



'22 JUL -7 P2:14

SENATE

S.B. No. 86

RECEIVED BY: _____

Introduced by Senator Juan Miguel F. Zubiri

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

Filipino seafarers have always been one of the most in demand maritime industry workers all over the world -- owing to their skills, unparalleled work ethics, and their characteristic workplace personality. According to the Department of Labor, about a quarter of the seafarers in the world came from the Philippines -- a testament to the value of our seafarers in the industry.

There is no doubt of the contribution that our Filipino seafarers have given our country. In 2019, Filipino seafarers remitted about \$6.5 billion to the Philippines. Even, and especially when the world was shaken by the COVID-19 pandemic, the maritime industry have kept the world economy afloat.

With all their hard work and sacrifice, it is only just that the state ensures that their welfare, safety and protection is of paramount concern.

This bill seeks to protect the welfare and safety of our seafarers by establishing their rights and responsibilities, and enumerate the duties and obligations of their employers and concerned government agencies. It provides for the standards for the training, accommodation, work facilities, education, repatriation, occupational safety and health of seafarers which shall ensure that the well-being, and security of our seafarers are protected at all times.

The bill also seeks to establish programs and projects that would help make the lives of our seafarers easier, such as the One-Stop-Shop Center for OFWs which would bring together in one place, multiple offices and agencies involved in providing services such as but not limited to the acquisition of relevant clearances and permits, validation of overseas job offers, availment of reintegration services and all pertinent seminars, and workshops to seafarers for easy and efficient access.

The bill also includes provisions that would protect the rights of our seafarers in the event of an epidemic, pandemic, and other public health emergencies whether natural or man-made.

As our seafarers continue to work hard to keep the economy of the world alive in the midst of this pandemic, it is only right that we provide them with the best protection and services that we could give. In view of the foregoing, the swift passage of this bill is earnestly sought.

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




JUAN MIGUEL F. ZUBIRI

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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;
- (e) To establish and enhance mechanisms of administrative, adjudicative, social, and welfare services for seafarers and their families;
- (f) To enact laws that adopt and implement the standards set by international conventions and agreements regarding the working and living conditions and occupational safety and health, among others, of seafarers, particularly the Maritime Labour Convention, 2006 (MLC, 2006); and

1 (g) To recognize shipowners, maritime higher education institutions, and licensed
2 manning agencies as vital partners in promoting the rights, welfare, skills, and
3 competencies of seafarers.

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

8 CHAPTER II

9 GENERAL PROVISIONS

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

11 (a) All Filipino seafarers who are to be engaged, engaged, employed, or working in
12 any capacity, on board Philippine or foreign-registered ships, except those to be
13 engaged, engaged, employed, or working in the following categories of ships:

14 (1) Warships, naval auxiliaries, and Coast Guard vessels;

15 (2) Government ships not engaged in commercial operations;

16 (3) Ships of traditional built, as may be defined under existing rules and
17 regulations; and

18 (4) Fishing vessels, as may be defined by appropriate rules and regulations to be
19 issued by the Department of Labor and Employment (DOLE), in consultation
20 with the Bureau of Fisheries and Aquatic Resources and other relevant
21 stakeholders.

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

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

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

33 (a) *Abandonment* – refers to a situation where, in violation of the terms of the
34 employment contract, the shipowner:

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

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

- 1 (iii) Has otherwise unilaterally severed their ties with the seafarer, including failure
2 to pay contractual wages for a period of at least two (2) months;
- 3 (b) *Cadet* – refers to a student of a maritime educational institution who is required to
4 undergo training on board registered international or domestic ships to fulfill a
5 maritime degree or technical course;
- 6 (c) *Domestic Shipping* – refers to the transport of passenger or cargo, or both, by
7 ships duly registered and licensed under Philippine law to engage in trade and
8 commerce between Philippine ports and within Philippine territorial or internal
9 waters, for hire or compensation, with general or limited clientele, whether
10 permanent, occasional, or incidental, with or without fixed routes, and done for
11 contractual or commercial purposes;
- 12 (d) *International Maritime Convention or International Convention* – refers to any
13 written treaty or agreement, or any protocol or amendment thereto, affecting the
14 maritime industry, which has come into force and effect, including the MLC, 2006;
- 15 (e) *International Convention on Standards of Training, Certification, and*
16 *Watchkeeping for Seafarers (STCW)* – refers to the international convention that
17 establishes the minimum standards relating to training, certification, and
18 watchkeeping for seafarers, which the Philippines acceded to on May 22, 1984;
- 19 (f) *Manning Agency* – refers to a natural or juridical person duly licensed by the
20 Secretary of the Department to engage in the recruitment and placement of
21 seafarers;
- 22 (g) *Maritime Accident* – refers to any unforeseen occurrence or physical event
23 connected to the navigation, operations, maneuvering, or handling of ships, or the
24 machinery, equipment, material, or cargo on board such ships which may result in
25 the detention of seafarers;
- 26 (h) *Maritime Industry Stakeholders* – refer to all private stakeholders engaged in the
27 business of owning, managing, chartering, or operating domestic and international
28 ship/s of Philippine or foreign registry, manning of ships, management ports,
29 stevedoring and arrastre services, ship brokering and chartering, ship-building and
30 ship repair, providing maritime services, such as ship supplies and provisions,
31 maritime education and training, shipping agency, and other similar activities.
32 This term shall also include *bona fide* maritime labor organizations, professional
33 associations of seafarers, associations promoting seafarers' welfare, and women's
34 maritime organizations;
- 35 (i) *Maritime Labour Certificate* – refers to the document that certifies that the working
36 and living conditions of the seafarers on the ship have been inspected and are

- 1 compliant with the requirements of the MLC, 2006 and of applicable Philippine laws
2 and regulations;
- 3 (j) *Maritime Labour Convention, 2006 (MLC, 2006)* – refers to the consolidated
4 Maritime Labour Convention approved by the International Labour Organization
5 (ILO) in 2006 and ratified by the Philippines on August 20, 2012;
- 6 (k) *Master* – refers to a person having command of a ship and acts as the shipowners’
7 representative;
- 8 (l) *Ocean-Going Ship* – refers to a ship other than those which navigate exclusively
9 in inland water or in water within or closely adjacent to sheltered water, or areas
10 where port regulations apply;
- 11 (m) *Officer* – refers to a member of the crew other than the master who has been
12 designated as such by national law or regulation, or, in the absence of such
13 designation, by collective agreement or custom;
- 14 (n) *One-Stop-Shop Center for OFWs (OSSCO)* – refers to the one-stop centers in
15 various parts of the country established to ensure prompt, efficient, vital, and
16 relevant services to Overseas Filipino Workers (OFWs) and other overseas Filipinos
17 and their families, including seafarers. The OSSCOs shall be the venue for the
18 acquisition of relevant clearances and permits, validation of overseas job offers,
19 availment of reintegration services and all pertinent seminars and workshops for
20 all stakeholders, among others. In all cases and as far as practicable, the OSSCOs
21 shall be co-located with POEA regional offices. Agencies at these centers shall, as
22 far as practicable, include the Department of Labor and Employment (DOLE), the
23 Department of Foreign Affairs (DFA), Philippine Overseas Employment
24 Administration (POEA), Overseas Workers Welfare Administration (OWWA),
25 Technical Education and Skills Development Authority (TESDA), Professional
26 Regulation Commission (PRC), Maritime Industry Authority (MARINA), Department
27 of Health (DOH), Philippine Coast Guard (PCG), Home Development Mutual Fund
28 (HDMF), Philippine Health Insurance Corporation (PhilHealth), Social Security
29 System (SSS), Philippine Statistics Authority (PSA), Bureau of Immigration (BI),
30 National Bureau of Investigation (NBI), Commission on Higher Education (CHED),
31 Philippine National Police (PNP), Bureau of Internal Revenue (BIR), and such other
32 government agencies as may be appropriate;
- 33 (o) *Point of Hire* – refers to the place indicated in the contract of employment, and
34 which shall be the basis in determining the commencement of the contract;

