

16

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

'22 JUL 14 P3:48

RECEIVED BY. 

SENATE
S. B. No. 640

Introduced by Senator SONNY ANGARA

AN ACT
INSTITUTING THE MAGNA CARTA OF FILIPINO SEAFARERS

EXPLANATORY NOTE

Some 1.64 million seafarers are said to be at sea daily, spread across the 100,000 or so ships that facilitate much of global trade and commerce today. By some estimates, up to 25 percent of this seaborne labor force is Filipino. In 2020 alone, the country deployed 217,223 Filipino seafarers according to data from the Philippine Overseas Employment Administration (POEA). In 2021, seafarers were recorded to have brought in US\$ 6.5 billion or 21 percent of the total foreign remittances the country received per the *Bangko Sentral ng Pilipinas* (BSP).

Seafarers deal with circumstances very different from mainstream or land-based Overseas Filipino Workers (OFWs) and other sectors within the labor force. However, existing labor laws and social legislation, particularly the Overseas Filipinos and Migrant Workers' Act of 1996 (Republic Act No. 8042), do not adequately address the needs of seafarers nor do they adhere to internationally recognized instruments, such as those of the International Labor Organization (ILO) and the International Maritime Organization (IMO).

In view of these considerations, it is imperative to enact a *Magna Carta for Seafarers* that promotes the welfare and protect the rights of Filipino seafarers. As a measure that aims to comprehensively protect the rights of Filipino seafarers, the foregoing bill aims to fill the gaps in legislation. In particular, this draft bill is a consolidation of all pending bills in the past Congresses as a result of series of consultations and technical working group sessions with various stakeholders and

which was finally endorsed by the Maritime Industry Tripartite Council (MITC) in March 2015.

This Magna Carta for Filipino Seafarers seeks to ensure protection of the rights and welfare of Filipino seafarers. Specifically, it seeks to recognize the rights of Filipino seafarers, institute mechanisms for the enforcement and protection thereof, provide for compulsory benefits, and implement standards set by the Maritime Labour Convention.

Swift approval of this bill is earnestly sought.




SONNY ANGARA
78

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

'22 JUL 14 P 3 :48

SENATE
S. B. No. 640

RECEIVED BY: _____



Introduced by Senator SONNY ANGARA

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

1
2
3 Section 1. *Short Title.* – This Act shall be known as the “Magna Carta of
4 Filipino Seafarers.”

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

- 6 (a) To recognize the rights, contributions, and unique role of seafarers as
7 essential maritime professionals, acknowledge their vulnerabilities, and afford
8 them full protection before, during, and after their employment;
- 9 (b) To recognize that seafarers are a special category of key workers providing
10 essential services, and given the global nature of the shipping industry and
11 the different jurisdictions that seafarers may be brought into contact with,
12 they are in need of special protection;
- 13 (c) To encourage the participation of women in the seafaring profession and
14 contribute meaningfully to the achievement of national development goals as
15 productive members of the community;
- 16 (d) To maintain and progressively develop a pool of competent and world-class
17 seafarers through a system of education, training, certification, and licensing;
- 18 (e) To establish and enhance mechanisms of administrative, adjudicative, social,
19 and welfare services for seafarers and their families;

1 (f) To enact laws that adopt and implement the standards set by international
2 conventions and agreements regarding the working and living conditions and
3 occupational safety and health, among others, of seafarers, particularly the
4 Maritime Labour Convention, 2006 (MLC, 2006); and

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

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

12 CHAPTER II

13 GENERAL PROVISIONS

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

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

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

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

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

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

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

30 (b) All Filipino seafarers on board Philippine registered domestic ships engaged in
31 trade and commerce between Philippine ports and within Philippine territorial
32 or internal waters shall be covered primarily by equivalent provisions of the

1 Labor Code of the Philippines, as amended, and related social and welfare
2 benefits laws. For this purpose, the DOLE shall issue the appropriate rules
3 and regulations to govern the employment of domestic seafarers.

