

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



Senate
Office of the Secretary

23 JAN 12 P5 :48

SENATE
S. No. 1671

RECEIVED BY: _____

Introduced by Senator MARK A. VILLAR

AN ACT
INSTITUTING THE MAGNA CARTA OF FILIPINO SEAFARERS

EXPLANATORY NOTE

Filipinos account for about 25% of an estimated 1.5 million seafarers across the globe, making the Philippines the world's largest supplier of seafarers. The Philippine Central Bank has reported that Filipino seafarers remittances account to a minimum of 376.12 million pesos to the country every year.¹

Despite the significant contribution and invaluable service of our seafarers not just in our country but for most maritime companies around the globe, our seafarers are still at risks of losing their jobs if the standards of trainings, facilities and equipment for our seafarers will not be elevated to international standards. The risk is evident similar to what happened in October 2022 when the deployment of new Filipino seafarers to European Union ships and the jobs of some 50,000 others now working on EU-flagged vessels was at risk due to alleged failure to comply with International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW Convention).

This bill aims to develop a pool of competent and world-class seafarers through a system of education, training, certification and licensing. Shipowners, maritime higher education institutions, and license manning agencies will be recognized as vital partners in promoting the rights, welfare, skills and competencies

¹ <https://www.ucanews.com/news/filipino-seafarers-escape-european-union-ban/99311>

of seafarers. Further, this bill seeks to provide our seafarers full protection, before, during, and after their employment.

Given the invaluable contribution and service of our seafarers, the approval of this bill is earnestly sought.



MARK A. VILLAR

23 JAN 12 P5:48

SENATE
S. No. 1671

RECEIVED BY: 

Introduced by Senator MARK A. VILLAR

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:

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

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

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

7 b) To recognize that seafarers are a special category of key workers
8 providing essential services, and given the global nature of the shipping
9 industry and the different jurisdictions that seafarers may be brought into
10 contact with, they are in need of special protection;

11 c) To encourage the participation of women in the seafaring profession and
12 contribute meaningfully to the achievement of national development goals
13 as productive members of the community;

14 d) To maintain and progressively develop a pool of competent and world-
15 class seafarers through a system of education, training, certification, and
16 licensing;

17 e) To establish and enhance mechanisms of administrative, adjudicative,
18 social, and welfare services for seafarers and their families;

19 f) To enact laws that adopt, and implement the standards set by the
20 international conventions and agreements regarding the working and

1 living conditions and occupational safety and health, among others, of
2 seafarers, particularly the Maritime Labor Convention, 2006 (MLC 2006);
3 and

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

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

11 **CHAPTER II**

12 **GENERAL PROVISIONS**

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

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

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

- 29 b) All Filipino seafarers on board Philippine registered domestic ships
30 engaged in trade and commerce between Philippine ports and within
31 Philippine territorial or internal waters shall be covered primarily by
32 equivalent provisions of the Labor Code of the Philippines, as amended

1 and related social and welfare benefit laws. For this purpose, the DOLE
2 shall issue the appropriate rules and regulations to govern the
3 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
7 the 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
10 support; or
11 iii. Has otherwise unilaterally severed their ties with the seafarer,
12 including failure to pay contractual wages for a period of at least
13 two (2) months;

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

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

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

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

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

1 n) *One-Stop-Shop Center for OFWs (OSSCO)* – refers to the one-stop
2 centers in various parts of the country established to ensure prompt,
3 efficient, vital and relevant services to Overseas Filipino Workers
4 (OFWs) and other overseas Filipino and their families, including
5 seafarers. The OSSCOs shall be the venue for the acquisition of
6 relevant clearances and permits, validation of overseas job offers,
7 availment of reintegration services and all pertinent seminars and
8 workshops for all stakeholders, among others. In all cases, and as far
9 as practicable, the OSSCOs shall be co-located with DMW regional
10 offices. Agencies at these centers shall, as far as practicable, include
11 the Department of Labor and Employment (DOLE), Department of
12 Migrant Workers (DMW), Department of Foreign Affairs (DFA),
13 Overseas Workers Welfare Administration (OWWA), Technical
14 Education and Skills Development Authority (TESDA), Professional
15 Regulation Commission (PC), Maritime Industry Authority (MARINA),
16 Department of Health (DOH), Philippine Coast Guard (PCG), Home
17 Development Mutual Fund (HDMF), Philippine Health Insurance
18 Corporation (PhilHealth), Social Security System (SSS), Philippine
19 Statistics Authority (PSA), Bureau of Immigration (BI), National Bureau
20 of Investigation (NBI), Commission on Higher Education (CHED),
21 Philippine National Police (PNP), Bureau of Internal Revenue (BIR), and
22 such other government agencies as may be appropriate;

