

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

NINETEENTH CONGRESS
1st Regular Session

House Bill No. 1758



Introduced by Representatives PAOLO Z. DUTERTE and ERIC G. YAP

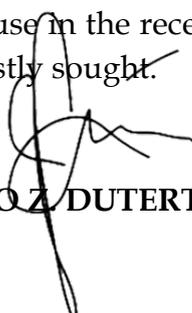
EXPLANATORY NOTE

Philippines is known to be the top producer of seafarers around the world. Amongst the 1.6 million seafarers across the globe, 400,000 of them are Filipinos. Filipino seafarers also serve as the primary drivers of the country's economy, accounting for 6.14 billion USD or 19% of the overall remittances in 2018.

Despite being a community with a significant contribution to the country, our Filipino seafarers remain underrepresented as there are still persisting repetitive drudgery and risk in working conditions, illegal recruitment, lack of onshore welfare services and social protection, and insufficient medical care in their field. Furthermore, absent is an enabling legislation that would codify the rights and privileges which shall be granted to the Filipino seafarers.

Philippines is a state party to the Maritime Labour Convention (MLC), an international agreement which seeks to promote the protection of the seafarer's rights to decent working conditions. Hence, as a state party in this international agreement and pursuant to Section 2, Article II of the 1987 Constitution which highlights the policy of the state to adopt generally accepted principles of international law as part of the law of the land, the country is set to uphold and abide to the said provisions. This bill seeks to adopt and strengthen the general provisions stated in the Maritime Labour Convention (MLC) in order to primarily guarantee the rights and welfare of the country's Filipino seafarers.

In addition, this proposed measure has received an overwhelming support upon its passage in the House in the recent 18th Congress. In view of the foregoing, approval of this bill is earnestly sought.


PAOLO Z. DUTERTE


ERIC G. YAP

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AN ACT
INSTITUTING THE MAGNA CARTA OF FILIPINO SEAFARERS

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

CHAPTER I
GENERAL PROVISIONS

SECTION 1. *Short Title.* This Act shall be known as "Magna Carta of Filipino Seafarers."

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

- a. To afford Filipino seafarers full protection before, during, and after employment by granting them certain rights as marine professionals, in recognition of their unique role and contribution to national development;
- b. To maintain and progressively develop a pool of competent and world-class seafarers through a system of education, training, certification, and licensing;
- c. To establish mechanisms for the enhancement of administrative, adjudicative, social as well as welfare services for them and their families;
- d. To enact laws that adopt and implement the standards set by international conventions and agreements on working and living conditions, and occupational safety and health, among others for seafarers particularly the Maritime Labor Convention, 2006 (MLC, 2006);
- e. To recognize shipowners, Maritime Higher Educational Institutions (MHEIs), manning and recruitment entities as vital partners in promoting the skills and competencies of Filipino seafarers; and
- f. To recognize that seafarers are a special category of key or essential workers and, given the global nature of the shipping industry and the

different jurisdictions that they may be brought into contact with, need special protection in relation to contracts with public authorities, and should be treated fairly at all times especially in the event of maritime accident, epidemic, pandemic, and other natural or man-made crises, in accordance with international law.

Toward these ends, the State shall endeavor to improve the Filipino seafarers' working conditions, terms of employment, career prospects and provide opportunities to harness their potentials to the fullest. The State shall further promulgate policies and programs to uplift the socioeconomic well-being of the families of Filipino seafarers.

SEC. 3. *Applicability.* - This Act shall cover Filipino seafarers engaged, employed, or working in any capacity on board Philippine-registered ships operating domestically or internationally, and those on board foreign-registered of ships.

This Act shall not cover the following categories of ships:

- a. Warships and naval auxiliaries;
- b. Government ships not engaged in commercial operations;
- c. Ships of traditional build, as may be defined under existing rules and regulations; and
- d. Fishing vessels.