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

24 CHAPTER III

25 SEAFARER’S RIGHTS

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

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

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

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

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

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

15 Toward this end, relevant government agencies shall:

- 16 (a) Regulate the operation of all educational and training institutions offering courses
17 related to seafaring;
18 (b) Pursue grant programs, such as scholarships, subsidies, loan assistance, and other
19 measures that will harness the skills of seafarers toward greater competitiveness
20 given the new and evolving demands in the industry;
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; and
24 (d) Afford enhanced access to educational advancement and training of women in the
25 seafaring industry.

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

28 **Sec. 8. Right to Information.** – Shipowners, manning agencies, and other
29 organizations responsible for the recruitment and placement of seafarers, shall provide
30 seafarers relevant information, including the terms and conditions of employment,
31 company policies affecting seafarers, obligations of seafarers, conditions and realities
32 attending to their profession, and necessary laws and regulations of countries covered by

1 their sojourn. In addition, the seafarers shall, at all times, be furnished a copy of the duly
2 executed Standard Employment Contract, as well as the results of the medical
3 examination conducted on him/her. This right shall also include the right of seafarers'
4 organizations to relevant information affecting the terms and conditions of employment
5 of their members.

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

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

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

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

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

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

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

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

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

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

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

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

21 CHAPTER IV

22 WOMEN IN THE MARITIME INDUSTRY

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

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

31 **Sec. 19. Gender and Development.** – Shipowners and manning agencies shall
32 formulate gender and development policies. In addition, all maritime training institutions
33 shall ensure that appropriate gender-sensitive policies are in place to promote the rights

1 of women to adequate training and opportunities, free from discrimination, harassment
2 and bullying.

3 CHAPTER V

4 SEAFARER'S DUTIES

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

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

23 CHAPTER VI

24 MINIMUM REQUIREMENTS FOR SEAFARERS

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

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

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

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

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

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

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

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

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

22 **CHAPTER VII**

23 **TERMS AND CONDITIONS OF EMPLOYMENT**

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

- 27 (a) Seafarer's full name, date of birth, age, birthplace, permanent, and/or residential
28 address;
- 29 (b) Seafarer's Record Book Number, Seafarer's Identity Document Number, and POEA
30 Seafarer's Registration Number;
- 31 (c) Shipowner's name and address;
- 32 (d) Place where and date when the seafarer's employment agreement is entered into;
- 33 (e) Duration of the contract;
- 34 (f) Point of hire;
- 35 (g) Capacity in which the seafarer is to be employed;
- 36 (h) Amount of the seafarer's salary, and the formula used for calculating the same;

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

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

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

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

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

32 In exceptional cases, seafarers in watchkeeping duties may be required to work
33 beyond fourteen (14) hours: *Provided*, that the rest period is not less than seventy (70)
34 hours in any seven-day period; *Provided, further*, that such watchkeeping duties shall not

1 be allowed for more than two (2) consecutive weeks; *Provided, finally*, that the intervals
2 between the two (2) periods shall not be less than twice the duration of the exception.

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

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

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

18 **Sec. 28. Wages.** – Without prejudice to higher rates provided under the Standard
19 Employment Contract, or under a CBA, or by the shipowner as company practice or policy,
20 the minimum wage applicable to seafarers on board ocean-going ships of Philippine or
21 foreign registry shall be as provided in the Standard Employment Contract, which in no
22 case be lower than the prevailing industry standard on ocean-going seafaring wage rates
23 for officers and other members of the ship's crew, and regularly paid in full at least once
24 a month.