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

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

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

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

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

12 (b) *Cadet* – refers to a student of a maritime educational institution who is
13 required to undergo training on board registered international or domestic
14 ships to fulfill a maritime degree or technical course;

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

21 (d) *International Maritime Convention or International Convention* – refers to any
22 written treaty or agreement, or any protocol or amendment thereto, affecting
23 the maritime industry, which has come into force and effect, including the
24 MLC, 2006;

25 (e) *International Convention on Standards of Training, Certification, and*
26 *Watchkeeping for Seafarers (STCW)* – refers to the international convention
27 that establishes the minimum standards relating to training, certification, and
28 watchkeeping for seafarers, which the Philippines acceded to on May 22,
29 1984;

30 (f) *Manning Agency* – refers to a natural or juridical person duly licensed by the
31 Secretary of the Department to engage in the recruitment and placement of
32 seafarers;

- 1 (g) *Maritime Accident* – refers to any unforeseen occurrence or physical event
2 connected to the navigation, operations, maneuvering, or handling of ships,
3 or the machinery, equipment, material, or cargo on board such ships which
4 may result in the detention of seafarers;
- 5 (h) *Maritime Industry Stakeholders* – refer to all private stakeholders engaged in
6 the business of owning, managing, chartering, or operating domestic and
7 international ship/s of Philippine or foreign registry, manning of ships,
8 management ports, stevedoring and arrastre services, ship brokering and
9 chartering, ship-building and ship repair, providing maritime services, such as
10 ship supplies and provisions, maritime education and training, shipping
11 agency, and other similar activities.
12 This term shall also include *bona fide* maritime labor organizations,
13 professional associations of seafarers, associations promoting seafarers’
14 welfare, and women’s maritime organizations;
- 15 (i) *Maritime Labour Certificate* – refers to the document that certifies that the
16 working and living conditions of the seafarers on the ship have been
17 inspected and are compliant with the requirements of the MLC, 2006 and of
18 applicable Philippine laws and regulations;
- 19 (j) *Maritime Labour Convention, 2006 (MLC, 2006)* – refers to the consolidated
20 Maritime Labour Convention approved by the International Labour
21 Organization (ILO) in 2006 and ratified by the Philippines on August 20, 2012;
- 22 (k) *Master* – refers to a person having command of a ship and acts as the
23 shipowners’ representative;
- 24 (l) *Ocean-Going Ship* – refers to a ship other than those which navigate
25 exclusively in inland water or in water within or closely adjacent to sheltered
26 water, or areas where port regulations apply;
- 27 (m) *Officer* – refers to a member of the crew other than the master who has been
28 designated as such by national law or regulation, or, in the absence of such
29 designation, by collective agreement or custom;
- 30 (n) *One-Stop-Shop Center for OFWs (OSSCO)* – refers to the one-stop centers in
31 various parts of the country established to ensure prompt, efficient, vital, and
32 relevant services to Overseas Filipino Workers (OFWs) and other overseas

1 Filipinos and their families, including seafarers. The OSSCOs shall be the
2 venue for the acquisition of relevant clearances and permits, validation of
3 overseas job offers, availment of reintegration services and all pertinent
4 seminars and workshops for all stakeholders, among others. In all cases and
5 as far as practicable, the OSSCOs shall be co-located with POEA regional
6 offices. Agencies at these centers shall, as far as practicable, include the
7 Department of Labor and Employment (DOLE), the Department of Foreign
8 Affairs (DFA), Philippine Overseas Employment Administration (POEA),
9 Overseas Workers Welfare Administration (OWWA), Technical Education and
10 Skills Development Authority (TESDA), Professional Regulation Commission
11 (PRC), Maritime Industry Authority (MARINA), Department of Health (DOH),
12 Philippine Coast Guard (PCG), Home Development Mutual Fund (HDMF),
13 Philippine Health Insurance Corporation (PhilHealth), Social Security System
14 (SSS), Philippine Statistics Authority (PSA), Bureau of Immigration (BI),
15 National Bureau of Investigation (NBI), Commission on Higher Education
16 (CHED), Philippine National Police (PNP), Bureau of Internal Revenue (BIR),
17 and such other government agencies as may be appropriate;

18 (o) *Point of Hire* – refers to the place indicated in the contract of employment,
19 and which shall be the basis in determining the commencement of the
20 contract;

21 (p) *Recognized Organizations* – refer to organizations recognized by the DOLE to
22 carry out inspections or issue the Maritime Labour Certificate in accordance
23 with the scope of activities covered by their authorizations;

