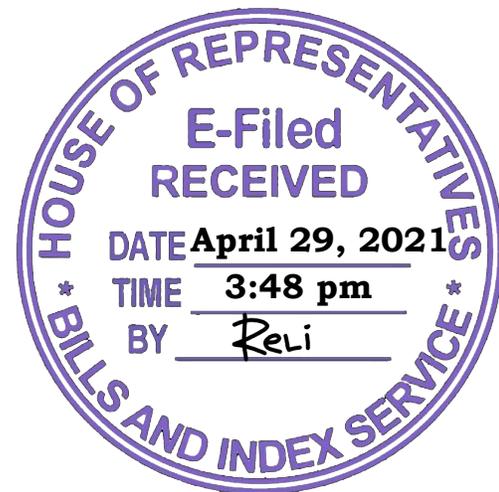


1 Republic of the Philippines
2 HOUSE OF REPRESENTATIVES
3 Quezon City, Metro Manila

4
5 EIGHTEENTH CONGRESS
6 Second Regular Session

7
8 **HOUSE BILL NO. 9281**



9
10
11 Introduced by **ANG PROBINSYANO**
12 Party-List Representative Alfred Delos Santos
13

14
15 **EXPLANATORY NOTE**

16
17 It is well known that remittances by Filipino domestic workers contribute
18 considerably to the Philippine economy, but the contribution made by the
19 nation's seafarers may be less well known. In 2018, they remitted more than
20 US\$6 billion – about 20 percent of the money sent home through official
21 channels by an estimated 10 million Filipinos working overseas. But the outsize
22 contribution that Filipino seafarers make to both global trade and the Philippine
23 economy is shrinking fast, with smaller crews and cutthroat competition from
24 other maritime nations among a host of pressures driving a sharp decline in the
25 number of Filipinos working at sea.¹

26
27 Several studies have shown that seafaring occupation had a higher mortality
28 compared to other working groups. They hurdle work-related challenges such
29 as loneliness, boredom, overwork and injuries due to a hazardous working
30 environment just to support their loved ones. Furthermore, several studies and
31 reports have likewise shown that Filipino seafarers are more prone to chronic
32 diseases and sexually-transmitted infections (STIs) because of their unique work
33 situation. Certain aspects of their work situation such as long periods of
34 isolation, long working hours, occupational hazards and stress can increase
35 their vulnerability to work and lifestyle-related diseases.²

36
37 The economic contributions and documented work-related concerns of this
38 workforce make it imperative to give attention to their health, safety and well-
39 being. The most common health-related problems mentioned by informants from
40 dry cargo bulk/tanker vessels were sexually-transmitted infections,
41 hypertension, accidents, heart attack, and homesickness.³

¹ Watkin, H. (2019). [Despite powering global trade, Filipino seamen face growing threats](#)

² Gregorio, Jr., E. (2012). [The Filipino Seafarers' Lived Experiences aboard International Shipping Vessels: A Basis for Health Promotion Intervention.](#)

³ Ibid 2.

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The Philippine ratification of the International Labor Organization (ILO) Maritime Labor Convention 2006 in 2012 provided an international legal framework for the protection and betterment of the conditions of the seafarers, including Filipinos on board oceangoing and domestic ships. Despite the ratification of the said treaty, there remains a gap in localized and specific institutional arrangements as to the rights and welfare of Filipino seafarers, i.e. legislation.

As such, this bill will serve as a local institutional framework and basis for the MLC 2006 and an immediate intervention to the aforementioned problems and issues faced by Filipino seafarers. This Magna Carta aims to ultimately uphold the rights and promote a more dignified and respectable image of our seafarers - our modern day heroes.

In view of the foregoing, the urgent approval of this bill is earnestly sought.



ALFRED C. DELOS SANTOS
Representative, Ang Probinsyano Partylist

1 Republic of the Philippines
2 HOUSE OF REPRESENTATIVES
3 Quezon City, Metro Manila

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5 EIGHTEENTH CONGRESS
6 Second Regular Session

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8 **HOUSE BILL NO. 9281**

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11 Introduced by **ANG PROBINSYANO**
12 Party-List Representative Alfred Delos Santos

13
14
15 **AN ACT INSTITUTING THE MAGNA CARTA OF FILIPINO SEAFARERS**

16
17 *Be it enacted by the Senate and the House of Representatives of the*
18 *Philippines in Congress assembled:*

19
20 **CHAPTER I**
21 **GENERAL PROVISIONS**

22
23 SECTION 1. *Short Title.* – This Act shall be known as the "Magna Carta of
24 Filipino Seafarers."

25
26 SECTION 2. *Declaration of Policies.* – It is hereby declared the policy of the
27 State:

- 28 a. To afford Filipino seafarers full protection before, during, and after
29 employment by granting them certain rights as maritime
30 professionals, in recognition of their unique role and contribution to
31 national development;
- 32 b. To maintain and progressively develop a pool of competent and
33 world-class seafarers through a system of education, training,
34 accreditation, and licensing;
- 35 c. To establish mechanisms for the enhancement of administrative,
36 adjudicative, social as well as welfare services for them and their
37 families; and
- 38 d. To enact laws that adopt, and implement the standards set by
39 international conventions and agreements on working and living
40 conditions, and occupational safety and health, among others, for
41 seafarers particularly the Maritime Labor Convention, 2006;

42
43 Toward these ends, the State shall endeavor to improve the Filipino
44 seafarers' working conditions, terms of employment, career prospects and
45 provide them opportunities to harness their potentials to the fullest, and offer

1 viable alternative livelihood to the unemployed seafarer. The State shall further
2 promulgate policies and programs to protect the rights and to uplift the socio-
3 economic well-being of the Filipino seafarers and their families, and to develop a
4 vibrant and sustainable national shipping industry to provide jobs for Filipino
5 seafarers on board ships that are beneficially owned by Filipinos in the near
6 future, instead of manning them on flags of convenience and foreign ships.
7

8 SECTION 3. *Applicability.* – This Act shall cover Filipino seafarers engaged,
9 employed, or working in any capacity onboard Philippine registered ships
10 operating domestically or internationally, as well as those on board foreign-
11 registered ships.
12

13 This Act shall not cover the following categories of ships:
14

- 15 a. Warships and naval auxiliaries;
- 16 b. Government ships not engaged in commercial operations;
- 17 c. Ships of traditional build, as may be defined under existing rules
18 and regulations; and
- 19 d. Fishing vessels which navigate exclusively in inland water or water
20 within or closely adjacent to sheltered water, or areas where port
21 regulations apply;
22