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

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

33 **Sec. 31. Personal Effects.** – A seafarer may bring a reasonable number of
34 articles for personal use on board the ship; *Provided*, that this shall not inconvenience

1 the ship or cargo or pose any risk on board the ship. If the seafarers' personal effects are
2 lost or damaged as a result of shipwreck, loss or stranding, abandonment of the vessel,
3 or as a result of fire, flooding, collision, or piracy, the shipowner shall reimburse him/her
4 for said loss or damage, subject to limits prescribed by existing rules and regulations,
5 unless a higher limit is provided under the existing CBA, but in no case lower than
6 international standards.

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

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

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

20 CHAPTER VIII

21 ACCOMMODATION, RECREATION FACILITIES, 22 FOOD AND CATERING IN SHIPS

23 **Sec. 35. Application.** – The requirements of this Chapter covering ships of
24 Philippine Registry shall be applicable to the following:

- 25 (a) All ocean-going ships and domestic ships constructed on or after the date when
26 the MLC, 2006 come into force;
- 27 (b) All second-hand ships, whether ocean-going or domestic, acquired or leased, and
28 entered in the Philippine Registry after the entry date into force of the said
29 Convention, insofar as they can be reasonably refitted, unless provided exemption
30 by the relevant Philippine government agency; and
- 31 (c) All ships constructed prior to the entry into force of the MLC, 2006, which have
32 undergone major or substantial structural alterations after the entry into force of
33 the Convention, unless provided exemption by the relevant Philippine government
34 agency.

35 **Sec. 36. Accommodation Facilities.** – Unless otherwise exempted herein or by
36 appropriate regulations, all ships shall have safe, decent, and adequate accommodations

1 for seafarers, taking into account the need to protect the health and safety of seafarers
2 working or living on board the ship. There shall be a basic shipboard facility for women,
3 such as separate sleeping rooms.

4 **Sec. 37. Requirements for Sanitation.** – All ships shall have sanitation
5 facilities that meet the minimum standards for health and hygiene, which shall be
6 accessible to seafarers on board. The sanitation facilities shall be located at convenient
7 places, allowing for easy access to workstations. Separate sanitation facilities shall also
8 be provided for male and female crew members of the ship.

9 **Sec. 38. Recreation Facilities.** – Unless otherwise exempted herein or by
10 appropriate regulations, all ships shall have recreation facilities, amenities, and services
11 that are appropriate and accessible to seafarers; *Provided*, that domestic ships shall be
12 exempted from this requirement considering that their trading patterns and length of
13 voyages allow their crew to go home or to make use of comparable facilities onshore.

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

23 CHAPTER IX

24 MEDICAL CARE AND MARITIME OCCUPATIONAL 25 SAFETY AND HEALTH STANDARDS

26 **Sec. 40. Medical Care On Board Ships and Ashore.** – The shipowner shall
27 provide adequate medical facility, equipment, paraphernalia, and medical supplies,
28 including medicines on board, and shall ensure access to shore facilities for the health of
29 seafarers, as well as the corresponding medical or trained personnel who shall provide
30 first-aid and medical care.

31 The medicine chest and its contents, the medical equipment, and the medical
32 guide on board shall be maintained and inspected regularly to ensure that labeling, expiry
33 dates, and conditions of storage of all medicines and the directions for their use are
34 checked, and all equipment are functioning properly.

35 The shipowner shall ensure that seafarers have access to medical treatment for
36 any illness or injury, hospitalization, and dental treatment until the sick or injured seafarer

1 has recovered or until the sickness or incapacity has been declared of a permanent
2 character.

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

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

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

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

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

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

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

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

33 CHAPTER X

34 TERMINATION OF EMPLOYMENT

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

1 (a) The employment of seafarers on board Philippine-registered ships operating
2 internationally, as well as those on board foreign-registered ships, shall cease
3 when the seafarers complete their period of contractual service aboard the ship,
4 signs-off from the ship, and arrive at the destination as specified under this
5 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 of
8 domicile, at the option of the seafarer, or in case of the seafarer's incapacity or
9 death, at the option of his/her next-of-kin, for any of the following reasons:

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

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

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

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

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

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

33 CHAPTER XI

34 SETTLEMENT OF DISPUTES

35 **Sec. 45. On board and Onshore Grievance Machinery.** – All ships of
36 Philippine registry shall establish a grievance machinery and fair, effective, and

1 expeditious on board and onshore procedures, at no cost to the seafarer, for the
2 resolution of grievances or complaints.