SEC. 4. *Definition of Terms.* - As used in this Act:

- a. *Cadet* refers to a maritime student undertaking onboard training as a requirement for certification under the international convention on Standards of Training, Certification and Watchkeeping for seafarers (STCW).
- b. *Domestic shipping* refers to the transport of passenger or cargo, or both, by ships duly registered and licensed under Philippine law to engage in trade and commerce between Philippine ports and within Philippine territorial or internal waters, for hire or compensation, with general or limited clientele, whether permanent, occasional or incidental, with or without fixed routes, and undertaken for contractual or commercial purposes;
- c. *Green lane* refers to the process of facilitating crew changes among ships and the seafarers during public health emergencies, man-made or natural, as embodied, among others, in Joint Circular No. 01 Series of 2020 dated 2 July 2020, or the "Guidelines for the Establishment of the Philippine Green Lane to Facilitate the Speedy and Safe Travel of Seafarers, Including their

Safe and Swift Disembarkation, and Crew Change During the COVID-19 Pandemic” and in the International Maritime Organization (IMO) Circular Letter No. 4204/Add.14 dated 5 May 2020, or the “Coronavirus (COVID-19) – Recommended Framework of Protocols for ensuring safe ship crew changes and travel during the coronavirus (COVID-19) PANDEMIC”.

- d. *International maritime convention (IMC) or International convention* refers to any written treaty or agreement, or any protocol or amendment thereto, affecting the maritime industry which has come into force and effect, including the MLC, 2006;
- e. *License* refers to the document issued by the Department of Labor and Employment (DOLE) authorizing any person or entity to engage in the recruitment and placement of seafarers;
- f. *Manning/Recruitment and placement agency* refers to any Filipino person, corporation, partnership, company, or other entity engaged in the canvassing, enlisting, contracting, transporting, utilizing, hiring or procuring whether for profit or not, of seafarers whether domestic or international;
- g. *Maritime accident* refers to any unforeseen occurrence or physical event connected to the navigation, operations, maneuvering or handling of ships, or the machinery, equipment, material, or cargo on board such ships which may result in the detention of seafarers;
- h. *Maritime industry stakeholders* refers to all private sector stakeholders engaged in the business of owning, managing, chartering or operating domestic and international ships of Philippine or foreign registry, manning of ships, management of ports, stevedoring and arrastre services, ship brokering and chartering, ship-building and ship repair, delivering maritime services such as ship supplies and provisions, maritime education and training, shipping agency, and other similar activities

This Term shall also include bona fide maritime labor organizations and professional associations of seafarers;

- i. *Maritime Higher Education Institution or MHEI* refers to any institution of higher learning which is authorized by the Commission on Higher Education (CHED) to offer college education through four (4) year or five (5) year courses in the maritime field leading to the degree of, among others, Bachelor of Science in Maritime Engineering, Bachelor of Science in Naval Architecture.
- j. *Maritime Labor Certificate* refers to the document certifying that the working and living conditions of the seafarers on the ship have been inspected and are complaint with the requirements of Philippine laws and regulations;

- k. *Maritime Training Institute or MTI* refers to private or state-operated institutes that provide maritime trainings required pursuant to, among others, STCW Convention, as amended in 2010, including courses geared towards upgrading the skills of Filipino seafarers for enhanced employment acceptability and competitiveness.
- l. *Master* refers to a person having command of a ship and acts as the shipowner's representative;
- m. *Ocean-going ship* refers to a ship other than those which navigate exclusively in inland water or water within or closely adjacent to sheltered water, or areas where port regulations apply;
- n. *Philippine Seafarers' One Stop Processing Center (PSOC)* refers to the facility created under DOLE Administrative Order No. 56, series of 2003, which houses multiple offices or agencies involved in providing services to seafarers, in one place;
- o. *Point of hire* refers to the place where the employment contract between the shipowner and the seafarer was executed;
- p. *Recognized organizations* refer to organizations recognized by the DOLE to carry out inspections or issue the Maritime Labor Certificate in accordance with the scope of activities covered by their authorizations;
- q. *Repatriation* refers to the process of returning a seafarer to the point of destination, as stipulated in the employment contract or the collective bargaining agreement (CBA), at the option of the seafarer.
- r. *Seafarer* refers to a person who is employed or is engaged to work in any capacity on board a ship to which this Act applies;
- s. *Ship or Vessel* refers to any kind, class or type of craft or artificial contrivance capable of floating in water, whether publicly or privately owned, ordinarily engaged in commercial activities and offshore operations, except fixed platform;
- t. *Shipowner* refers to owner of the ship employing Filipino seafarers to work on board domestic ships and ships engaged in international trade, or any other organization or person, such as the manager, agent or bareboat charterer, who has assumed the responsibilities, has agreed to take over all the attendant duties and responsibilities of a shipowner under this Act, regardless of whether any other organization or persons fulfill certain duties or responsibilities on behalf of the shipowner.

