

FIFTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

SENATE
S.B. No. 1351

Introduced by Senator Loren Legarda

EXPLANATORY NOTE

This bill seeks to recognize and protect the rights of the Filipino seafarers, integrate programs and policies that concern them, and assist in their development to continuously ensure their niche in the global arena through the establishment of the Magna Carta of Filipino Seafarers.

Filipino seafarers have been plying the world's seas for over five centuries. In the 16th century, Filipino seafarers manned the ships sailing the Mexico-Manila route of the Galleon Trade. The Netherlands employed Filipino seafarers to operate their shipping vessels in the 1900s.

The advent of globalization led to the steady increase in the number of registered seafarers. The Philippines is considered the world's ship manning capital because it provides 28.1 percent of the world's seafarers. According to the Bureau of Employment Services, only 36,035 seafarers were deployed in 1975. Thirty years later, the Philippine Overseas Employment Agency logged 247,983 seafarers.

Filipino sea-based workers have contributed a large amount to our country's coffers. In 1997, the Bangko Central ng Pilipinas reported US\$ 257,612,000 in remittances. The amount increased by the first three months of 2010 at US\$ 4,339,407,000.

Despite the rich history and significant role of the Filipino seafarers in our society, they have been given inadequate attention. Recent incidents of abduction, unjust compensation and on-board accidents have been reported yet no legislation has been passed to protect and uphold the rights of the seafarers and address their specific needs.

This measure seeks to deal with the shortcoming by creating a set of laws that focuses on the conditions and needs of the Filipino seafarer. The Magna Carta of Filipino Seafarer guarantees their right to human working conditions and just compensation through ensuring that manning and crewing agencies provide adequate information about the on-board conditions as well as local and international laws that apply to the Filipino seafarer. Seafarers should be given ample time by the agency to examine his/her contract of employment and articles of agreement before he/she signs it. To make certain of the security and safety of the overseas Filipino seafarers, they shall only be deployed in countries where their rights as Filipino sea-based migrant workers are observed and protected.

To ensure they comply with the international requirements and maintain their edge over their foreign counterparts, the Filipino seafarers will be given access to affordable and quality educational advancements and training courses.

With the passage of this bill, more Filipinos will be given the knowledge and understanding of the transnational and globalized conditions the Filipino seafarers are experiencing through the establishment of the Filipino Seafarers' Research and Resource Center by the Commission on Higher Education, in coordination with the University of the Philippines School of Labor and Industrial relations (UP SOLAIR). The Center shall conduct studies and researches that will enhance the well being and interests of the Filipino seafarers.

The Magna Carta provides retraining or reintegration for the Filipino seafarer after his sea-service. A Reintegration Center within the Overseas Workers Welfare Administration (OWWA) shall be established which will also serve as a promotion house for the local employment of the Filipino seafarer.

The Filipino seafarers are one of our country's important human resources. They should be given equal attention and protection for their continued growth and development which will translate to the improvement of our country's socio economic conditions.

In view of the foregoing, the urgent passage of this bill is sought.



LOREN LEGARDA
Senator

FIFTEENTH CONGRESS OF THE)
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AN ACT INSTITUTING
THE MAGNA CARTA OF FILIPINO SEAFARERS

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

CHAPTER I
GENERAL PROVISIONS

SECTION 1. *Title.* - This Act shall be known as the "*Magna Carta of Filipino Seafarers.*"

SECTION. 2. *Declaration of Policies.* - It is hereby declared the policy of the State:

- a) To recognize the rights, contributions and unique role of Filipino seafarers, as well as their vulnerabilities, and afford them full protection before, during and after their employment;
- b) To maintain and progressively develop a pool of competent and world class domestic and international seafarers of all grades and ratings through a system of education and training and of accreditation and licensing; and
- c) To establish mechanism for the enhancement of administrative, adjudicative, social as well as welfare services for them and their families.

Toward these ends, the State shall endeavor to improve the Filipino seafarers' working conditions, terms of employment, career prospects and provide them opportunities to harness their potentials to the fullest. The State shall further work to uplift the socio-economic wellbeing of their respective families.

SECTION 3. *Applicability.* - All right and benefits granted under this Act shall, except as may otherwise be provided herein apply to the Filipino seafarers as defined herein

1 **SECTION 4. Definitions.** – For purposes of this Act, the following terms shall
2 mean as follows:

- 3 1) **“Authority”** refers to the document issued by the DOLE authorizing any
4 person or entity to engage in the recruitment and placement of seafarers or
5 OFWs;
- 6 2) **“Departure”** refers to actual departure from the point of hire of a Filipino a
7 seafarer through air, sea or land travel transport to join his vessel in a
8 Philippine or foreign port;
- 9 3) **“Domestic Seafarers”** refers to seafarers on board ship or vessel plying inter-
10 island water or waters within Philippine territory;
- 11 4) **“Filipino Seafarers”** refers to any person who fulfills the conditions to be
12 employed or engaged as part of the crew or complement of the ship
13 navigating the foreign seas other than a government ship used for military or
14 non-commercial purposes. This term includes seafarers serving on foreign
15 maritime mobile offshore units who perform functions similar to those
16 constituting a crew, fisherman and cruise ship personnel;
- 17 5) **“Informal Blacklisting”** refers to the unlawful practice of recruitment and
18 placement services agencies, or companies to directly or indirectly prevent or
19 deter seafarers, without valid cause from gaining productive employment
20 whether the job applicant is for employment or reemployment;
- 21 6) **“License”** refers to the document issued by the DOLE authorizing any person
22 or entity to operate a manning agency;
- 23 7) **“Manning or Crewing Agencies”** shall refer to any person, company,
24 institution, agency or other organization in the public or private sector, which
25 is engaged in recruiting seafarers in behalf of the employers or placing
26 seafarers with employers;
- 27 8) **“Maritime Industry”** refers to all enterprises engaged in the business of
28 managing and / or operating shipping lines, management of ports,
29 stevedoring arrastre, customs brokerage and cargo surveys; of ship brokering
30 / chartering, designing, constructing, manufacturing vessels, or component
31 parts thereof, of shipyards and maintaining acquiring, operating, supplying,
32 repairing and/ or dry-docks; of providing maritime services such as ship
33 supplies, ship manning and training, maritime consultancy, ship repairs,
34 machine shops, shipping agencies, freight forwarding and similar enterprises;
- 35 9) **“Master”** refers to a seafarer who has the command and is in charge of the
36 vessel being the representative of the vessel’s owner.