23 SECTION 4. *Definition of Terms.* – As used in this Act:
24

- 25 a. Cadet refers to a student of a maritime educational institution who
26 is required to undergo training on-board registered international
27 ships or domestic ships and fulfill the requirement of the maritime
28 bachelor's degree or another maritime academic course;
- 29 b. Domestic Shipping refers to the transport of passenger or cargo or
30 both by ships duly registered and licensed under Philippine law to
31 engage in trade and commerce between Philippine ports and within
32 Philippine territorial or internal waters for hire or compensation with
33 general or limited clientele whether permanent, occasional or
34 incidental, with or without fixed rates and undertaken for
35 contractual or commercial purposes;
- 36 c. International Maritime Convention or International Convention
37 refers to any written treaty or agreement, or any protocol or
38 amendment thereto, affecting the maritime industry which has come
39 into force and effect, including the Maritime Labor Convention,
40 2006;
- 41 d. License refers to the document issued by the Department of Labor
42 and Employment (DOLE) authorizing any person or entity to engage
43 in the recruitment and placement of seafarers;
- 44 e. Manning / Recruitment and Placement Agency refers to any Filipino
45 person, corporation, partnership, company, or other entity engaged
46 in the canvassing, enlisting, contracting, transporting, utilizing,

1 hiring, or procuring whether for profit or not, of seafarers whether
2 domestic or international;

- 3 f. Maritime Industry Stakeholders refer to all private sector
4 stakeholders, engaged in the business of owning, managing,
5 chartering, or operating domestic and international ship(s) of
6 Philippine or foreign registry, manning of ships, management of
7 ports, stevedoring, and arrastre services, ship brokering and
8 chartering, ship-budding and ship repair, providing maritime
9 services such as ship supplies and provisions, maritime education
10 and training, shipping agency, and other similar activities. This
11 term shall also include bona fide maritime labor organizations,
12 professional associations of seafarers, non-governmental
13 organizations advocating for the rights and welfare of seafarers and
14 their families, and other civil society entities with similar goals.
- 15 g. Master refers to a person having command of a ship;
- 16 h. Marine Labor Certificate refers to the document that certifies that
17 the working and living conditions of the seafarers on the ship have
18 been inspected and are compliant with the requirements of
19 Philippine laws and regulations and with the Maritime Labor
20 Convention 2006;
- 21 i. Philippine National refers to any individual who is a citizen of the
22 Philippines, or a commercial partnership or corporation organized
23 under the laws of the Philippines, at least 60% of the capital of which
24 is owned by citizens of the Philippines;
- 25 j. Philippine Seafarers' One Stop Availing Center (PSOC) refers to the
26 facility created under DOLE Administrative Order No. 56, series of
27 2003, which houses multiple offices or agencies involved in
28 providing services to seafarers, in one place;
- 29 k. Point of Hire refers to the place where the contract of employment
30 was executed;
- 31 l. Recognized Organizations refer to organizations recognized by the
32 DOLE to carry out inspections or issue the Maritime Labor
33 Certificate in accordance with the scope of activities covered by their
34 authorizations;
- 35 m. Repatriation refers to the process of returning a seafarer to the point
36 of hire;
- 37 n. Seafarer refers to a person who is employed or is engaged to work in
38 any capacity onboard a ship to which the Act applies;
- 39 o. Ship or Vessel refers to any kind, class or type of craft or artificial
40 contrivance capable of floating in the water, whether publicly or
41 privately owned, ordinarily engaged in commercial activities and
42 offshore operations;
- 43 p. Sea Going Ship refers to a ship other than those which navigate
44 exclusively in inland water or water within or closely adjacent to
45 sheltered water, or areas where port regulations apply;

1 q. Ship owner refers to the owner of the ship employing Filipino
2 seafarers to work onboard domestic ships or on ships engaged in
3 international trade, or any other organization or person, such as the
4 manager, agent, or bareboat charterer, who has assumed the
5 responsibility for operation and management of the ship, and who,
6 in assailing such responsibilities, has agreed to take over all the
7 attendant duties and responsibilities of a ship owner under this Act,
8 regardless of whether any other organization or persons fulfill
9 certain of the duties or responsibilities on behalf of the ship owner.

10
11 **CHAPTER II**
12 **SEAFARERS' RIGHTS**
13

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

- 16
17 a. A safe and secure workplace that complies with international safety
18 standards;
19 b. Decent working and living conditions onboard a ship, and security
20 of tenure for those who have acquired regular employment status by
21 working for a cumulative period of one year with the same employer,
22 manning agent, or foreign or domestic ship owner;
23 c. Medical care, welfare measures, and other forms of health and social
24 protection; and the right to seek the second opinion from other DOH
25 Accredited clinics or competent and licensed physicians in the event
26 of the seafarer's doubt on the medical assessment of the company
27 designated or approved physician or clinic; and
28 d. Fair terms and conditions of employment including salary
29 commensurate to their rank, hours of work, and another relevant
30 basis for wage computation, the minimum number of working
31 hours, rest period consistent with Philippine laws or international
32 maritime conventions, when applicable.
33

34 SECTION 6. *Right to Self-organization to Engage in Collective Bargaining*
35 *and to Participate in Concerted Action.* – Seafarers shall enjoy their right to self-
36 organization, to collective bargaining, to concerted actions including going on
37 strike, and participates in the deliberation of issues and in the formulation of
38 policies that affect them, including the guarantee of representation in governing
39 boards or appointment in government instrumentalities.
40

41 SECTION 7. *Right to Educational Advancement and Training at Reasonable*
42 *and Affordable Costs.* – Seafarers' education shall be the principal responsibility
43 of the state. They shall have access to educational advancement and training at
44 reasonable and affordable costs. No fee or other charges shall be imposed on

1 cadets, interns, apprentices, on-the-job-trainees, or other persons similarly
2 situated and they shall be paid commensurate wages as provided in this Act.

3
4 Toward this end, relevant government agencies shall:

- 5
6 a. Establish more state-run maritime schools and training centers,
7 and regulate the operation of all educational and training
8 institutions offering courses related to seafaring
9 b. Pursue grant programs such as scholarships, subsidies, loan
10 assistance, and other measures that will reduce the cost of
11 education and training for seafarers and harness the skills of
12 Filipino seafarers toward greater efficiency; and
13 c. Promote quality maritime education and training that respond to the
14 needs of the industry and in accordance with minimum
15 international maritime standards of competency.

16
17 SECTION 8. *Right to Relevant Information.* – Ship owners, manning
18 agencies, and other organizations responsible for the recruitment and placement
19 of Filipino seafarers shall be mandated to provide seafarers relevant information,
20 including the terms and conditions of employment and company policies
21 affecting seafarers, provide them a copy of their POEA Contract and the
22 Collective Bargaining Agreement when applicable. This right shall include the
23 right of seafarers' organizations to relevant information affecting the terms and
24 conditions of employment of their members.

25
26 All ships covered by this Act shall have a copy of the Maritime Labor
27 Convention of 2006 and the grievance procedures observed on board.

28
29 SECTION 9. *Tripartism and Tripartite Conferences.* – Seafarers, ship
30 owners, and legitimate seafarers' and ship owners' organizations, as well as other
31 relevant stakeholders, including NGOs and civil society organizations working
32 for seafarers rights and welfare, shall be adequately consulted before adopting
33 any maritime policy, executive issuance, rule, or regulation affecting seafarers
34 and their families is promulgated, or before any maritime law that may directly
35 affect them is enacted.