23 o) *Point of Hire* – refers to the place indicated in the contract of
24 employment, and which shall be in the basis of determining the
25 commencement of the contract;

26 p) *Recognized Organization* – refers to organizations recognized by the
27 DOLE to carry out inspections or issue the Maritime Labor Certificate in
28 accordance with the scope of activities covered by their authorizations;

29 q) *Repatriation* – refers to the process of returning a seafarer to the point
30 of destination, which shall be the point of hire or the seafarer’s place
31 domicile, at the option of the seafarer, or in case of incapacity or
32 death, at the option of his/her next-of-kin;

- 1 r) *Standard Employment Contract (SEC) or Employment Contract* – refers
2 to a government-prescribed contract containing the minimum terms
3 and conditions of employment;
- 4 s) *Seafarer* – refers to any Filipino who is to be employed, is employed, or
5 is engaged to work in any capacity on board a ship covered under this
6 Act;
- 7 t) *Ship or Vessel* – refers to any kind, class or type of craft or artificial
8 contrivance capable of floating in water, whether publicly or privately
9 owned, ordinarily engaged in commercial activities;
- 10 u) *Shipowner or Principal* – refers to the owner of the ship employing
11 Filipino seafarers to work on board domestic ships and ships engaged
12 in international trade, or any other organizations or person, such as the
13 manager, agent or bareboat charterer, who has assumed the
14 responsibility for operation and management of the ship from the
15 shipowner, and who, in assuming such responsibilities, has agreed to
16 take over all the attendant duties and responsibilities of a shipowner
17 under this Act, regardless of whether any other organization or persons
18 fulfill certain duties or responsibilities on behalf of the shipowner.

19 **CHAPTER III**

20 **SEAFARER'S RIGHTS**

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

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

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

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

11 Toward this end, relevant government agencies shall:

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

22 CHED and MARINA shall work together to mainstream gender and
23 development in the curricula of maritime institutions and training centers

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

1 seafarers' organizations to relevant information affecting the terms and conditions of
2 employment of their members.

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

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

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

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

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

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

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

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

4 **CHAPTER V**

5 **SEAFARER'S DUTIES**

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

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

22 **CHAPTER VI**

23 **MINIMUM REQUIREMENT FOR SEAFARERS**

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

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

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

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

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

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

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

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

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

26 **CHAPTER VII**

27 **TERMS AND CONDITIONS OF EMPLOYMENT**

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

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

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

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

For ocean-going Philippine-registered ships or foreign-registered ships, the DMW shall issue a Standard Employment Contract containing the minimum standards to be observed in the employment of seafarers. The Standard Employment Contract shall be reviewed and updated regularly and must, at all

1 times, be consistent with the MLC, 2006, and other existing treaties and conventions
2 governing seafarers, which the Philippines has ratified or will ratify in the future.

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

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

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

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

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

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

1 d) Compensatory leave of any kind.

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

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

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

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

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

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

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

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

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

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

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

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

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

28 *Sec. 42. Financial Security System to Assist Seafarers in Case of Occupational*
29 *Injury and Other Causes.* – In accordance with the MLC, 2006, on Financial Security
30 for vessels, the shipowner shall provide an expeditious and effective financial
31 security system to assist seafarers in the event of their abandonment and to assist
32 seafarers in the event of their abandonment and to assure compensation for

1 contractual claims in the event of sickness, injury, or death occurring while they are
2 serving under a seafarer's employment contract, or arising from their employment
3 under such agreement.

4 **CHAPTER X**

5 **TERMINATION OF EMPLOYMENT**

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

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

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

18 1) When the seafarer signs off and is disembarked for medical
19 reasons in the event that the seafarer is declared: i) fit for
20 repatriation; or ii) when after an illness, the seafarer is declared
21 fit to work, but the employer is unable to find employment for
22 the seafarer on board the ship originally boarded or on another
23 ship of the shipowner;

24 2) When the seafarer signs off due to the sale of the ship, lay-up
25 of ship, discontinuance of voyage or change of ship principal,
26 shipwreck, grounding, or unseaworthiness;

27 3) When the seafarer voluntarily resigns in writing and signs off
28 prior to the expiration of contract within a reasonable periods as
29 may be prescribed in the implementing rules and regulations of
30 this Act; or

31 4) When the seafarer is discharged for just causes in accordance
32 with the provisions of the Standard Employment Contract.