- 1 10) **"Officer"** refers to seafarers other than the Master who is designated by
2 national law or regulations as an officer or is serving in that capacity such as
3 the 3rd mate, 2nd mate, chief mate, master mariner in the ship's deck, the
4 marine engineer officers in the engine, and other special officers needed in the
5 vessel.
- 6 11) **"Philippine Port"** refers to any Philippine airport or seaport;
- 7 12) **"Philippine Shipping Companies"** refers to entities registered and licensed
8 under the laws of the Philippine to engage in the business of overseas and/of
9 domestic water transportation;
- 10 13) **"Point of Hire"** refers to the place indicated in the contract of employment
11 which shall be the basis for determining commencement and termination of
12 contract;
- 13 14) **"Principal" or "employer"** refers to any person, partnership or corporation
14 registered and duly authorized to engage in overseas shipping activities
15 engaging Filipino seafarers;
- 16 15) **"Rating"** refers to any member of the crew other than the Master or the
17 Officer, who is considered as ordinary seaman, boatswain or bosun on the
18 deck; the wiper, motorman, fitters and such other special rating needed on
19 board the vessel.
- 20 16) **"Recruitment and Placement"** refers to any act of canvassing, enlisting,
21 contracting, transporting, utilizing, hiring or procuring workers, and include
22 referrals, contract services, promising or advertising employment, locally or
23 abroad whether for profit or not: provided, that any person or entity, which is
24 any manner, offers or promise employment for a fee to two (2) or more
25 person's shall be deemed engaged in recruitment and placement.
- 26 17) **"Recruitment and Placement"** refers to any act of canvassing enlisting,
27 contracting, transporting, utilizing, hiring or procuring workers, and include
28 referrals, contract services, promising or advertising employment, locally or
29 abroad, whether for profit or not: provided, that any person or entity which,
30 is any manner, offers or promises employment for a fee to two (2) or more
31 persons shall be deemed engaged in recruitment and placement.
- 32 18) **"Seafarers"** refers to any person who fulfills the conditions to be employed or
33 engaged as part of the crew or complement of the ship navigating the
34 domestic and international water than a government ship used for military or
35 commercial purposes.

- 1 19) **"Ship owner"** refers to the owner of the ship or any other organization or
2 person, such as the manager agent or bareboat charterer, who has assumed
3 the responsibility for operation and management of the ship from the ship
4 owner, and who, on assuming such responsibilities, has agreed to take over
5 all the attendant duties and responsibilities of a ship owner.
- 6 20) **"Vessel"** Includes any ship or boat of any nature whatsoever, ordinarily
7 engaged in maritime navigation.
- 8 21) **"Commission on Higher Education (CHED)"** refers to the government
9 agency created pursuant to Republic Act No. 7722;
- 10 22) **"Department of Education (DepEd)"** refers to the government agency
11 created pursuant to executive order No. 117 (30 January 1987), as amended by
12 Republic Acts. 7722, 7796 and 9155 (11 August 2001)
- 13 23) **"Department of Foreign Affairs (DFA)"** refers to the government agency
14 pursuant to Republic Act No. 7157;
- 15 24) **"Department of Labor and Employment"** refers to the government agency
16 created pursuant to executive Order No. 292;
- 17 25) **"ILO"** refers to the International Labor Organization;
- 18 26) **"IMO"** refers to the International Maritime Organization;
- 19 27) **"Maritime Industry Authority (MARINA)"** refers to the government agency
20 created pursuant to Presidential Decree 474;
- 21 28) **"Maritime Training Council"** refers to the government agency created
22 pursuant to letter of Instruction 1404;
- 23 29) **"NSO"** refers to the National Statistics Office;
- 24 30) **"Philippine Overseas Workers Welfare Administration (OWWA)"** refers to
25 the government agency created pursuant to Executive Order No. 797, as
26 amended by Executive Order No. 56;
- 27 31) **"Philippine Coast Guard(PCG)"** it refers to the government agency crated
28 pursuant to Republic Act No.517
- 29 32) **"Philippine Overseas Employment Agency (POEA)"** refers to the
30 government agency created pursuant to executive Order No. 797, as amended
31 by Executive Order No. 56
- 32 33) **"Philippine Seafarer One Stop Processing Center (PSOC)"** refers to the
33 facility center which house all relevant offices / agencies involved in
34 providing services to seafarers in one roof, created under Administrative
35 Order No.56

- 1 34) "PRC" refers to the International Convention on Standards of Training,
2 Certification and Watch-keeping for Seafarers of 1978, as amended;
- 3 35) "STCW '78" refers to the International Convention on Standards of Training,
4 Certification and Watch-keeping for Seafarers of 1978, as amended;
- 5 36) "Technical Education and Skills Development Authority" refers to the
6 government agency created pursuant to Republic Act No. 7796;
- 7 37) "TLC" refers to the Technical and Livelihood Center; and
- 8 38) "CDA" refers to the Cooperative Development Authority
- 9

10 CHAPTER II

11 FILIPINO SEAFARER'S RIGHTS

12

13 SECTION 5. *Access to Educational Advancement and Training.* - The State
14 shall ensure Filipino Seafarers, whether plying the domestic or international waters,
15 access to educational advancement and training at reasonable and affordable costs.

16

17 Toward this end, the State shall:

18

- 19 1) Regulate the operation of all educational and review institutions offering
20 courses related to seafaring;
- 21 2) Pursue grant programs such as scholarships, subsidies, load assistance and
22 other measures that will harness the skills of Filipino seafarers toward greater
23 comprehensive to new demands in the industry; and
- 24 3) Ensure that requirements on training and upgrading as mandated by
25 manning and crewing agencies for employment, reemployment or promotion
26 purposes shall take into account the seafarer right to spend quality time with
27 his family.
- 28

29 SECTION 6. *Access to Relevant Information.* - The State shall ensure that
30 manning or crewing agencies shall provide Filipino seafarers with adequate and
31 relevant information to make them understand their rights, benefits obligations,
32 conditions and realities attending to their profession, and laws and regulations of
33 countries covered by their sojourn.

34 Toward this end manning or crewing agencies, and other organizations
35 responsible for the recruitment and employment of Filipino seafarers, whether
36 plying domestic or international waters, shall be mandated to make contract of

1 employment, the computation and manner by which salaries are remitted to their
2 allottees, and the specific privileges and benefits available in the contract of
3 employment accessible to their recruits or clientele.

4
5 **SECTION 7. *Right to Humane Conditions of Work and Right to Just***
6 ***Compensation.*** - The State shall guarantee Filipino Seafarers the right to humane
7 conditions of work and the right to standard salary compensatory to their rank,
8 hours of work and other relevant basis for wage computation, minimum number of
9 working hour, rest day, vacation pay, and "end-of-contract" pay in accordance with
10 the agreement of the parties concerned and with existing domestic and international
11 law.

12
13 **SECTION. 8. *Right to Self-organization to engage in Collective Bargaining***
14 ***and to participate n democratic exercises.*** - The State shall ensure Filipino seafarers
15 of their right to self-organization, to collective bargaining and to participate in the
16 deliberation of issues and in the formulation of policies that affect them, including
17 the guarantee of representation in governing boards or appointment in government
18 instrumentalities, to include but not limited to the CHED, TESDA, PRC, POEA,
19 OWWA, MARINA.

20
21 **SECTION 9. *Right to Legal Representation.*** - Filipino Seafarers who are
22 victims of illegal recruitment, illegal dismissal or suspension and other forms of
23 violation of contract shall have the right to free legal assistance and protection at
24 government expense. Courts administrative agencies and other tribunals should
25 ensure a speedy and impartial disposition of their cases.

26 Every seafarer accused of committing any offense in violating of any
27 provision of his or her contract has the right to due process, an impartial tribunal
28 and administrative body, and an expeditious payment of damages and liability in
29 cases where the judgment is favorable to the Filipino Seafarer.

30 31 **CHAPTER III**

32 **PHILIPPINE SEAFAIR ONE STOP PROCESSING CENTER**

33
34 **SECTION 10. *Philippine Seafarer One Stop Processing Center (PSOC).*** - The
35 PSOC, as established under Administrative Order No. 56, has been tasked to

1 operational and make available to the public, an integrated document processing
2 center for the seafarers and the general public to conduct official transactions.