36
37 Tripartism in labor relations of seafarers has hereby declared a State
38 policy. Towards this end, seafarers, ship owners, International Transport
39 Workers Federation (ITF), Mission to Seafarers, Stella Maris, Migrante
40 International, and other Non-Governmental Organizations shall, as far as
41 practicable, be represented in the decision and policy-making bodies of the
42 government.

43
44 A tripartite council shall be created to represent the aforementioned
45 sectors and representations. The Secretary of Labor and Employment together
46 with MARINA shall promulgate the necessary rules and regulations to specify the

1 functions of the tripartite council. The operations of the tripartite council shall
2 be funded from the regular budget of the DOLE.

3
4 SECTION 10. *Right Against Discrimination.* – Upon employment, seafarers
5 shall have the right against discrimination by sole reason of age, race, sex,
6 gender, religion, and political opinion. Career opportunities shall be promoted
7 and appropriate working and living conditions shall be guaranteed equally
8 among male and female seafarers and those of other gender orientation.

9
10 SECTION 11. *Right to Free Legal Representation.* – Seafarers who are
11 victims of violations of the provisions of this Act or of their employment contract
12 or other labor laws, and who cannot afford the services of a competent and
13 independent counsel shall have the right to free legal assistance and protection
14 at government's expense, and to the fair and speedy disposition of the case,
15 including the expeditious settlement of money claims, subject to existing laws,
16 rules and regulations.

17
18 SECTION 12. *Right to Access to Communication and to Shore Leaves.*
19 Seafarers, especially during their free time or when they are not on duty shall
20 have reasonable access to ship-to-shore telephone communications, and email
21 and internet facilities, where available, and to adequate shore leave when the
22 ship is in a port.

23
24 SECTION 13. *Right to Fair Treatment in the event of Maritime Accident*
25 *Epidemic, Piracy, or other Perils at Sea.* – In the event of a maritime accident,
26 epidemic, piracy, or other perils at sea, the seafarer shall be treated fairly and
27 be entitled to all the rights in international law, including the rights under
28 ILO/IMO 2006 Guidelines on Fair Treatment of Seafarers in the Event of a
29 Maritime Accident, Annex to IMO Resolution 1056 (27) of November 30, 2011,
30 and the Maritime Labor Convention 2006, but not limited thereto;

31
32 **CHAPTER III**
33 **DUTIES OF SEAFARERS**
34

35 SECTION 14. Seafarers shall have the following duties:

- 36
37 a. To comply with and observe the terms and conditions of the
38 employment contract;
39 b. To abide by lawful and reasonable company personnel policies;
40 c. To be obedient to the lawful commands of the Master or the Master's
41 lawful successor, and to comply with the ship owners/principal's
42 policy on safety and operational procedures and instructions given
43 in connection therewith;

- 1 d. To be diligent in the performance of duties relating to the ship, its
2 stores, equipment, and cargo, whether onboard, in transit, or
3 ashore;
4 e. To be, at all times, orderly and respectful to the shipmates,
5 passengers, shippers, stevedores, port authorities, and other
6 persons who have official business with the ship; and
7 f. To be personally responsible for maintaining a healthy lifestyle.
8

9 **CHAPTER IV**
10 **MINIMUM REQUIREMENTS FOR SEAFARERS**
11

12 SECTION 15. *Minimum Age.* – No person below eighteen (18) years old,
13 other than a cadet, shall be employed, engaged, or otherwise allowed to work
14 onboard Philippine registered slips operating domestically or internationally, as
15 well as onboard foreign-registered ships.
16

17 SECTION 16. *Medical Certificates.* – No seafarer shall be employed,
18 engaged, or otherwise allowed to work onboard a domestic or ocean-going ship
19 unless a medical certificate has been issued declaring the seafarer to be fit to
20 work. The seafarer shall hold a valid medical certificate issued by a medical
21 facility duly accredited by the Department of Health (DOH) in accordance with
22 its existing rules and regulations.
23

24 The medical certificate shall certify that the person is expected to be able
25 to meet the minimum requirements for performing the duty specific to the
26 person's post at sea safely and effectively during the period of the validity of the
27 certificate.
28

29 For the purpose of this Section, a medical certificate issued in accordance
30 with the requirements of STCW shall be accepted. No waiver of liabilities
31 resulting to forfeiture of benefits shall be allowed in case of insufficient
32 compliance with a fit to work certification during the pre-employment medical
33 examination, and in case a seafarer has signed such a waiver, it is null and void
34 ab initio for being contrary to this Act and to public policy and cannot be used
35 against the seafarer in any proceeding, arbitration or negotiation on entitlements
36 in case of sickness, injury or death.
37

38 SECTION 17. *Training and Qualifications.* – Only seafarers certified by
39 appropriate government agencies shall work, be employed, or be engaged
40 onboard a ship.
41

42 SECTION 18. *Recruitment and Placement.* – Only duly licensed manning or
43 placement and recruitment agencies shall be allowed to operate and engage in
44 the recruitment and placement of seafarers, in accordance with the rules and
45 regulations as may be issued by the Secretary of Labor and Employment.
46

1 SECTION. 19. *Prohibition on Fee.* – No amount of fee shall be charged to
2 the seafarer for their recruitment and placement. The collection of placement
3 fees on seafarers shall be punishable as a crime of illegal recruitment under Rep.
4 Act 10002.

5
6 **CHAPTER V**
7 **CADETSHIP**
8

9 SECTION 20. *Applicability.* – The shipboard training of cadets shall be
10 governed by Sections 5 to 13 of Chapter II; Section 14 of Chapter III; Section 15
11 to 19 of Chapter IV; Sections 22 to 23 of Chapter VI; Sections 25 to 27 of Chapter
12 VII; Sections 31 to 35 of Chapter LX; Section 36 of Chapter X; and Section 42 of
13 Chapter XIV hereof.

14
15 SECTION 21. *Shipboard Training Agreement for Cadets.* – There shall be a
16 written agreement between the ship owner on one hand, and the cadet and the
17 maritime institution or school on the other, and which shall include the following
18 information, terms, and conditions:

- 19
20 a. Cadet's full name, date of birth, birthplace, and age, which should
21 be at least sixteen (16) years old;
22 b. Name and address of the maritime institution or school;
23 c. Name and address of the ship owner, if applicable;
24 d. Place and date when the cadet's agreement is entered into;
25 e. Capacity in which the cadet is to be trained;
26 f. Amount of the cadet's allowance or stipend;
27 g. Required number of hours of training and rest which shall not be
28 less than the prescribed hours of work and rest in Section 21 of this
29 Act.
30 h. Duties and responsibilities of the sponsoring company, Maritime
31 Higher Education Institutions (MHEIs), and cadets, as may be
32 provided under the Standard Cadet Training Agreement on Ships
33 Engaged in International Voyage of the Philippine Overseas
34 Employment Administration (POEA); and
35 i. Other benefits in accordance with the law, company policy, or
36 agreements.

