

HOUSE OF REPRESENTATIVES

H. No. 8057

BY REPRESENTATIVES AGLIPAY, ARENAS, ANGARA, GONZALEZ, YAP (E.), TULFO, TADURAN, AGABAS, MENDOZA, LUSOTAN, ESPINO, KHO (W.), GAITE, ZARATE, CULLAMAT, CASTRO (F.L.), BROSAS, ELAGO, ESCUDERO, VILLANUEVA (E.), RIVERA, VILLAFUERTE, TEJADA, LARA, PANOTES, GONZALES (A.), ONG (R.), OUANO-DIZON, TUTOR, OLIVAREZ, FORTUN, NIETO, DALIPE, VILLARICA, SAVELLANO, TAMBUNTING, BARBA, NAVA, JAVIER, SARMIENTO, GARCIA (P.J.), PIMENTEL, TEVES (J.), BIAZON, HERNANDEZ, ALBANO, DEFENSOR (M.), HOFER, ESPINA, MACAPAGAL ARROYO, BRAVO, MALAPITAN, ESTRELLA, SIAO, LAGON, BARBERS, ABU, ERICE, ACOSTA-ALBA, UY (J.), GO (E.C.), OAMINAL, HARESCO, ZAMORA (R.), CUARESMA, MARQUEZ, MOMO, ORTEGA AND ERMITA-BUHAIN, PER COMMITTEE REPORT NO. 607

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AN ACT INSTITUTING THE
MAGNA CARTA OF FILIPINO SEAFARERS

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

CHAPTER I
GENERAL PROVISIONS

SECTION 1. *Short Title.* – This Act shall be known as the “Magna Carta of Filipino Seafarers.”

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

- (a) To afford Filipino seafarers full protection before, during, and after employment by granting them certain rights as maritime professionals, in recognition of their unique role and contribution to national development;
- (b) To maintain and progressively develop a pool of competent and world-class seafarers through a system of education, training, certification, and licensing;
- (c) To establish mechanisms for the enhancement of administrative, adjudicative, social as well as welfare services for them and their families;
- (d) To enact laws that adopt and implement the standards set by international conventions and agreements on working and living conditions, and occupational safety and health, among others, for seafarers particularly the Maritime Labor Convention, 2006 (MLC, 2006);

1 (e) To recognize shipowners, Maritime Higher Educational Institutions (MHEIs),
2 manning and recruitment entities as vital partners in promoting the skills and
3 competencies of Filipino seafarers; and
4

5 (f) To recognize that seafarers are a special category of key or essential workers and,
6 given the global nature of the shipping industry and the different jurisdictions that
7 they may be brought into contact with, need special protection in relation to contracts
8 with public authorities, and should be treated fairly at all times especially in the event
9 of a maritime accident, epidemic, pandemic, and other natural or man-made crises, in
10 accordance with international law.
11

12 Toward these ends, the State shall endeavor to improve the Filipino seafarers' working
13 conditions, terms of employment, career prospects and provide opportunities to harness their
14 potentials to the fullest. The State shall further promulgate policies and programs to uplift the
15 socioeconomic well-being of the families of Filipino seafarers.
16

17 SEC. 3. *Applicability.* – This Act shall cover Filipino seafarers engaged, employed, or
18 working in any capacity on board Philippine-registered ships operating domestically or
19 internationally, and those on board foreign-registered ships.
20

21 This Act shall not cover the following categories of ships:
22

23 (a) Warships and naval auxiliaries;
24

25 (b) Government ships not engaged in commercial operations;
26

27 (c) Ships of traditional build, as may be defined under existing rules and regulations; and
28

29 (d) Fishing vessels.
30

31 SEC. 4. *Definition of Terms.* – As used in this Act:
32

33 (a) *Cadet* refers to a maritime student undertaking onboard training as a requirement for
34 certification under the international convention on Standards of Training,
35 Certification and Watchkeeping for seafarers (STCW).
36

37 (b) *Domestic shipping* refers to the transport of passenger or cargo, or both, by ships
38 duly registered and licensed under Philippine law to engage in trade and commerce
39 between Philippine ports and within Philippine territorial or internal waters, for hire
40 or compensation, with general or limited clientele, whether permanent, occasional or
41 incidental, with or without fixed routes, and undertaken for contractual or
42 commercial purposes;
43

44 (c) *Green lane* refers to the process of facilitating crew changes among ships and the
45 seafarers during public health emergencies, man-made or natural, as embodied,
46 among others, in Joint Circular No. 01 Series of 2020 dated 2 July 2020, or the
47 “Guidelines for the Establishment of the Philippine Green Lane to Facilitate the
48 Speedy and Safe Travel of Seafarers, Including their Safe and Swift Disembarkation,
49 and Crew Change During the COVID-19 Pandemic” and in the International
50 Maritime Organization (IMO) Circular Letter No.4204/Add.14 dated 5 May 2020, or
51 the “Coronavirus (COVID-19) – Recommended Framework of Protocols for
2

1 ensuring safe ship crew changes and travel during the coronavirus (COVID-19)
2 pandemic”.

3
4 (d) *International maritime convention (IMC) or International convention* refers to any
5 written treaty or agreement, or any protocol or amendment thereto, affecting the
6 maritime industry which has come into force and effect, including the MLC, 2006;

7
8 (e) *License* refers to the document issued by the Department of Labor and Employment
9 (DOLE) authorizing any person or entity to engage in the recruitment and placement
10 of seafarers;

11
12 (f) *Manning/Recruitment and placement agency* refers to any Filipino person,
13 corporation, partnership, company, or other entity engaged in the canvassing,
14 enlisting, contracting, transporting, utilizing, hiring or procuring whether for profit or
15 not, of seafarers whether domestic or international;

16
17 (g) *Maritime accident* refers to any unforeseen occurrence or physical event connected to
18 the navigation, operations, maneuvering or handling of ships, or the machinery,
19 equipment, material, or cargo on board such ships which may result in the detention
20 of seafarers;

