



**NINETEENTH CONGRESS OF THE ]  
REPUBLIC OF THE PHILIPPINES ]  
First Regular Session ]**

'22 JUL 25 A11 :39

SENATE

RECEIVED BY: 

S.B. No. 822

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**Introduced by SEN. WIN GATCHALIAN**

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

**EXPLANATORY NOTE**

Amidst the pandemic, the Philippines continues to be one of the major suppliers of maritime labor globally as it is estimated that there is one Filipino seafarer for every four to five crewmembers on board a vessel at any time.<sup>1</sup> Despite a 54% drop in the total number of seafarers deployed overseas from the Philippines in 2020,<sup>2</sup> the POEA reported that the number of Filipino seafarers deployed in 2021 was almost the same level as those who boarded ships pre-pandemic, at 40,000 deployments per month.<sup>3</sup> Also, the sea-based remittances in 2021 reached \$6.54 billion, which comprise at least 21 percent of the total dollar remittances of all Overseas Filipino Workers and is slightly higher than the 2020 sea-based remittances of \$6.35 billion.<sup>4</sup> These data are

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<sup>1</sup> Gorecho, Dennis. "Philippines still a top supplier of seafarers," (March 25, 2022) <https://businessmirror.com.ph/2022/03/25/philippines-still-a-top-supplier-of-seafarers/>

<sup>2</sup> Seatrade Maritime News, "Philippines international seafarer deployment plummets 54% in 2020," <https://www.seatrade-maritime.com/ship-operations/philippines-international-seafarer-deployment-plummets-54-2020>

<sup>3</sup> GMA News, "POEA: Philippines starting to recover in terms of seafarers' deployment," <https://www.gmanetwork.com/news/pinoyabroad/dispatch/812263/poea-philippines-starting-to-recover-in-terms-of-seafarers-deployment/story/>

<sup>4</sup> Bangko Sentral ng Pilipinas, "Overseas Filipinos' Cash Remittances By Country, By Source," <https://www.bsp.gov.ph/statistics/external/Table%2011.pdf>

testaments to how unparalleled and in demand Filipino seafarers are as well as their critical role and contribution to the economic growth of the country.

Thus, there is a need to ensure that our Filipino seafarers are continuously nurtured, protected, and guided by the government in terms of setting up mechanisms that can protect them even beyond our borders, as well as building their competency through education and skills training to sustain and improve their overall competitiveness and professional advantage.

Accordingly, issues compounding the Filipino seafarers employability in relation to international standards on trainings and certifications;<sup>5</sup> the protection of our seafarers during an epidemic, pandemic, and other public health emergencies; and the paramount valuability of the sea-based OFW sector in their contributions to our country's financial lifeline, are just some of the policy issues that are being addressed by this measure. Moreover, this measure fortifies the rights of Filipino Seafarers as it includes the promotion and protection of women in the seafaring industry.

This measure also covers both domestic and overseas Filipino seafarers, and delineates between the administrative jurisdiction of the Department of Labor and Employment (DOLE) over domestic Filipino seafarers, and the newly-created Department of Migrant Workers (DMW) over overseas Filipino seafarers.

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



**WIN GATCHALIAN**

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<sup>5</sup> Philippines Star, "Philippines' compliance with seafarer standards worries EU," <https://www.philstar.com/headlines/2019/03/28/1905254/philippines-compliance-seafarer-standards-worries-eu>.

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

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

**CHAPTER I**

**DECLARATION OF POLICY**

1  
2  
3 SECTION 1. *Short Title.* -This Act shall be known as the "Magna Carta of  
4 Filipino Seafarers."

5  
6 SEC. 2. *Declaration of Policies.* - It is hereby declared the policy of the  
7 State:

8 (a) To recognize the rights, contributions, and unique role of seafarers  
9 as essential maritime professionals, acknowledge their vulnerabilities, and  
10 afford them full protection before, during, and after their employment;

11 (b) To recognize that seafarers are a special category of key workers  
12 providing essential services, and given the global nature of the shipping  
13 industry and the different jurisdictions that seafarers may be brought into  
14 contact with, thus, they need special protection;

1 (c) To encourage the participation of women in the seafaring profession  
2 and contribute meaningfully to the achievement of national development goals  
3 as productive members of the community;

4 (d) To maintain and progressively develop a pool of competent and  
5 world-class seafarers through a system of education, training, certification, and  
6 licensing;

7 (e) To establish and enhance mechanisms of administrative,  
8 adjudicative, social, and welfare services for seafarers and their families;

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

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

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

## 20 21 **CHAPTER II**

### 22 **GENERAL PROVISIONS**

23 *SEC. 3. Coverage and Administrative Jurisdiction.* - This Act shall cover:

24 (a) All Filipino seafarers who are to be engaged, engaged, employed, or  
25 working in any capacity, on board Philippine or foreign-registered ships,  
26 merchant vessels, or other sea-based craft of similar category, plying  
27 international waters: *Provided*, That seafarers contemplated under Subsection  
28 3 (a) also include fishers on board commercial fishing vessels on international  
29 waters or as defined under relevant maritime conventions, cruise ship  
30 personnel, yacht crew, those serving on mobile offshore and drilling units in the  
31 high seas, and other persons similarly situated: *Provided, however*, That



1 seafarers that are to be engaged, engaged, employed, or working in the  
2 following categories of ships, are not covered:

- 3 (1) Warships, naval auxiliaries, and Coast Guard vessels;
- 4 (2) Government ships not engaged in commercial operations; and
- 5 (3) Ships of traditional built, as may be defined under existing rules and  
6 regulations.

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

10 *Provided, further,* That the Department of Migrant Workers (DMW) shall  
11 issue the appropriate rules and regulations to govern the employment of  
12 Overseas Filipino Worker (OFW) seafarers.

13 (b) All Filipino seafarers on board Philippine-registered domestic ships  
14 engaged, in trade and commerce between Philippine ports and within Philippine  
15 territorial or internal waters shall be covered primarily by equivalent provisions  
16 of the Presidential Decree (PD) No. 442 or the "Labor Code of the Philippines",  
17 as amended, and related social and welfare benefits laws: *Provided,* That  
18 seafarers on board domestic fishing vessels, as may be defined by appropriate  
19 rules and regulations to be issued by the Department of Labor and Employment  
20 (DOLE), in consultation with the Bureau of Fisheries and Aquatic Resources  
21 (BFAR) and other relevant stakeholders, are deemed as covered by this Act.

22 For this purpose, the DOLE shall issue the appropriate rules and  
23 regulations to govern the employment of domestic seafarers.