3
4 PSOC shall have the services of the following government offices:

- 5 1) Overseas Workers Welfare Administration (OWWA);
- 6 2) Commission on Higher Education (CHED);
- 7 3) Professional Regulation Commission (PRC);
- 8 4) Technical Education and Skills Development Authority (TESDA);
- 9 5) Maritime Industry Authority (MARINA);
- 10 6) National Telecommunication Office (NTC);
- 11 7) Maritime Industry Council (MTC);
- 12 8) Department of Foreign Affairs (DFA);
- 13 9) National Bureau of Investigation (NBI);
- 14 10) Social Security System (SSS);
- 15 11) Pag-Ibig Fund;
- 16 12) Philippine Coast Guard (PCG);
- 17 13) National Statistics Office (NSO); and
- 18 14) Such other government offices that the Secretary of DOLE may deem
19 necessary.

20
21 **SECTION 11. *Rationalizing Government System and Procedures.*** - the
22 government offices enumerated under Section 9 hereof shall within three (3) months
23 from the effectivity of this Act, and in consultation with seafarers organizations,
24 recruitment agency association, and non-government organizations concerned,
25 rationalize and streamline policies, rule and procedures governing the
26 documentation licensing, certification, recruitment, hiring and deployment of
27 seafarers and the OFWs, in general.

28 Said offices, through the POC, shall enforce the streamlining of policies and
29 procedures involved in overseas employment with the view of cutting the time
30 required for documentary processing. Simplifying licensing and certification
31 procedures, and facilitating and extension of welfare and support services to their
32 respective clients.

33 These streamlining efforts shall focus on, among others:

- 34 1) Simplification of systems and procedures and reduction of documentary
35 requirements;
- 36 2) Implementation of the full disclosure policy;

- 1 3) Formulation and implementation of a system of registration of seafarers and
2 the other OFWs, the registration, accreditation, and licensing of private
3 manning or crewing agencies, and all other related regulatory function;
- 4 4) Elimination of unnecessary duplicative requirements that go beyond the
5 requirements as defined in the STCW '78, as amended;
- 6 5) Formulation of regulated employment standard setting by prescribing
7 minimum provisions of the employment contract in conformity with labor
8 standard under Philippine laws and regulations;
- 9 6) Regulation of rule that ensure speedy disposition of illegal recruitment cases;
- 10 7) Formulation of rules that ensure speedy disposition of illegal recruitment
11 cases; and
- 12 8) Development and implementation of an effective information program, in
13 coordination with manning or crewing agencies for the purpose of informing
14 the seafarers of their rights, obligations benefits and option attending to
15 specific situations that they may face in the course of their employment.

16 CHAPTER IV

17 MANDATORY REQUIREMENTS FOR FILIPINO SEAFARERS

18 SECTION 12. *Mandatory Minimum Requirements.* - To be eligible for
19 employment, a seafarer must:

- 20 1) Be a Filipino Citizen;
- 21 2) Be at least, eighteen (18) years old, except as may be determined by the
22 Secretary of Labor and Employment;
- 23 3) Be fit for duty as certified by the government- accredited institution
24 authorized to conduct physical and medical examination for overseas
25 employment;
- 26 4) Meet the qualification and certification requirements prescribed by the DOLE
27 agency concerned and the standard requirements under the STCW '78 as
28 amended, and other international instruments prescribed relevant standards;
- 29 5) Registered with and duly certified by the DOLE agency concerned as eligible
30 for overseas employment if serving an ocean going vessels, and as eligible for
31 local employment if serving on board domestic or inter-island vessels; and
- 32 6) Other qualification requirements as may be prescribed by the DOLE in
33 keeping with international demands.

1 **SECTION 13. Role of Government Agencies.** ~ The following government
2 agencies shall perform the following to promote the welfare and protect the rights of
3 Filipino seafarers and whenever practicable, all overseas Filipinos:

- 4 1) Department of Foreign Affairs. The DFA, through its home offices or foreign
5 post, shall take priority action or make representation with the foreign
6 authority concerned to protect the rights of Filipino seafarers and other
7 overseas Filipinos and extend immediate assistance, including the
8 repatriation of distressed or beleaguered Filipino seafarers and other overseas
9 Filipinos;
- 10 2) Commission on Higher Education (CHED) shall ensure the promotion of
11 quality and efficiency in maritime education through advocacy and
12 accountability.
 - 13 a) Commission on Higher Education and Technical Education and skills
14 Development Authority. The TESDA shall ensure that the curricula for the
15 seafarer's education and training are in consonance with the demands of
16 global maritime industry as well as with the requirement of STCW '78 as
17 amended.
 - 18 b) Commission on Higher Education and Maritime Training Council. The
19 CHED, in coordination with MTC and responsible for the continuous and
20 comprehensive research, review and upgrading of the system of
21 education, training, certification and recruitment of all maritime schools
22 and institutions, as well as the manning or crewing agencies and
23 regulatory commissions.
- 24 3) Department of Labor and Employment. The DOLE shall ensure that labor and
25 social welfare laws in foreign countries are fairly and faithfully applied to
26 *Filipino seafarers and whenever applicable to other overseas Filipinos,*
27 including the grant of legal assistance and the referral to proper medical
28 centers or hospitals;
 - 29 a) Maritime Training Council. The MTC shall be responsible in the
30 formulation, adoption and enforcement of regulatory measures for the
31 observance of both the accredited training centers and agencies and the
32 trainees to ensure quality standard and mechanisms of training and
33 competence of local seafarers.
 - 34 b) Maritime Industry Authority the MARINA shall be responsible in the
35 formulation, adoption and enforcement of regulations governing and

1 quality standards and mechanisms of training and competence of local
2 seafarers.

3 c) Philippine Overseas Employment Agency. In pursuit of promoting the
4 well being of the Filipino seafarers, the POEA shall:

- 5 1. Look into the improve on the working conditions and terms of
6 employment of the officers and crew of vessels of Philippine registry,
7 and of such officers and crew members who are Filipino citizens and
8 employed by foreign vessels;
- 9 2. Develop an effective system of monitoring and gathering welfare
10 concerns for purposes of determining future welfare programs,
11 monitoring existing welfare activities and addressing current welfare
12 issues prioritize according to urgency;
- 13 3. Observe and conduct a comprehensive and updated system of pre-
14 departure orientation seminars or briefings to departing seafarers and
15 other maritime workers scheduled for deployment. It shall also
16 undertake studies and distribute relevant materials for use in pre-
17 departure orientation seminars of maritime workers and other related
18 activities;
- 19 4. Accredite, regulate and supervise pre-departure orientation seminars or
20 briefings of authorized manning or crewing agencies;
- 21 5. Formulate and undertake programs and projects for the effective and
22 efficient utilization of the seafarers welfare fund;
- 23 6. Provide services to assist maritime worker and their immediate
24 dependents and families; and
- 25 7. Perform such other duties as may be essential in giving assistance to
26 seafarers and their families.

27
28 **SECTION 14. *Filipino Seafarers' Research and Resources Center.*** - The
29 CHED shall coordinate with the University of the Philippines Scholl of Labor and
30 Industrial Relation (UP SOLAIR) for the establishment of an interdisciplinary
31 research and resource center of Filipino seafarers and maritime affairs. The center
32 shall primarily conduct studies and researches which shall enhance the well-being
33 and interests of Filipino seafarers and their competitiveness in the global maritime
34 market.

