

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

SENATE
S. No. 46



Introduced by SENATOR JINGGOY EJERCITO ESTRADA

AN ACT
INSTITUTING THE MAGNA CARTA OF FILIPINO SEAFARERS

EXPLANATORY NOTE

The Philippines, being an archipelago of 7,641 islands and surrounded by vast waters, is home to a large population of seafarers. In fact, the country is one of the major sources of seafarers in the world. The Department of Labor and Employment (DOLE) estimates that there are around 400,000 Filipino seafarers working abroad. The International Labour Organization (ILO) also considers the Philippines as source of nearly one-third of the seafarers working in foreign flag ships.

Among the Asian countries, the Philippines is the leading supplier of seafarers and officers. Seafarers are also an important economic sector, with the country earning \$6.5 billion in 2019 from the seafarers¹. The sector effectively facilitated major economic activities of commerce, trade, tourism and transportation.

The Philippines ratified the Maritime Labour Convention, 2006 on August 20, 2012 and became the 30th member state to do so which enabled the Convention to come into effect as binding international law.

Given the commitment the country has demonstrated in ensuring decent work for seafarers and the substantial contribution of the seafaring fleet to the national

¹ "PH is top provider of seafarers –UNCTAD." November 24, 2021.
<https://www.manilatimes.net/2021/11/24/business/maritime/ph-is-top-provider-of-seafarers-unctad/1823356>

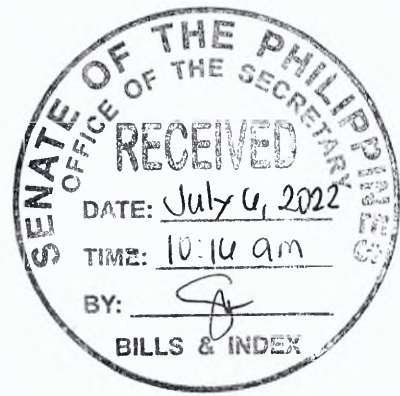
economy, it is imperative that a legislation embodying and enforcing the "Seafarers' Bill of Rights" is enacted.

I am refiling this bill which I originally submitted during the Sixteenth Congress. This version was reported out by the Senate Committees on Labor, Employment and Human Resources Development, and Foreign Relations during the Eighteenth Congress.

In view of the foregoing, immediate passage of this measure is earnestly sought.


JINGGOY EJERCITO ESTRADA

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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

DECLARATION OF POLICY

Section 1. *Short Title.*— This Act shall be known as the "*Magna Carta of Filipino Seafarers*".

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

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

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

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

14 **CHAPTER II**

15 **GENERAL PROVISIONS**

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

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

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

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

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

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

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

13 ii) Has left the seafarer without the necessary maintenance and support;
14 or

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

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

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

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

30 e) *International Convention on Standards of Training, Certification, and*
31 *Watchkeeping for Seafarers (STCW)* – refers to the international convention
32 that establishes the minimum standards relating to training, certification,

1 and watchkeeping for seafarers, which the Philippines acceded to on May
2 22, 1984;

3 f) *Manning Agency* – refers to a natural or juridical person duly licensed by
4 the Secretary of the Department to engage in the recruitment and
5 placement of seafarers;

6 g) *Maritime Accident* – refers to any unforeseen occurrence or physical event
7 connected to the navigation, operations, maneuvering, or handling of ships,
8 or the machinery, equipment, material, or cargo on board such ships which
9 may result in the detention of seafarers;

10 h) *Maritime Industry Stakeholders* – refer to all private sector stakeholders
11 engaged in the business of owning, managing, chartering or operating
12 domestic and international ship/s of Philippine or foreign registry, manning
13 of ships, management of ports, stevedoring and arrastre services, ship
14 brokering and chartering, shipbuilding and ship repair, providing maritime
15 services, such as ship supplies and provisions, maritime education and
16 training, shipping agency, and other similar activities.