24

25 **SEC. 4. *Definition of Terms.*** - As used in this Act, the following terms  
26 shall have following meaning:

27 (a) *Abandonment* refers to a situation where, in violation of the terms of  
28 the employment contract, the shipowner:

- 29 i. Fails to cover the cost of the seafarer's repatriation;
- 30 ii. Has left the seafarer without the necessary maintenance and  
31 support; or

- 1           iii. Has otherwise unilaterally severed their ties with the seafarer,  
2                           including failure to pay contractual wages for a period of at  
3                           least two (2) months;
- 4           (b) *Cadet* refers to a student of a maritime educational institution who is  
5                           required to undergo training on board registered international or  
6                           domestic ships to fulfill a maritime degree or technical course;
- 7           (c) *Domestic Shipping* refers to the transport of passenger or cargo, or  
8                           both, by ships duly registered and licensed under Philippine law to  
9                           engage in trade and commerce between Philippine ports and within  
10                          Philippine territorial or internal waters, for hire or compensation, with  
11                          general or limited clientele, whether permanent, occasional, or  
12                          incidental, with or without fixed routes, and done for contractual or  
13                          commercial purposes;
- 14           (d) *International Maritime Convention or International Convention* refers  
15                          to any written treaty or agreement, or any protocol or amendment  
16                          thereto, affecting the maritime industry, which has come into force  
17                          and effect, including the Maritime Labour Convention, 2006 (MLC,  
18                          2006);
- 19           (e) *International Convention on Standards of Training, Certification, and*  
20                          *Watchkeeping for Seafarers (STCW)* refers to the international  
21                          convention that establishes the minimum standards relating to  
22                          training, certification, and watchkeeping for seafarers, which the  
23                          Philippines acceded to on May 22, 1984;
- 24           (f) *Manning Agency* refers to a natural or juridical person duly licensed  
25                          by the Secretary of the DMW to engage in the recruitment and  
26                          placement of seafarers;
- 27           (g) *Maritime Accident* refers to any unforeseen occurrence or physical  
28                          event connected to the navigation, operations, maneuvering, or  
29                          handling of ships, or the machinery, equipment, material, or cargo  
30                          on board such ships which may result in the detention of seafarers;
- 31           (h) *Maritime Industry Stakeholders* refer to all private stakeholders  
32                          engaged in the business of owning, managing, chartering, or

- 1 operating domestic and international ship/s of Philippine or foreign  
2 registry, manning of ships, management of ports, stevedoring and  
3 arrastre services, ship brokering and chartering, ship-building and  
4 ship repair, providing maritime services, such as ship supplies and  
5 provisions, maritime education and training, shipping agency, and  
6 other similar activities. This term shall also include bona fide maritime  
7 labor organizations, professional associations of seafarers,  
8 associations promoting seafarers' welfare, and women's maritime  
9 organizations;
- 10 (i) *Maritime Labour Certificate* refers to the document that certifies that  
11 the working and living conditions of the seafarers on the ship have  
12 been inspected and are compliant with the requirements of the MLC,  
13 2006 and of applicable Philippine laws and regulations;
- 14 (j) *Maritime Labour Convention, 2006 (MLC, 2006)* refers to the  
15 consolidated Maritime Labour Convention approved by the  
16 International Labour Organization (ILO) in 2006 and ratified by the  
17 Philippines on August 20, 2012;
- 18 (k) *Master* refers to a person having command of a ship and acts as the  
19 shipowners' representative;
- 20 (l) *Ocean-Going Ship* refers to a ship other than those which navigate  
21 exclusively in inland water or in water within or closely adjacent to  
22 sheltered water, or areas where port regulations apply;
- 23 (m) *Officer* refers to a member of the crew other than the master who  
24 has been designated as such by national law or regulation, or, in the  
25 absence of such designation, by collective agreement or custom;
- 26 (n) *Point of Hire* refers to the place indicated in the contract of  
27 employment, and which shall be the basis in determining the  
28 commencement of the contract;
- 29 (o) *Recognized Organizations* refer to organizations recognized by the  
30 DOLE to carry out inspections or issue the Maritime Labour Certificate  
31 in accordance with the scope of activities covered by their  
32 authorizations;

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

24

25

**CHAPTER III**

26

**SEAFARER'S RIGHTS**

27

SEC. 5. *Right to Just Terms and Conditions of Work.* - Seafarers shall  
28 have the right to:

29

(a) A safe and secure workplace that complies with safety standards;

30

(b) Decent working and living conditions on board a ship;



1 (c) Medical care and confirmatory tests, welfare measures, and other  
2 forms of health and social protection;

3 (d) Fair terms and conditions of employment, including salary  
4 commensurate to their rank, hours of work, paid sick leave or sickness benefits,  
5 the maximum number of workers hours, and minimum hours of rest periods,  
6 consistent with Philippine laws or international maritime conventions; and

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

9

10 *SEC. 6. Right to Self-Organization, to Engage in Collective Bargaining,*  
11 *and to Participate in Democratic Exercises.* - Seafarers shall enjoy the right to  
12 self-organization, to collectively bargain, to form or join international  
13 organization of seafarers or network with seafarers of different nationalities,  
14 and to participate in the deliberation of issues and in the formulation of policies  
15 that affect them, including the guarantee of representation in governing boards  
16 or appointment in government instrumentalities.

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

20

21 *SEC. 7. Right to Educational Advancement and Training at Reasonable*  
22 *and Affordable Costs.* - Seafarers shall have access to educational advancement  
23 and training at reasonable and affordable costs. Toward this end, relevant  
24 government agencies shall:

25 (a) Regulate the operation of all educational and training institutions  
26 offering courses related to seafaring;

27 (b) Pursue grant programs, such as scholarships, subsidies, loan  
28 assistance, and other measures that will harness the skills of seafarers toward  
29 greater competitiveness given the new and evolving demands in the industry;

30 (c) Promote quality maritime education and training that respond to the  
31 needs of the industry and in accordance with minimum international maritime  
32 standards of competency; and

1 (d) Afford enhanced access to educational advancement and training of  
2 women in the seafaring industry. CHED and MARINA shall work together to  
3 mainstream gender and development in the curricula of maritime institutions  
4 and training centers.

5  
6 SEC. 8. *Right to Information.* - Shipowners, manning agencies, and other  
7 organizations responsible for the recruitment and placement of seafarers, shall  
8 provide seafarers relevant information, including the terms and conditions of  
9 employment, company policies affecting seafarers, obligations of seafarers,  
10 conditions and realities attending to their profession, and necessary laws and  
11 regulations of countries covered by their sojourn. In addition, the seafarers  
12 shall, at all times, be furnished a copy of the duly executed SEC, as well as the  
13 results of the medical examination conducted on him/her. This right shall also  
14 include the right of seafarers' organizations to relevant information affecting  
15 the terms and conditions of employment of their members.