35 **CHAPTER VI**

36 **DOCUMENTATION, LICENSURE AND EXAMINATIONS**

1 **SECTION 15. Documentation. -**

- 2 a. For purposes of documentation, the Filipino seafarers shall be categorized as
3 local and overseas seafarers.
- 4 b. Local seafarer are considered documented when they possess the following
5 documents:
- 6 1) Seafarers identification and Record Book (SIRB) and Certificate of
7 Competency issued by the MARINA;
 - 8 2) Certificate of Completion of Training of prescribed courses issued by the
9 accredited training centers;
 - 10 3) Licensure Certificate if the seafarer is a harbor Pilot or a Major or Minor
11 Patron.
- 12 c. Overseas seafarers are considered documented when they possess the
13 following documents;
- 14 1) Seafarers Identification and Record Book (SIBR) and Certificate of
15 Competency issued by the MARINA and the Seafarer's Registration
16 Certificate (SRC) issued by the POEA;
 - 17 2) Certificate of Completion of Training of prescribed courses issued by the
18 accredited training centers and the valid Certificate of Competency issued
19 by the PRC for marine officers and TESDA for ratings and support level
20 crew or by the assessment center duly accredited by the MTC;
 - 21 3) Licensure Certificate if the seafarer is a marine officer;
 - 22 4) Such other documents as may be required.

23

24 **SECTION 16. Licensure and Examination. -** The Professional Regulatory
25 Commission (PRC) shall be the lead agency in administering licensure examinations
26 and the issuance of such licensure certificates to seafarers in the officer level. Except
27 those categorized as harbor Pilots and Major and Minor Patrons for local shipping
28 which authority shall devolve to the MARINA.

29 The TESDA shall be the lead agency in administering examinations and the
30 issuance of the necessary certificates to seafarers in the ratings level. The
31 government agencies aforementioned shall formulate and undertake a systematic
32 program of implementing government policies pertinent to the licensing of specific
33 categories of seafarers.

34 The issuance of licenses and endorsement certificates to seafarers shall not
35 require pre-conditions other than what are required under the STCW '78 as

1 amended and other specific laws enacted for the purpose of regulating the
2 profession.

3
4 **SECTION 17. *Integrated Documentation System.*** - The DOLE in
5 coordination with government agencies concerned, shall develop an integrated
6 Documentation System (IDS) for the purpose of integrating and systematizing the
7 documentation of education, training licensing, and certification among Filipino
8 Seafarers. Said IDS shall contain all relevant information in the seafarer, including
9 education, training, licensure examinations and certification taken, it shall be used
10 by the seafarers in all his transactions with government, manning or crewing
11 agencies, and other pertinent bodies.

12 As such, agencies of the government concerned shall develop and implement
13 an information system that shall connect their respective databases for the purposes
14 of data storage sharing and generation pursuant to section 20 of Republic Act No.
15 8042.

16 **CHAPTER VII**

17 **RECRUITMENT AND PLACEMENT**

18 **A. The Recruitment and Placement Industry**

19
20 **SECTION 18. *Private Sector Participation in the Recruitment and Placement***
21 ***of Filipino Seafarers.*** - Pursuant to national development objectives and in order to
22 harness and maximize the use of private sector resources and initiative in the
23 development and implementation of a comprehensive employment program, the
24 private sector shall participate in the recruitment and placement of Filipino seafarers
25 locally and overseas: *Provided*, That such recruitment and placement procedures are
26 consistent with the provisions stipulated under this Act and such other guidelines,
27 rules and regulations as may be promulgated by the DOLE

28
29 **SECTION 19. *Capitalization in the Recruitment and Placement Industry.*** -
30 Individuals or corporations, partnership or entities applying for a license or
31 authority or renewal thereof shall be required a minimum capitalization and such
32 other requirements as may be prescribed by DOLE.

33 The same shall be obliged to pay such escrow deposits and surely bonds, in
34 an amount and conditions as may be prescribed by the DOLE to guarantee
35 compliance with all terms and conditions of the contract of employment and
36 applicable laws.

1 Individuals or corporations, partnerships or entities applying for license or
2 authority or renewal thereof shall be required to pay the filing and registration fees
3 as may be prescribed by DOLE.

4
5 **SECTION 20. *Non-Transferability of License.*** - No license or authority shall
6 be used directly or indirectly by any person other than the one in whose favor it was
7 issued or at any place other than that stated in the license, nor may such license or
8 authority be transferred, conveyed or assigned to any person or entity except under
9 such guidelines as may be prescribed by the DOLE.

10 Any transfer of business address, appointment or designation of any agent or
11 representative, including the establishment of additional offices anywhere shall
12 acquire prior approval from the Secretary of the DOLE.

13
14 **SECTION 21. *Suspension and/or Cancellation of License or Authority.*** - The
15 Secretary of DOLE shall have the power to suspend or cancel and in both instance
16 impose fine any license or authority of this act or of other applicable provisions of
17 laws rules and regulations.

18
19 **SECTION 22. *Persons and Entitles Prohibited from Engaging in Recruitment***
20 ***and Placement Industry.*** - The following are prohibited from engaging directly or
21 indirectly, in the recruitment and placement industry:

- 22
23 1. Any official or employees of DOLE, DFA and their attached agencies or other
24 government agencies involved in the implementation of this Act, or their
25 relatives within the fourth civil degree of consanguinity or affinity;
26 2. Persons and entitles engaged in the business of travel agency or engaged in
27 business as sales agent or airline and/or shipping companies, or their offices,
28 directors or partners.

29
30 **B. Recruitment Placement Policies**

31
32 **SECTION 23. *Recruitment and Placement Policies.*** - Manning or crewing
33 agencies engaged in private recruitment and placement service shall:

- 34 1. Make certain that placement fees or another charges for recruitment or for
35 providing employment to seafarer shall not be borne directly or indirectly, in
36 whole or in part, by the seafarers other than those authorized by law.

- 1 2. For this purpose, the costs of the personal travel documents and Seaman's
2 Book shall no be deemed as "fees and other charges for recruitment,"
- 3 3. Cause the reimbursement of any expenses incurred by the seafarer in
4 connection with his/her documentation and processing for purposes of
5 development, in the event where non-deployment is not the seafarer's fault;
- 6 4. Ensure that the Filipino seafarers well-being and right shall be the primary
7 consideration in the recruitment and placement of seafarers;
- 8 5. Guarantee that recruitment, placement and deployment of Filipino seafarers
9 shall not be made in jobs that are deemed inimical to their interest and to the
10 Republic of the Philippines;
- 11 6. Specify, with due regard to the right to privacy and the need to protect
12 confidentially, the conditions under which the personal data of Filipino
13 seafarers are processed by the manning or crewing agencies including the
14 collection, storage combination and communication of such data to third
15 parties;
- 16 7. Cease from furnishing or publishing any false notice or information or
17 document in relations to recruitment and employment, including or
18 attempting to induce a seafarer already employed to quit his/her
19 employment and offering another employment or influencing or attempting
20 to influence whether deliberately or unintentionally, any person on entity not
21 to employ any seafarer or the enforcement of a waiver of quit claims to any
22 seafarer before during and after employment, which act shall be deemed
23 unlawful;
- 24 8. Cease from substituting or altering to the prejudice of the seafarer the
25 employment contact approved and process by the DOLE and withholding or
26 denying travel or employment documents from applicant seafarer
27 considerations other than those authorized under this Act the implementing
28 rules and regulations promulgated pursuant to this Act; and
- 29 9. Refrain from using means or mechanisms intended to prevent or deter
30 seafarers from gaining employment.