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

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

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

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

25 **CHAPTER XII**

26 **REPATRIATION**

27 **Sec. 48. *Seafarers' Repatriation.*** – In all cases of repatriation, the affected
28 seafarer shall be repatriated to the point of hire or the place of domicile of the seafarer,
29 at his/her option, or in case of incapacity or death, at the option of his/her next-of-kin,
30 and all costs related to the repatriation and/or transport of the personal effects and
31 remains of seafarers, including the provision on financial security in case of abandonment
32 of seafarers, shall be borne by or charged to the shipowner or the manning agency
33 concerned to expedite the repatriation without prior determination of the cause of
34 repatriation or termination of the seafarer's employment.

1 embedded in all stages of migration for work beginning from pre-deployment, on-site
2 during employment and upon return, whether voluntary or involuntary. The reintegration
3 program shall cover the different dimensions of support needed by the seafarer, such as
4 economic, social, psychosocial, and cultural, including skills certification and recognition
5 of equivalency for effective employment services, and shall ensure contribution to
6 national development through investments and transfer of technology from skilled or
7 professional seafarers.

8 **CHAPTER XIV**

9 **PROVISIONS APPLICABLE TO DOMESTIC SEAFARERS**

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

21 In addition, the provisions of the Labor Code of the Philippines, as amended, on
22 “Prohibitions Regarding Wages,” “Wage Studies, Wage Agreements, and Wage
23 Determination,” “Administration and Enforcement,” “Holidays,” “Service Incentive Leaves
24 and Service Charges,” shall continue to apply, unless higher annual leave is already
25 provided under the CBA or by the shipowner as company practice or policy or seafarers’
26 employment agreement. In addition, domestic seafarers shall also be entitled to (i) 13th
27 month pay pursuant to Presidential Decree No. 851, as amended, (ii) paid maternity leave
28 under Republic Act No. 11210, otherwise known as the 105-Day Expanded Maternity
29 Leave Law, (iii) paid paternity leave under Republic Act No. 8187, otherwise known as
30 the Paternity Leave Act of 1996, (iv) Paid parental leave for solo parents under Republic
31 Act No. 8972, otherwise known as the Solo Parents’ Welfare Act of 2000; (v) paid leave
32 for victims of violence against women and their children under Republic Act No. 9262,
33 otherwise known as the Anti-Violence Against Women and their Children Act of 2004, (vi)
34 paid special leave due to surgery for any gynecological disorder, under Republic Act No.
35 9710, otherwise known as the Magna Carta of Women, and retirement pay, pursuant to
36 Republic Act No. 7641.

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

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

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

28 The foregoing employment agreement shall be executed by and between the
29 shipowner and the seafarer before the commencement of employment, in a language or
30 dialect understandable to both parties. The shipowner shall provide the domestic seafarer
31 the signed original copy of the agreement and a certified true copy shall be made available
32 on board the ship.

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

35 **Sec. 55. *Maximum Hours of Work and Minimum Hours of Rest.*** – The
36 provision of Section 26 shall also apply to domestic seafarers. In addition, waiting time

1 shall not be considered as compensable working time if the seafarer is completely relieved
2 from his/her duty and can use the time effectively for his/her own purpose.

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

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

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

18 **CHAPTER XV**

19 **MANNING LEVELS AND COMPLIANCE AND ENFORCEMENT** 20 **OF SHIPS OF PHILIPPINE REGISTRY**

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

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

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

34 **Sec. 61. Compliance and Certification.** – All ships of Philippine registry shall
35 comply with the provisions of this Act. The shipowner and master shall ensure the

1 compliance of the ship with this Act and its implementing rules and regulations, who shall
2 be made principally liable for any violation thereof.