17 This term shall also include *bona fide* maritime labor organizations,
18 professional associations of seafarers, associations promoting seafarers'
19 welfare, and women's maritime organizations;

20 i) *Maritime Labor Certificate* – refers to the document that certifies that the
21 working and living conditions of the seafarers on the ship have been
22 inspected and are compliant with the requirements of the MLC, 2006 and of
23 applicable Philippine laws and regulations;

24 j) *Maritime Labour Convention, 2006 (MLC, 2006)* – refers to the consolidated
25 Maritime Labour Convention approved by the International Labour
26 Organization (ILO) in 2006 and ratified by the Philippines on August 20,
27 2012;

28 k) *Master* refers to a person having command of a ship and acts the
29 shipowners' representative;

30 l) *Ocean-Going Ship* – refers to a ship other than those which navigate
31 exclusively in inland water or in water within or closely adjacent to sheltered
32 water, or areas where port regulations apply;

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

1 domicile, at the option of the seafarer, or in case of incapacity or death, at
2 the option of his/her next-of-kin;

3 r) *Standard Employment Contract (SEC) or Employment Contract* – refers to a
4 government-prescribed contract containing the minimum terms and
5 conditions of employment;

6 s) *Seafarer* – refers to any Filipino who is to be employed, is employed, or is
7 engaged to work in any capacity on board a ship covered under this Act;

8 t) *Ship or Vessel* – refers to any kind, class or type of craft or artificial
9 contrivance capable of floating in water, whether publicly or privately
10 owned, ordinarily engaged in commercial activities;

11 u) *Shipowner or Principal* – refers to the owner of the ship employing Filipino
12 seafarers to work on board domestic ships and ships engaged in
13 international trade, or any other organization or person, such as the
14 manager, agent or bareboat charterer, who has assumed the responsibility
15 for operation and management of the ship from the shipowner, and who, in
16 assuming such responsibilities, has agreed to take over all the attendant
17 duties and responsibilities of a shipowner under this Act, regardless of
18 whether any other organization or persons fulfill certain duties or
19 responsibilities on behalf of the shipowner.

20 **CHAPTER III**

21 **SEAFARER'S RIGHTS**

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

- 24 a) A safe and secure workplace that complies with safety standards;
25 b) Decent working and living conditions on board a ship;
26 c) Medical care and confirmatory tests, welfare measures and other forms of
27 health and social protection;
28 d) Fair terms and conditions of employment, including salary commensurate
29 to their rank, hours of work, paid sick leave or sickness benefits, the
30 maximum number of workers hours, and minimum hours of rest periods,
31 consistent with Philippine laws or international maritime conventions; and

1 e) Compensation and benefits in the event of death or long-term disability for
2 occupational injuries, illnesses and hazards.

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

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

13 Toward this end, relevant government agencies shall:

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

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

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

1 conducted on him/her. The right shall also include the right of seafarers' organizations
2 to relevant information affecting the terms and condition of employment of their
3 members.

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

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

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

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

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

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

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

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

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

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

15 *Sec. 17. Right to Fair Treatment in the Event of a Maritime Accident.* – In the
 16 event of a maritime accident, seafarers shall be treated fairly. They shall be entitled
 17 to all the rights under the ILO/International Maritime Organization (IMO) 2006
 18 Guidelines on Fair Treatment of Seafarers in the Event of a Maritime Accident and its
 19 amendments.

20 **CHAPTER IV**
 21 **WOMEN IN THE MARITIME INDUSTRY**

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

- 25 a) Payment of a lesser compensation, including wage, salary or other form of
 26 remuneration and fringe benefits, to a male seafarer as against female
 27 seafarer, for work of equal value; and
- 28 b) Favoring a male seafarer over a female seafarer with respect to promotion,
 29 training opportunities, study and scholarship grants, solely on account of
 30 their sexes.

31 *Sec. 19. Gender and Development.* – Shipowners and manning agencies shall
 32 formulate gender and development policies. In addition, all maritime training

1 institutions shall ensure that appropriate gender-sensitive policies are in place to
2 promote the rights of women to adequate training and opportunities, free from
3 discrimination, harassment and bullying.