CHAPTER II SEAFARERS' RIGHTS

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

- a. Safe and secure workplace that complies with safety standards;
- b. Decent working and living conditions on board a ship;
- c. Medical care, welfare measures and other forms of health and social protection; and
- d. Fair terms and conditions of employment including salary commensurate to their rank, hours of work, and other relevant basis for wage computation, minimum number of working hours, rest period consistent with Philippine laws or IMCs, when applicable.

SEC. 6. *Right to Self-organization, to Engage in Collective Bargaining and to Participate in Democratic Exercises.* - Seafarers shall enjoy their right to self-organization, to collective bargaining, and to participate in the deliberation of issues and in the formulation of policies that affect them, including the guarantee of representation in governing boards or appointment in government instrumentalities.

SEC. 7. *Right to Educational Advancement and Training at Reasonable and affordable Costs.* - Seafarers shall have access to educational advancement and training at reasonable and affordable costs. No fee or other charges shall be imposed on cadets, interns, apprentices, on-the-job-trainees or other persons similarly situated. Toward this end, relevant government agencies shall:

- a. Regulate the operation of all educational and training institutions offering courses related to seafaring;
- b. Pursue grants and programs such as scholarships, subsidies, loan assistance and other measures that will harness the skills of Filipino seafarers toward greater competitiveness given the new demands in the industry; and
- c. Promote quality maritime education and training that respond to the needs of the industry and in accordance with minimum international maritime standards of competency.

SEC. 8. *Right to Relevant Information.* - Shipowners, manning agencies, concerned government agencies and other organizations responsible for the recruitment and placement of Filipino seafarers shall be mandated to provide relevant information, including the terms and conditions of employment and

company policies affecting seafarers. This right shall include the access of seafarers' organizations to relevant information affecting the terms and conditions of employment of their members.

All ships covered by this Act shall have a copy of the MLC, 2006 and the grievance procedures observed on board.

SEC. 9. *Right to Information of Seafarer's Family.* - In case of accidents or death onboard and offshore, piracy and other similar incidents, the seafarer's family shall be immediately informed of action taken and to be taken, including investigations conducted by the shipowner/manning agency. The shipowner/manning agency shall also have the duty to report the said incidents to the Philippine Overseas Employment Administration (POEA) and Overseas Workers Welfare Administration (OWWA).

SEC. 10. *Right to Consultation.* - Seafarers and maritime industry stakeholders shall be adequately consulted on matters affecting seafarers and their families before any maritime policy, executive issuance, rule or regulation is promulgated, or before any maritime law is enacted.

SEC. 11. *Right Against Discrimination.* - Seafarers shall have the right not to be discriminated against by reason of race, sex, religion, age, and political opinion. Career opportunities shall be promoted and appropriate working and living conditions shall be guaranteed equally among male and female seafarers.

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

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

SEC. 14. *Right to Fair Treatment in the Event of a Maritime Accident.* - In the event of a maritime accident, seafarers shall be treated fairly and entitled to all the rights under ILO/IMO 2006 Guidelines on Fair Treatment of Seafarers in the Event of a Maritime Accident, Annex to IMO Resolution A. 1056 (27) of November 30, 2011.

SEC. 15. *Right to a Fair Medical Assessment.* - A seafarer shall have the right to seek a second opinion from other accredited clinics of the Department of Health (DOH) or from other competent and licensed physicians, in case of a doubt on the medical assessment of an examining physician or clinic which negatively affects the seafarer's immediate employment. If the clinic or physician selected by the seafarer disagrees with the first assessment, a third doctor (from any DOH-accredited clinic

or from a DOH regional or provincial hospital), jointly-selected by the employer and the seafarer, may be hired by the shipowner/manning agency, at no expense to the seafarer, to make a third medical assessment. The findings of the third doctor shall be final and binding on both parties.