21
22 (h) *Maritime industry stakeholders* refer to all private sector stakeholders engaged in the
23 business of owning, managing, chartering or operating domestic and international
24 ships of Philippine or foreign registry, manning of ships, management of ports,
25 stevedoring and arrastre services, ship brokering and chartering, ship-building and
26 ship repair, delivering maritime services such as ship supplies and provisions,
27 maritime education and training, shipping agency, and other similar activities

28
29 This term shall also include bona fide maritime labor organizations and professional
30 associations of seafarers;

31
32 (i) *Maritime Higher Education Institution or MHEI* refers to any institution of higher
33 learning which is authorized by the Commission on Higher Education (CHED) to
34 offer college education through four (4) year or five (5) year courses in the maritime
35 field leading to the degree of, among others, Bachelor of Science in Maritime
36 Transportation, Bachelor of Science in Marine Engineering, Bachelor of Science in
37 Naval Architecture.

38
39 (j) *Maritime Labor Certificate* refers to the document certifying that the working and
40 living conditions of the seafarers on the ship have been inspected and are compliant
41 with the requirements of Philippine laws and regulations;

42
43 (k) *Maritime Training Institute or MTI* refers to private or and state-operated institutes
44 that provide maritime trainings required pursuant to, among others, STCW
45 Convention, as amended in 2010, including courses geared towards upgrading the
46 skills of Filipino seafarers for enhanced employment acceptability and
47 competitiveness.

48
49 (l) *Master* refers to a person having command of a ship and acts as the shipowner's
50 representative;

- 1 (m) *Ocean-going ship* refers to a ship other than those which navigate exclusively in
2 inland water or water within or closely adjacent to sheltered water, or areas where
3 port regulations apply;
4
- 5 (n) *Philippine Seafarers' One Stop Processing Center (PSOC)* refers to the facility
6 created under DOLE Administrative Order No. 56, series of 2003, which houses
7 multiple offices or agencies involved in providing services to seafarers, in one place;
8
- 9 (o) *Point of hire* refers to the place where the employment contract between the
10 shipowner and the seafarer was executed;
11
- 12 (p) *Recognized organizations* refer to organizations recognized by the DOLE to carry out
13 inspections or issue the Maritime Labor Certificate in accordance with the scope of
14 activities covered by their authorizations;
15
- 16 (q) *Repatriation* refers to the process of returning a seafarer to the point of destination, as
17 stipulated in the employment contract or the collective bargaining agreement (CBA),
18 at the option of the seafarer.
19
- 20 (r) *Seafarer* refers to a person who is employed or is engaged to work in any capacity on
21 board a ship to which this Act applies;
22
- 23 (s) *Ship or Vessel* refers to any kind, class or type of craft or artificial contrivance
24 capable of floating in water, whether publicly or privately owned, ordinarily engaged
25 in commercial activities and offshore operations, except fixed platform;
26
- 27 (t) *Shipowner* refers to the owner of the ship employing Filipino seafarers to work on
28 board domestic ships and ships engaged in international trade, or any other
29 organization or person, such as the manager, agent or bareboat charterer, who has
30 assumed the responsibility for operation and management of the ship, and who, in
31 assuming such responsibilities, has agreed to take over all the attendant duties and
32 responsibilities of a shipowner under this Act, regardless of whether any other
33 organization or persons fulfill certain duties or responsibilities on behalf of the
34 shipowner.
35

36
37 CHAPTER II
38 SEAFARERS' RIGHTS
39

40 SEC. 5. *Right to Just Terms and Conditions of Work.* – Seafarers shall have the right to:
41

- 42 (a) Safe and secure workplace that complies with safety standards;
43
44 (b) Decent working and living conditions on board a ship;
45
46 (c) Medical care, welfare measures and other forms of health and social protection; and
47
48 (d) Fair terms and conditions of employment including salary commensurate to their
49 rank, hours of work, and other relevant basis for wage computation, minimum
50 number of working hours, rest period consistent with Philippine laws or IMCs, when
51 applicable.

1
2 SEC. 6. *Right to Self-organization, to Engage in Collective Bargaining and to*
3 *Participate in Democratic Exercises.* – Seafarers shall enjoy their right to self-organization, to
4 collective bargaining, and to participate in the deliberation of issues and in the formulation of
5 policies that affect them, including the guarantee of representation in governing boards or
6 appointment in government instrumentalities.
7

8 SEC. 7. *Right to Educational Advancement and Training at Reasonable and Affordable*
9 *Costs.* – Seafarers shall have access to educational advancement and training at reasonable and
10 affordable costs. No fee or other charges shall be imposed on cadets, interns, apprentices, on-
11 the-job-trainees or other persons similarly situated. Toward this end, relevant government
12 agencies shall:
13

14 (a) regulate the operation of all educational and training institutions offering courses
15 related to seafaring;
16

17 (b) pursue grants and programs such as scholarships, subsidies, loan assistance and other
18 measures that will harness the skills of Filipino seafarers toward greater
19 competitiveness given the new demands in the industry; and
20

21 (c) promote quality maritime education and training that respond to the needs of the
22 industry and in accordance with minimum international maritime standards of
23 competency.
24

25 SEC. 8. *Right to Relevant Information.* – Shipowners, manning agencies, concerned
26 government agencies and other organizations responsible for the recruitment and placement of
27 Filipino seafarers shall be mandated to provide relevant information, including the terms and
28 conditions of employment and company policies affecting seafarers. This right shall include the
29 access of seafarers' organizations to relevant information affecting the terms and conditions of
30 employment of their members.
31

32 All ships covered by this Act shall have a copy of the MLC, 2006 and the grievance
33 procedures observed on board.
34

35 SEC. 9. *Right to Information of Seafarer's Family.* – In cases of accidents or death
36 onboard and offshore, piracy and other similar incidents, the seafarer's family shall be
37 immediately informed of action taken and to be taken, including investigations conducted by the
38 shipowner/manning agency. The shipowner/manning agency shall also have the duty to report
39 the said incidents to the Philippine Overseas Employment Administration (POEA) and Overseas
40 Workers Welfare Administration (OWWA).
41