4 **CHAPTER V**

5 **SEAFARER'S DUTIES**

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

- 7 a) To comply with and observe the terms and conditions of the Standard
8 Employment Contract;
- 9 b) To abide by lawful and reasonable company personnel policies;
- 10 c) To follow and observe the chain and command of the vessel, and to comply
11 with the relevant and reasonable policies and procedures on board the ship
12 or while ashore, taking into consideration his/her religious freedom;
- 13 d) To be diligent in the performance of duties relating to the ship, its stores,
14 equipment and cargo, whether on board, in transit or ashore;
- 15 e) To be, at all times, orderly and respectful to the shipmates, passengers,
16 shippers, stevedores, port authorities, and other persons who have official
17 business with the ship; and
- 18 f) To take personal responsibility for his/her health while on board by
19 maintaining a healthy lifestyle and complying with medically prescribed
20 instructions.

21 **CHAPTER VI**

22 **MINIMUM REQUIREMENTS FOR SEAFARERS**

23
24 *Sec. 21. Minimum Age.* – No person below eighteen (18) years old, other than
25 a cadet, shall be employed, engaged, or otherwise allowed to work on board
26 Philippine-registered ships operating domestically or internationally, as well as on
27 board foreign-registered ships.

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

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

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

7 During the conduct of a medical examination, the seafarer shall have the
8 responsibility of answering truthfully all questions relating to his/her medical condition
9 and/or medical history, including previously known illness, injury, or medical
10 treatment, and to make a complete inventory of medication prescribed to him/her by
11 physicians; Provided, That the processing of the medical information of the seafarer
12 shall at all times comply with the provisions of Republic Act No. 10173 or the "Data
13 Privacy Act of 2012."

14 For purposes of this section, a medical certificate issued in accordance with the
15 requirements of STCW shall be accepted.

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

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

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

26 **CHAPTER VII**

27 **TERMS AND CONDITIONS OF EMPLOYMENT**

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

- 31 a) Seafarer's full name, date of birth, age, birthplace, permanent and/or
32 residential address;

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

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

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

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

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

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

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

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

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

31 Sec. 28. *Wages.* – Without prejudice to higher rates provided under the
32 Standard Employment Contract, or under a CBA, or by the shipowner as company

1 practice or policy, the minimum wage applicable to seafarers on board ocean-going
2 ships of Philippine or foreign registry shall be as provided in the Standard Employment
3 Contract, which in no case be lower than the prevailing industry standard on ocean-
4 going seafaring wage rates for officers and other members of the ship's crew, and
5 regularly paid in full at least once a month.

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

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

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

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

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

1 Sec. 34. *Anti-Harassment and Bullying Policies On Board Ships.* – Shipowners
2 shall ensure protection to seafarers with policies and accessible procedures to address
3 harassment and bullying on board ships.

4 **CHAPTER VIII**

5 **ACCOMMODATION, RECREATIONAL FACILITIES,**
6 **FOOD AND CATERING IN SHIPS**

7 Sec. 35. *Application.* – The requirements of this Chapter covering ships of
8 Philippine registry shall be applicable to the following:

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

19
20 Sec. 36. *Accommodation Facilities.* – Unless otherwise exempted herein or by
21 appropriate regulations, all ships shall have safe, decent and adequate
22 accommodations for seafarers taking into account the need to protect the health and
23 safety of seafarers working or living on board the ship. There shall be a basic shipboard
24 facility for women, such as separate sleeping rooms.

25 Sec. 37. *Requirements for Sanitation.* – All ships shall have sanitation facilities
26 that meet the minimum standards for health and hygiene, which shall be accessible
27 to seafarers on board. The sanitation facilities shall be located at convenient places,
28 allowing for easy access to work stations. Separate sanitation facilities shall also be
29 provided for male and female crew members of the ship.