37
38 The foregoing agreement shall be in a working language and in English,
39 executed in three (3) original copies before the commencement of the shipboard
40 training. The ship owner, cadet, and the maritime institution/school shall each
41 have a signed original of the agreement and an electronic copy thereof shall be
42 submitted to the DOLE, through the Bureau of Working Conditions (BWC). A
43 signed original copy shall also be made available onboard the ship.

44
45 MHEIs shall demonstrate that over the last three (3) years, an average of at least
46 the minimum percentage of the target number of cadets, as per updated relevant

1 Commission on Higher Education (CHED) Memorandum Order are able to secure
2 berths in connection with their studies, which minimum percentage, however,
3 shall nor be lower than sixty percent (60%) of students enrolled in their Bachelor
4 of Science in Marine Transportation (BSMI) or Bachelor of Science in Marine
5 Engineering (BSMarE) programs. The CHED, in coordination with the Maritime
6 Industry Authority (MARINA), shall ensure that only BSMT or BSMarE programs
7 in MHEIs that meet the above requirement are conferred approved or accredited.
8

9
10 **CHAPTER VI**
11 **TERMS AND CONDITION OF EMPLOYMENT**

12 SECTION 22. *Standard Employment Agreement for Seafarers.* – There shall
13 be an agreement in writing between the ship owner and the seafarer, which shall
14 include the following information and terms:
15

- 16 a. Seafarer's full name, date of birth or age, and birthplace;
- 17 b. Ship owner's name and address
- 18 c. Place where and date when the seafarer's employment agreement is
19 entered into;
- 20 d. Capacity in which the seafarer is to be employed;
- 21 e. Amount of the seafarer's salary, and the formula used for calculating
22 the same;
- 23 f. Hours of work and hours of rest;
- 24 g. Wages and wage-related benefits, which include the following:
25 overtime pay, holiday pay, premium pay, paid leaves, 13th-month
26 pay, if applicable;
- 27 h. Social security and welfare benefits;
- 28 i. Stipulation on repatriation or similar undertakings;
- 29 j. Separation pay and retirement pay, if applicable;
- 30 k. Reference to the collective bargaining agreement, if applicable,
- 31 l. Other benefits in accordance with the law, company policy, or
32 agreements.

33
34 The foregoing employment agreement shall be in a working language or in
35 English, executed in three (3) original copies before the commencement of the
36 employment. The ship owner and the seafarer shall each have a signed original
37 of the agreement. A signed original shall be made available onboard the ship.
38

39 The Philippine Overseas Employment Administration - Standard
40 Employment Contract (POEA-SEC) approved by the DOLE shall be observed in
41 the employment of Filipino seafarers onboard ocean-going Philippine registered
42 ships or foreign registered ships.
43

44 When there is a collective bargaining agreement, a copy thereof must be
45 maintained on-board the ship and every seafarer covered must be provided with a
46 copy thereof.

1
2 The terms and conditions for employment as provided by the POEA SEC
3 and the CBA shall always be consistent and updated with the latest amendment
4 to the Maritime Labor Convention 2006 and other existing treaties and
5 conventions governing seafarers duly entered into by the Philippines.
6

7 SECTION 23. *Wages.* — Upon effectivity of this Act, the Regional Tripartite
8 Wages and Productivity Boards shall set the minimum wage rates of the
9 seafarers on board ships engaged in domestic shipping taking into account the
10 peculiarities of the employment arrangement of seafarers and the criteria as
11 determined pursuant to Republic Act No. 6727, otherwise known as "Wage
12 Rationalization Act" or other applicable laws.
13

14 Provided that wages for actual work hours and days shall not be lower
15 than the applicable minimum wage rates in the place where the ship is registered
16 or where it is domiciled, and the higher wage rate in case of discrepancy shall be
17 applicable. Wages shall be paid at least once every two (2) weeks or twice a
18 month, at intervals not exceeding sixteen (16) days. Trainees, probationary crew
19 members, and others similarly situated shall be paid full minimum wage in
20 accordance with the services rendered.
21

22 SECTION 24. *Hours of Work and Hours of Rest.* — The normal hours of
23 work of seafarer shall not exceed eight (8) hours a day. If the seafarer is allowed
24 to work beyond eight (8) hours, the maximum hours of work shall not exceed
25 fourteen (14) hours in any 24-hour period, and seventy-two (72) hours in any 7-
26 day period.
27

28 The minimum hours of rest for every seafarer shall nor be less than ten
29 (10) hours. Hours of rest may be divided into no more than two (2) periods, one
30 of which shall be at least six (6) hours in length, and the interval between
31 consecutive periods of rest shall not exceed fourteen (14) hours.
32

33 In exceptional cases, seafarers in watchkeeping duties may be required to
34 work beyond fourteen (14) hours provided that the rest period is not less than
35 seventy (70) hours in any 7-day period. This exception shall not be allowed for
36 more than two (2) consecutive weeks. The intervals between two (2) periods of
37 exceptions shall not be less than twice the duration of the exception.
38

39 SECTION 25. *Paid Annual Leave.* — Unless higher annual leave pay is
40 provided under a Collective Bargaining Agreement (CBA) or by the Ship owner
41 as company practice or custom, the seafarer shall be paid an annual leave pay
42 to be calculated on the basis of a minimum of at least 25 calendar days per
43 month of employment.
44

45 For ships licensed to engage in domestic shipping, the provisions on
46 "Holidays, Service Incentive Leaves and Service Charges" of Presidential Decree

1 No. 442, or the Labor Code of the Philippines, as amended, shall continue to
2 apply unless higher annual leave is already provided under the Collective
3 Bargaining Agreement or by the ship owner as company practice or policy, or by
4 contract, including the POEA SEC when applicable.

5
6 **CHAPTER VII**
7 **REPATRIATION**
8

9 SECTION 26. *Seafarers Shall Be Entitled to Repatriation.* – All costs related
10 to the repatriation or transport of the personal effects of a seafarer shall be borne
11 by or charged to the ship owner and the maturing agency concerned. The
12 expenses of repatriation shall include the transportation charges, pay and
13 allowances from the moment the seafarers leave the ship until they reach the
14 repatriation destination, the accommodation and the food of the seafarer during
15 the journey, and transportation of at least thirty kilograms (30 kgs.) of the
16 seafarers' personal luggage to the repatriation destination. The primary
17 responsibility to repatriate entails the obligation on the part of the ship owner or
18 agency to advance the repatriation and other attendant costs, including plane
19 fare, the deployment cost of the principal, and immigration fines and penalties,
20 to immediately repatriate the seafarer should the need for arises, without a prior
21 determination of the cause of the termination of the seafarer's employment.
22 However, after the worker has returned to the country, the ship owner or agency
23 may recover the cost of repatriation from the seafarer if the termination of the
24 employment was due solely to the seafarer's fault.