42 SEC. 10. *Right to Consultation.* – Seafarers and maritime industry stakeholders shall be
43 adequately consulted on matters affecting seafarers and their families before any maritime
44 policy, executive issuance, rule or regulation is promulgated, or before any maritime law is
45 enacted.
46

47 SEC. 11. *Right Against Discrimination.* – Seafarers shall have the right not to be
48 discriminated against by reason of race, sex, religion, age, and political opinion. Career
49 opportunities shall be promoted and appropriate working and living conditions shall be
50 guaranteed equally among male and female seafarers.
51

1
2 SEC. 17. *Minimum Age.* – No person below eighteen (18) years old, other than a cadet,
3 shall be employed, engaged, or otherwise allowed to work on board Philippine registered ships
4 operating domestically or internationally, as well as on board foreign registered ships.
5

6 SEC. 18. *Medical Certificate.* – No seafarer shall be employed, engaged, or otherwise
7 allowed to work on board a domestic or ocean-going ship unless a medical certificate has been
8 issued declaring the seafarer to be fit to work.
9

10 The seafarer shall hold a valid medical certificate issued by a medical facility duly
11 accredited by the DOH in accordance with its existing rules and regulations. The medical
12 certificate shall certify that the person is expected to meet the minimum requirements for
13 performing the duty specific to the person's post at sea safely and effectively during the period
14 of the validity of the certificate.
15

16 For the purpose of this Section, a medical certificate issued in accordance with the
17 requirements of STCW shall be accepted.
18

19 No judgment or award resulting in the forfeiture of the seafarer's claims shall be
20 rendered solely on the basis of a defective or questionable fit-to-work certification.
21

22 SEC. 19. *Training and Qualifications.* – Only seafarers certified by appropriate
23 government agencies shall work, be employed or be engaged on board a ship.
24

25 SEC. 20. *Recruitment and Placement.* – Only duly-licensed manning/recruitment and
26 placement agency shall be allowed to operate and engage in the recruitment and placement of
27 seafarers, in accordance with the rules and regulations as may be issued by the Secretary of
28 Labor and Employment.
29

30 No amount or fee shall be charged to the seafarer for their recruitment and placement.
31

32 SEC. 21. *Contracting or Subcontracting of Services.* – The contracting or sub-
33 contracting of seafarers for work on board domestic ships shall be governed by existing rules
34 and regulations issued by the DOLE.
35

36 37 CHAPTER V 38 CADETSHIP 39

40 SEC. 22. *Applicability.* – The shipboard training of cadets shall be governed by this
41 Chapter, Sections 7-12 of Chapter II, Section 18 of Chapter IV, Chapter VII, Chapter IX,
42 Chapter X, and Section 59 of Chapter XV hereof.
43

44 SEC. 23. *Shipboard Training Agreement for Cadets.* – There shall be a written
45 agreement between the shipowner on one hand, and the cadet and the maritime institution or
46 school on the other, which shall include the following information, terms and conditions:
47

48 (a) Cadet's full name, date of birth, birthplace and age, which should be at least 16 years
49 old;

50 (b) Name and address of the maritime institution or school;
51

- 1
2 (c) Name and address of the shipowner, if applicable;
3
4 (d) Place and date when the cadet's agreement is entered into;
5
6 (e) Capacity in which the cadet is to be trained;
7
8 (f) Amount of the cadet's allowance or stipend,
9
10 (g) Required number of hours of training and rest which would not be less than the
11 prescribed hours of work and rest in Section 21 of this Act;
12
13 (h) Duties and responsibilities of the sponsoring company, MHEIs and cadets, as may be
14 provided under the Standard Cadet Training Agreement on Ships Engaged in
15 International and Domestic Voyage.
16
17 (i) Other benefits in accordance with law, company policy or agreements.
18

19 The agreement shall be written in a working language or in English, executed in three (3)
20 original copies before the commencement of the shipboard training. The shipowner, cadet and
21 the maritime institution/school shall each have a signed original copy of the agreement and an
22 electronic copy thereof shall be submitted to the DOLE, through the Bureau of Working
23 Conditions (BWC). A signed original copy shall also be made available on board the ship.
24

25 The MHEIs shall demonstrate that over the last three (3) years, an average of at least the
26 minimum percentage of the target number of cadets, as required under current relevant CHED
27 Memorandum Order, were able to secure berths in connection with their studies. The CHED, in
28 coordination with the Maritime Industry Authority (MARINA), shall ensure that only Bachelor
29 of Science in Maritime Transportation (BSMT) or Bachelor of Science in Maritime Engineering
30 (BSMarE) programs in MHEIs that meet the above requirement are approved or accredited.
31

32
33 CHAPTER VI
34 TERMS AND CONDITION OF EMPLOYMENT
35

36 SEC. 24. *Standard Employment Contract for Seafarers.* – There shall be a standard
37 employment contract (SEC) in writing between the shipowner and the seafarer, which shall be
38 approved by the POEA Governing Board. It shall be observed in the employment of seafarers on
39 board ocean-going Philippine-registered ships or foreign-registered ships, and shall include the
40 following information and terms:
41

- 42 (a) Seafarer's full name, date of birth or age, and birthplace;
43
44 (b) Shipowner's name and address;
45
46 (c) Place where and date when the seafarer's employment agreement is entered into;
47
48 (d) Point of hire;
49
50 (e) Capacity in which the seafarer is to be employed;
51

- 1 (f) Amount of the seafarer's salary, and the formula used for calculating the same;
2
3 (g) Hours of work and hours of rest;
4
5 (h) Wages and wage-related benefits, which include the following: overtime pay,
6 holiday pay, premium pay, paid leaves, 13th month pay, if applicable;
7
8 (i) Social security and welfare benefits;
9
10 (j) Stipulation on repatriation or similar undertakings;
11
12 (k) Separation pay and retirement pay, if applicable;
13
14 (l) Reference to the collective bargaining agreement, if applicable, and;
15
16 (m) Other benefits in accordance with law, company policy or agreements;