30 Sec. 38. *Recreation Facilities.* – Unless otherwise exempted herein or by
31 appropriate regulations, all ships shall have recreation facilities, amenities, and
32 services that are appropriate and accessible to seafarers; Provided, that domestic

1 ships shall be exempted from this requirement considering that their trading patterns
2 and length of voyages allow their crew to go home or to make use of comparable
3 facilities onshore.

4 Sec. 39. *Food and Catering.* – All ships shall ensure protection and promotion
5 of health of the seafarer. Toward this end, shipowners shall ensure that ships carry
6 on-board and serve free food and drinking water of appropriate quality, quantity and
7 nutritional value that adequately cover the requirements of the ship and take into
8 consideration the differing cultural and religious backgrounds of the seafarers on
9 board the ship. The foods and drinks and the preparation thereof shall be in
10 accordance with the standards of the Sanitation Code of the Philippines and pertinent
11 laws, rules and regulations, and/or with international standards. In all cases, the ship's
12 cooks shall be trained and qualified.

13 CHAPTER IX

14 MEDICAL CARE AND MARITIME OCCUPATIONAL SAFETY

15 AND HEALTH STANDARDS

16 Sec. 40. *Medical Care on Board Ships and Ashore.* – The shipowner shall provide
17 adequate medical facility, equipment, paraphernalia and medical supplies, including
18 medicines on board, and shall ensure access to shore facilities for the health of
19 seafarers, as well as the corresponding medical or trained personnel who shall provide
20 first aid and medical care.

21 The medicine chest and its contents, the medical equipment, and the medical
22 guide on board shall be maintained and inspected regularly to ensure that labelling,
23 expiry dates, and conditions of storage of all medicines and the directions for their use
24 are checked, and all equipment are functioning properly.

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

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

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

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

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

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

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

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

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

30 CHAPTER X

31 TERMINATION OF EMPLOYMENT

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

- 1 a) The employment of Filipino seafarers on board Philippine-registered ships
2 operating internationally, as well as those on board foreign-registered ships,
3 shall cease when the seafarers complete their period of contractual service
4 aboard the ship, sign off from the ship, and arrive at the destination as
5 specified under this paragraph (b) of this Section;
- 6 b) The employment is also terminated effective upon arrival at the point of
7 destination, which shall either be at the point of hire or the seafarer's place
8 of domicile, at the option of the seafarer, or in case of the seafarer's
9 incapacity or death, at the option of his/her next-of-kin, for any of the
10 following reasons:
- 11 1) When the seafarer signs off and is disembarked for medical reasons in
12 the event that the seafarer is declared: i) fit for repatriation; or ii) when
13 after an illness, the seafarer is declared fit to work, but the employer is
14 unable to find employment for the seafarer on board the ship originally
15 boarded or on another ship of the shipowner;
- 16 2) When the seafarer signs off due to the sale of the ship, lay-up of ship,
17 discontinuance of voyage or change of ship principal, shipwreck,
18 grounding, or unseaworthiness;
- 19 3) When the seafarer voluntarily resigns in writing and signs off prior to the
20 expiration of contract within a reasonable period as may be prescribed
21 in the implementing rules and regulations of this Act; or
- 22 4) When the seafarer is discharged for just causes in accordance with the
23 provisions of the Standard Employment Contract.

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

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

4 **CHAPTER XI**

5 **SETTLEMENT OF DISPUTES**

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

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

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

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

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

32 **CHAPTER XII**

REPATRIATION

1
2 Sec. 48. *Seafarers' Repatriation.* – In all cases of repatriation, the affected
3 seafarer shall be repatriation to the point of hire or the place of domicile of the
4 seafarer, at his/her option, or in case of incapacity or death, at the option of his/her
5 next-of-kin, and all costs related to the repatriation and/or transport of the personal
6 effects and remains of seafarers, including the provision on financial security in case
7 of abandonment of seafarers, shall be borne by or charged to the shipowner or the
8 manning agency concerned to expedite the repatriation without prior determination
9 of the cause of repatriation or termination of the seafarer's employment.