CHAPTER III DUTIES OF SEAFARERS

SEC. 16. Seafarers shall have the following duties:

- a. To comply with and observe the terms and conditions of the employment contract;
- b. To abide by lawful and reasonable company personnel policies;
- c. To be obedient to the lawful commands of the Master or Master's lawful successor, and to comply with the shipowner's or principal's policy on safety and operational procedures and instructions given in connection therewith;
- d. To be diligent in the performance of duties relating to the ship, its stores, equipment and cargo, whether on board, in transit or ashore;
- e. To be, at all times, orderly and respectful to the shipmates, passengers, shippers, stevedores, port authorities, and other persons who have official business with the ship; and
- f. To be personally responsible for maintaining a healthy lifestyle.

CHAPTER IV MINIMUM REQUIREMENTS FOR SEAFARERS

SEC. 17. *Minimum Age.* - No person below eighteen (18) years old. Other than a cadet, shall be employed, engaged, or otherwise allowed to work on board Philippine registered ships operating domestically or internationally, as well as on board foreign registered ships.

SEC. 18. *Medical Certificate.* - No seafarer shall be employed, engaged, or otherwise allowed to work on board a domestic or ocean-going ship unless a medical certificate has been issued declaring the seafarer to be fit to work.

The seafarer shall hold a valid medical certificate issued by a medical facility duly accredited by the DOH in accordance with its existing rules and regulations. The medical certificate shall certify that the person is expected to meet the minimum requirements for performing the duty specific to the person's post at sea safely and effectively during the period of the validity of the certificate.

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

No judgment or award resulting in the forfeiture of the seafarer's claims shall be rendered solely on the basis of a defective or questionable fit-to-work certification.

SEC. 19. *Training and Qualifications.* - Only seafarers certified by appropriate government agencies shall work, be employed or be engaged on board a ship.

SEC. 20. *Recruitment and Placement.* - Only duly-licensed manning/recruitment and placement agency shall be allowed to operate and engage in the recruitment and placement of seafarers, in accordance with the rules and regulations as may be issued by the Secretary of Labor and Employment.

No amount or fee shall be charged to the seafarer for their recruitment and placement.

SEC. 21. *Contracting or Subcontracting of Services.* - The contracting or subcontracting of seafarers for work on board domestic ships shall be governed by existing rules and regulations issued by the DOLE.

CHAPTER V CADETSHIP

SEC. 22. *Applicability.* - The shipboard training of cadets shall be governed by this Chapter, Section 7-12 of Chapter II, Section 18 of Chapter IV, Chapter VII, Chapter IX, Chapter X, and Section 59 of Chapter XV hereof.

SEC. 23. *Shipboard Training Agreement for Cadets.* - There shall be a written agreement between the shipowner on one hand, and the cadet and the maritime institution or school on the other, which shall include the following information, terms and conditions:

- a. Cadet's full name, date of birth, birthplace and age, which should be at least 16 years old;
- b. Name and address of the maritime institution or school;
- c. Name and address of the shipowner, if applicable;
- d. Place and date when the cadet's agreement is entered into;
- e. Capacity in which the cadet is to be trained;

- f. Amount of the cadet's allowance or stipend,
- g. Required number of hours of training and rest which would not be less than the prescribed hours of work and rest in Section 21 of this Act;
- h. Duties and responsibilities of the sponsoring company, MHEIs and cadets, as may be provided under the Standard Cadet Training Agreement on Ships Engaged in International and Domestic Voyage.
- i. Other benefits in accordance with Law, company policy or agreements.

The agreement shall be written in a working language or in English, executed in three (3) original copies before the commencement of the shipboard training. The shipowner, cadet and the maritime institution/school shall each have a signed original copy of the agreement and an electronic copy thereof shall be submitted to the DOLE, through the Bureau of Working Conditions (BWC). A signed original copy shall also be made available on board the ship.