24 (q) *Repatriation* – refers to the process of returning a seafarer to the point of
25 destination, which shall be at the point of hire or the seafarer's place of
26 domicile, at the option of the seafarer, or in case of incapacity or death, at
27 the option of his/her next-of-kin;

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

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

- 1 (t) *Ship or Vessel* – refers to any kind, class, or type of craft or artificial
2 contrivance capable of floating in water, whether publicly or privately owned,
3 ordinarily engaged in commercial activities; and
- 4 (u) *Shipowner or Principal* – refers to the owner of the ship employing Filipino
5 seafarers to work on board domestic ships and ships engaged in international
6 trade, or any other organization or person, such as the manager, agent, or
7 bareboat charterer, who has assumed the responsibility for the operation and
8 management of the ship from the shipowner, and who, in assuming such
9 responsibilities, has agreed to take over all the attendant duties and
10 responsibilities of a shipowner under this Act, regardless of whether any other
11 organization or persons fulfill certain duties or responsibilities on behalf of the
12 shipowner.

13 **CHAPTER III**

14 **SEAFARER'S RIGHTS**

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

- 17 (a) A safe and secure workplace that complies with safety standards;
18 (b) Decent working and living conditions on board a ship;
19 (c) Medical care and confirmatory tests, welfare measures, and other forms of
20 health and social protection;
21 (d) Fair terms and conditions of employment, including salary commensurate to
22 their rank, hours of work, paid sick leave or sickness benefits, the maximum
23 number of workers hours, and minimum hours of rest periods, consistent with
24 Philippine laws or international maritime conventions; and
25 (e) Compensation and benefits in the event of death or long-term disability for
26 occupational injuries, illnesses, hazards.

27 *Sec. 6. Right to Self-Organization, to Engage in Collective Bargaining,*
28 *and to Participate in Democratic Exercises.* – Seafarers shall enjoy the right to self-
29 organization, to collectively bargain, to form or join international organization of
30 seafarers or network with seafarers of different nationalities, and to participate in
31 the deliberation of issues and in the formulation of policies that affect them,

1 including the guarantee of representation in governing boards or appointment in
2 government instrumentalities.

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

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

9 Toward this end, relevant government agencies shall:

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

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

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

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

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

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

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
15 disembark in third countries when in transit, and the right to be repatriated and
16 return home.

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

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

27 *Sec. 13. Right to be Protected Against All Forms of Harassment and Bullying.*
28 – Seafarers shall be protected against all forms of harassment and bullying while on
29 board their ships. The shipowner shall put policies in place for the protection of all

1 crew members. Maritime stakeholders and seafarers shall ensure that harassment
2 and bullying do not take place.

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

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

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

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

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

24 **CHAPTER IV**

25 **WOMEN IN THE MARITIME INDUSTRY**

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

- 29 (a) Payment of a lesser compensation, including wage, salary or other form of
30 remuneration and fringe benefits, to a male seafarer as against a female
31 seafarer, for work of equal value; and

1 (b) Favoring a male seafarer over a female seafarer with respect to promotion,
2 training opportunities, study and scholarship grants, solely on account of their
3 sexes.

4 *Sec. 19. Gender and Development.* – Shipowners and manning agencies shall
5 formulate gender and development policies. In addition, all maritime training
6 institutions shall ensure that appropriate gender-sensitive policies are in place to
7 promote the rights of women to adequate training and opportunities, free from
8 discrimination, harassment and bullying.

9 **CHAPTER V**

10 **SEAFARER'S DUTIES**

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

12 (a) To comply with and observe the terms and conditions of the Standard
13 Employment Contract;

14 (b) To abide by lawful and reasonable company personnel policies;

15 (c) To follow and observe the chain and command of the vessel, and to comply
16 with the relevant and reasonable policies and procedures on board the ship or
17 while ashore, taking into consideration his/her religious freedom;

18 (d) To be diligent in the performance of duties relating to the ship, its stores,
19 equipment, and cargo, whether on board, in transit, or ashore;

20 (e) To continually improve his/her professional competency by keeping up-to-
21 date with the latest technological and scientific knowledge applied in the
22 maritime fields, constant reading and diligent studies, and keen observation
23 of shipboard activities;

24 (f) To be, at all times, orderly and respectful to the shipmates, passengers,
25 shippers, stevedores, port authorities, and other persons who have official
26 business with the ship; and

27 (g) To take personal responsibility for his/her health while on board by
28 maintaining a healthy lifestyle and complying with medically prescribed
29 instructions.