1 Settlement of All Labor Cases, Amending for this Purpose Article 228 of
2 Presidential Decree No. 442, as amended, Otherwise Known as the
3 "Labor Code of the Philippines" and its implementing rules and
4 regulations.

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

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

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

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

- 24 a) Basic pay and allowances from the moment the seafarers leave the ship
25 until they reach the repatriation destination;
26 b) Accommodation and food during the journey to the repatriation
27 destination;
28 c) Transportation charges, the normal mode of transport should be by air;
29 d) Deployment cost of the principal; and
30 e) Immigration fees, fines, and penalties.

1 certification and recognition of equivalency for effective employment services, and
2 shall ensure contribution to national development through investments and transfer
3 of technology from skilled or professional seafarers.

4 **CHAPTER XIV**

5 **PROVISIONS APPLICABLE TO DOMESTIC SEAFARERS**

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

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

1 otherwise known as the "Magna Carta of Women", and retirement pay pursuant to
2 Republic Act No. 7641.

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

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

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

1 The foregoing employment agreement shall be executed by and between the
2 shipowner and the seafarer before the commencement of employment, in a
3 language or dialect understandable to both parties. The shipowner shall provide the
4 domestic seafarer the signed original copy of the agreement and a certified true
5 copy shall be made available on board the ship.

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

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

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

19 *Sec. 57. Rescue of Seafarers On-Board Domestic Ships.* – The provisions
20 under this Act on repatriation as may be applicable, shall also apply to seafarer
21 working on domestic ships. Seafarers on board domestic ships shall be entitled to
22 emergencies rescues in cases of war, epidemics, abandonment of ships by
23 shipowners ,disasters or calamities, whether natural or man-made, and other similar
24 events. The Philippine Coast Guard and MARINA shall undertake and assist in the
25 rescue of seafarers on board domestic ships.

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

29 **CHAPTER XV**

30 **MANNING LEVELS AND COMPLIANCE AND ENFORCEMENT OF SHIPS** 31 **OF PHILIPPINES REGISTRY**

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

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

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

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

19 For this purpose, a Maritime Labor Certificate or a Certificate of Compliance
20 as applicable, shall be issued in accordance with the implementing rules and
21 regulations of this Act.

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

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

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

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

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

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

21 The conduct of port state controls shall be in accordance with
22 intentional conventions and instruments ratified or to be ratified in the
23 future.

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

27 The PCG shall prohibit a ship from leaving the port upon the order of
28 Secretary of Labor or the appropriate Secretary-in-Charge of migration-
29 related matters, or in case of finding of non-compliance with the
30 provisions of this Act and the MLC, 2006 and/or its amendments and
31 conditions on board are clearly hazardous to the safety, health or security
32 of seafarers. In all cases, the prohibition to leave the port shall be in place

1 until the same shall be in place until the same have been rectified or until
2 a plan of action to rectify the non-conformities is shown to be
3 implemented in an expeditious manner, and cleared by the Secretary of
4 Labor or the appropriate Secretary-in-charge of migration-related matters.

5 Sec. 63. Recognized Organizations. – Recognized organizations may be
6 authorized by the Secretary of Labor to conduct inspection and issue certification in
7 accordance with the provisions of this Act and its implementing rules and
8 regulations.

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

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

15 **CHAPTER XVI**

16 **SHIPBOARD TRAINING OF CADETS**

17 Sec. 64. *Applicability.* – The provisions of Sections 5 to 17 (Seafarer’s Rights),
18 Sections 18 to 19 (Women in the Maritime Industry), Section 22 (Medical
19 Certificate), Sections 35 to 39 (Accommodation, Recreation Facilities, Food and
20 Catering in Ships), Section 40 (Medical Care On Board Ships and Ashore), Sections
21 45 to 47 (Settlement of Disputes), Sections 48 to 50 (Repatriation) shall apply with
22 respect to the training of cadets.