17
18 The SEC shall stipulate that Filipino seafarers shall be granted shore leave to benefit
19 their health and well-being consistent with the operational requirements of their positions, and
20 subject to proportionate and specifically-adopted measures by the port state on epidemics,
21 pandemics and other public health emergencies, both man-made or natural.
22

23 The SEC shall be in English or in a working language of the seafarer, executed in three
24 (3) original copies before the commencement of the employment. The shipowner and the
25 seafarer shall each have a signed original of the agreement. A signed original shall be made
26 available on board the ship.
27

28 When there is a collective bargaining agreement, a copy thereof must be maintained
29 onboard the ship and readily accessible to the seafarers.
30

31 The terms and conditions for employment to be provided in the SEC shall always be
32 consistent and updated with the latest Maritime Labor Convention and other existing treaties and
33 conventions governing seafarers duly entered into by the Philippines.
34

35 **SEC. 25. Wages.** – Upon effectivity of this Act, the living wage rates of the seafarers on
36 board ships engaged in domestic shipping, taking into account the peculiarities of the
37 employment arrangement of seafarers, shall be based on the updated family income threshold
38 determined by the National Economic Development Authority. Wages shall be paid at least once
39 every two weeks or twice a month, at intervals not exceeding sixteen (16) days.
40

41 Trainees, probationary crew members and others similarly situated shall be paid full
42 minimum wage in accordance with the services rendered.
43

44 **SEC. 26. Hours of Work and Hours of Rest.** – The normal hours of work of seafarer
45 shall not exceed eight (8) hours a day. If the seafarer is allowed to work beyond eight (8) hours,
46 the maximum hours of work shall not exceed fourteen (14) hours in any 24-hour period, and
47 seventy-two (72) hours in any 7-day period.
48

49 The minimum hours of rest for every seafarer shall not be less than ten (10) hours. Hours
50 of rest may be divided into no more than two (2) periods, one of which shall be at least six (6)

1 hours in length, and the interval between consecutive periods of rest shall not exceed fourteen
2 (14) hours.

3
4 In exceptional cases, seafarers in watchkeeping duties may be required to work beyond
5 fourteen (14) hours provided that the rest period is not less than seventy (70) hours in any 7-day
6 period. This exception shall not be allowed for more than two (2) consecutive weeks. The
7 intervals between two (2) periods of exceptions shall not be less than twice the duration of the
8 exception.

9
10 **SEC. 27. *Paid Annual Leave.*** – Unless higher annual leave is provided under the CBA,
11 or by the shipowner as company practice or policy, or by the SEC, overseas seafarers shall be
12 paid an annual leave to be calculated on the basis of a minimum of 2.5 calendar days per month
13 of employment.

14
15 For ships licensed to engage in domestic shipping, the provisions on “Holidays, Service
16 Incentive Leaves and Service Charges” of Presidential Decree No. 442, or the Labor Code of the
17 Philippines, as amended, shall continue to apply unless higher annual leave is already provided
18 under the CBA or by the shipowner as company practice or policy.

19
20 **SEC. 28. *Sickness Benefits During Public Health Emergencies.*** – Filipino seafarers who
21 have contracted any illness due to an epidemic, pandemic or other public health emergencies,
22 whether natural or man-made, or are under quarantine or self-isolation, shall be entitled to paid
23 sick leave or sickness benefits as long as they are incapacitated or unable to work.

24
25 **SEC. 29. *Payment of Wages to Abandoned Seafarer.*** – Filipino seafarers abandoned by
26 shipowners shall be entitled to full payment of wages and other benefits provided under the SEC
27 or the CBA.

28
29 **CHAPTER VII**
30 **REPATRIATION**

31
32 **SEC. 30. *Repatriation.*** – Seafarers shall be entitled to repatriation. All costs related to
33 the repatriation or transport of the personal effects of a seafarer shall be borne by or charged to
34 the shipowner and the manning agency concerned. The expenses of repatriation shall include the
35 transportation charges, pay and allowances from the moment the seafarers leave the ship until
36 they reach the repatriation destination, the accommodation and the food of the seafarer during
37 the journey and transportation of at least thirty kilograms (30 kg) of the seafarers’ personal
38 luggage to the repatriation destination. The primary responsibility to repatriate rests on the
39 shipowner or manning agency and entails the obligation to advance the repatriation and other
40 attendant costs, including plane fare, deployment cost of the principal and immigration fines and
41 penalties, to immediately repatriate the seafarer should the need for it arise, without a prior
42 determination of the cause of the termination of the seafarer’s employment. However, after the
43 worker has returned to the Philippines, the shipowner or manning agency may recover the cost
44 of repatriation from the seafarer if the termination of the employment was due solely to the
45 seafarer’s fault.

46
47 **SEC. 31. *Emergency Repatriation for Seafarers Onboard Foreign Registered Ships.*** – In
48 cases of war, epidemics, pandemics, abandonment of ship by shipowners, disasters, calamities,
49 public health emergencies, whether natural or manmade, and other similar events, the
50 Department of Foreign Affairs (DFA), in coordination with the POEA and the OWWA, shall
51 undertake the repatriation of seafarers. The DFA shall draw from the Emergency Repatriation

1 Fund, which shall be provided under the General Appropriations Act (GAA), to defray the
2 expenses involved in the repatriation of undocumented seafarers, while the POEA shall require
3 manning agencies to effect the repatriation of seafarers within forty-eight (48) hours or suffer the
4 penalty of suspension. In case of failure of the manning agency to provide for the repatriation
5 within the prescribed time, the POEA shall coordinate with the OWWA to advance the cost of
6 repatriation of the seafarer without prejudice to reimbursement from the concerned manning
7 agency.