31
32 **SECTION 24. *Duties of Manning and Crewing Agencies.*** - It shall be
33 incumbent upon manning and crewing agencies to ensure that:

- 34
35 1. Any seafarer recruited or placed by them is qualified and is in possession of
36 the documents necessary for the job concerned;

- 1 2. The contract of employment and articles of agreement are in accordance with
- 2 the standard terms and condition governing the employment of the Filipino
- 3 seafarer on board ocean-going vessel as prescribed by the concerned agency
- 4 of the DOLE;
- 5 3. The Filipino seafarer is informed of his/her rights and duties under his/her
- 6 contract of the employment and the article of agreement prior to and in the
- 7 process of engagement;
- 8 4. Proper arrangements and opportunities are given for the Filipino seafarer to
- 9 examine his/her contract of employment and the articles of agreement before
- 10 and after he/she signed such pertinent documents and for him/her to receive
- 11 a copy of the duly-signed contact of employment;
- 12 5. Adequate information about the conditions attending to the situations on
- 13 board the vessel and overseas, as well as local and international laws and
- 14 regulations which apply to the Filipino seafarer in the course of his/her
- 15 employment or sojourn shall be provided; AND
- 16 6. A registry of all seafarer recruited or placed through them shall be put in
- 17 place and shall be available for inspection by the competent authority.

18

19 **C. Hiring, Deployment and Employment**

20

21 **SECTION 25. *Hiring by Certain Employers.*** - Members of the diplomatic

22 corps, foreign government and international organizations may hire Filipino

23 seafarer; provided, that the provisions of this Act and other applicable guidelines,

24 rules and regulations are followed.

25

26 **SECTION 26. *Selective Development of Overseas Filipino Seafarers.*** -

27 Deployment of overseas Filipino seafarer shall be allowed only in countries where

28 the right overseas Filipino seafarer are observed and protected.

29 Any of the following legal instruments shall be recognized as guarantee on

30 the part of the receiving country for the protection of the rights of overseas Filipino

31 seafarers:

- 32
- 33 1. The receiving country has existing labor and social laws protecting the rights
- 34 of overseas seafarer;
- 35 2. It is a signatory to a multi-lateral convention, declaration or resolution
- 36 relating to the protection of overseas seafarer;

- 1 3. It has a bilateral agreement or arrangement with the Philippine government
2 protecting the rights of overseas seafarer; or
- 3 4. It is taking positive concrete measures to protect the rights of overseas
4 seafarer;

5
6 **SECTION 27. *Ban on Restrictions on Deployment.*** - Notwithstanding the
7 provisions of the immediately preceding section, the DOLE, in pursuit of national
8 interest or when public welfare so requires, may, at any time , terminate or impose
9 such restricts or ban on the deployment of overseas Filipino seafarer.

10
11 **SECTION 28. *Prohibitions against Indiscriminate Deployment of Filipino***
12 ***Seafarer.*** - The indiscriminate deployment of following Filipino seafarer shall be
13 deemed prohibited:

- 14
15 1. Those below eighteen (18) years old or such minimum age requirements as
16 may be determined by the DOLE;
- 17 2. Those medically diagnosed to be unfit to work for the job being applied;
- 18 3. Those whose employment non-qualified for overseas employment;
- 19 4. Those whose employment contract was not processed and approved by the
20 PQEA; and
- 21 5. Any other factor that the DOLE may deemed prohibited.

22
23 **SECTION 29. *Visitorial Powers of the DOLE.*** - The Secretary of the DOLE or
24 his/her duly designated representative may, at any time inspect vessels and ships
25 within Philippine jurisdiction of the accredited principal / ship-owner to determine
26 compliance with safety standards and living conditions of seafarer.

27
28 **CHAPTER VIII**
29 **ILLEGAL RECRUITMENT**

30
31 **SECTION 30. *Illegal Recruitment.*** - For purposes of this Act, illegal
32 recruitment shall refer to any act of canvassing, enlisting, contracting, transporting,
33 utilizing, hiring, or procuring seafarer and includes referring, contract servicing,
34 promising, or advertising of employment for abroad whether for profit or not when
35 undertaken by a non-licensee or non-holder of authority contemplated under Article
36 13 (f) of Presidential Decree No. 422, as amended, otherwise known as the Labor

1 Code of the Philippines: *Provided*, That any such non-license or non-holder who, in
2 any manner, offers as promises for a fee employment abroad to two or more
3 person's shall be deemed engaged.

4 Illegal recruitment when committed by a syndicate or in a large scale shall be
5 considered an offense involving economic sabotage.

6 Illegal recruitment is deemed committed by a syndicate if carried out by a
7 group of three (3) members or more persons conspiring or confederating with one
8 another. It is deemed committed in large scale if committed against three (3) or more
9 persons individually or as a group. Illegal recruitment is also deemed committed in
10 a large scale if the financial or material consideration involved amounts to more
11 than One Hundred Thousand Pesos (P100,000.00), regardless of the number of
12 persons involved.

13 The persons criminally liable for the above offenses are the principals,
14 accomplice and accessories. In case of juridical persons, the officers having control,
15 management or direction of their business shall be liable.

16
17 **SECTION 31. Penalties. -**

- 18 1. Any person found guilty of illegal recruitment shall suffer the penalty of
19 imprisonment of not less than six (6) years and one (1) day but not more than
20 twelve (12) years and a fine of not less than Two Hundred Thousand Pesos
21 (P200,00) nor not more than Five Hundred Thousand Pesos (P500,000).
- 22 2. The penalty of life imprisonment and a fine of not less than Five Hundred
23 Thousand Pesos (P500,000) nor more than One Million Pesos (P1,000,000)
24 shall be imposed if illegal recruitment constitutes economic sabotage as
25 defined in the preceding article: *Provided, however*, That the maximum penalty
26 shall be imposed if the person illegally recruited is less than eighteen (18)
27 years of age or that the act of illegal recruitment is committed by a non-
28 license or non-holder of authority

29
30 **SECTION 32. Prohibition on Officials and Employees. -** It shall be unlawful
31 for any official or employee of the DOLE agency concerned or other government
32 agencies involved in the implementation of this Act, or their relatives within the
33 fourth civil degree of consanguinity or affinity, to engage directly or indirectly, in
34 the business of recruiting Filipino seafarers, as defined under this Act. The penalties
35 provided for in the preceding paragraphs shall be imposed upon them.

1 **SECTION 33. Venue.** - A criminal action arising from illegal recruitment as
2 herein defined shall be filed with the Regional Trial Court of the province or with
3 city where the offense was committed or where the offended party actually resides
4 at the time of commission of the offense.
5

6 **SECTION 34. Mandatory Period for Filing of illegal Recruitment Cases.** -
7 The preliminary investigation of cases under this Act shall be terminated within a
8 period of thirty (30) calendar days from the date of their filing. Where the
9 preliminary investigation is conducted by a prosecution officer and a prima facie
10 case is established, the corresponding information shall be filed in court within
11 twenty-four (24) hours from the termination of the investigation.

12 If the preliminary investigation is conducted by a judge and a prima facie
13 case is found to exist, the corresponding information shall be filed by the proper
14 prosecution officer within forty-eight (48) hours from the date of receipt of the
15 record of the case.
16

17 **SECTION 35. Prescriptive Periods.** - Illegal recruitment cases under this Act
18 shall prescribe in five (5) years after the commission of the prohibited act; provided,
19 however, that illegal recruitment cases involving economic sabotage as defined
20 herein shall prescribe in twenty (20) years.
21

22 **SECTION 36. Free Legal Assistance; Preferential Entitlement Under the**
23 **Witness Protection Program.** - A mechanism for free legal assistance for victims of
24 illegal recruitment shall be made available by the pertinent agencies of government.
25 Such mechanism shall include coordination and cooperation among the DOLE, DOJ,
26 the IBP, and other non-government organization and volunteer groups.