25
26 SECTION 27. *Emergency Repatriation for Seafarers on Board Foreign*
27 *Registered Ships.* – In cases of war, epidemics, abandonment of ship by ship
28 owners, disasters, calamities, natural or man-made, and other similar events,
29 the Department of Foreign Affairs (DFA), in coordination with the POEA and the
30 Overseas Workers Welfare Administration (OWWA), shall undertake the
31 repatriation of seafarers. The DFA shall draw from the Emergency Repatriation
32 Fund (ERF) provided under the General Appropriations Act (GAA) to defray the
33 expenses involved in the repatriation of undocumented seafarers, while the
34 POEA shall require manning agencies to effect the repatriation of seafarers
35 within forty-eight (48) hours or suffer the penalty of suspension. In case of failure
36 of the manning agency to provide for the repatriation within the prescribed time,
37 the POEA shall coordinate with the OWWA to advance the cost of repatriation of
38 the seafarer without prejudice to reimbursement from the concerned manning
39 agency.

40
41 The DFA shall take the lead in the repatriation of the affected seafarers in
42 areas where there is no Philippine Overseas Labor Office (POLO).

43
44 SECTION 28. *Repatriation for Seafarers on Board Domestic Ships.* – The
45 provisions on repatriation, or return to the port of hire, as may be applicable,
46 shall also apply to seafarers working on domestic ships. Seafarers onboard

1 domestic ships shall be entitled to emergency repatriation in cases of war,
2 epidemics, abandonment of ship by ship owners, disasters or calamities,
3 whether natural or man-made and other similar events.

4
5 **CHAPTER VIII**
6 **MANNING REQUIREMENT**
7

8 SECTION 29. *Manning Levels.* – All ships of the Philippine registry shall
9 observe the required minimum manning levels in accordance with the
10 requirements prescribed by the MARINA.

11
12 Every ship shall be manned by a crew that is adequate in terms of size and
13 qualifications taking into account the need to operate the vessel safely and
14 efficiency, and the avoidance of crew stress and fatigue caused by undermanning.
15

16 SECTION 30. *Crew Competence.* – The crew members of a ship of
17 Philippine registry shall possess the appropriate certificate of competency, which
18 sets forth their competence to serve and perform the functions involved at the
19 level of responsibility, for the position held, for the type, tonnage, power, means
20 of propulsion, and trading patterns of the ships concerned.

21
22 The certificate of competency shall attest to the fact that the seafarer to
23 whom it is issued meets the requirements for service, age, qualification, and has
24 successfully passed the examinations conducted to determine the seafarer's
25 proficiency and level of expertise for the position.
26

27 SECTION 31. *Registry of Seafarers.* – To better respond to the manning
28 requirements of oceangoing ships of foreign registry, and domestic and
29 oceangoing ships of Philippine registry, the POEA, and the MARINA, respectively,
30 shall maintain a registry of all seafarers in the Philippines. The registry shall
31 contain the relevant information or data to promote employment opportunities
32 for seafarers whether onboard or ashore and allow for the appropriate learning
33 for and implementation of additional training, skills, and competency
34 development programs for seafarers.
35

36 **CHAPTER IX**
37 **ACCOMMODATION, RECREATIONAL FACILITIES, FOOD AND CATERING**
38

39 SECTION 32. *Accommodation Facilities.* – All ships of the Philippine
40 registry shall have safe, decent, and adequate accommodations for seafarers
41 considering the need to protect the health and safety of seafarers working or
42 living onboard.
43

44 SECTION 33. *Requirements for Sanitation.* – All ships of the Philippine
45 registry shall have sanitation facilities that meet the minimum standards for

1 health and hygiene and are accessible to seafarers on board. The sanitation
2 facilities shall be located at convenient places, allowing for easy access to work
3 stations. Separate facilities shall be provided for male and female crew.
4

5 SECTION 34. *Recreational Facilities.* – Unless otherwise exempted herein
6 or by appropriate regulations, all ships of the Philippine registry shall have
7 recreational facilities, amenities, and services that are appropriate and
8 accessible to seafarers.
9

10 Domestic ships the regular voyage of which does not exceed thirty-six (36)
11 hours may be exempted from this requirement upon presentation of proof that
12 their trading patterns and length of voyages allow their crew to go home or to
13 make use of comparable facilities on land.
14

15 SECTION 35. *Food and Catering.* – The ship owner shall ensure the
16 protection and promotion of the health of seafarers. Whenever applicable, a ship
17 owner shall ensure that a ship serves free food and drinking water of appropriate
18 quality, quantity, and nutritional value that adequately covers the requirements
19 of the ship and takes into consideration the differing cultural and religious
20 backgrounds of seafarers. All foods and drinks and the preparation thereof shall
21 be in accordance with the standards of the Sanitation Code of the Philippines
22 and pertinent laws, rules, and regulations.
23

24 SECTION 36. *Application.* – The requirements of this chapter for crew
25 accommodation and recreational facilities covering ships of Philippine registry
26 shall be applicable to the following:
27

- 28 a. All oceangoing ships and domestic ships constructed on or after the
29 date when the ILO MLC 2006 comes into force;
- 30 b. All second-hand ships, whether oceangoing or domestic, acquired or
31 leased, and entered in the Philippine registry after the entry date
32 into force of the said Convention unless provided exemption by the
33 relevant Philippine government agency; and
- 34 c. All ships constructed prior to the entry into force of the MLC, 2006
35 which have undergone major or substantial structural alterations
36 after the entry into force of the Convention unless provided
37 exemption by the relevant Philippine government agency.
38

39 **CHAPTER X**

40 **HEALTH PROTECTION AND MEDICAL CARE**

41

42 SECTION 37. *Medical Care on Board Ships and Ashore.* – The ship owner
43 shall provide adequate equipment, paraphernalia, and medical supplies,
44 including medicines on board, and shall ensure access to shore facilities for the
45 health of seafarers, as well as the corresponding medical or trained personnel
46 who shall provide first aid and medical care pursuant to the Maritime

1 Occupational Safety and Health Standards and other pertinent laws, rules and
2 regulations.

3
4 The ship owner shall ensure that seafarers have access to medical
5 treatment for any illness or injury, hospitalization, and dental treatment and for
6 prompt medical transport and attention in case of a medical emergency. A
7 seafarer shall have the right to consult a qualified physician or dentist without
8 delay in ports of call, where practicable. The health protection and medical care
9 under this section shall be provided at no cost to the seafarer.

10
11 SECTION 38. *Right to Financial Consequences of Sickness, Injury, or Dearth*
12 *Occurring in Connection with Employment.* – All seafarers shall have the right to
13 material assistance and support from the ship owner with respect to the financial
14 consequences of sickness, injury, or death occurring while they are serving
15 under a seafarer's employment agreement or arising from their employment
16 under such agreement without prejudice to any other legal remedies that a
17 seafarer may seek. The ship owner shall provide an expeditious and effective
18 financial security system to compensate the seafarers in accordance with the
19 Maritime Labor Convention 2000 and its amendments and appendices. The
20 payment of contractual claims shall not bar seafarers from pursuing other claims
21 based on law, tort, or quasi-delict in applicable jurisdictions at the option of the
22 seafarer.