8
9 The seafarer shall also be entitled to emergency repatriation for compassionate or urgent
10 reasons, such as when a family member has died, or when the seafarer has suffered from
11 physical, emotional, psychological or financial abuse.

12
13 The DFA shall take the lead in the repatriation of the affected seafarers in areas where
14 there is no Philippine Overseas Labor Office (POLO).

15
16 **SEC. 32. *Quarantine and Medical Expenses in Repatriation Due to Epidemics,***
17 ***Pandemics or other Public Health Emergencies.*** – Before or during the process of repatriation of
18 a seafarer in times of epidemics, pandemics or other public health emergencies, whether natural
19 or man-made, the shipowner or manning agency shall cover the following expenses until the
20 seafarer is considered duly repatriated to the point of hire:

- 21
22 (a) medical care, board and lodging for periods spent by a seafarer in quarantine or self-
23 isolation, whether or not the seafarer has symptoms or has been exposed to any
24 infectious diseases, virus or bacteria – until declared as free of any infection, virus or
25 ailment by the DOH Bureau of Quarantine or any DOH-accredited clinic; and
26
27 (b) hospitalization and medical treatment when the seafarer is sick or infected – until
28 declared as fully recovered.

29
30 Thereafter, should the seafarer need further quarantine or medical care, the expenses
31 shall be covered by the OWWA from funds to be appropriated for this purpose.

32
33 **SEC. 33. *Repatriation for Seafarers Onboard Domestic Ships.*** – The provisions on
34 repatriation, as may be applicable, shall also apply to seafarers working on domestic ships.
35 Seafarers onboard domestic ships shall be entitled to emergency repatriation in cases of war,
36 epidemics, pandemics, abandonment of ship by shipowners, disasters or calamities, public health
37 emergencies, whether natural or man-made, and other similar events.

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39
40 **CHAPTER VIII**
41 **MANNING REQUIREMENT**

42
43 **SEC. 34. *Manning Levels.*** – All ships of Philippine registry shall observe the required
44 minimum manning levels in accordance with the requirements prescribed by MARINA.

45
46 Every ship shall be manned by a crew that is adequate in terms of size and qualifications
47 taking into account the need to operate the vessel safely and efficiently. In no case shall
48 minimum manning levels on ships carrying Filipino seafarers be reduced to avoid fatigue of
49 Filipino seafarers remaining on board.

1 and religious backgrounds of seafarers. All foods and drinks and the preparation thereof shall be
2 in accordance with the standards of the Sanitation Code of the Philippines and pertinent laws,
3 rules and regulations.

4
5 **SEC. 42. *Application.*** – The requirements of this Chapter for crew accommodation and
6 recreational facilities covering ships of Philippine Registry shall be applicable to the following:

- 7
8 (a) All ocean-going ships and domestic ships constructed on or after the date when the
9 MLC, 2006 comes into force;
- 10
11 (b) All second-hand ships, whether ocean-going or domestic, acquired or leased, and
12 entered in the Philippine Registry after the entry date into force of the said
13 Convention unless provided exemption by the relevant Philippine government
14 agency; and
- 15
16 (c) All ships constructed prior to the entry into force of the MLC, 2006 which have
17 undergone major or substantial structural alterations after the entry into force of the
18 Convention, unless provided exemption by the relevant Philippine government
19 agency.

20
21 **SEC. 43. *Establishment of Shore-based Welfare Facilities.*** – There shall be established
22 at least one (1) seafarer shore-based welfare facility in major crew-change ports each in Luzon,
23 Visayas and Mindanao under the management of OWWA, which shall be easily accessible to all
24 seafarers, irrespective of race, color, gender, religion, political opinion or social origin.

25
26 The facility shall offer services which promote the welfare of and cater to the
27 recreational, cultural, religious, and communication needs of seafarers.

28
29 The OWWA, in consultation with relevant government agencies, shall annually review
30 and develop the welfare facilities and services to ensure that they are appropriate in the light of
31 changes in the needs of seafarers resulting from technical, operational and other developments
32 in the shipping industry.

33
34
35 **CHAPTER X**
36 **HEALTH PROTECTION AND MEDICAL CARE**

37
38 **SEC. 44. *Medical Care Onboard Ships and Ashore.*** – The shipowner shall provide
39 adequate equipment, paraphernalia, medicines and medical supplies as well as the corresponding
40 medical or trained personnel who shall provide first-aid and medical care pursuant to the
41 maritime occupational safety and health standards and other pertinent laws, rules and regulations
42 on board, and shall ensure that seafarers receive the appropriate medical care on shore when the
43 ship calls on a port.

44
45 The shipowner shall ensure that seafarers have access to medical treatment for any
46 illness or injury, hospitalization and dental treatment.

47
48 A seafarer shall have the right to consult a qualified physician or dentist without delay in
49 ports of call, where practicable.

50

1 The health protection and medical care mandated under this section shall be provided at
2 no cost to the seafarer.

3
4 A seafarer shall have the right to material assistance and financial support from the
5 shipowner with respect to the financial consequences resulting from sickness, injury or death
6 while they are serving under a valid employment contract or those which arise from their
7 employment, without prejudice to any other legal remedies that a seafarer may seek.

8
9 In accordance with amendments to the code implementing regulations 2.5 and 4.6 and
10 appendices of the MLC, 2006 on financial security for vessels, the shipowner shall provide an
11 expeditious and effective financial security system to assist seafarers in the event of their
12 abandonment and to assure compensation for contractual claims in the event of death or long-
13 term disability of seafarers due to an occupational injury, illness or hazard.

14
15 **SEC. 45. *Measures to Protect Seafarers from Epidemics, Pandemics or other Public***
16 ***Health Emergencies.*** – Filipino seafarers onboard ships should be covered by adequate measures
17 for protection from epidemics, pandemics and man-made or natural public health emergencies,
18 such as the provision of personal protective equipment. They should also have access to prompt
19 and adequate medical care while onboard, including medical advice and confidential helplines
20 on physical and mental health by radio or satellite communication, free of charge, which shall be
21 available 24-hours-a-day.