16 All ships covered by this Act shall have a copy of the MLC, 2006, the  
17 grievance procedures available on-board, duly executed SEC of the seafarers,  
18 and when there is a collective bargaining agreement (CBA), a copy of such  
19 agreement, which shall be readily available to the seafarers.

20  
21 SEC. 9. *Right to Information of a Seafarer's Family or Next-of-Kin.* - In  
22 critical incidents, such as accidents or deaths on board or offshore, piracy,  
23 abandonment of vessel, and other similar cases, the seafarer's family or next-  
24 of-kin shall be immediately informed of the incident, including investigation  
25 reports, action/s taken, and plans by the shipowner and the manning agency  
26 concerned.

27 In addition, it shall be the duty of the shipowner and the manning  
28 agency, within a reasonable period of time, to report to the DMW or DOLE, as  
29 the case may be, such incident and the details of the family or next-of-kin of  
30 the concerned seafarer/s.

31

1           SEC. 10. *Right to Safe Passage and Safe Travel.* - Seafarers shall be  
2 accorded the rights to safe passage and safe travel, including the right to  
3 embark and disembark in third countries when in transit, and the right to be  
4 repatriated and return home.

5  
6           SEC. 11. *Right to Consultation.* - Seafarers and maritime stakeholders  
7 shall be adequately consulted before adopting any maritime policy, executive  
8 issuance, rules or regulations, or in the enactment of any maritime law that  
9 may directly affect the seafarers and/or their families and beneficiaries.

10  
11           SEC. 12. *Right Against Discrimination.* - Seafarers shall have the right to  
12 be protected from discrimination on the basis of race, age, sex, religion, or  
13 political opinion, as well as on the basis of disablement, taking into  
14 consideration the inherent requirements of the particular job or undertaking.  
15 Career opportunities shall be promoted, and appropriate working and living  
16 conditions shall be guaranteed equally among male and female seafarers.

17  
18           SEC. 13. *Right to be Protected Against All Forms of Harassment and*  
19 *Bullying.* - Seafarers shall be protected against all forms of harassment and  
20 bullying while on board their ships. The shipowner shall put policies in place for  
21 the protection of all crew members. Maritime stakeholders and seafarers shall  
22 ensure that harassment and bullying do not take place. Shipowners and  
23 manning agencies shall also establish helplines and grievance mechanisms for  
24 all victims of harassment and bullying.

25  
26           SEC. 14. *Right to Free Legal Representation.* - Seafarers who are victims  
27 of violations of the provisions of this Act or whose contracts have been  
28 breached, who cannot afford the services of a competent and independent  
29 counsel, shall have the right to free legal assistance and protection at the  
30 government's expense, and to the fair and speedy disposition of the case,  
31 including the expeditious settlement of any money claims, subject to existing  
32 rules and regulations.

1           SEC. 15. *Right to Access to Communication.* - Seafarers, especially  
2 during their free time or when they are not on duty, shall have reasonable  
3 access to ship-to-shore telephone communications, email, and internet  
4 facilities, where available.

5  
6           SEC. 16. *Right to Record of Employment or Certificate of Employment -*  
7 At the expiration of the employment contract of the seafarer, the seafarer shall  
8 be given a record of his/her employment on board the ship, or a certificate of  
9 employment, specifying the length of service, the position the seafarer  
10 occupied, an account of his/her final wages, and such other relevant  
11 information.

12  
13           SEC. 17. *Right to Fair Treatment in the Event of a Maritime Accident* -In  
14 the event of a maritime accident, seafarers shall be treated fairly. They shall be  
15 entitled to all the rights under the ILO/International Maritime Organization  
16 (IMO) 2006 Guidelines on Fair Treatment of Seafarers in the Event of a Maritime  
17 Accident, and its amendments.

18

19

#### **CHAPTER IV**

20

#### **WOMEN IN THE MARITIME INDUSTRY**

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

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

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

30

31           SEC. 19. *Gender and Development.* – Shipowners, manning agencies  
32 and all maritime training institutions shall formulate gender and development



1 policies, and shall ensure that appropriate gender-sensitive policies are in place  
2 to promote the rights of women to adequate training and opportunities, free  
3 from discrimination, harassment and bullying, in consonance with Republic Act  
4 (RA) No. 9710, otherwise known as the "Magna Carta for Women".

## 5 6 **CHAPTER V**

### 7 **SEAFARER'S DUTIES**

8 SEC. 20. *Duties of a Seafarer.* - Seafarers shall have the following duties:

9 (a) To comply with and observe the terms and conditions of the SEC;

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

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

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

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

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

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

## 26 27 **CHAPTER VI**

### 28 **MINIMUM REQUIREMENTS FOR SEAFARERS**

29 SEC. 21. *Minimum Age.* - No person below eighteen (18) years old, other  
30 than a cadet, shall be employed, engaged, or otherwise allowed to work on  
31 board Philippine-registered ships operating domestically or internationally, as  
32 well as on board foreign-registered ships.

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*SEC. 22. Medical Certificates.* - No seafarer shall be employed, engaged, or otherwise allowed to work on board a domestic or ocean-going ship unless a medical certificate has been issued declaring the seafarer to be fit to work. For this purpose, the seafarer shall hold a valid medical certificate issued by a medical facility duly accredited by the Department of Health (DOH), in accordance with its rules and regulations.

The medical certificate shall certify that the person is expected to meet the minimum requirements to perform the duty specific to the person's post safely and effectively during the validity of the certificate. During the conduct of a medical examination, the seafarer shall have the responsibility of answering truthfully all questions relating to his/her medical condition and/or medical history, including previously known illness, injury, or medical treatment, and to make a complete inventory of medication prescribed to him/her by physicians; *Provided*, that the processing of the medical information of the seafarer shall at all times comply with the provisions of RA No. 10173 or the "Data Privacy Act of 2012". For the purposes of this Section, a medical certificate issued in accordance with the requirements of STCW shall be accepted.