The MHEIs shall demonstrate that over the last three (3) years, an average of at least the minimum percentage of the target number of cadets, as required under current relevant CHED Memorandum Order, were able to secure berths in connection with their studies. The CHED, in coordination with the Maritime Industry Authority (MARINA), shall ensure that only Bachelor in Science in Maritime Transportation (BSMT) or Bachelor of Science in Maritime Engineering (BSMarE) programs in MHEIs that meet the above requirement are approved or accredited.

CHAPTER VI TERMS AND CONDITION OF EMPLOYMENT

SEC. 24. Standard Employment Contract for Seafarers. - There shall be a standard employment contract (SEC) in writing between the shipowner and the seafarer, which shall be approved by the POEA Governing Board. It shall be observed in the employment of seafarers on board ocean-going Philippine-registered ships or foreign-registered ships, and shall include the following information and terms:

- a. Seafarer's full name, date of birth or age, and birthplace;
- b. Shipowner's name and address;
- c. Place where and date when the seafarer's employment agreement is entered into;
- d. Point of hire;

- e. Capacity in which the seafarer is to be employed;
- f. Amount of the seafarer's salary, and the formula used for calculating the same;
- g. Hours of work and hours of rest;
- h. Wages and wage-related benefits, which include the following: overtime pay, holiday pay, premium pay, paid leaves, 13th month pay, if applicable;
- i. Social security and welfare benefits;
- j. Stipulation on repatriation or similar undertakings;
- k. Separation pay and retirement pay, if applicable;
- l. Reference to the collective bargaining agreement, if applicable, and;
- m. Other benefits in accordance with law, company policy or agreement;

The SEC shall stipulate that Filipino seafarers shall be granted shore leave to benefit their health and well-being consistent with the operational requirements of their positions, and subject to proportionate and specifically-adopted measures by the port state on epidemics, pandemics and other public health emergencies, both man-made or natural.

The SEC shall be in English or in a working language of the seafarer, executed in three (3) original copies before the commencement of the employment. The shipowner and the seafarer shall each have a signed original of the agreement. A signed original shall be made available on board the ship.

When there is a collective bargaining agreement, a copy thereof must be maintained onboard the ship and readily accessible to the seafarers.

The terms and conditions for employment to be provided in the SEC shall always be consistent and updated with the latest Maritime Labor Convention and other existing treaties and conventions governing seafarers duly entered into by the Philippines.

SEC. 25. Wages. - Upon effectivity of this Act, the living wage rates of the seafarers on board ships engaged in domestic shipping, taking into account the peculiarities of the employment arrangement of seafarers, shall be based on the updated family income threshold determined by the National Economic Development Authority. Wages shall be paid at least once every two weeks or twice a month, at intervals not exceeding sixteen (16) days.

Trainees, probationary crew members and others similarly situated shall be paid full minimum wage in accordance with the services rendered.

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

The minimum hours of rest for every seafarer shall not be less than ten (10) hours. Hours of rest may be divided into no more than two (2) periods, one of which shall be at least six (6) hours in length, and the interval between consecutive periods of rest shall not exceed fourteen (14) hours.

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

SEC. 27. Paid Annual Leave. – Unless higher annual leave is provided under the CBA, or by the shipowner as company practice or policy, or by the SEC, overseas seafarers shall be paid an annual leave to be calculated on the basis of a minimum of 2.5 calendar days per month of employment.

For ships licensed to engage in domestic shipping, the provisions on “Holidays, Service Incentive Leaves and Service Charges” of Presidential Decree No. 442, or the Labor Code of the Philippines, as amended, shall continue to apply unless higher annual leave is already provided under the CBA or by the shipowner as company practice or policy.

SEC. 28. Sickness Benefits During Public Health Emergencies. – Filipino seafarers who have contracted any illness due to an epidemic, pandemic or other public health emergencies, whether natural or man-made, or are under quarantine of self-isolation, shall be entitled to paid sick leave or sickness benefits as long as they are incapacitated or unable to work.

SEC. 29. Payment of Wages to Abandoned Seafarer. – Filipino seafarers abandoned by shipowners shall be entitled to full payment of wages and other benefits provided under the SEC or the CBA.