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

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

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

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

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

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

27 (b) The Philippine Coast Guard (PCG) shall have the authority to conduct port state
28 control inspections of vessels, including all foreign-flagged vessels, calling at any
29 port of the Philippines, for the promotion of safety of life and property at sea,
30 control and prevention of maritime pollution, and verification of compliance with
31 the minimum standards of training and social condition of officers and crew on
32 board the ships. The PCG shall assist relevant agencies in the enforcement of the
33 provisions of this Act and its implementing rules and regulations, and the MLC,
34 2006.

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

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

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

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

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

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

22 CHAPTER XVI

23 SHIPBOARD TRAINING OF CADETS

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

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

- 33 (a) Cadet's full name, date of birth, birthplace, and age, which should be at least 16
34 years old;
- 35 (b) Name and address of maritime institution or school;

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

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

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

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

24

25 **CHAPTER XVII**

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

27 **Sec. 67. *Incentives and Awards.*** – There shall be established an incentives
28 and awards system for the maritime industry stakeholders, which shall be developed and
29 administered by the concerned government agency upon consultation with the Maritime
30 Industry Tripartite Council (MITC).

31 Under such rules and regulations that may be promulgated, deserving shipowners,
32 seafarers, manning, and other organizations or entities shall be commended or awarded
33 for their outstanding performance in upholding the rights of seafarers and complying with
34 this Act.

35 **CHAPTER XVIII**

ROLE OF GOVERNMENT AGENCIES

Sec. 68. Role of Government Agencies. – The following government agencies shall perform the following functions to promote the welfare and protect the rights of seafarers:

(a) Commission on Higher Education (CHED). CHED shall set the standards and monitor the performance of maritime education programs and maritime higher education institutions, ensuring that quality maritime education, including curricula and training programs, are structured and delivered in accordance with the written programs, methods, and media of delivery, procedures, and course materials compliant with international standards prescribed under the STCW Convention and its amendments. For this purpose, CHED shall be in close coordination with the MARINA.

(b) Department of Labor and Employment (DOLE). DOLE shall ensure that the standards set forth under this Act, Presidential Decree No. 442, as amended, and other domestic laws, the MLC, 2006 and other international treaties and conventions to which the Philippines is a signatory are faithfully complied with and fairly applied to seafarers.

To this end, the DOLE shall establish an effective system for the inspection and certification to ensure that the working and living conditions of seafarers are met and continue to be met pursuant to the MLC, 2006.

(c) Department of Foreign Affairs (DFA). DFA, through its consular offices or foreign service posts, in coordination with the appropriate government agency, shall take priority action or make representation with the foreign authority concerned to protect the rights of seafarers and extend immediate assistance, including the repatriation of distressed or beleaguered seafarers.

(d) Department of Health (DOH). DOH shall regulate the activities and operations of all clinics which conduct medical, physical, optical, dental, psychological, and other similar examinations, hereinafter referred to as health examinations, on seafarers. The DOH shall determine and prescribe the nature of the medical examination that shall be required of a seafarer, ensuring that such examination will genuinely determine the seafarer's State of health, considering the duties that he/she shall be required to perform on board. The DOH shall likewise prescribe the contents of the medical certificate to ensure that such certification will genuinely reflect the seafarer's state of health.