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

*SEC. 24. Recruitment and Placement.* - Only duly licensed manning agencies shall be allowed to operate and engage in the recruitment and placement of seafarers, in accordance with rules and regulations as may be issued by the Secretary of Migrant Workers, including the deployment of seafarers. In all cases, no amount or fee, including placement fees, shall be charged to 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  
4 an SEC in writing between the shipowner and the seafarer, which shall include,  
5 but not be limited to, the following information and terms:

- 6 (a) Seafarer's full name, date of birth, age, birthplace, permanent,  
7 and/or residential address;
- 8 (b) Seafarer's Record Book Number, Seafarer's Identity Document  
9 Number, and DMW Seafarer's Registration Number;
- 10 (c) Shipowner's name and address;
- 11 (d) Place where and date when the seafarer's employment agreement is  
12 entered 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  
17 the 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  
20 limited to, overtime pay, holiday pay, vacation leave pay, premium  
21 pay, paid leaves, and 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  
24 insurance coverage as provided under RA No. 8042, or the "Migrant  
25 Workers and Overseas Filipinos Act", as amended by RA No. 10022;
- 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

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

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

9  
10 *SEC. 26. Maximum Hours of Work and Minimum Hours of Rest.* -The  
11 normal hours of work of a seafarer shall not exceed eight (8) hours a day with  
12 one (1) rest day per week. If the seafarer is required to work beyond eight (8)  
13 hours, the maximum hours of work shall not exceed fourteen (14) hours in any  
14 24-hour period, and seventy-two (72) hours in any seven (7)-day period. The  
15 minimum hours of rest for every seafarer shall not be less than ten (10) hours  
16 in a 24-hour period. The hours of rest may be divided into two periods, one of  
17 which shall be at least six (6) hours in length, and the interval between the two  
18 periods of rest shall not exceed fourteen (14) hours.

19 In exceptional cases, seafarers in watchkeeping duties may be required  
20 to work beyond fourteen (14) hours: *Provided*, That the rest period is not less  
21 than seventy (70) hours in any seven-day period; *Provided, further*, That such  
22 watchkeeping duties shall not be allowed for more than two (2) consecutive  
23 weeks; *Provided, finally*, That the intervals between the two (2) periods shall  
24 not be less than twice the duration of the exception. Seafarers shall be granted  
25 reasonable periods of shore leaves while the vessel is docked for the benefit of  
26 their health and well-being, subject to proportionate and specifically adopted  
27 rules, regulations, and measures of the Port State.

28  
29 *SEC. 27. Paid Annual Leave.* - Unless a higher annual leave is already  
30 provided in the employment contract, or under a CBA, or by the shipowner as  
31 company practice or policy, the seafarers shall be paid an annual leave, to be  
32 calculated on the basis of a minimum of 4.5 calendar days per month of



1 employment, without prejudice to any future increases as may be prescribed  
2 by laws, rules, or regulations; *Provided*, That the following shall not be counted  
3 as part of the annual paid leave:

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

6 (b) Periods of incapacity for work:

7 (i) resulting from illness or injury; or

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

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

26  
27 SEC. 30. *Limitations on Wage Deductions*. - A deduction from the  
28 seafarer's wages shall not be made without his/her written consent unless the  
29 deduction is provided for in the contract of employment and/or is authorized  
30 by law.

31

1           SEC. 31. *Personal Effects.* - A seafarer may bring a reasonable number  
2 of articles for personal use on board the ship; *Provided,* That this shall not  
3 inconvenience the ship or cargo or pose any risk on board the ship. If the  
4 seafarers' personal effects are lost or damaged as a result of shipwreck, loss or  
5 stranding, abandonment of the vessel, or as a result of fire, flooding, collision,  
6 or piracy, the shipowner shall reimburse him/her for said loss or damage,  
7 subject to limits prescribed by existing rules and regulations, unless a higher  
8 limit is provided under the existing CBA, but in no case lower than international  
9 standards.

10

11           SEC. 32. *Social Welfare Benefits.* -Without prejudice to established  
12 policy, CBA, or other applicable social agreement, all seafarers shall be  
13 members of, and receive the benefits conferred by, the Overseas Workers  
14 Welfare Administration (OWWA), Social Security System (SSS), Employees'  
15 Compensation and State Insurance Fund, PhilHealth, Home Development  
16 Mutual Fund or Pag-IBIG Fund, and other applicable social protection laws,  
17 rules and regulations, as may now or hereafter be created in favor of Filipino  
18 workers and/or OFWs.

19

20           SEC. 33. *Sick Leave and Sickness Benefits During Public Health*  
21 *Emergencies.* - A seafarer who has contracted an illness or disease during public  
22 health emergencies, such as epidemics or pandemics, while in transit, or is  
23 under quarantine, shall be entitled to paid sick leave and sickness benefits until  
24 the seafarer joins the vessel.

25

26           SEC. 34. *Anti-Harassment and Bullying Policies On Board Ships.* -  
27 Shipowners shall ensure protection to seafarers with policies and accessible  
28 procedures to address harassment and bullying on board ships.

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**CHAPTER VIII**  
**ACCOMMODATION, RECREATION FACILITIES,**  
**FOOD AND CATERING IN SHIPS**

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SEC. 35. *Application.* - The requirements of this Chapter covering ships of Philippine Registry shall be applicable to the following:

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

(b) All second-hand ships, whether ocean-going or domestic, acquired or leased, and entered in the Philippine Registry after the entry date into force of the said Convention, insofar as they can be reasonably refitted, unless provided exemption by the relevant Philippine government agency; and

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

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

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

SEC. 38. *Recreation Facilities.* - Unless otherwise exempted herein or by appropriate regulations, all ships shall have recreation facilities, amenities, and services that are appropriate and accessible to seafarers; *Provided,* That domestic ships shall be exempted from this requirement considering that their

1 trading patterns and length of voyages allow their crew to go home or to make  
2 use of comparable facilities onshore.

3  
4 SEC. 39. *Food and Catering.* -All ships shall ensure protection and  
5 promotion of the health of the seafarer. Toward this end, shipowners shall  
6 ensure that ships carry on-board and serve free food and drinking water of  
7 appropriate quality, quantity, and nutritional value that adequately cover the  
8 requirements of the ship and take into consideration the differing cultural and  
9 religious backgrounds of the seafarers on board the ship. The food and drinks  
10 in the preparation thereof shall be in accordance with the standards of the  
11 Sanitation Code of the Philippines and pertinent laws, rules and regulations,  
12 and/or with international standards. In all cases, the ship's cooks shall be  
13 trained and qualified.

## 14 15 **CHAPTER IX**

### 16 **MEDICAL CARE AND MARITIME OCCUPATIONAL** 17 **SAFETY AND HEALTH STANDARDS**

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

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

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

31 A seafarer shall have the right to consult a qualified physician or dentist  
32 without delay in ports of call, where practicable. The health protection and



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

3

4       SEC. 41. *Protection of Seafarers from Epidemics, Pandemics, or Other*  
5 *Public Health Emergencies.* - Seafarers on ships should be covered by adequate  
6 measures for protection from health-related outbreaks, such as epidemics and  
7 pandemics, including the provision of personal protective supplies and  
8 equipment, as appropriate. Seafarers shall have access to prompt and adequate  
9 medical care while on board, including medical advice and confidential helplines  
10 on physical and mental health, which shall be free of charge.