22
23 Shipowners shall institute measures on prevention of contagion in accordance with flag
24 state health regulations and World Health Organization (WHO) guidelines, including the
25 necessary disinfection, decontamination, de-ratting or pest control, and other measures necessary
26 to prevent the spread of infection or contamination.

27
28 Filipino seafarers who manifest symptoms of any prevailing illness due to an epidemic,
29 pandemic or any public health emergency, man-made or natural, shall be properly isolated and
30 treated pursuant to established guidelines of the flag state, the WHO and the applicable
31 provisions of this Act.

32
33 In ports of call, Filipino seafarers in need of medical care shall have access to medical
34 facilities on-shore.

35
36
37 **CHAPTER XI**
38 **EMPOWERMENT OF FILIPINO WOMEN SEAFARERS**

39
40 **SEC. 46. *Enhanced Access to Educational Advancement and Training.*** – Women
41 seafarers shall be given enhanced access to educational advancement and training. Government-
42 owned MHEIs and MTIs shall equally provide scholarships to women students and trainees,
43 utilizing their Gender and Development (GAD) budget.

44
45 Ships registered in the Philippines shall accommodate women cadets for their shipboard
46 training.

47
48 Shipowners of Philippine-flag-registered vessels shall not practice gender discrimination
49 in the choice of their cadets for shipboard training.

50

1 Commission – to ensure and facilitate claims of seafarers based on the section’s “no contest, no
2 fault or negligence” clause. This insurance cover is without prejudice to the insurance policy to
3 be issued by the shipowners, over and above the minimum cover, as an added protection to the
4 seafarers in accordance with international standards and practices.
5
6

7 CHAPTER XIII
8 COMPLIANCE AND ENFORCEMENT
9

10 SEC. 54. *Compliance and Certification.* – All ships of Philippine registry shall comply
11 with the provisions of this Act. The shipowner or master shall ensure the compliance of the ship
12 with the provisions of this Act and its Implementing Rules and Regulations (IRR).
13

14 The shipowner and master, as acting shipowner’s representative, shall be made
15 principally-liable for any violation of the provisions of this Act and its IRR.
16

17 For this purpose, a Maritime Labor Certificate or a certificate of compliance, as
18 applicable, shall be issued in accordance with the IRR.
19

20 SEC. 55. *Inspection and Enforcement.* – The Secretary of Labor and Employment, or a
21 duly-authorized representative, shall have the sole and exclusive authority to inspect all
22 Philippine ships, domestic or ocean-going to ensure compliance with the provisions of this Act.
23 The duly authorized representative shall have the power to board ships and carry out any
24 examination, test or inquiry in order to ensure that the standards established under this Act and
25 its IRR are strictly observed.
26

27 The Secretary of Labor and Employment may authorize other government agencies or
28 duly-recognized organizations to conduct the inspection and issue certification in accordance
29 with the provisions of this Act and its IRR.
30

31 The Secretary of Labor and Employment or the duly-authorized representative shall have
32 the power to order immediate restitution of differences, and impose fines for violations of the
33 provisions of this Act.
34

35 If the violation or deficiency constitutes serious breach of the requirement of this Act and
36 its IRR, or poses imminent danger to the ships or to the life or limb of the seafarer, the Secretary
37 of Labor and Employment, or the duly-authorized representative, may immediately order the
38 detention of the ship until the violation or deficiency is corrected.
39

40 SEC. 56. *Recognized Organizations.* – Recognized organizations may be authorized by
41 the Secretary of Labor and Employment to conduct the inspection of ship’s premises and issue
42 the Maritime Labor Certificate or the Certificate of Compliance, as appropriate, in accordance
43 with the provisions of this Act and its IRR.
44

45 A recognized organization must have the necessary knowledge of the requirements of
46 this Act and its IRR, the MLC, 2006 and other relevant international treaties or conventions.
47

48 Likewise, to be recognized and authorized to inspect a ship, an organization must also
49 have the necessary and qualified professional and technical expertise to conduct the inspection
50 and certify to the ship’s compliance with established standards.
51

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CHAPTER XIV
TERMINATION AND EXTENSION OF EMPLOYMENT

SEC. 57. Termination of Employment.

- (a) The employment of Filipino seafarers on board Philippine-registered ships operating internationally as well as those on board foreign-registered ships shall cease when the seafarers complete their period of contractual service aboard the ship, sign off from the ship, and arrive at the point of hire.

The employment is also terminated effective upon arrival at the point of hire for any of the following reasons:

- (1) When the seafarer signs off and is disembarked for medical reasons in the event the seafarer is declared: (1) fit for repatriation; or (2) when after an illness the seafarer is declared fit-to-work, but the employer is unable to find employment for the seafarer on board the ship originally boarded or on another ship of the employer;
- (2) When the seafarer signs off due to the sale of the ship, lay-up of ship, discontinuance of voyage or change of ship principal;
- (3) When the seafarer voluntarily resigns in writing and signs off prior to the expiration of contract within a reasonable period, as may be prescribed in the IRR of this Act; or
- (4) When the seafarer is discharged for just causes in accordance with the provisions of the POEA Standard Employment Contract.
- (b) The termination of employment of a seafarer on board domestic ships shall be governed by the provisions of Presidential Decree No. 442, as amended, or the Labor Code of the Philippines, on domestic shipping.
- (c) The termination of employment of a seafarer on board a foreign vessel or foreign registered ships shall be governed by the POEA SEC or applicable collective bargaining agreement (CBA).

SEC. 58. *Extension of Employment.* – The extension of a seafarer's employment agreement beyond the original period must be adequately reviewed and freely-accepted by the Filipino seafarer prior to signing any such extension. The shipowner, or a duly-authorized representative of the shipowner, and the manning agency shall ensure that the Filipino seafarer has fully considered the effect of such an extension on the repatriation and contract entitlements, and that there shall be no diminution of the seafarer's salaries and benefits.