27 Notwithstanding the provisions of Republic Act No. 6981 to the contrary, any
28 person who is the victim of illegal recruitment, or who is willing to be a witness on
29 behalf of the government, shall be entitled to the Witness Protection Program
30 provided there under.

31 **CHAPTER IX**
32 **CONDITIONS OF EMPLOYMENT**
33

34 **SECTION 37. Employment Agreement.** - The employer shall provide for a
35 written agreement, which shall be drawn up with the seafarer concerning ship work.
36 The agreement shall contain the following:

- 1 1. The Capacity in which the seafarer is to serve;
- 2 2. The arrangement made as to the place of discharge and notice to terminate
- 3 the agreement;
- 4 3. Provisions on rest periods;
- 5 4. The wage agreed upon, its method of computation and manner of payment.
- 6 In no case shall the parties agree to wages lower than the basic minimum
- 7 wage prescribe by appropriate government agencies at the time of
- 8 engagement; and
- 9 5. The duration of the employment contract.

10
11 **SECTION 38. *Allotment and Remittances.*** - It shall be mandatory for all
12 seafarers to remit a portion of their earning to their families, dependents, and/or
13 beneficiaries in accordance with rules and regulations prescribed by the Secretary of
14 DOLE.

15
16 **SECTION 39. *Limitations on Wage Deductions.*** - a deduction from the
17 seafarer's wages shall not be made without his/her written consent, unless the
18 deduction is provided for in the contract of employment and is authorized by law.

19
20 **SECTION 40. *Rest Periods.*** - a seafarer shall be allowed reasonable rest
21 periods in accordance with International standards and the Labor Code. He/she
22 shall entitle to adequate time for rest and sleep. The period of rest shall during any
23 24-hour period, amount to not less than 10hours.

24
25 **SECTION 41. *Shore Leave.*** - The seafarer shall be allowed shore leave when
26 practicable, upon the consent of the master of deputy, taking into consideration the
27 operation and safety of the vessel and the seafarer.

28
29 **SECTION 42. *Short Manning and Save Wages.*** - In the event that the whole
30 or part of the voyage is carried out with as smaller crew than what it was previously
31 appointed, or if the number of the active members of the crew is reduced prior to or
32 during voyage, the wages saved due to this circumstances shall be distributed
33 proportionately among the members of the active crew who assumed additional
34 work resulting therefrom.

1 **SECTION 43. *Personal Effects.*** – A seafarer may bring a reasonable number
2 of articles for personal use: *Provided, however,* That this does not involve
3 inconvenience to the ship or cargo or pose any health risk on board. If the seafarers’
4 personal effect are lost or damaged as a result of shipwreck, loss or stranding,
5 abandonment of the vessel, or as a result of fire, flooding, collision or piracy, the
6 employer shall reimburse him/her for said loss or damage.

7
8 **SECTION 44. *Consideration of Seaworthiness.*** – When more than half of the
9 crew makes a written complaint to the master regarding the seaworthiness of the
10 ship for the forthcoming voyage, if the chief engineer of first mate make a similar
11 complaint regarding the part of the ship, appurtenances or equipments under their
12 respective supervision, the ship master shall be bound to have the ship examined. If
13 the shipmaster refuses to let the ship be examined despite valid complaint to do so,
14 the crew may refuse to proceed the voyage.

15
16 **CHAPTER X**
17 **HEALTH AND SAFETY**

18
19 **SECTION 45. *Prevention of Health Hazards.*** – Work on board the vessel
20 must be organized and executive in such a manner that the seafarer’s life and limb is
21 well looked after. When a seafarer is assigned to work due regard shall be paid to
22 his qualification to undertake then work on a safe and sound basis. Provisions shall
23 be made to ensure that the seafarer is well informed of the hazards inherent in the
24 work and that he is given the proper guidance and adequate practice necessary to
25 avoid such hazards.

26 **SECTION 46. *Sanitary Conditions.*** – Measures should be undertaken to
27 ensure cleanliness and proper hygiene on board. The master shall ensure that the
28 crew is provided as well-balanced diet. He should also guarantee that the crew
29 receives the necessary vaccination or inoculation as required by the circumstances or
30 the laws of the country of which the vessel may enter.

31
32 **SECTION 47. *Medical Examination and Medical Service.*** – A seafarer
33 engaged to perform services on board shall secure a medical certificate to the effect
34 that he is not suffering from any illness or mental or physical defect rendering him
35 unfit for work or which may constitute danger to other persons aboard. Any
36 member of the crew may also be required to submit to a medical examination, at the

1 expense of such examination is necessary to monitor and maintain the health and
2 environmental conditions on board the vessels.

3
4 **SECTION 48. *Protection from Sexual Harassment.*** - it shall be the duty of
5 the master and the employer to prevent the commission of acts constituting sexual
6 harassment and provide measures for the resolution, settlement or prosecution of
7 acts of sexual harassment.

8 Sexual harassment is herein defined as an act committed by an employer,
9 employee, supervisor, agent of the employer, any other person who, having
10 authority, influence or moral ascendancy over another in a work environmental
11 demands, request or otherwise requires any sexual favor from another, regardless of
12 whether the demand, request or requirement is accepted by the subject of the said
13 act.

14 **CHAPTER XI**

15 **SOCIAL WELFARE SERVICE AND DISABILITY BENEFITS**

16
17 **SECTION 49. *Disability.*** - In case of work-related total or partial disability of
18 the seafarer during the term of his/her employment cause by either injury or illness,
19 the seafarer shall be compensated in accordance with the schedule of the benefits
20 prescribed by the law. Computation of his/her benefits arising from an illness or
21 disease shall be governed by the rates and the rules of compensation applicable at
22 the time the illness or disease was contracted.

23 No compensation shall be payable in respect in any injury, incapacity,
24 disability or death of the seafarer resulting from his/her willful or criminal act;
25 provided however, that the employer can prove that such injury, incapacity,
26 disability or death is directly attributable to the seafarer.

27 When requested, the employer shall furnish the seafarer a copy of all
28 pertinent medical reports or records at no cost to the seafarer.

29
30 **SECTION 50. *Employer's Liability in Case of Death.*** - When the seafarer
31 dies as a result of injury or illness during the term of employment, the employer
32 shall pay the beneficiary/ies of the seafarer all outstanding obligations due the
33 seafarer under his/her employment contract; the employer is also mandated to
34 notify the next of kin and make arrangement for burial, return or repatriation of the
35 remains. If the death occurs in a foreign territory, the master shall also inform the
36 nearest Philippine Embassy or Foreign Service Office of said death. The remains and

1 personal effects of the seafarer shall be transported to the Philippines employer's
2 expense except if the death occurred in the port where local government laws or
3 regulations do not permit the transport of such remains.

4 In case death occurs at sea, arrangements for the handling of the remains
5 shall be drawn up and proposed by the shipmaster to the deceased next of kin. In
6 all cases, the employer and/or shipmaster through the manning and crewing agency,
7 shall communicate with the next of kin of the deceased and secure the next of kin's
8 concurrence as regards the proposed arrangements covering the handling of the
9 seafarer's remains. The employer shall also pay for the seafarer's burial expenses.

10
11 **SECTION 51. *Death Benefits.*** - In case of work-related death of the Filipino
12 seafarer during the term of his contract, the employer shall pay his beneficiaries the
13 corresponding death benefits.