30 **CHAPTER VI**

31 **MINIMUM REQUIREMENTS FOR SEAFARERS**

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

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

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

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

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

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

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

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

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

1 **CHAPTER VII**

2 **TERMS AND CONDITIONS OF EMPLOYMENT**

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

6 (a) Seafarer’s full name, date of birth, age, birthplace, permanent, and/or
7 residential address;

8 (b) Seafarer’s Record Book Number, Seafarer’s Identity Document Number, and
9 POEA Seafarer’s Registration Number;

10 (c) Shipowner’s name and address;

11 (d) Place where and date when the seafarer’s employment agreement is entered
12 into;

13 (e) Duration of the contract;

14 (f) Point of hire;

15 (g) Capacity in which the seafarer is to be employed;

16 (h) Amount of the seafarer’s salary, and the formula used for calculating the
17 same;

18 (i) Maximum hours of work and minimum hours of rest;

19 (j) Wages and wage-related benefits, which shall include, but is not limited to,
20 overtime pay, holiday pay, vacation leave pay, premium pay, paid leaves, and
21 13th-month pay, if applicable;

22 (k) Compensation and benefits for occupational injury, illness, or death;

23 (l) Social security and welfare benefits, including the compulsory insurance
24 coverage as provided under Republic Act No. 8042, as amended by Republic
25 Act No. 10022, otherwise known as The Migrant Workers Act;

26 (m) Stipulations on repatriation or similar undertakings;

27 (n) Separation pay and retirement pay, if applicable;

28 (o) Reference to the CBA, if applicable; and

29 (p) Other benefits in accordance with law, company policy, or CBA.

30 The employment contract shall be in a working language or in the English
31 language, executed in four (4) original copies before the commencement of the
32 employment. The shipowner and the seafarer shall each have a signed original of

1 the agreement. In addition, a signed original shall be made available on board the
2 ship.

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

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

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

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

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

27 *Sec. 27. Paid Annual Leave.* – Unless a higher annual leave is already
28 provided in the employment contract, or under a CBA, or by the shipowner as
29 company practice or policy, the seafarers shall be paid an annual leave, to be

1 calculated on the basis of a minimum of 4.5 calendar days per month of
2 employment, without prejudice to any future increases as may be prescribed by
3 laws, rules, or regulations; *provided*, that the following shall not be counted as part
4 of the annual paid leave:

5 (a) Public and customary holidays of the Philippines, whether or not they fall
6 during the paid annual leave;

7 (b) Periods of incapacity for work (i) resulting from illness or injury; (ii) due to
8 maternity or paternity leave in accordance with law;

9 (c) Temporary shore leave granted to a seafarer while employed; or

10 (d) Compensatory leave of any kind.

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

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

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

26 *Sec. 31. Personal Effects.* – A seafarer may bring a reasonable number of
27 articles for personal use on board the ship; *Provided*, that this shall not
28 inconvenience the ship or cargo or pose any risk on board the ship. If the seafarers’

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

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

13 *Sec. 33. Sick Leave and Sickness Benefits During Public Health Emergencies.*
14 – 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
16 quarantine, shall be entitled to paid sick leave and sickness benefits until the
17 seafarer joins the vessel.

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

21 **CHAPTER VIII**

22 **ACCOMMODATION, RECREATION FACILITIES,**

23 **FOOD AND CATERING IN SHIPS**

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

26 (a) All ocean-going ships and domestic ships constructed on or after the date
27 when the MLC, 2006 come into force;

28 (b) All second-hand ships, whether ocean-going or domestic, acquired or leased,
29 and entered in the Philippine Registry after the entry date into force of the

1 said Convention, insofar as they can be reasonably refitted, unless provided
2 exemption by the relevant Philippine government agency; and

- 3 (c) All ships constructed prior to the entry into force of the MLC, 2006, which
4 have undergone major or substantial structural alterations after the entry into
5 force of the Convention, unless provided exemption by the relevant Philippine
6 government agency.