The shipowners and the manning agencies shall submit periodic reports to the POEA on the welfare and well-being of Filipino seafarers subjected to contract extensions.

CHAPTER XV
SETTLEMENT OF DISPUTES

1
2 SEC. 59. *Onboard and Onshore Grievance Machinery.* – All ships of Philippine registry
3 shall prescribe and observe fair, effective and expeditious onboard and on-shore methods and
4 procedures to handle grievance at no cost to the seafarer.
5

6 In cases where a seafarer is a member of a legitimate trade union organization, any
7 grievance shall, as a condition precedent to conciliation-mediation, undergo the grievance
8 machinery with the involvement of the union as established in its CBA. Without prejudice to any
9 existing law, any agreement reached by the parties during the grievance negotiation shall be
10 final and binding.
11

12 SEC. 60. *Mandatory Conciliation-Mediation and Arbitration.* – Seafarers, whether
13 engaged, employed or working onboard ships of Philippine registry or other registries shall avail
14 of the conciliation-mediation services of the DOLE pursuant to Republic Act 10396, otherwise
15 known as “An Act Strengthening Conciliation-Mediation as a Voluntary Mode of Dispute
16 Settlement for All Labor Cases, Amending for this Purpose Article 228 of Presidential Decree
17 No. 442, as Amended, Otherwise Known as the Labor Code Of The Philippines” and its IRR, by
18 filing a request for assistance before the conciliation-mediation desks at the
19 Regional/Field/Provincial Offices of the DOLE or its attached agencies.
20

21 In case the conciliation-mediation process involving a seafarer covered by a CBA fails,
22 the case shall be submitted for Voluntary Arbitration in accordance with Articles 261 and 262 of
23 the Labor Code of the Philippines, as amended. In cases where seafarers are not covered by the
24 CBA, the seafarer shall have the option to submit the case to Compulsory Arbitration or
25 Voluntary Arbitration.
26

27
28 CHAPTER XVI
29 REINTEGRATION FOR OVERSEAS FILIPINO SEAFARERS
30

31 SEC. 61. *Reintegration.* – Returning or unemployed overseas Filipino seafarers may
32 avail of the livelihood development and training programs, placements and other services of the
33 DOLE and other concerned government agencies, including OWWA, National Reintegration
34 Center for OFWs (NRCO), Technical Education and Skills Development Authority (TESDA),
35 Cooperative Development Authority (CDA), NMP and CHED.
36

37 These agencies shall formulate skills upgrading or retraining curricula to meet the needs
38 of returning or unemployed seafarers. The participation of the maritime sector, in particular, port
39 and shipping industry, and maritime educational institutions shall be likewise solicited by the
40 DOLE in devising the appropriate retraining and local job placement programs for unemployed
41 seafarers.
42

43 The NRCO shall develop a reintegration program for Filipino seafarers to be submitted
44 within sixty (60) days from the date of effectivity of this Act. The Center shall provide
45 mechanisms for their reintegration into the Philippine society, serve as a promotion house for
46 their local employment, and ensure that their skills and competencies are maximized in the
47 development of the Philippine domestic and international maritime industry. The
48 implementation of the reintegration program shall form part of the semi-annual report of the
49 DOLE to Congress as required under Republic Act No. 8042, or the Migrant Workers and
50 Overseas Filipinos Act of 1995, as amended.
51

1 (b) Department of Foreign Affairs (DFA) – The DFA shall, through its home offices or
2 foreign posts, give paramount importance to the safety and well-being of Filipino
3 seafarers, by providing adequate and timely intervention and assistance, such as
4 representing their interests with foreign authorities concerned and facilitating their
5 repatriation when they are distressed or beleaguered;

6
7 (c) Department of Health (DOH) – The DOH shall regulate the activities and operations
8 of all clinics which conduct physical, optical, dental, psychological and other similar
9 examinations, hereinafter referred to as health examinations, on Filipino seafarers;

10
11 The DOH shall determine and prescribe the nature of the health examination that
12 shall be required of a seafarer, ensuring that such examination will genuinely
13 determine the seafarer’s state of health, considering the duties that the seafarer shall
14 be required to perform on board. The DOH shall likewise prescribe the contents of
15 the medical certificate to ensure accuracy of the finding/s stated therein.

16
17 The DOH shall also strictly comply with its tasks and mandate under Republic Act
18 No. 8042, as amended.

19
20 (d) Philippine Overseas Employment Administration (POEA) – The POEA shall review
21 the contracts of employment and the working conditions of the officers and crew of
22 vessels of Philippine registry operating internationally, and of such officers and crew
23 members who are Filipino citizens and employed by foreign vessels to ensure that
24 these comply with the prescribed standards;

25
26 (e) Overseas Workers Welfare Administration (OWWA) – The OWWA shall, through
27 its welfare officers or coordinating officers, provide the Filipino seafarers and their
28 families all the assistance they may need in the enforcement of contractual
29 obligations by agencies and their principals.

30
31 The OWWA shall likewise formulate and implement welfare programs for overseas
32 Filipino seafarers and their families while they are abroad and upon their return. It
33 shall ensure the awareness by the overseas Filipino workers and their families of
34 these programs and other related governmental programs.

35
36 (f) Maritime Industry Authority (MARINA) – The MARINA shall ensure that all
37 maritime education including the curricula and training programs are structured and
38 delivered in accordance with written programs, methods and media of delivery,
39 procedures and course materials, international standards as prescribed under the
40 STCW Convention. The MARINA shall be tasked to ensure that the guidelines for
41 the flag state on fair treatment of seafarers in the event of a maritime accident are
42 observed at all times.

43
44 (g) Philippine Coast Guard (PCG) – The PCG, in line with its function to enforce
45 applicable laws within the maritime jurisdiction of the Philippines, shall assist the
46 DOLE in the enforcement of Department Orders and other issuances implementing
47 the MLC 2006. In addition, the PCG shall be the agency tasked in ensuring that the
48 guidelines for the port state/coastal state on fair treatment of seafarers in the event of
49 a maritime accident are observed at all times.