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

- 26 a) Cadet’s full name, date of birth, birthplace and age, which should be at
27 least sixteen (16) years old;
- 28 b) Name and address of the maritime institution and school;
- 29 c) Name and address of the shipowner and its manning and placement
30 agency, if applicable;
- 31 d) Place and date when the agreement is entered into;
- 32 e) Capacity in which the cadet is to be trained;

- 1 f) The amount of the cadet’s allowance or stipend, if applicable;
2 g) Required number of hours of training and rest which shall not be less than
3 the prescribed hours of rest in Section 26 of this Act;
4 h) Duties and responsibilities of the sponsoring company, Maritime Higher
5 Education Institutions (MHEIs), and cadets, as may be provided under the
6 Standard Cadet Training Agreement on Ships Engaged in International
7 Voyage; and
8 i) Other benefits in accordance with existing laws, company policy or
9 agreements.

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

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

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

22 **CHAPTER XVII**

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

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

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

32 **CHAPTER XVII**

1 **ROLE OF GOVERNMENT AGENCIES**

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

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

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

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

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

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

30 The DOH shall determine and prescribe the nature of the medical
31 examination that shall be required of a seafarer, ensuring that such
32 examination will genuinely determine the seafarer’s state of health,

1 considering the duties that the seafarer shall be required to perform on
2 board. The DOH shall likewise prescribe the contents of the medical
3 certificate to ensure that such certification will genuinely reflect the
4 seafarer's state of health.

- 5 e) Department of Migrant Workers (DMW). – The DMW, including the
6 Migrant Workers Office (MWO), shall be the primary agency tasked to
7 protect the rights and promote the welfare of overseas Filipino seafarers,
8 in accordance to its mandate under Republic Act No. 11641 or the
9 "Department of Migrant Workers Act."

10 It shall also review and improve on the working conditions and terms of
11 employment of the officers and crew of vessels of Philippine registry, and
12 of such officers and crew members who are Filipino citizens and employed
13 by foreign vessels.

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

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

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

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

29 The OWWA shall likewise formulate and implement welfare programs for
30 overseas Filipino seafarers and their families while they are abroad and
31 upon their return. It shall ensure the awareness by the overseas Filipino

1 seafarers and their families of these programs and other related
2 governmental programs.

3 g) Maritime Industry Authority (MARINA). – The MARINA, shall ensure that
4 the examination, licensing, and certification system for seafarers are in
5 accordance with the requirements prescribed under STCW Convention,
6 international agreements, other conventions relevant thereto, and other
7 applicable laws, rules and regulations.

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

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

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

24 *Sec. 69. One Stop Shop Center for OFWs (OSSOC).* - There shall be
25 established In each region a One Stop Shop Center for OFWs, which shall be co-
26 located in the regional offices of the DMW and shall have, as far as practicable,
27 representatives from agencies that process the documents or issue the required
28 licenses, permits and clearances required of seafarers.

29 *Sec. 70. Registry of Seafarers.* - The DMW, for ocean-going ships of foreign
30 registry, and MARINA, for domestic and ocean-going ships of Philippine registry,
31 shall maintain a registry of all seafarers in the Philippines; Provided, that the registry
32 of seafarers aboard ocean-going ships shall be integrated to the management

1 information system established under the Migrant Workers and Overseas Filipinos
2 Act, as amended. The registry shall contain updated and relevant information or
3 data to promote employment opportunities for seafarers, whether on board or
4 ashore, or to provide a list of available training and education to support skills and
5 development and competencies of seafarers, as well as a digitalized copy of the duly
6 executed contract.

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

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

16 *Sec. 72. Administrative Fines and Penalties.* – Any shipowner, master,
17 their representatives or other person who fails or refuses to present employment
18 records, such as payrolls, daily time records, payslip or other documents, such as
19 medical records, when required by the Individual seafarer, the Secretary of Labor or
20 his duly authorized representative, or the duly authorized representative of a
21 recognized organization, shall be subjected to administrative fines ranging from One
22 hundred thousand pesos (Php100,000.00) to One million pesos (Php1,000,000.00), in
23 accordance with the implementing rules and regulations of this Act.

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

29 *Sec. 74. Penalties for Violations of Sections 69 and 70.* – Any person who,
30 without proper authorization, exercises the authority granted to the Secretary of
31 Labor and Employment under Sections 69 and 70 of this Act shall be punished with a
32 fine of not less than Two hundred thousand pesos (Php200,000.00) but not more

1 than Two million pesos (Php2,000,000.00), or imprisonment of not less than one (1)
2 year nor more than four (4) years, or both at the discretion of the court. The
3 foregoing offense shall prescribe after five (5) years from its commission.

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

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

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

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

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

Approved,