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

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

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

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

32 **CHAPTER IX**

1 **MEDICAL CARE AND MARITIME OCCUPATIONAL**
2 **SAFETY AND HEALTH STANDARDS**

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

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

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

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

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

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

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

29 Shipowners shall institute preventive measures in accordance with the health
30 regulations of the Flag State and the appropriate guidelines issued by the World
31 Health Organization (WHO), including the necessary disinfection, decontamination,

1 de-ratting, or other measures necessary to prevent the spread of infection or
2 contamination. Affected seafarers shall also be properly isolated and treated
3 pursuant to established guidelines of the Flag State, the WHO, and applicable rules
4 and regulations.

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

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

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

17 **CHAPTER X**

18 **TERMINATION OF EMPLOYMENT**

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

20 (a) The employment of seafarers on board Philippine-registered ships operating
21 internationally, as well as those on board foreign-registered ships, shall cease
22 when the seafarers complete their period of contractual service aboard the
23 ship, signs-off from the ship, and arrive at the destination as specified under
24 this paragraph (b) of this Section.;

25 (b) The employment is also terminated effective upon arrival at the point of
26 destination, which shall either be at the point of hire or the seafarer’s place of
27 domicile, at the option of the seafarer, or in case of the seafarer’s incapacity
28 or death, at the option of his/her next-of-kin, for any of the following
29 reasons:

30 (1) When the seafarer signs-off and is disembarked for medical reasons in the
31 event the seafarer is declared: (i) fit for repatriation; or (ii) when after an
32 illness, the seafarer is declared fit to work, but the shipowner is unable to

1 find employment for the seafarer on board the ship originally boarded or
2 another ship of the shipowner;

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

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

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

11 *Sec. 44. Extension of Employment.* – In the event of the extension of the
12 term of a seafarer’s employment contract, the seafarer shall be furnished a copy of
13 the new, or supplemental contract covering the extension of his employment, with
14 adequate time to review and obtain expert advice regarding the terms and
15 conditions of his/her extended employment, which shall in no case be lower than the
16 terms of his/her original employment. In all cases, the shipowner, or a duly
17 authorized representative or the manning agency shall ensure that the seafarer has
18 considered the effect of such an extension to any accumulated entitlement and
19 repatriation benefits, among others.

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

22 **CHAPTER XI**

23 **SETTLEMENT OF DISPUTES**

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

28 Any grievance or complaints shall first be referred to the appropriate
29 grievance mechanism provided under this Section. In cases where a seafarer is a
30 member of a legitimate trade union organization and covered by a CBA, he/she shall

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

- 4 (a) Basic pay and allowances from the moment the seafarers leave the ship until
5 they reach the repatriation destination;
- 6 (b) Accommodation and food during the journey to the repatriation destination;
- 7 (c) Transportation charges, the normal mode of transport should be by air;
- 8 (d) Deployment cost of the principal; and
- 9 (e) Immigration fees, fines, and penalties.

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

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

17 Sec. 50. *Quarantine and Medical Expenses in Repatriation Due to Infection,*
18 *Epidemics or Pandemic.* – Before or during the process of repatriation, the expenses
19 of medical care and board and lodging for periods spent by seafarers in self-isolation
20 or quarantine, whether or not the seafarers have symptoms, have been exposed or
21 are quarantined as a safety precaution for the community, shall be covered by the
22 shipowner or manning agency until the seafarers have been duly repatriated to the
23 repatriation destination. Thereafter, medical care and quarantine expenses after
24 repatriation to the destination shall be borne by the Philippine government, following
25 the whole-of-government approach in the management of epidemics/pandemics.

26 Sec. 51. *Waiver of Entitlement to Repatriation.* – Entitlement to repatriation
27 may be waived by a seafarer; *Provided,* That the waiver shall be written, made
28 freely and voluntarily, with full knowledge of its consequences; *Provided, however,*
29 that no such waiver shall be allowed or presumed when a seafarers is abandoned,
30 held captive on or off the ship as a result of acts of piracy or armed robbery against
31 the ship, or are incapable of traveling due to illness, injury or incapacity, or other
32 cases that affect the seafarer's safety and security.