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

18       In ports of call, seafarers in need of medical care shall have access to  
19 medical facilities onshore. The transit of seafarers who are medically fit to work  
20 shall be facilitated and exempted from travel-related, health-related, or  
21 movement restrictions until arrival at the point of destination.

22

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

1 **CHAPTER X**

2 **TERMINATION OF EMPLOYMENT**

3 **SEC. 43. *Termination of Employment.* –**

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

9 (b) The employment is also terminated effective upon arrival at the point  
10 of destination, which shall either be at the point of hire or the seafarer's place  
11 of domicile, at the option of the seafarer, or in case of the seafarer's incapacity  
12 or death, at the option of his/her next-of-kin, for any of the following reasons:

13 (1) When the seafarer signs-off and is disembarked for medical reasons  
14 in the event the seafarer is declared:

15 (i) fit for repatriation; or

16 (ii) when after an illness, the seafarer is declared fit to work, but  
17 the shipowner is unable to find employment for the seafarer on  
18 board the ship originally boarded or another ship of the  
19 shipowner;

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

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

26 (4) When the seafarer is discharged for just causes in accordance with  
27 the provisions of the SEC.

28  
29 **SEC. 44. *Extension of Employment* -** In the event of the extension of the  
30 term of a seafarer's employment contract, the seafarer shall be furnished a  
31 copy of the new, or supplemental contract covering the extension of his  
32 employment, with adequate time to review and obtain expert advice regarding

1 the terms and conditions of his/her extended employment, which shall in no  
2 case be lower than the terms of his/her original employment.

3 In all cases, the shipowner, or a duly authorized representative or the  
4 manning agency shall ensure that the seafarer has considered the effect of  
5 such an extension to any accumulated entitlement and repatriation benefits,  
6 among others. Manning agencies and shipowners shall submit periodic reports  
7 to the DMW on the welfare and well-being of seafarers subjected to such  
8 contract extensions.

## 10 CHAPTER XI

### 11 SETTLEMENT OF DISPUTES

12 SEC. 45. *On Board and Onshore Grievance Machinery.* - All ships of  
13 Philippine registry shall establish a grievance machinery and fair, effective, and  
14 expeditious on board and onshore procedures, at no cost to the seafarer, for  
15 the resolution of grievances or complaints.

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

22  
23 SEC. 46. *Mandatory Conciliation - Mediation.* - In the absence of an  
24 agreement or settlement at the grievance machinery level, the following rules  
25 shall apply:

26 (a) If there is a CBA, the matter shall be submitted for voluntary  
27 arbitration in accordance with existing laws, rules, and regulations;

28 (b) If there is no CBA, the parties shall have the option to submit the  
29 case to compulsory arbitration or voluntary arbitration, or conciliation-  
30 mediation services provided under RA No. 10396, otherwise known as "An Act  
31 Strengthening Conciliation-Mediation as a Voluntary Mode of Dispute

1 Settlement for all Labor Cases, amending for this Purpose Article 228 of PD No.  
2 442, as amended", and its implementing rules and regulations.

3  
4 SEC. 47. *Maritime Industry Labor Arbitration.* - There shall be a pool of  
5 trained maritime industry conciliators-mediators and experts with the  
6 appropriate competence, integrity, and knowledge of the Philippine and global  
7 maritime industry practices and standards, MLC, 2006, and related Philippine-  
8 ratified conventions and treaties, who shall handle the mediation or conciliation  
9 or arbitration of all issues relating to the employment of seafarers.

10  
11 **CHAPTER XII**  
12 **REPATRIATION**

13 SEC. 48. *Seafarers' Repatriation.* - In all cases of repatriation, the  
14 affected seafarer shall be repatriated to the point of hire or the place of domicile  
15 of the seafarer, at his/her option, or in case of incapacity or death, at the option  
16 of his/her next-of kin, and all costs related to the repatriation and/or transport  
17 of the personal effects and remains of seafarers, including the provision on  
18 financial security in case of abandonment of seafarers, shall be borne by or  
19 charged to the shipowner or the manning agency concerned to expedite the  
20 repatriation without prior determination of the cause of repatriation or  
21 termination of the seafarer's employment.

22  
23 SEC. 49. *Repatriation Expenses; Advance and Recovery.* - The  
24 repatriation expenses that shall be borne by or charged to the shipowner or the  
25 manning agency concerned shall include:

26 (a) Basic pay and allowances from the moment the seafarers leave the  
27 ship until they reach the repatriation destination;

28 (b) Accommodation and food during the journey to the repatriation  
29 destination;

30 (c) Transportation charges, the normal mode of transport should be by  
31 air;

32 (d) Deployment cost of the principal; and



1 (e) Immigration fees, fines, and penalties.

2 However, in cases where the termination of employment is for just cause  
3 or upon the request of the seafarer, the cost of repatriation shall be for the  
4 account of the seafarer in accordance with the employment agreement. The  
5 responsibility to provide for the repatriation costs shall be without prejudice to  
6 the right to civil, criminal or other claims in accordance with law or otherwise,  
7 particularly in cases of maritime accident or death other than natural causes.

8

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

19

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

1 **CHAPTER XIII**

2 **REINTEGRATION OF OVERSEAS FILIPINO SEAFARERS**

3 SEC. 52. *Reintegration.* -There shall be developed and implemented a  
4 reintegration program for seafarers in consonance with the Full-cycle and  
5 Comprehensive National Reintegration Program for both documented and  
6 undocumented OFWs under Section 17 of RA No. 11641 or the "Department of  
7 Migrant Workers Act".

8  
9 **CHAPTER XIV**

10 **PROVISIONS APPLICABLE TO DOMESTIC SEAFARERS**

11 SEC. 53. *Wages, Holiday Pay, Service Incentive Leave, and Other*  
12 *Statutory Benefits.* -The minimum wage rate of seafarers on board ships  
13 engaged in domestic shipping shall be determined by the Regional Tripartite  
14 Wages and Productivity Boards (RTWPB), taking into account the peculiarities  
15 of the employment arrangement of seafarers and the criteria for wage-fixing  
16 pursuant to RA No. 6727, otherwise known as the "Wage Rationalization Act";  
17 *Provided,* That wages for actual work hours and days shall not be lower than  
18 the applicable minimum wage rates in the place where the ship is registered.

19 Wages of domestic seafarers shall be paid in full and regularly at least  
20 twice a week in a month or at intervals not greater than 16 days as provided  
21 in the PD No. 442, as amended. In addition, the provisions of PD No. 442, as  
22 amended, on "Prohibitions Regarding Wages," "Wage Studies, Wage  
23 Agreements, and Wage Determination," "Administration and Enforcement,"  
24 "Holidays," "Service Incentive Leaves and Service Charges," shall continue to  
25 apply, unless higher annual leave is already provided under the CBA or by the  
26 shipowner as company practice or policy or seafarers' employment agreement.