- 1 (e) Philippine Overseas Employment Administration (POEA). POEA shall review and
2 improve on the working conditions and terms of employment of the officers and
3 crew of vessels of Philippine registry, and of such officers and crew members who
4 are Filipino citizens and employed by foreign vessels.
- 5 (f) Overseas Workers' Welfare Administration (OWWA). The OWWA, through its
6 welfare officer or, in his absence, the coordinating officer, shall provide the
7 seafarers and his/her family all the assistance they may need in the enforcement
8 of contractual obligations by agencies and/or by their principals.
9 The OWWA shall likewise formulate and implement welfare programs for overseas
10 Filipino seafarers and their families while they are abroad and upon their return.
11 It shall ensure the awareness by the overseas Filipino workers and their families
12 of these programs and other related governmental programs.
- 13 (g) Maritime Industry Authority (MARINA). The MARINA shall ensure that the
14 examination, licensing, and certification system for seafarers are in accordance
15 with the requirements prescribed under the STCW Convention, international
16 agreements, other conventions relevant thereto, and other applicable laws, rules,
17 and regulations.
- 18 (h) National Maritime Polytechnic. The NMP shall strengthen its research capability to
19 provide studies/resources for evidenced-based policy decision-making and
20 program development, and continuously address gaps in the protection and
21 welfare of the seafarers.
22 The NMP shall also continue to develop, enhance, and increase the accessibility of
23 its gender and women empowerment and training courses for seafarers to the
24 maritime industry, which shall be made available in any format, including digital
25 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 with
28 international conventions and standards, for the promotion of safety of life and
29 property at sea, control and prevention of maritime pollution, and verification of
30 compliance with the minimum standards of training and social condition of officers
31 and crew on board the ships.
32 The PCG shall likewise, in line with its function to assist in the enforcement of
33 applicable laws within the maritime jurisdiction of the Philippines, assist the DOLE
34 in the enforcement of the rules and regulations issued for the purpose of
35 implementing the MLC, 2006, including orders to detain vessels found in gross
36 violation of pertinent laws, rules and regulations.

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

5 **Sec. 69. One-Stop Shop Center for OFWs (OSSCO).** – There shall be
6 established in each region a One Stop Shop Center for OFWs, which shall be co-located
7 in the regional offices of the POEA, and shall have, as far as practicable, representatives
8 from agencies that process the documents or issue the required licenses, permits and
9 clearances required of seafarers.

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

19 POEA and MARINA shall ensure compliance with Republic Act No. 10173, otherwise
20 known as the “Data Privacy Act of 2012,” and its implementing rules and regulations in
21 handling the relevant information or data of seafarers in their respective registries.

22 **Sec. 71. Maritime Occupational Safety and Health Standards.** –The DOLE,
23 in consultation with the maritime industry stakeholders, shall formulate the Maritime
24 Occupational Safety and Health Standards (MOSHS) pursuant to the provisions of
25 Republic Act No. 11058, otherwise known as the “Occupational Safety and Health Law”
26 and pertinent maritime conventions and treaties ratified by the Philippines.

27 CHAPTER XIX

28 FINAL PROVISIONS

29 **Sec. 72. Administrative Fines and Penalties.** – Any shipowner, master, their
30 representatives or other person who fails or refuses to present employment records, such
31 as payrolls, daily time records, payslip, or other documents, such as medical records,
32 when required by the individual seafarer, the Secretary of Labor or his duly authorized
33 representative, or the duly authorized representative of a recognized organization, shall
34 be subjected to administrative fines ranging from One Hundred Thousand Pesos
35 (Php100,000) to One Million Pesos (Php1,000,000), in accordance with the implementing
36 rules and regulations of this Act.

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

6 **Sec. 74. Penalties for Violations of Sections 69 and 70.** – Any person who,
7 without proper authorization, exercises the authority granted to the Secretary of Labor
8 and Employment under Sections 69 and 70 of this Act shall be punished with a fine of
9 not less than Two Hundred Thousand Pesos (Php200,000.00) nor more than Two Million
10 Pesos (Php2,000,000), or imprisonment of not less than one (1) year nor more than four
11 (4) years, or both at the discretion of the court. The foregoing offense shall prescribe
12 after five (5) years from its commission.

13 **Sec. 75. Transitory Provision.** – All rights, privileges, and benefits previously
14 enjoyed by seafarers before the effectivity of this Act, including those set forth in
15 Presidential Decree No. 442, otherwise known as the Labor Code of the Philippines, as
16 amended, and Republic Act No. 8042, otherwise known as the “Migrant Workers and
17 Overseas Filipinos Act of 1995,” as amended, shall continue to be recognized and shall
18 not be diminished after the effectivity of this Act.

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

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

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

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

Approved,