1 **CHAPTER XIII**

2 **REINTEGRATION OF OVERSEAS FILIPINO SEAFARERS**

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

12 **CHAPTER XIV**

13 **PROVISIONS APPLICABLE TO DOMESTIC SEAFARERS**

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

25 In addition, the provisions of the Labor Code of the Philippines, as amended,
26 on "Prohibitions Regarding Wages," "Wage Studies, Wage Agreements, and Wage
27 Determination," "Administration and Enforcement," "Holidays," "Service Incentive
28 Leaves and Service Charges," shall continue to apply, unless higher annual leave is
29 already provided under the CBA or by the shipowner as company practice or policy
30 or seafarers' employment agreement. In addition, domestic seafarers shall also be
31 entitled to (i) 13th month pay pursuant to Presidential Decree No. 851, as amended,
32 (ii) paid maternity leave under Republic Act No. 11210, otherwise known as the 105-

1 Day Expanded Maternity Leave Law, (iii) paid paternity leave under Republic Act No.
2 8187, otherwise known as the Paternity Leave Act of 1996, (iv) Paid parental leave
3 for solo parents under Republic Act No. 8972, otherwise known as the Solo Parents'
4 Welfare Act of 2000; (v) paid leave for victims of violence against women and their
5 children under Republic Act No. 9262, otherwise known as the Anti-Violence Against
6 Women and their Children Act of 2004, (vi) paid special leave due to surgery for any
7 gynecological disorder, under Republic Act No. 9710, otherwise known as the Magna
8 Carta of Women, and retirement pay, pursuant to Republic Act No. 7641.

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

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

- 15 (a) Seafarer's full name, date of birth, age, birthplace, permanent, and/or
16 residential address;
- 17 (b) Seafarer's Record Book Number, Seafarer's Identity Document Number;
- 18 (c) Shipowner's name and address;
- 19 (d) Place where and date when the seafarer's employment agreement is entered
20 into;
- 21 (e) Duration of the contract;
- 22 (f) Point of hire;
- 23 (g) Capacity in which the seafarer is to be employed;
- 24 (h) Amount of the seafarer's salary, and the formula used for calculating the
25 same;
- 26 (i) Maximum hours of work and minimum hours of rest;
- 27 (j) Wages and wage-related benefits, which shall include, but is not limited to,
28 overtime pay, holiday pay, vacation leave pay, premium pay, paid leaves, and
29 13th-month pay, if applicable;
- 30 (k) Compensation and benefits for occupational injury, illness, or death;

- 1 (l) Social security and welfare benefits, including the compulsory insurance
2 coverage as provided under Republic Act No. 8042, as amended by Republic
3 Act No. 10022, otherwise known as The Migrant Workers Act;
- 4 (m) Stipulations in case of rescues or other similar undertakings;
- 5 (n) Separation pay and retirement pay, if applicable;
- 6 (o) Reference to the CBA, if applicable; and
- 7 (p) Other benefits in accordance with the law, company policy, or CBA.

8 The foregoing employment agreement shall be executed by and between the
9 shipowner and the seafarer before the commencement of employment, in a
10 language or dialect understandable to both parties. The shipowner shall provide the
11 domestic seafarer the signed original copy of the agreement and a certified true
12 copy shall be made available on board the ship.

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

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

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

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

1 to ensure compliance with labor standards and occupational safety and health
2 as provided under this Act.

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

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

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

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

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

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

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

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

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

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

20 **CHAPTER XVI**

21 **SHIPBOARD TRAINING OF CADETS**

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

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

- 31 (a) Cadet's full name, date of birth, birthplace, and age, which should be at least
32 16 years old;