27 In addition, domestic seafarers shall also be entitled to:

- 28 (i) 13th month pay pursuant to PD No. 851, as amended;  
29 (ii) Paid maternity leave under RA No. 11210, otherwise  
30 known as the "105-Day Expanded Maternity Leave Law";  
31 (iii) Paid paternity leave under RA No. 8187, otherwise known  
32 as the "Paternity Leave Act of 1996";

- 1 (iv) Paid parental leave for solo parents under RA No. 8972,  
2 otherwise known as the "Solo Parents' Welfare Act of  
3 2000";  
4 (v) Paid leave for victims of violence against women and their  
5 children under RA No. 9262, otherwise known as the "Anti-  
6 Violence Against Women and their Children Act of 2004";  
7 (vi) Paid special leave due to surgery for any gynecological  
8 disorder, under RA No. 9710, otherwise known as the  
9 "Magna Carta of Women"; and  
10 (vii) Retirement pay, pursuant to RA No. 7641.

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

15

16 *SEC. 54. Employment Contract.* - There shall be an agreement in writing  
17 between the shipowner and the seafarer, which shall include the following  
18 terms:

- 19 (a) Seafarer's full name, date of birth, age, birthplace, permanent,  
20 and/or residential address;  
21 (b) Seafarer's Record Book Number, Seafarer's Identity Document  
22 Number;  
23 (c) Shipowner's name and address;  
24 (d) Place where and date when the seafarer's employment agreement  
25 is entered into;  
26 (e) Duration of the contract;  
27 (f) Point of hire;  
28 (g) Capacity in which the seafarer is to be employed;  
29 (h) Amount of the seafarer's salary, and the formula used for calculating  
30 the same;  
31 (i) Maximum hours of work and minimum hours of rest;

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

12 The foregoing employment agreement shall be executed by and  
13 between the shipowner and the seafarer before the commencement of  
14 employment, in a language or dialect understandable to both parties.

15 The shipowner shall provide the domestic seafarer the signed original  
16 copy of the agreement and a certified true copy shall be made available on  
17 board the ship. The DOLE shall keep a copy of the employment contract  
18 between the shipowner and the domestic seafarer.

19

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

25

26 SEC. 56. *Termination of Employment of Domestic Seafarers.* -The  
27 termination of employment of a seafarer on board domestic ships shall be  
28 governed by the provisions of the PD No. 442, as amended, and applicable  
29 rules and regulations issued by DOLE. In case the termination of employment  
30 is initiated by the shipowner, the substantial and procedural aspects of due  
31 process shall be observed.

32



1           SEC. 57. *Rescue of Seafarers On-Board Domestic Ships.* -The provisions  
2 under this Act on repatriation, as may be applicable, shall also apply to  
3 seafarers working on domestic ships. Seafarers on board domestic ships shall  
4 be entitled to emergency rescues in cases of war, epidemics, abandonment of  
5 ships by shipowners, disasters or calamities, whether natural or man-made,  
6 and other similar events. The Philippine Coast Guard and MARINA shall  
7 undertake and assist in the rescue of seafarers on board domestic ships.

8

9           SEC. 58. *Contracting or Subcontracting of Services.* - The contracting or  
10 subcontracting of seafarers for work on-board domestic ships shall be governed  
11 by existing rules and regulations issued by the DOLE.

12

13

**CHAPTER XV**

14

**MANNING LEVELS AND COMPLIANCE AND ENFORCEMENT OF**

15

**SHIPS OF PHILIPPINE REGISTRY**

16

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

21

22           SEC. 60. *Crew Competence.* - Every member of the crew of a ship of  
23 Philippine Registry shall possess, in addition to the required medical certificate,  
24 the appropriate certificate of competency issued by the relevant government  
25 agency/ies, setting forth his/her competence to serve in the capacity, and  
26 perform the functions involved at the level of responsibility, for the position  
27 held, for the type, tonnage, power, means of propulsion, and trading patterns  
28 of the ships concerned. The certificate of competency shall attest that the  
29 seafarer to whom it is issued meets the requirements for service, age,  
30 qualification, and examinations for the position held.

31

1           SEC. 61. *Compliance and Certification.* - All ships of Philippine registry  
2 shall comply with the provisions of this Act. The shipowner and master shall  
3 ensure the compliance of the ship with this Act and its implementing rules and  
4 regulations, who shall be made principally liable for any violation thereof. For  
5 this purpose, a Maritime Labour Certificate or a certificate of compliance, as  
6 applicable, shall be issued in accordance with the implementing rules and  
7 regulations of this Act.

8  
9           SEC. 62. *Inspection and Enforcement; Concurrent Administrative*  
10 *Jurisdiction.* -

11           (a) The Secretary of Labor or the Secretary of Migrant Workers, or their  
12 respective duly authorized representative, shall have the authority to inspect all  
13 ships of Philippine registry, domestic or ocean-going, to ensure compliance with  
14 labor standards and occupational safety and health as provided under this Act.

15           The enforcement and compliance monitoring activities may be  
16 coordinated and conducted by the DOLE or DMW with the relevant government  
17 agencies, including MARINA and Philippine Coast Guard (PCG), in conjunction  
18 with their schedules for inspection and certification. The Secretary of Labor or  
19 the Secretary of Migrant Workers, or their respective duly authorized  
20 representative, shall have the power to order immediate correction of, and  
21 impose fines for, violations of the relevant provisions of this Act.

22           If the violation or deficiency constitutes a serious breach of the  
23 requirement of this Act and its implementing rules and regulations or poses an  
24 imminent danger to the ships, and/or to the life or limbs of the seafarer, the  
25 Secretary of Labor or the Secretary of Migrant Workers, or their respective duly  
26 authorized representative, shall coordinate with the PCG to order the detention  
27 of the ship immediately until the violation or deficiency is corrected or until a  
28 plan of action to rectify the non-conformities is shown to be implemented in an  
29 expeditious manner.

30           (b) The PCG shall have the authority to conduct port state control  
31 inspections of vessels, including all foreign-flagged vessels, calling at any port  
32 of the Philippines, for the promotion of safety of life and property at sea, control

1 and prevention of maritime pollution, and verification of compliance with the  
2 minimum standards of training and social condition of officers and crew on  
3 board the ships. The PCG shall assist relevant agencies in the enforcement of  
4 the provisions of this Act and its implementing rules and regulations, and the  
5 MLC, 2006. The conduct of port state controls shall be in accordance with  
6 international conventions and instruments ratified or to be ratified in the future.  
7 The PCG Commandant or his/her duly authorized representative shall have the  
8 power to order immediate correction of, and impose fines for, violations of the  
9 relevant provisions of this Act.

