MARINA Annual Statistical Report. Available at <https://marina.gov.ph/wp-content/uploads/2022/06/2022-MARINA-Annual-Statistical-Report-1FINAL.pdf> (Accessed on April 14, 2023).

**WHEREAS**, it is imperative for MARINA, PCG, DOLE, and other concerned agencies to coordinate with each other for the strict enforcement of their safety and health policies to ensure protection of workers in the maritime industry;

**NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE PHILIPPINES**, that the Senate Committee on Labor, Employment and Human Resource Development and other appropriate committee/s of the Senate be directed to conduct an inquiry, in aid of legislation, on the compliance of Philippine-registered vessels with the Occupational Safety and Health Standards Act in order to prevent maritime disasters and tragedies.

Adopted,

  
**SENATOR JOEL VILLANUEVA**