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

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

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

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

25 Sec. 50. *Quarantine and Medical Expenses in Repatriation Due to Infection,*
26 *Epidemics or Pandemic.* – Before or during the process of repatriation, the expenses
27 of medical care and board and lodging for periods spent by seafarers in self-isolation
28 or quarantine, whether or not the seafarers have symptoms, have been exposed or
29 are quarantined as a safety precaution for the community, shall be covered by the
30 shipowner or manning agency until the seafarers have been duly repatriated to the
31 repatriation destination. Thereafter, medical care and quarantine expenses after

1 repatriation to the destination shall be borne by the Philippine government, following
2 the whole-of-government approach in the management of epidemics and pandemics.

3 *Sec. 51. Waiver of Entitlement to Repatriation.* – Entitlement to repatriation
4 may be waived by a seafarer; Provided, That the waiver shall be written, made freely
5 and voluntarily, with full knowledge of its consequences; Provided, however, that no
6 such waiver shall be allowed or presumed when a seafarer is abandoned, held captive
7 on or off the ship as a result of acts of piracy or armed robbery against the ship, or
8 are incapable of travelling due to illness, injury or incapacity, or other causes that
9 affect the seafarer’s safety and security.

10 **CHAPTER XIII**

11 **REINTEGRATION OF OVERSEAS FILIPINO SEAFARERS**

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

21 **CHAPTER XIV**

22 **PROVISIONS APPLICABLE TO DOMESTIC SEAFARERS**

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

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

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

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

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

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

15 The foregoing employment agreement shall be executed by and between the
16 shipowner and the seafarer before the commencement of employment, in a language
17 or dialect understandable to both parties. The shipowner shall provide the domestic
18 seafarer the signed original copy of the agreement and a certified true copy shall be
19 made available on board the ship.

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

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

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

31 *Sec. 57. Rescue of Seafarers On-Board Domestic Ships.* – The provisions under
32 this Act on repatriation as may be applicable, shall also apply to seafarer working on

1 domestic ships. Seafarers on board domestic ships shall be entitled to emergencies
2 rescues in cases of war, epidemics, abandonment of ships by shipowners, disasters or
3 calamities, whether natural or man-made, and other similar events. The Philippine
4 Coast Guard and MARINA shall undertake and assist in the rescue of seafarers on
5 board domestic ships.

6 *Sec. 58. Contracting or Subcontracting of Services.* – The contracting or
7 subcontracting of seafarers for work onboard domestic ships shall be governed by
8 existing rules and regulations by the DOLE.

9 **CHAPTER XV**

10 **MANNING LEVELS AND COMPLIANCE AND ENFORCEMENT**

11 **OF SHIPS OF PHILIPPINE REGISTRY**

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

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

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

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

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

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

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

6 The enforcement and compliance monitoring activities may be coordinated
7 and conducted by the DOLE with the relevant government agencies,
8 including MARINA and PCG, in conjunction with their schedules for
9 inspection and certification.

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

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

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

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

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

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

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

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

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

23 **CHAPTER XVI**

24 **SHIPBOARD TRAINING OF CADETS**

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

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

- 4 a) Cadet's full name, date of birth, birthplace and age, which should be at least
5 sixteen (16) years old;
- 6 b) Name and address of the maritime institution or school;
- 7 c) Name and address of the shipowner and its manning and placement agency,
8 if applicable;
- 9 d) Place and date when the agreement is entered into;
- 10 e) Capacity in which the cadet is to be trained;
- 11 f) The amount of the cadet's allowance or stipend, if applicable;
- 12 g) Required number of hours of training and rest which shall not be less than
13 the prescribed hours of rest in Section 26 of this Act;
- 14 h) Duties and responsibilities of the sponsoring company, Maritime Higher
15 Education Institutions (MHEIs), and cadets, as may be provided under the
16 Standard Cadet Training Agreement on Ships Engaged in International
17 Voyage ~~of the Philippine Overseas Employment Administration (POEA); and~~
- 18 i) Other benefits in accordance with existing laws, company policy or
19 agreements.