14 The benefits shall be separate and distinct from and shall be in addition to
15 whatever benefits shall be payable in case of death resulting from a willful act by the
16 Filipino seafarer. In connection thereto, the employer can prove that such death is
17 directly attributable to the seafarer.

18
19 **SECTION 52. *Payment of Benefits.*** - The Employer shall have ensure
20 expeditious arrangement for the payment of death or personal injury benefits
21 provided under this Act. The employer shall likewise arrange for adequate
22 insurance coverage.

23
24 **SECTION 53. *Review of Benefits.*** - The POEA shall, upon consultation with
25 the seafarer's unions and associations of manning agencies and shipping companies
26 undertake a regular annual review of death benefits provided under this Act and
27 through its governing board, update or amend the death benefits to keep it at par
28 with prevailing international standards.

29
30 **SECTION 54. *Seafarer's Loan Guarantee Fund.*** - The OWWA in coordination
31 with government financial institutions, shall institute financing schemes that will
32 expand the grant of pre-departure load and family assistance load to seafarer in
33 accordance with Section 21 of RA No. 8042.

34

1 **SECTION. 55. Housing and Provident Benefits** - Seafarers shall be provided
2 access to the government's housing program through membership in the Home
3 Development Mutual Fund (Pag-Ibig Fund).

4
5 **SECTION 56. Care of the Sick or Injured.** - In case of illness or injury during
6 the term of employment, the master shall arrange for the seafarer to receive proper
7 nursing care on board or ashore, including medical attention, medicines and
8 attention.

9 The sick or injured seafarer shall continue to receive his wagger during the
10 time he is under contract.

11 If the work-related injury or illness requires medical and/or dental treatment
12 in a foreign port, the employer shall be liable for the full cost of such medical,
13 serious dental, surgical and hospital treatment as well as board and lodging until the
14 seafarer is declared fit to work or to be repatriated.

15
16 **SECTION 57. Care fore Repatriated Seafarer.** - If after repatriation the
17 overseas seafarer still requires medical attention arising from said injury or illness,
18 he shall be so provided, at cost to the employer until such time he is declared fit and
19 the degree of his disability has been established by the employer-designated
20 physician.

21 For this purpose, the seafarer shall submit himself to a post-employment
22 medical examination by a company-designated physician within three (3) working
23 days upon his return except when he is physically incapacitated to do so, in which
24 case, a written notice to the agency within the same period is deemed as compliance,
25 failure of the seafarer to comply with the mandatory reporting requirement shall
26 result in his forfeiture of his right to claim the above benefits.

27 28 **CHAPTER XII**

29 **DISCIPLINARY AND DISPUTE SETTLEMENT PROCEDURE**

30
31 **SECTION 58. Duties of the Employer/Master.** -

- 32 1. To faithfully comply with the stipulated terms and conditions of the
33 employment contract, particularly the prompt payment of wages, remittance
34 of allotment and the expeditious settlement of valid claims of the seafarer
- 35 2. To make operational on board the vessel the grievance machinery provided
36 in his contract and ensure its free access at all times by the seafarer; AND

1 3. To ensure the protection and safety of seafarer at all times

2
3 **SECTION 59. Duties of the Seafarer. -**

- 4 1. To faithfully comply with and observe the terms and conditions of his
5 contract violation of which shall be subject to disciplinary sanctions;
- 6 2. To treat the ship and the cargo with proper care out his duties as a whole
7 with due responsibility;
- 8 3. To comply with company rules, regulations and policies consistent with the
9 rules and regulations issued by the DOLE;
- 10 4. To conduct himself in an orderly and respectful manner towards passengers
11 and shippers stevedores, port authorities and other persons official business
12 with the ship. Each shall treat his/her colleagues on board with due
13 consideration; and
- 14 5. To observe the grievance procedure outlined in this Act.

15
16 **SECTION 60. Disciplinary Procedures. -** The employer/master shall serve
17 seafarer with a written notice containing the grounds for the charges against the
18 seafarer concerned.

19 The employer/master or his/her authorized representative shall conduct the
20 investigation or hearing, giving the seafarer the opportunity to explain or defend
21 himself against the charges. An entry on the investigation shall be made in the ships
22 logbook if, after the investigation or hearing, the employer/master is convinced that
23 the imposition of a penalty is justified the employer/master shall issue a written
24 notice of penalty and the reason thereof to the seafarer, with copies furnished to the
25 manning or crewing agency which deployed the said seafarer.

26 The aggrieved seafarer may appeal in writing within a period of five (5) days
27 from the date the Master rendered decision to a Grievance Resolution Committee
28 composed of one (1) representative from the ratings to be the chosen by the
29 concerned seafarer, one (1) representative from the officer level to be chosen by the
30 Master, and shipmaster.

31 The Grievance Resolution Committee shall review the appeal within a period
32 of not more than fifteen (15) days from the date of appeal execution of judgment is
33 deemed suspended upon filling of the appeal.

34
35 **SECTION 61. Grievance Machinery. -**

1 (a) If the seafarer considered himself aggrieved he shall make his complaint in
2 accordance with the following procedures:

- 3 1. The seafarer shall approach the head of the Department in which he is
4 assigned to explain his grievance:
- 5 2. The seafarer shall state his grievance in writing and in an orderly manner
6 and shall choose a proper time when his complaint or grievance can be
7 properly heard;
- 8 3. The department head shall seek to resolve the complaint or grievance and
9 where solution is not possible at his level refer the complaint or grievance to
10 the Master;
- 11 4. If the seafarer is not satisfied with the decision of the Master, he may appeal to
12 the Grievance Resolution Committee which shall be chosen by the concerned
13 seafarer, one (1) representative from the officer level to be chosen by the
14 Master, and one (1) neutral party to be agreed on by the concerned seafarer
15 and shipmaster;
- 16 5. The Grievance Resolution Committee shall seek to address and resolve the
17 grievance within a period of fifteen (15) days upon receipt of written appeal;
- 18 6. If no satisfactory result is achieved, the seafarer concerned may appeal to the
19 management of the company or with a Philippine Labor Attache or consular
20 officer overseas.
- 21 7. The Master shall afford such facilities necessary to enable the seaman to
22 transmit his appeal; and

23 (b) When availed by the seafarer the grievance procedure and all actions or
24 decisions agreed upon shall be properly documented for the protection and interest
25 of both parties. Speedy resolution of cases shall be given utmost priority.
26

27 **SECTION 62. *Dispute Settlement.*** - The procedure herein stated shall be
28 without prejudice to the other action that maybe brought by the seafarer before the
29 jurisdiction of the concerned regular courts and/or NLRC; or to the exclusive and
30 original jurisdiction of the voluntary arbitrators of the National Conciliation and
31 Mediation Board (NCMB) of DOLE.
32

33 **SECTION 63. *Voluntary Arbitration.*** - Pursuant to the constitutional
34 mandate on the preferential use of voluntary modes of dispute settlement, the DOLE
35 shall adopt procedural guidelines in the conduct of voluntary arbitration

1 proceedings involving the maritime sector and promote the use of voluntary
2 arbitration as a mode to achieve speedy resolution of cases.

3
4 **SECTION 64. Money Claims.** - Notwithstanding any provision of law to
5 contrary, the Labor Arbiters of the NLRC shall have the original and exclusive
6 jurisdiction to hear and decide, within ninety (90) calendar days after filing of the
7 complaint, the claims arising out of an employer-employee relationship or by virtue
8 of any law or contract involving a Filipino seafarer, including claims for actual, moral
9 exemplary and other forms of damages.