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

19

20         **SEC. 63. *Recognized Organizations.*** - Recognized organizations may be  
21 authorized by the Secretary of Labor to conduct inspection and issue  
22 certification in accordance with the provisions of this Act and its implementing  
23 rules and regulations. A recognized organization shall have the necessary  
24 knowledge of the requirements of this Act and its implementing rules and  
25 regulations, MLC, 2006, and other relevant international treaties or  
26 conventions. A recognized organization shall also have the necessary and  
27 qualified professional, technical, and support expertise to carry out the conduct  
28 of inspection and issuance of certification.

1 **CHAPTER XVI**

2 **SHIPBOARD TRAINING OF CADETS**

3 SEC. 64. *Applicability.* -The provisions of Sections 5 to 17 (Seafarers'  
4 Rights), Sections 18 to 19 (Women in the Maritime Industry), Section 22  
5 (Medical Certificate), Sections 35 to 39 (Accommodation, Recreation Facilities,  
6 Food and Catering in Ships), Section 40 (Medical Care On Board Ships and  
7 Ashore), Sections 45 to 47 (Settlement of Disputes), Sections 48 to 50  
8 (Repatriation) shall apply with respect to the training of cadets.

9  
10 SEC. 65. *Shipboard Training Agreement for Cadets.* -There shall be a  
11 written agreement among the shipowner, the cadet, and the maritime  
12 institution or school, which shall embody the following information, terms, and  
13 conditions:

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

16 (b) Name and address of maritime institution or school;

17 (c) Name and address of shipowner and its manning and placement  
18 agency, if applicable;

19 (d) Place and date when the agreement is entered into;

20 (e) Capacity in which the cadet is to be trained;

21 (f) The amount of the cadet's allowance or stipend, if applicable;

22 (g) Required number of hours of training and rest which shall not be less  
23 than the prescribed hours of rest in Section 23 of this Act;

24 (h) Duties and responsibilities of the sponsoring company, the Maritime  
25 Higher Educational Institution (MHEIs), and cadets, as may be provided under  
26 the 'Standard Cadet Training Agreement on Ships Engaged in International  
27 Voyage' of the DMW; and

28 (i) Other benefits in accordance with existing laws, company policy, or  
29 agreements. In no case shall cadets perform activities outside of the scope of  
30 the cadet shipboard training program.

31 The foregoing agreement shall be in a language familiar to and  
32 understood by all parties or in English, executed in four (4) original copies



1 before the commencement of the shipboard training. The shipowner, cadet and  
2 the maritime institution/school shall each have a signed original of the  
3 agreement, and an electronic copy thereof shall be submitted to the DOLE,  
4 through the Bureau of Working Conditions (BWC). A signed original copy shall  
5 also be made available on-board the ship.

6  
7 *SEC. 66. No Discrimination of Women for Shipboard Training.* -Women  
8 cadets shall be accorded equal access to training and shall not be discriminated  
9 against for shipboard training.

10  
11 **CHAPTER XVII**  
12 **INCENTIVES AND AWARDS GRANTED**  
13 **TO THE MARITIME INDUSTRY**

14 *SEC. 67. Incentives and Awards.* -There shall be established an  
15 incentives and awards system for the maritime industry stakeholders, which  
16 shall be developed and administered by the concerned government agency  
17 upon consultation with the Maritime Industry Tripartite Council (MITC).

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

22  
23 **CHAPTER XVIII**  
24 **ROLE OF GOVERNMENT AGENCIES**

25 *SEC. 68. Role of Government Agencies.* - The following government  
26 agencies shall perform the following functions to promote the welfare and  
27 protect the rights of seafarers:

28 (a) Commission on Higher Education (CHED). - CHED shall set the  
29 standards and monitor the performance of maritime education programs and  
30 maritime higher education institutions, ensuring that quality maritime  
31 education, including curricula and training programs, are structured and  
32 delivered in accordance with the written programs, methods, and media of

1 delivery, procedures, and course materials compliant with international  
2 standards prescribed under the STCW Convention and its amendments. For this  
3 purpose, CHED shall be in close coordination with the MARINA.

4 (b) Department of Labor and Employment (DOLE) - The DOLE shall  
5 ensure that the standards set forth under this Act, PD No. 442, as amended,  
6 and other domestic laws; the MLC, 2006 and other international treaties and  
7 conventions to which the Philippines is a signatory, are faithfully complied with  
8 and fairly applied to Filipino domestic seafarers. To this end, the DOLE shall  
9 establish an effective system for the inspection and certification of vessels of  
10 Philippine registry to ensure that the working and living conditions of domestic  
11 seafarers are met and continue to be met pursuant to the aforementioned  
12 domestic laws, and international treaties and conventions.

13 (c) Department of Migrant Workers (DMW). - The DMW shall ensure  
14 that the standards set forth under this Act, PD No. 442, as amended, and other  
15 domestic laws; the MLC, 2006 and other international treaties and conventions  
16 to which the Philippines is a signatory, are faithfully complied with and fairly  
17 applied to overseas Filipino seafarers. It shall also further review and improve  
18 on the working conditions and terms of employment of officers and crew  
19 members who are Filipino citizens and employed by foreign-registered vessels.

20 The DMW, through its Migrant Workers Office of the Philippine Foreign  
21 Service Posts, in coordination with the Department of Foreign Affairs (DFA),  
22 shall take priority action or make representation with the foreign authority  
23 concerned to protect the rights of overseas Filipino seafarers and extend  
24 immediate assistance, including the repatriation of distressed or beleaguered  
25 overseas Filipino seafarers.

26 (d) Department of Health (DOH). - DOH shall regulate the activities and  
27 operations of all clinics which conduct medical, physical, optical, dental,  
28 psychological, and other similar examinations, hereinafter referred to as health  
29 examinations, on seafarers. The DOH shall determine and prescribe the nature  
30 of the medical examination that shall be required of a seafarer, ensuring that  
31 such examination will genuinely determine the seafarer's State of health,  
32 considering the duties that he/she shall be required to perform on board. The

1 DOH shall likewise prescribe the contents of the medical certificate to ensure  
2 that such certification will genuinely reflect the seafarer's state of health.