23
24 **CHAPTER XI**
25 **EMPOWERMENT OF FILIPINO WOMEN SEAFARERS AND GENDER**
26 **SENSITIVITY**
27

28 SECTION 39. *Rights and Welfare of Filipino Women Seafarers.* – The rights
29 and welfare Filipino women seafarers on board ocean-going and domestic ships
30 must be protected and upheld. Gender sensitivity must be instilled in all
31 government agencies and offices working with seafarers, on ship owners, and
32 manning agencies, and on the crew and passengers of ships, foreign and
33 domestic. Filipino women seafarers shall also be empowered and made aware of
34 their human rights through gender awareness and sensitivity, and women
35 empowerment courses in maritime schools, training centers, Pre Departure
36 Orientation Seminars (PDOS), and onboard the ships as part of the regular drills
37 and education of all crew members, must be implemented.

38
39 SECTION 40. *Enhanced access to educational advancement and training.* –
40 Women seafarers shall be given enhanced access to education and training.
41 Government-owned Maritime Higher Education Institutions (MHEIs) and
42 Maritime Training Institutions (MTh) shall provide adequate scholarships to
43 women students and trainees utilizing their Gender and Development (GAD)
44 budgets.

45

1 SECTION 41. *Gender Sensitivity Training for Seafarers.* – The National
2 Maritime Polytechnic (NMP) shall continue to develop, enhance, and increase the
3 accessibility of its Gender Sensitivity Training for Seafarers to the maritime
4 industry stakeholders, offering the training course in an E-Learning format. The
5 NMP shall also strengthen its research capability to provide comprehensive
6 resources including gender-related topics and courses.

7
8 SECTION 42. *Organizing and Empowering Filipino Women Seafarers.* –
9 Women seafarers shall be encouraged to organize and form associations, or join
10 trade unions and link up with other networks of women seafarers and workers
11 from different nationalities. A helpline for women and male victims of sexual
12 harassment and bullying must be set up by the POEA in coordination with other
13 government agencies.

14
15 **CHAPTER XII**
16 **WELFARE AND SOCIAL SECURITY PROTECTION**
17

18 SECTION 43. *Social Welfare Benefits.* – Without prejudice to established
19 policy, CBA, or other applicable social agreement, all seafarers shall as far as
20 practicable, become members of the Social Security System (SSS), Employees'
21 Compensation and State Insurance Fund, PhilHealth, Home Development
22 Mutual Fund (or Pag-IBIG Fund) and shall enjoy the benefits afforded pursuant
23 to membership thereof, and the payment of the employer counterpart shall be
24 solidarily borne by the manning agent and the ship owner.

25
26 **CHAPTER XIII**
27 **COMPLIANCE AND ENFORCEMENT**
28

29 SECTION 44. *Compliance and Certification.* – All ships of the Philippine
30 registry shall comply with the provisions of this Act. The ship owner or master
31 shall ensure the compliance of the ship with the provisions of this Act and its
32 implementing rules and regulations. All ships of foreign registry manning
33 Philippine seafarers or entering in Philippine waters shall be compliant with the
34 minimum standards set by this Act and by the Maritime Labor Convention 2006,
35 and in case of conflict, the provision more favorable to the seafarer shall prevail.

36
37 The ship owner and master, as acting ship owner's representative, shall
38 be made principally liable for any violation of the provisions of this Act and its
39 implementing rules and regulations.

40
41 For this purpose, a Maritime labor Certificate or a Maritime Labor
42 Compliance, as applicable, shall be issued in accordance with the implementing
43 rules and regulations. The DOLE, the DFA, and the MARINA, in consultation with
44 ship owners and seafarers' organizations, shall formulate the said implementing
45 rules and regulations.
46

1 SECTION 45. *Inspection and Enforcement.* – The Secretary of Labor and
2 Employment or the duly authorized representative shall have the principal
3 authority m inspect all Philippine ships, domestic or oceangoing, to ensure
4 compliance with the provisions of this Act The duly authorized representative
5 shall have the power to board ships and carry out any examination, test or
6 inquiry in order to ensure that the standards established under this Act and its
7 implementing rules and regulations are strictly observed. The said representative
8 authorized by the DOLE and the Philippine Coast Guard shall have the power to
9 board any ship of any registry entering Philippine waters to ensure compliance
10 with the Maritime Labor Convention 2006 and the possession of the Maritime
11 labor Certificate and Maritime Labor Compliance required by the said
12 convention.

13
14 The Secretary of Labor and Employment may authorize other government
15 agencies or duly recognized organizations to conduct an inspection and issue
16 certification in accordance with the provisions of this Act and its implementing
17 rules and regulations. The Secretary of Labor and Employment or the duly
18 authorized representative shall have the power to order immediate restitution of
19 differences, and impose fines for violations of the provisions of this Act.

20
21 The right of the Secretary of Labor and Employment in this section does
22 not bar the lawful inspection of ships in Philippine waters by the union, the
23 inspectors of the International Transport Workers Federation (ITF), Mission to
24 Seafarers, Stella Maris, Migrante International, and other Non-Governmental
25 Organizations providing ship inspections and assistance to seafarers onboard
26 ships.

27
28 If the violation or deficiency constitutes a serious breach of the
29 requirement of this Act and its implementing rules and regulations or poses an
30 imminent danger to the ships or to the life or limb of the seafarer, the Secretary
31 of Labor and Employment or the duly authorized representative may immediately
32 order the detention of the ship until the violation or deficiency is corrected.
33 Recourse to the regular court of admiralty (Regional Trial Court) for the arrest or
34 detention of ships can also be resorted to by any crew member regardless of
35 nationality.

36
37 SECTION 46. *Recognized Organization.* – Recognized organizations may be
38 authorized by the Secretary of Labor and Employment to conduct the inspector
39 of ship's premises and issue the maritime labor certificate or the certificate of
40 compliance, as appropriate, in accordance with the provisions of this Act and its
41 implementing rules and regulations.

42
43 A recognized organization must have the necessary knowledge of the
44 requirements of this Act and its implementing sites and regulations, the NILC,
45 2006, and other relevant international treaties or conventions.

1 Likewise, to be recognized and authorized to issue a Maritime Labor
2 Certificate it must also have the necessary and qualified professional and
3 technical expertise to conduct the inspection and certify to the ship's compliance
4 with established standards.

5
6 **CHAPTER XIII**
7 **TERMINATION OF EMPLOYMENT AND SECURITY OF TENURE**
8

9 SECTION. 47. *Termination of Employment and Security of Tenure.* –
10

- 11 a. The contractual employment of Filipino seafarers onboard
12 Philippine-registered ships operating internationally, as well as
13 those on board foreign-registered ships, shall cease when the
14 seafarers complete their period of contractual service aboard the
15 ship, sign off from the ship, and arrive at the point of hire, provided
16 that, a seafarer who has worked with the same employer, manning
17 agency or ship owner for a cumulative period equivalent to one year,
18 shall attain the status of a regular employee with similar rights and
19 benefits as a regular employee under the Labor Code of the
20 Philippines, PD 442 as amended.