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

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

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

31 **CHAPTER XVII**

32 **INCENTIVES AND AWARDS GRANTED TO THE MARITIME INDUSTRY**

1 authority concerned to protect the rights of seafarers and extend immediate
2 assistance. ~~including the repatriation of distressed or beleaguered seafarers.~~

3 d) Department of Health (DOH). – The DOH shall regulate the activities and
4 operations of all clinics which conduct physical, optical, dental, psychological
5 and other similar examinations, hereinafter referred to as health
6 examinations, on Filipino seafarers.

7 The DOH shall determine and prescribe the nature of the medical
8 examination that shall be required of a seafarer, ensuring that such
9 examination will genuinely determine the seafarer’s state of health,
10 considering the duties that the seafarer shall be required to perform on
11 board. The DOH shall likewise prescribe the contents of the medical
12 certificate to ensure that such certification will genuinely reflect the
13 seafarer’s state of health.

14 e) Department of Migrant Workers (DMW) ~~Philippine Overseas Employment~~
15 ~~Administration (POEA)~~. – The DMW, including the Migrant Workers Office
16 (MWO), shall be the primary agency tasked to protect the rights and
17 promote the welfare of overseas Filipino seafarers, in accordance to its
18 mandate under Republic Act No. 11641 or the “Department of Migrant
19 Workers Act.”

20 ~~The POEA~~ It shall also review and improve on the working conditions and
21 terms of employment of the officers and crew of vessels of Philippine
22 registry, and of such officers and crew members who are Filipino citizens
23 and employed by foreign vessels.

24 DMW shall develop and implement a national reintegration program for
25 seafarers, as prescribed under Chapter XIII, Section 52 of this Act.

26 DMW, through the National Maritime Polytechnic (NMP), shall strengthen its
27 research capability to provide studies/resources for evidence-based policy
28 decision-making and program development, and continuously address gaps
29 in the protection and welfare of the seafarers.

30 The NMP shall also continue to develop, enhance, and increase the
31 accessibility of its gender and women empowerment and training courses

1 for seafarers to the maritime industry, which shall be made available in an
2 format, including digital and/or e-learning format.

- 3 f) Overseas Workers Welfare Administration (OWWA). – The OWWA, through
4 its welfare officer or, in his absence, the coordinating officer, shall provide
5 the seafarers and his/her family all the assistance they may need in the
6 enforcement of contractual obligations by agencies and/or by their
7 principals.

8 The OWWA shall likewise formulate and implement welfare programs for
9 overseas Filipino seafarers and their families while they are abroad and upon
10 their return. It shall ensure the awareness by the overseas Filipino seafarers
11 and their families of these programs and other related governmental
12 programs.

- 13 g) Maritime Industry Authority (MARINA). – The MARINA shall ensure that the
14 examination, licensing, and certification system for seafarers are in
15 accordance with the requirements prescribed under STCW Convention,
16 international agreements, other conventions relevant thereto, and other
17 applicable laws, rules and regulations.

- 18 ~~h) National Maritime Polytechnic (NMP). – The NMP shall strengthen its
19 research capability to provide studies/resources for evidence-based policy
20 decision-making and program development, and continuously address gaps
21 in the protection and welfare of the seafarers.~~

22 ~~The NMP shall also continue to develop, enhance, and increase the
23 accessibility of its gender and women empowerment and training courses
24 for seafarers to the maritime industry, which shall be made available in an
25 format, including digital and/or e-learning format.~~

- 26 i) Philippine Coast Guard (PCG). – The PCG shall undertake port state control
27 inspections of vessels calling at any port of the Philippines, in accordance
28 with international conventions and standards, for the promotion of safety of
29 life and property at sea, control and prevention of maritime pollution, and
30 verification of compliance with the minimum standards of training and social
31 condition of officers and crew on board the ships.

1 The PCG shall, in line with its function to assist in the enforcement of
2 applicable laws within the maritime jurisdiction of the Philippines, shall assist
3 the DOLE in the enforcement of the rules and regulations issued for the
4 purpose of implementing the MLC 2006, including orders to detain vessels
5 found in gross violation of pertinent laws, rules and regulations.