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

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

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

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

27 **CHAPTER XVII**

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

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

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

5 **CHAPTER XVIII**

6 **ROLE OF GOVERNMENT AGENCIES**

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

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

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

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

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

- 1 (d) Department of Health (DOH). DOH shall regulate the activities and operations
2 of all clinics which conduct medical, physical, optical, dental, psychological,
3 and other similar examinations, hereinafter referred to as health
4 examinations, on seafarers.
- 5 The DOH shall determine and prescribe the nature of the medical examination
6 that shall be required of a seafarer, ensuring that such examination will
7 genuinely determine the seafarer's State of health, considering the duties that
8 he/she shall be required to perform on board. The DOH shall likewise
9 prescribe the contents of the medical certificate to ensure that such
10 certification will genuinely reflect the seafarer's state of health.
- 11 (e) Philippine Overseas Employment Administration (POEA). POEA shall review
12 and improve on the working conditions and terms of employment of the
13 officers and crew of vessels of Philippine registry, and of such officers and
14 crew members who are Filipino citizens and employed by foreign vessels.
- 15 (f) Overseas Workers' Welfare Administration (OWWA). The OWWA, through its
16 welfare officer or, in his absence, the coordinating officer, shall provide the
17 seafarers and his/her family all the assistance they may need in the
18 enforcement of contractual obligations by agencies and/or by their principals.
19 The OWWA shall likewise formulate and implement welfare programs for
20 overseas Filipino seafarers and their families while they are abroad and upon
21 their return. It shall ensure the awareness by the overseas Filipino workers
22 and their families of these programs and other related governmental
23 programs.
- 24 (g) Maritime Industry Authority (MARINA). The MARINA shall ensure that the
25 examination, licensing, and certification system for seafarers are in
26 accordance with the requirements prescribed under the STCW Convention,
27 international agreements, other conventions relevant thereto, and other
28 applicable laws, rules, and regulations.
- 29 (h) National Maritime Polytechnic. The NMP shall strengthen its research
30 capability to provide studies/resources for evidenced-based policy decision-
31 making and program development, and continuously address gaps in the
32 protection and welfare of the seafarers.

1 The NMP shall also continue to develop, enhance, and increase the
2 accessibility of its gender and women empowerment and training courses for
3 seafarers to the maritime industry, which shall be made available in any
4 format, including digital and/or e-learning format.

- 5 (i) Philippine Coast Guard (PCG). The PCG shall undertake port state control
6 inspections of vessels calling at any port of the Philippines, in accordance with
7 international conventions and standards, for the promotion of safety of life
8 and property at sea, control and prevention of maritime pollution, and
9 verification of compliance with the minimum standards of training and social
10 condition of officers and crew on board the ships.

11 The PCG shall likewise, in line with its function to assist in the enforcement of
12 applicable laws within the maritime jurisdiction of the Philippines, assist the
13 DOLE in the enforcement of the rules and regulations issued for the purpose
14 of implementing the MLC, 2006, including orders to detain vessels found in
15 gross violation of pertinent laws, rules and regulations.

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

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

25 *Sec. 70. Registry of Seafarers.* – The POEA, for ocean-going ships of foreign
26 registry, and MARINA, for domestic and ocean-going ships of Philippine registry,
27 shall maintain a registry of all seafarers in the Philippines; *Provided,* that the registry
28 of seafarers aboard ocean-going ships shall be integrated to the management
29 information system established under the Migrant Workers and Overseas Filipinos
30 Act, as amended. The registry shall contain updated and relevant information or
31 data to promote employment opportunities for seafarers, whether on board or
32 ashore, or to provide a list of available training and education to support skills

1 development and competencies of seafarers, as well as a digitalized copy of the duly
2 executed contract.

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

7 *Sec. 71. Maritime Occupational Safety and Health Standards.* – The DOLE, in
8 consultation with the maritime industry stakeholders, shall formulate the Maritime
9 Occupational Safety and Health Standards (MOSHS) pursuant to the provisions of
10 Republic Act No. 11058, otherwise known as the "Occupational Safety and Health
11 Law" and pertinent maritime conventions and treaties ratified by the Philippines.

12 **CHAPTER XIX**

13 **FINAL PROVISIONS**

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

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

27 *Sec. 74. Penalties for Violations of Sections 69 and 70.* – Any person who,
28 without proper authorization, exercises the authority granted to the Secretary of
29 Labor and Employment under Sections 69 and 70 of this Act shall be punished with a
30 fine of not less than Two Hundred Thousand Pesos (Php200,000.00) nor more than
31 Two Million Pesos (Php2,000,000), or imprisonment of not less than one (1) year nor

1 more than four (4) years, or both at the discretion of the court. The foregoing
2 offense shall prescribe after five (5) years from its commission.

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

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

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

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

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

Approved,