1 (h) National Maritime Polytechnic (NMP) – The NMP shall enhance the employability
2 and competitiveness of Filipino seafarers in the domestic and international labor
3 market by offering specialization and upgrading courses for both licensed officers
4 and ratings, and by conducting researches and studies on the latest maritime
5 technologies and other related matters for the maritime industry.
6

7 (i) Philippine Information Agency (PIA) – The PIA shall disseminate information about
8 government programs, projects, and services to the Filipino seafarers and their
9 families and other stakeholders in the Philippine maritime industry, both local and
10 overseas, with the final goal of seeing the quality of their lives improved and
11 empowered to productively participate in the country's development.
12

13 The PIA shall also ensure proper and adequate information dissemination of the
14 concerns and benefits of this Act to the general public especially to its intended
15 beneficiaries, specifically at the barangay level.
16

17 Unless otherwise provided in this Act, the mandate, power and function of all existing
18 departments, agencies or instrumentalities of the government, including government-owned and
19 controlled corporations, shall remain and continue to be recognized in accordance with the law
20 or order creating them.
21

22 **SEC. 66. *Philippine Seafarers' One Stop Processing Center (PSOC).*** – An integrated
23 document processing center, to be known as the Philippine Seafarer One-Stop Processing Center
24 (PSOC), shall be established to assist seafarers and the general public. The agencies that are
25 mandated to provide services in the PSOC are as follows:
26

- 27 (a) Department of Labor and Employment;
- 28
- 29 (b) Department of Foreign Affairs;
- 30
- 31 (c) Commission on Higher Education;
- 32
- 33 (d) Professional Regulation Commission;
- 34
- 35 (e) National Telecommunications Commission;
- 36
- 37 (f) Philippine Overseas Employment Administration;
- 38
- 39 (g) Overseas Workers Welfare Administration;
- 40
- 41 (h) Technical Education and Skills Development Authority;
- 42
- 43 (i) Maritime Industry Authority;
- 44
- 45 (j) National Bureau of Investigation;
- 46
- 47 (k) Social Security System;
- 48
- 49 (l) Philippine Health Insurance Corporation;
- 50
- 51 (m) Philippine Statistics Authority;

1
2 (n) Home Development Mutual Fund;
3

4 (o) Such other government agencies that the Secretary of DOLE may deem appropriate
5 to be included in the PSOC.
6

7 Further, the PSOC, for its initial operation, shall create pilot centers in strategic areas in
8 Luzon, Visayas, and Mindanao that are identified as having the highest concentration of
9 seafarers. The data gathered for the PSOC shall be made accessible to and utilized by the
10 maritime sector and stakeholders.

11
12 The local government units (LGUs) are encouraged to reduce the amount of local taxes,
13 fees and charges imposed on transactions made by seafarers with the PSOC in connection with
14 their profession.
15

16
17 CHAPTER XX
18 TRIPARTISM
19

20 SEC. 67. *Tripartism.* – In line with ILO’s principle of tripartism as embodied in the
21 MLC, 2006, as amended, a Maritime Industry Tripartite Council (MITC) shall be established.
22 The members of the MITC shall be composed of: 1) the competent authority represented by the
23 DOLE; 2) a representative of shipowners’ organizations concerned; and 3) a representative of
24 recognized seafarers’ unions. The MITC will serve as a body for tripartite consultation and
25 discussion among government, management and labor, and shall work together to address
26 maritime labor and employment concerns and come up with policies, guidelines and regulations
27 affecting the Philippine maritime seafaring industry. The MITC shall protect the welfare of
28 seafarers, and at the same time, ensure the continuous employment, marketability, cost-
29 competitiveness and expansion of job opportunities for Filipino seafarers and shipowners.
30

31
32 CHAPTER XXI
33 FINAL PROVISIONS
34

35 SEC. 68. *Administrative Fines and Penalties.* – Any shipowner, master, their
36 representative or other competent person who fails or refuses to present employment records,
37 such as payrolls, daily time records, pay slip or other documents, when required by the Secretary
38 of Labor and Employment or the duly authorized representative of the Secretary, or the duly
39 authorized representative of a recognized organization, shall be liable for administrative fines
40 and penalties in accordance with the IRR of this Act.
41

42 SEC. 69. *Penalties for Violations of Inspection and Enforcement.* – Any person who,
43 without proper authorization, exercises the authority granted to the Secretary of Labor and
44 Employment under Sections 55 and 56 of this Act, shall be punished with a fine of not less than
45 One hundred thousand pesos (P100,000.00) nor more than Four hundred thousand pesos
46 (P400,000.00), or imprisonment of not less than one (1) year nor more than four (4) years, or
47 both at the discretion of the court. The foregoing offense shall prescribe after five (5) years from
48 its commission, or upon discovery of the violation by competent authorities.
49

50 SEC. 70. *Transitory Provision.* – All rights, privileges and benefits previously enjoyed
51 by Filipino seafarers before the effectivity of this Act, including those set forth in Presidential

1 Decree No. 442, as amended, and Republic Act No. 8042, as amended, shall continue to be
2 recognized and shall not be diminished.

3
4 . SEC. 71. *Implementing Rules and Regulations.* – The DOLE, in coordination with the
5 DFA, MARINA, PCG, and other concerned agencies, shall formulate the rules and regulations
6 to implement this Act within ninety (90) days after its effectivity.

7
8 SEC. 72. *Separability Clause.* – If, for any reason, any section, clause or term of this Act
9 is held to be illegal, invalid, or unconstitutional, such parts not affected by such declaration shall
10 remain in full force and effect.

11
12 SEC. 73. *Repealing Clause.* – All laws, presidential decrees, issuances, executive orders,
13 letters of instruction, rules or regulations inconsistent with the provisions of this Act are hereby
14 repealed or modified accordingly.

15
16 SEC. 74. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in
17 the *Official Gazette* or in a newspaper of general circulation.

18
19 *Approved.*