10 The liability of the principal/employer and the manning or crewing agency
11 for any and all claims under this section shall be joint and several this provision
12 shall be a condition precedent for its approval. The performance bond to be filed by
13 the manning and crewing agency. As provided by law, shall be answerable for all
14 money claims or damages that maybe awarded to the seafarer concerned. If the
15 manning or crewing agency is a juridical being the corporate officers and directors
16 and partners as the case may be, shall themselves be jointly and solitarily liable with
17 the corporation or partnership for the aforesaid claims and damages.

18 Such liabilities shall continue during the entire duration of the employment
19 contact and shall no be affected by any substitution, amendment or modification
20 made locally or in a foreign country where the said contact was entered into any
21 compromise, amicable settlement or voluntary agreement on money claims inclusive
22 at damages under this section shall be paid within four (4) months from the
23 approval of the settlement by the appropriate authority.

24 In case of termination of overseas employment without just, valid or
25 authorized cause defined by law or contract the seafarer shall be entitled to the full
26 reimbursement of his/her placement fee with interest at twelve percent (12%) per
27 annum, plus his/her placement fee with interest at portion of his/her employment
28 contract or for three (3) months for every year of the unexpired term, whichever is
29 less.

30
31 **SECTION 65. Liability for Claims.** - The liability of the principal/employer
32 and the manning agency for any claims mage by Filipino seafarer under this title
33 shall be joint and several.

34
35 **SECTION 66. Prescriptive Period.** - Recognizing the particular nature of
36 overseas shipboard employment, all monetary claims arising from the seafarer's

1 contact shall prescribe within three (3) years from the date of the seafarer's return to
2 the point of hire. All monetary claims of those employed in domestic shipping shall
3 prescribe within three (3) years from the day action commenced.

4
5 **CHAPTER XIII**
6 **POST EMPLOYMENT**
7

8 **SECTION 67. *Termination of Employment.*** - The employment of the overseas
9 seafarer shall cease when he/she:

- 10 a) Completes his/her period of contractual service aboard the vessel, signs off
11 from the vessel and arrives at the point of hire;
12 b) Arrives at the point of hire for any of the following reasons:
13 1. Voluntarily resigns for just cause and signs off prior to expiration of
14 contract;
15 2. Signs-off and disembarks for health reasons;
16 3. Signs off due to shipwreck, lay-up of vessel, change of vessel or
17 discontinuance of voyage; and
18 4. Is discharged for just cause.
19

20 **SECTION 68. *Termination by Seafarer.*** - A seafarer may terminate the
21 employer-employees relationship based on either:

- 22 1. The ship is not seaworthy;
23 2. The principal changes
24 3. The vessel is sold;
25 4. The vessel is shipwrecked;
26 5. The seafarer has been ill-treated on board and the master has failed to protect
27 him when requested to do so;
28 6. The voyage is discontinued or substantially altered;
29 7. After the seafarers start on board, it appears that the ship is at risk of being
30 seized by a belligerent power or exposed to war damage, or that such risk is
31 imminent or has increased considerably; and
32 8. After the seafarers starts on board, it appears that a violent epidemic disease
33 has broken out in the port for which the ship is bound.

34 In the cases mentioned in subparagraphs 6 - 8 hereof, the seafarer may take
35 his/her departure with immediate effect if the voyage has not commenced, or
36 otherwise at the ship's first port of call after he has become aware of the situation.

1 repatriate the said seafarer and advise the DFA and DOLE as soon as possible of
2 such recovery and other relevant information.

3
4 **SECTION 73. *Emergency Repatriation.*** - The DOLE, in coordination with the
5 OWWA and the DFA, shall undertake the repatriation of seafarers in cases of war,
6 epidemics, disasters or calamities, natural or man-made, and other similar events
7 without prejudice to reimbursement by the responsible principal or
8 manning/crewing agency.

9
10 **SECTION 74. *Legal Assistance Fund.*** - The Legal Assistance Fund created
11 under R.A. No. 8042 shall extend legal services to an overseas seafarer who is in
12 distress in accordance with the guidelines, criteria and procedures promulgated
13 therein.

14
15 **CHAPTER XV**
16 **REINTEGRATION SERVICES**

17
18 **SECTION 75. *Retraining and Reintegration.*** - Returning or unemployed
19 seafarers may avail of the livelihood development/re-training programs and
20 placements services offered by concerned government agencies, including OWWA
21 and TESDA, TLC and the CDA.

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

27
28 **SECTION 76. *Establishment of Reintegration Center.*** - A Re-integration
29 Center within the OWWA shall be established to attend to the needs of returning
30 seafarers. The center shall provide a mechanism for their reintegration into the
31 Philippine society, serve as a promotion house for their local employment, and tap
32 their skills and potentials for national development.

33 The Center shall provide the following services:

- 34 c) Develop livelihood programs and project for returning seafarers in
35 coordination with the private sector and concerned government agencies;

- 1 d) Coordinate with appropriate private government agencies in the promotion,
2 development, and full utilization of their potentials. For this purpose, the
3 DOLE shall be the lead implementer. The CDA and the TLRC shall develop
4 among returning seafarers, technical expertise in the enterprise building and
5 development, while the DSWD shall provide the necessary services for the
6 effective social reintegration of migrant workers;
- 7 e) Develop a matching program that will allow returning Filipino seafarers to
8 develop business partnerships and employment options with public and
9 private sector enterprises in the country; and
- 10 f) provide a periodic study of the assessment of job opportunities for returning
11 seafarers.

12
13 **SECTION 77. *Scholarship Program.*** - Qualified seafarers or their immediate
14 descendants, who intent to pursue science and technology related courses may
15 apply for scholarships with the OWWA which shall benefit deserving overseas
16 seafarers and/or their immediate descendants below twenty-one (21) years of age
17 who intend to pursue courses or training primarily in the field of science and
18 technology.

19 The DOLE, in coordination with the CHED, shall establish a similar program
20 for domestic seafarers within a period of three (3) years from the enactment of this
21 Act.

22 **CHAPTER XVI**

23 **ACCOUNTABILITY OF GOVERNMENT OFFICIAL AND PERSONNEL**

24
25 **SECTION 78. *Accountability of Government Officials and Personnel.*** - Any
26 government official and personnel who fails or refuse to render services (s) and/or
27 assistance to seafarers without just cause shall, after dues notice and hearing, and if
28 found guilty, be punished with suspension from office of not less than sixty days
29 (60) or dismissal from the service with forfeiture of retirement and other benefits.

30 **CHAPTER XVII**

31 **TRANSITORY PROVISIONS**

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33
34 **SECTION 79. *Implementing Rules and Regulations.*** - The DOLE, in
35 coordination with the DFA and other agencies concerned and within ninety (90)
36 days after the effectivity of this Act, shall formulate its rules and regulations.

1 **SECTION 80. *Separability Clause.*** If any provision of this Act is declared
2 unconstitutional, the remaining provisions shall continue in force.

3
4 **SECTION 81. *Repealing Clause.*** All laws, presidential decrees, issuances,
5 executive orders, letters of instruction, rules or regulations inconsistent with the
6 provisions of this Act are hereby repealed or modified accordingly.

7
8 **SECTION 82. *Effectivity Clause.*** This Act shall take effect fifteen (15) days
9 after its publication in two newspapers of national circulation.

10
11 Approved,