CHAPTER VII REPATRIATION

SEC. 30. Repatriation. – Seafarers shall be entitled to repatriation. All costs related to the repatriation or transport of the personal effects of a seafarer shall be borne by or charged to the shipowner and the manning agency concerned. The expenses of repatriation shall include the transportation charges, pay and allowances from the moment the seafarers leave the ship until they reach the repatriation destination, the accommodation and the food of the seafarer during the journey and

transportation of at least thirty kilograms (30 kg) of the seafarer's personal luggage to the repatriation destination. The primary responsibility to repatriate rests on the shipowner or manning agency and entails the obligation to advance the repatriation and other attendant costs, including plane fare, deployment cost of the principal and immigration fines and penalties, to immediately repatriate the seafarer should the need for it arise, without prior determination of the cause of the termination of the seafarer's employment. However, after the worker has returned to the Philippines, the shipowner or manning agency may recover the cost of repatriation from the seafarer if the termination of the employment was due solely to the seafarer's fault.

SEC. 31. Emergency Repatriation for Seafarers Onboard Foreign Registered Ships. - In cases of war, epidemics, pandemics, abandonment of ship by shipowners, disasters, calamities, public health emergencies, whether natural or manmade, and other similar events, the Department of Foreign Affairs (DFA), in coordination with the POEA and the OWWA, shall undertake the repatriation of seafarers. The DFA shall draw from the Emergency Repatriation Fund, which shall be provided under the General Appropriations Act (GAA), to defray the expenses involved in the repatriation of undocumented seafarers, while the POEA shall require manning agencies to effect the repatriation of seafarers within forty-eight (48) hours or suffer the penalty of suspension. In case of failure of the manning agency to provide for the repatriation within the prescribed time, the POEA shall coordinate with the OWWA to advance the cost of repatriation of the seafarer without prejudice to reimbursement from the concerned manning agency.

The seafarer shall also be entitled to emergency repatriation for compassionate or urgent reasons, such as when a family member has died, or when the seafarer has suffered from physical, emotional, psychological or financial abuse.

SEC. 32. Quarantine and Medical Expenses in Repatriation Due to Epidemics, Pandemics or other Public Health Emergencies. - Before or During the process of repatriation of a seafarer in times of epidemics, pandemics or other public health emergencies, whether natural or man-made, the shipowner or manning agency shall cover the following expenses until the seafarer is considered duly repatriated to the point of hire:

- a. Medical care, board and lodging for periods spent by a seafarer in quarantine or self-isolation, whether or not the seafarer has symptoms or has been exposed to any infectious diseases, virus or bacteria - until declared as free of any infection, virus or ailment by the DOH Bureau of Quarantine or any DOH-accredited clinic; and
- b. Hospitalization and medical treatment when the seafarer is sick or infected - until declared as fully recovered.

Thereafter, should the seafarer need further quarantine or medical care, the expenses shall be covered by the OWWA from funds to be appropriated for this purpose.

SEC. 33. Repatriation for Seafarers Onboard Domestic Ships. - The provisions on repatriation, as may be applicable, shall also apply to seafarers working on domestic ships. Seafarers onboard domestic ships shall be entitled to emergency repatriation in cases of war, epidemics, pandemics, abandonment of ship by shipowners, disasters or calamities, public health emergencies, whether natural or man-made, and other similar events.

CHAPTER VIII MANNING REQUIREMENT

SEC. 34. Manning Levels. - All ships of Philippine registry shall observe the required minimum manning levels in accordance with the requirements prescribed by MARINA.

Every ship shall be manned by a crew that is adequate in terms of size and qualifications taking into account the need to operate the vessel safely and efficiently. In no case shall minimum manning levels on ships carrying Filipino seafarers be reduced to avoid fatigue of Filipino seafarers remaining on board.

SEC. 35. Crew Competence. - The crew members of a ship of Philippine Registry shall possess the appropriate certificate of competency that sets forth their competence to serve and perform the functions of the position held, and corresponding to the aptitude and proficiency required relative to the type, tonnage, power, means of propulsion and trading patterns of the ships concerned.

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

SEC. 36. Registry of Seafarer. - To better respond to the manning requirements of ocean-going ships of foreign registry, and domestic and ocean-going ships of Philippine registry, the POEA and MANIRA, respectively, shall maintain a registry of all seafarers in the Philippines. The registry shall contain the relevant information or data to promote employment opportunities for seafarers, whether on board or ashore, and allow for the appropriate learning for and implementation of additional training, skill and competency development programs for seafarer.