21
22 The contractual employment is also terminated effective upon
23 arrival at the point of hire for any of the following reasons:
24

- 25 i. When the seafarer signs off and is disembarked for medical
26 reasons in the event the seafarer is declared: fit for
27 repatriation; or when after an illness the seafarer is declared
28 fit to work, but the employer is unable to find employment for
29 the seafarer onboard the ship originally boarded or on another
30 ship of the employee;
31 ii. When the seafarer signs off due to the sale of the ship, lay-up
32 of the ship, discontinuance of voyage or change of ship
33 principal;
34 iii. When the seafarer voluntarily resigns in writing and signs off
35 prior to the expiration of contract within a reasonable period
36 as may be prescribed in the implementing rules and
37 regulations of this Act; or
38 iv. When the seafarer is discharged for just causes in accordance
39 with the provisions of Art. 282 of the Labor Code of the
40 Philippines as amended.
- 41 b. The termination of employment of a seafarer onboard domestic ships
42 shall be governed by the provisions of the Labor Code of the
43 Philippines, as amended, on domestic shipping.
44 c. The termination of employment of a seafarer on board a foreign
45 vessel or foreign-registered ships shall be governed by the POEA-
46 SEC or applicable CBA, provided that a seafarer who has worked for

1 the same manning agent or for the same ship owner or both, for a
2 cumulative period of one year shall enjoy the security of tenure of a
3 regular employee as per Art. 279 of the Labor Code of the Philippines
4 as amended, and the employer is obligated to rehire and give the
5 right of first refusal to a regular employee who qualifies, and is
6 willing to work, for the next available vacant position of similar or
7 higher rank Once a seafarer has acquired the regular status, he can
8 no longer be refused successive employment unless he resigns in
9 writing, has abandoned his employment, or is dismissed for just
10 cause as provided in Art 282 of the Labor Code of the Philippines as
11 amended.
12

13 **CHAPTER XIV** 14 **SETTLEMENT OF DISPUTES**

15
16 SECTION 48. *On Board and Onshore Grievance Mechanism.* – All ships of
17 the Philippine registry shall prescribe and observe fair, effective, and expeditious
18 onboard and onshore methods and procedures to handle grievance at no cost to
19 the seafarer, in accordance with the implementing rules and regulations of this
20 Act.
21

22 In cases where a seafarer is a member of a legitimate trade union
23 organization, any grievance shall, as a condition precedent to conciliation-
24 mediation, undergo the grievance machinery with the involvement of the union
25 as established in its CBA. Without prejudice to any existing law, any agreement
26 reached by the parties during the grievance negotiation shall be final and
27 binding.
28

29 SECTION 49. *Mandatory, Conciliation-Mediation, and Arbitration.* –
30 Seafarers, whether engaged, employed, or working onboard ships of Philippine
31 registry or other registries, shall avail of the conciliation-mediation services of
32 the DOLE pursuant to Republic Act No. 10396 and its implementing rules and
33 regulations, by filing a request for assistance before the conciliation mediation
34 desks at the Regional/Field/Provincial Offices of the DOLE or its attached
35 agencies.
36

37 In case of failure of conciliation-mediation in cases where seafarers are
38 covered by the CBA, the case shall be submitted for Voluntary Arbitration in
39 accordance with Articles 261 and 262 of the Labor Code, as amended. In cases
40 where seafarers are not covered by the CBA, or despite a CPA, the dispute is not
41 covered by the cases stated in Articles 261 and 262 of the Labor Code the
42 seafarer shall have the option to submit the case to Compulsory Arbitration or
43 to Voluntary Arbitration.
44

45 **CHAPTER XV** 46 **REINTEGRATION FOR OVERSEAS FILIPINO SEAFARERS**

1
2 SECTION 50. *Reintegration.* – Returning or unemployed overseas Filipino
3 seafarers may avail of the livelihood development and training programs,
4 placements, and other services offered by concerned government agencies,
5 including the Overseas Workers Welfare Administration (OWWA), the Technical
6 Education and Skills Development Authority (TESDA), the Technology and
7 Livelihood Resource Center (TLRC), the Cooperative Development Authority
8 (CDA), the National Maritime Polytechnic (NMP), and the CHED.

9
10 These agencies shall formulate skills upgrading or retraining curricula to
11 meet the needs of returning or unemployed seafarers. The participation of the
12 maritime sector, in particular, the port and shipping industry, and maritime
13 educational institutions shall be likewise solicited by the DOLE in devising the
14 appropriate retaining and local job placement programs for unemployed
15 seafarers.

16
17 The National Reintegration Center for OFWs (NRCO) shall attend to the
18 needs of returning seafarers. The Center shall provide mechanisms for their
19 reintegration into the Philippine society, serve as a promotion house for their
20 local employment, and tap their skills and potential for national development.

21
22 SECTION 51. *Credit Delivery and Financial Assistance.* – Financial
23 assistance for alternative sustainable livelihood programs, or for upgrading or
24 renewing certificates of competency and training, shall be made available to
25 seafarers by the government. Upon the approval of this Act, the Landbank,
26 Development Bank of the Philippines, Small Business Guaranty and Finance
27 Corporation (SBGFC), the People's Credit and Finance Corporation (PCFC), and
28 the OWWA shall set up a special credit window that will service the financing
29 needs of the seafarers, consistent with the applicable BSP policies, rules, and
30 regulations.

31
32 The Landbank, Development Bank of the Philippines (DBP), Small
33 Business Guaranty and Finance Corporation (SBGFC), the People's Credit and
34 Finance Corporation (PCFC), and the OWWA shall submit a report annually to
35 the appropriate committee of both Congress (The House Committee on Overseas
36 Workers Affairs and the Senate Committee on Labor and Employment) on the
37 state of implementation of this provision.

38
39 SECTION 52. *Information Dissemination.* – The Philippine Information
40 Agency (PIA) shall ensure the proper and adequate information dissemination of
41 the concerns and benefits of this Act to the general public, especially to the
42 seafarers and their families, in the local government units, down to the barangay
43 level.