3 (e) Overseas Workers' Welfare Administration (OWWA). - The OWWA,  
4 through its welfare officer or, in his absence, the coordinating officer, shall  
5 provide the seafarers and his/her family all the assistance they may need in the  
6 enforcement of contractual obligations by agencies and/or by their principals.  
7 The OWWA shall likewise formulate and implement welfare programs for  
8 overseas Filipino seafarers and their families while they are abroad and upon  
9 their return. It shall ensure the awareness by the overseas Filipino workers and  
10 their families of these programs and other related governmental programs.

11 (f) Maritime Industry Authority (MARINA). - The MARINA shall ensure  
12 that the examination, licensing, and certification system for seafarers are in  
13 accordance with the requirements prescribed under the STCW Convention,  
14 international agreements, other conventions relevant thereto, and other  
15 applicable laws, rules, and regulations. The MARINA shall also maintain the  
16 National Registry of Seafarers.

17 (g) National Maritime Polytechnic (NMP). - The NMP shall strengthen its  
18 research capability to provide studies/resources for evidenced-based policy  
19 decision-making and program development, and continuously address gaps in  
20 the protection and welfare of the seafarers. The NMP shall also continue to  
21 develop, enhance, and increase the accessibility of its gender and women  
22 empowerment and training courses for seafarers to the maritime industry,  
23 which shall be made available in any format, including digital and/or e-learning  
24 format.

25 (h) Philippine Coast Guard (PCG). - The PCG shall undertake port state  
26 control inspections of vessels calling at any port of the Philippines, in  
27 accordance with international conventions and standards, for the promotion of  
28 safety of life and property at sea, control and prevention of maritime pollution,  
29 and verification of compliance with the minimum standards of training and  
30 social condition of officers and crew on board the ships. The PCG shall likewise,  
31 in line with its function to assist in the enforcement of applicable laws within  
32 the maritime jurisdiction of the Philippines, assist the DOLE in the enforcement



1 of the rules and regulations issued for the purpose of implementing the MLC,  
2 2006, including orders to detain vessels found in gross violation of pertinent  
3 laws, rules and regulations.

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

8

9 *SEC. 69. National Registry of Seafarers.* -The DMW, for covered vessels  
10 of foreign registry under this Act, and MARINA, in coordination with DOLE, for  
11 domestic and ocean-going ships of Philippine registry, shall maintain separate  
12 registries of seafarers under their administrative jurisdiction; *Provided,* That the  
13 registry of seafarers aboard covered vessels of foreign registry shall be  
14 integrated to the management information system established under Sec. 18  
15 of RA No. 11641, with reference to Sec. 20 of RA No. 8042, as amended by RA  
16 No. 10022; *Provided, further,* That the DMW and MARINA registries shall be  
17 unified into a National Registry of Seafarers to be administered and maintained  
18 by the MARINA.

19 The registries shall contain updated and relevant information or data to  
20 promote employment opportunities for seafarers, whether on board or ashore,  
21 or to provide a list of available training and education to support skills  
22 development and competencies of seafarers, as well as a digitalized copy of the  
23 duly executed contract. DMW and MARINA shall ensure compliance with RA No.  
24 10173, otherwise known as the "Data Privacy Act of 2012," and its  
25 implementing rules and regulations, in handling the relevant information or data  
26 of seafarers in their respective registries, and in the unified registry.

27

28 *SEC. 70. Maritime Occupational Safety and Health Standards.* - The  
29 DOLE, in consultation with the maritime industry stakeholders, shall formulate  
30 the Maritime Occupational Safety and Health Standards (MOSHS) pursuant to  
31 the provisions of RA No. 11058, otherwise known as the "Occupational Safety



1 and Health Law" and pertinent maritime conventions and treaties ratified by  
2 the Philippines.

3  
4 **CHAPTER XIX**  
5 **FINAL PROVISIONS**

6 *SEC. 71. Administrative Fines and Penalties.* - Any shipowner, master,  
7 their representatives, or other person who fails or refuses to present  
8 employment records, such as payrolls, daily time records, payslip, or other  
9 documents, such as medical records, when required by the individual seafarer;  
10 the Secretary of Labor or his duly authorized representative; the Secretary of  
11 Migrant Workers or his duly authorized representative; or the duly authorized  
12 representative of a recognized organization, shall be subjected to administrative  
13 fines ranging from One Hundred Thousand Pesos (Php 100,000) to One Million  
14 Pesos (Php 1,000,000), in accordance with the implementing rules and  
15 regulations of this Act.

16  
17 *SEC. 72. Penalties for Violations of Section 61.* - Any shipowner, master,  
18 the representatives who operate without, or fails to present, a valid Maritime  
19 Labour Certificate, or its equivalent, shall be punished with fines ranging from  
20 One Hundred Thousand Pesos (Php 100,000) to One Million Pesos (Php  
21 1,000,000.00), in accordance with the implementing rules and regulations of  
22 this Act.

23  
24 *SEC. 73. Penalties for Violations of Sections 62 and 63.* - Any person  
25 who, without proper authorization, exercises the authority granted to the  
26 Secretary of Labor and Employment or Secretary of Migrant Workers under Sec.  
27 62, and Secretary of Labor and Employment under Sec. 63, of this Act, shall be  
28 punished with a fine of not less than Two Hundred Thousand Pesos (Php  
29 200,000.00) nor more than Two Million Pesos (Php 2,000,000), or  
30 imprisonment of not less than one (1) year nor more than four (4) years, or  
31 both at the discretion of the court. The foregoing offense shall prescribe after  
32 five (5) years from its commission.

1           SEC. 74. *Transitory Provision.* - All rights, privileges, and benefits  
2 previously enjoyed by seafarers before the effectivity of this Act, including those  
3 set forth in PD No. 442, as amended, and RA No. 8042, as amended, shall  
4 continue to be recognized and shall not be diminished after the effectivity of  
5 this Act.

6  
7           SEC. 75. *Implementing Rules and Regulations.* - Within ninety (90) days  
8 from the effectivity of this Act, the DMW and the DOLE, in coordination with  
9 DFA, MARINA, CHED, TESDA, PCG, OWWA, and other concerned agencies, and  
10 upon consultation with relevant stakeholders, shall formulate the rules and  
11 regulations for the effective implementation of this Act

12  
13           SEC. 76. *Separability Clause.* - If any provision of this Act is declared  
14 invalid or unconstitutional, the provisions not affected thereby shall remain in  
15 full force and effect.

16  
17           SEC. 77. *Repealing Clause.* - All laws, presidential decrees, executive  
18 orders, presidential proclamations, rules and regulations or parts thereof  
19 contrary to or inconsistent with this Act are hereby repealed or modified  
20 accordingly.

21  
22           SEC. 78. *Effectivity.* - This Act shall take effect fifteen (15) days after its  
23 publication in the *Official Gazette* or in a newspaper of general circulation in the  
24 Philippines.

*Approved,*