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

10 Sec. 69. *One Stop Shop Center for OFWs (OSSOC)*. – There shall be established
11 in each region a One Stop Shop Center for OFWs, which shall be co-located in the
12 regional offices of the DMW POEA, and shall have, as far as practicable,
13 representatives from agencies that process the documents or issue the required
14 licenses, permits and clearances required of seafarers.

15 Sec. 70. *Registry of Seafarers*. – The DMW POEA, for ocean-going ships of
16 foreign registry, and MARINA, for domestic and ocean-going ships of Philippine
17 registry, shall maintain a registry of all seafarers in the Philippines; Provided, that the
18 registry of seafarers aboard ocean-going ships shall be integrated to the management
19 information system established under the Migrant Workers and Overseas Filipinos Act,
20 as amended. The registry shall contain updated and relevant information or data to
21 promote employment opportunities for seafarers, whether on board or ashore, or to
22 provide a list of available training and education to support skills and development
23 and competencies of seafarers, as well as a digitalized copy of the duly executed
24 contract.

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

29 Sec. 71. *Maritime Occupational Safety and Health Standards*. – The DOLE, in
30 consultation with the maritime industry stakeholders, shall formulate the Maritime
31 Occupational Safety and Health Standards (MOSHS) pursuant to the provisions of

1 Republic Act No. 11058, otherwise known as the "Occupational Safety and Health Law"
2 and pertinent maritime conventions and treaties ratified by the Philippines.

3 **CHAPTER XIX**

4 **FINAL PROVISIONS**

5 *Sec. 72. Administrative Fines and Penalties.*— Any shipowner, master, their
6 representatives or other person who fails or refuses to present employment records,
7 such as payrolls, daily time records, payslip or other documents, such as medical
8 records, when required by the individual seafarer, the Secretary of Labor or his duly
9 authorized representative, or the duly authorized representative of a recognized
10 organization, shall be subjected to administrative fines ranging from One hundred
11 thousand pesos (Php100,000.00) to One million pesos (Php1,000,000.00), in
12 accordance with the implementing rules and regulations of this Act.

13 *Sec. 73. Penalties for Violations of Section 68.* — Any shipowner, master, their
14 representatives who operate without, or fails to present, a valid Maritime Labour
15 Certificate, or its equivalent, shall be punished with fines ranging from One hundred
16 thousand pesos (Php100,000.00) to One million pesos (Php1,000,000.00), in
17 accordance with the implementing rules and regulations of this Act.

18 *Sec. 74. Penalties for Violations of Sections 69 and 70.* — Any person who,
19 without proper authorization, exercises the authority granted to the Secretary of Labor
20 and Employment under Sections 69 and 70 of this Act shall be punished with a fine of
21 not less than Two hundred thousand pesos (Php200,000.00) but not more than Two
22 million pesos (Php2,000,000.00), or imprisonment of not less than one (1) year nor
23 more than four (4) years, or both at the discretion of the court. The foregoing offense
24 shall prescribe after five (5) years from its commission.

25 *Sec. 75. Transitory Provision.* — All rights, privileges and benefits previously
26 enjoyed by Filipino seafarers before the effectivity of this Act, including those set forth
27 in Presidential Decree No. 442, otherwise known as the Labor Code of the Philippines,
28 as amended, and Republic Act No. 8042, otherwise known as the "Migrant Workers
29 and Overseas Filipinos Act of 1995", as amended, shall continue to be recognized and
30 shall not be diminished after the effectivity of this Act.

31 *Sec. 76. Implementing Rules and Regulations.* — Within ninety (90) days from
32 the effectivity of this Act, the DOLE, in coordination with the DMW, DFA, MARINA,

1 CHED, TESDA, PCG, ~~POEA~~, OWWA, and other concerned agencies, and upon
2 consultation with relevant stakeholders, shall formulate the rules and regulations for
3 the effective implementation of this Act.

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

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

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

Approved,