44
45 **CHAPTER XVI**
46 **INCENTIVES AND AWARDS GRANTED TO THE MARITIME INDUSTRY**

1
2 SECTION 53. *Incentives and Awards.* – There shall be an established
3 incentives and awards system for the maritime industry stakeholders which
4 shall be developed and administered by the concerned government agency in
5 consultation with the Maritime Industry Tripartite Council (MITC).
6

7 Under such rules and regulations that may be promulgated, deserving
8 ship owners, seafarers, manning, and other organizations or entities shall be
9 commended or awarded for their outstanding performance in upholding the
10 rights of seafarers and complying with this Act.
11

12 **CHAPTER XVII**
13 **GOVERNMENT AGENCIES**
14

15 SECTION 54. *Role of Government Agencies.* – The following government
16 agencies shall perform the following functions to promote the welfare and protect
17 the rights of Filipino seafarers:
18

- 19 a. Department of Labor and Employment (DOLE) - The DOLE shall
20 exercise sole and exclusive jurisdiction in implementing the
21 provisions of this Act and ensure that the standards set forth herein,
22 under Presidential Decree No. 442, as amended, and other laws, the
23 Maritime Labor Convention 2006, and other international treaties
24 and conventions to which the Philippines is a signatory are faithfully
25 complied with and fairly applied to Filipino seafarers. The DOLE
26 shall likewise determine and set appropriate benchmarks consistent
27 with the MLC, 2006, this Act, and other applicable laws on
28 employment conditions and other labor standards and regulations.
29 b. Department of Foreign Affairs (DFA) - The DFA, through its home
30 offices or foreign posts, shall give paramount importance to the
31 safety and well-being of Filipino seafarers, by providing adequate
32 and timely intervention and assistance, such as representing their
33 interests with foreign authorities concerned and facilitating their
34 repatriation when they are distressed or beleaguered.
35 c. Department of Health (DOH) - The DOH shall regulate the activities
36 and operations of all clinics which conduct physical, optical, dental,
37 psychological, and other similar examinations, hereinafter referred
38 to as health examinations, on Filipino seafarers. The DOH shall
39 determine and prescribe the nature of the health examination that
40 shall be required of a seafarer, ensuring that such examination will
41 genuinely determine the seafarer's state of health, considering the
42 duties that the seafarer shall be required to perform onboard. The
43 DOH shall likewise prescribe the contents of the medical certificate
44 to ensure that such certification will genuinely reflect the seafarer's
45 state of health.

- 1 d. Philippine Overseas Employment Administration (POEA) - The POEA
2 shall look review the contracts of employment and the working
3 conditions of the officers and crew of vessels of Philippine registry
4 operating internationally, and of such officers and crew members
5 who are Filipino citizens and employed by foreign vessels to ensure
6 that these comply with the prescribed standards.
- 7 e. Overseas Workers Welfare Administration (OWWA) - The OWWA,
8 through its welfare officers or coordinating officers, shall provide the
9 Filipino seafarers and their families all the assistance they may need
10 in the enforcement of contractual obligations by agencies and their
11 principals. The OWWA shall likewise formulate and implement
12 welfare programs for overseas Filipino seafarers and their families
13 while they are abroad and upon their return. It shall ensure the
14 awareness by the overseas Filipino seafarers and their families of
15 these programs and other related governmental programs.
- 16 f. Maritime Industry Authority (MARINA) - The MARINA shall ensure
17 that all maritime education including the curricula and training
18 programs are structured and delivered in accordance with written
19 programs, methods, and media of delivery, procedures, and course
20 materials, international standards as prescribed under the STCW
21 Convention. The MARINA shall ensure that the guidelines for the
22 Flag State on Fair Treatment of Seafarers in the Event of a Maritime
23 Accident be observed.
- 24 g. Philippine Coast Guard (PCG) - The PCG, in line with its function to
25 assist in the enforcement of applicable laws within the maritime
26 jurisdiction of the Philippines, shall assist the DOLE in the
27 enforcement of Department Orders and other issuances
28 implementing the ILO MLC 2006, including orders to detain vessels
29 found in gross violation of pertinent laws, codes, and regulations. In
30 addition, the PCG shall be the agency tasked in ensuring that the
31 Guidelines for the Port State/Coastal State on Fair Treatment of
32 Seafarers in the Event of a Maritime Accident, be observed.

33
34 Unless otherwise provided in this Act, the mandate, power, and function
35 of all existing departments, agencies, or instrumentalities of the government,
36 including government-owned and controlled corporations, shall remain and
37 continue to be recognized in accordance with the law or order creating them.

38
39 SECTION 55. *Philippine Seafarers' One-Stop Processing Center (PSOC)*. –
40 The PSOC shall operationalize and make available to the public an integrated
41 document processing center for the seafarers and the general public to conduct
42 official transactions. The agencies that are mandated to provide services in the
43 PSOC are as follows:

- 44
45 a. Department of Labor and Employment;
46 b. Department of Foreign Affairs;

- 1 c. Commission on Higher Education;
- 2 d. Professional Regulation Commission;
- 3 e. National Telecommunications Commission;
- 4 f. Philippine Overseas Employment Administration;
- 5 g. Overseas Workers Welfare Administration;
- 6 h. Technical Education and Skills Development Authority;
- 7 i. Maritime Industry Authority;
- 8 j. National Bureau of Investigation;
- 9 k. Social Security System;
- 10 l. Philippine Health Insurance Corporation;
- 11 m. Philippine Statistics Authority;
- 12 n. Home Development Mutual Fund; and
- 13 o. Such other government agencies that the Secretary of Labor and
- 14 Employment may deem appropriate to be included in the PSOC.
- 15

16 Further, the PSOC for its initial operation shall create a pilot PSOC in
17 areas identified with the highest number of seafarers. The data gathered for the
18 PSOC shall be made accessible to and shall be utilized by the maritime sector
19 and stakeholders. The local government units (LGUs) are encouraged either to
20 reduce the amount of local taxes, fees, and charges imposed or to exempt
21 documents or transactions pertaining to the process of the PSOC.

22
23

24 **CHAPTER XVIII** 25 **FINAL PROVISIONS**

26 SECTION 56. *Administrative Fines and Penalties.* – Any ship owner,
27 master, their representative, or another person who fails or refuses to present
28 employment records, such as payrolls, daily time records, payslip, or other
29 documents, when required by the Secretary of Labor and Employment, or the
30 duly authorized representative of the Secretary of Labor and Employment, or the
31 duly authorized representative of a recognized organization, shall be imposed
32 administrative fines and penalties in accordance with the implementing rules
33 and regulations promulgated to implement this Act.

34
35

36 SECTION 57. *Transitory Provision.* – All rights, privileges, and benefits
37 previously enjoyed by Filipino seafarers by law or jurisprudence, before the
38 effectivity of this Act, including those set forth in Presidential Decree No. 442,
39 otherwise known as the Labor Code of the Philippines, as amended, and Republic
40 Act No. 8042, otherwise known as the "Migrant Workers and Overseas Filipinos
41 Act of 1995", as amended, shall continue to be recognized and shall not be
42 diminished.

43
44

45 SECTION 58. *Implementing Rules and Regulations.* – The DOLE, in
46 coordination with the DFA, the MARINA, and other concerned agencies, shall
47 formulate the rules and regulations to implement this Act within ninety (90) days
48 after its effectivity.

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SECTION 59. *Separability Clause.* – If any provision or part of this Act is held invalid or unconstitutional, the remaining provisions or parts unaffected shall remain in full force and effect.

SECTION 60. *Repealing Clause.* – All laws, executive orders, presidential decrees or issuances, letters of instruction, administrative orders, rules, and regulations contrary to or inconsistent with the provisions of this Act are hereby repealed, amended, or modified accordingly.

SECTION 61. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,