SEC. 37. Crew Change. - When national or international emergencies or circumstances warrant, the DFA, DOLE, DOH, Department of Justice (DOJ), Department of Interior and Local Government (DILG), Department of Transportation (DOTr) and other relevant agencies, shall activate a green lane for seafarers that shall exempt them from travel-related or health-related movement restrictions in order to facilitate their joining or leaving ships.

CHAPTER IX
ACCOMODATION, RECREATIONAL FACILITIES, FOOD AND CATERING

SEC. 38. Accommodation Facilities. - Unless otherwise exempted herein or by appropriate regulations, all ships of Philippine registry shall have safe, decent and adequate accommodations for seafarers taking into account the need to protect the health and safety of seafarers working or living on board.

SEC. 39. Requirements for Sanitation. - All ships of Philippine registry shall have sanitation facilities that meet the minimum standards for health and hygiene and are accessible to seafarers on board. The sanitation facilities shall be located at convenient places, allowing for easy access to work stations. Separate facilities shall be provided for male and female crew.

SEC. 40. Recreational Facilities. - Unless otherwise exempted herein or by appropriate regulations, all ships of Philippine registry shall have recreational facilities, amenities, and services that are appropriate and accessible to seafarers.

Domestic ships shall be exempted from this requirement considering that their trading patterns and length of voyages allow their crew to go home or to make use of comparable facilities on land.

SEC. 41. Food and Catering. - The shipowner shall ensure the protection and promotion of health of seafarers. Whenever applicable, a shipowner shall ensure that a ship serves free food and drinking water of appropriate quality, quantity and nutritional value that adequately cover the requirements of the ship and take into consideration the differing cultural and religious backgrounds of seafarers. All foods and drinks and the preparation thereof shall be in accordance with the standards of the Sanitation Code of the Philippines and pertinent laws, rules and regulations.

SEC. 42. Application. - The requirement of this Chapter for crew accommodation and recreational facilities covering ships of Philippine Registry shall be applicable to the following:

- a. All ocean-going ships and domestic ships constructed on or after the date when the MLC, 2006 comes into force;
- b. All second-hand ships, whether ocean-going or domestic, acquired or leased, and entered in the Philippine Registry after the entry date into force of the said Convention unless provided exemption by the relevant Philippine government agency; and
- c. All ships constructed prior to the entry into force of the MLC, 2006 which have undergone major or substantial structural alterations after the entry into force of the Convention, unless provided exemption by the relevant Philippine government agency.

SEC. 43. Establishment of Shore-based Welfare Facilities. - There shall be established at least one (1) seafarer shore-based welfare facility in major crew-change ports each in Luzon, Visayas and Mindanao under the management of OWWA, which shall be easily accessible to all seafarers, irrespective of race, color, gender, religion, political opinion or social origin.

The facility shall offer services which promote the welfare of and cater to the recreational, cultural, religious, and communication needs of seafarers.

The OWWA, in consultation with relevant government agencies, shall annually review and develop the welfare facilities and services to ensure that they are appropriate in the light of changes in the needs of seafarers resulting from technical, operational and other developments in the shipping industry.

CHAPTER X HEALTH PROTECTION AND MEDICAL CARE

SEC. 44. Medical Care Onboard Ships and Ashore. - The shipowner shall provide adequate equipment, paraphernalia, medicines and medical supplies as well as the corresponding medical or trained personnel who shall provide first-aid medical care pursuant to be maritime occupational safety and health standards and other pertinent laws, rules and regulations on board, and shall ensure that seafarers receive the appropriate medical care on shore when the ship calls on a port.

The shipowner shall ensure that seafarers have access to medical treatment for any illness or injury, hospitalization and dental treatment.

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

The health protection and medical care mandated under this section shall be provided at no cost to the seafarer.

A seafarer shall have the right to material assistance and financial support from the shipowner with respect to the financial consequences resulting from sickness, injury or death while they are serving under a valid employment contract or those which arise from their employment, without prejudice to any other legal remedies that a seafarer may seek.

In accordance with amendments to the code implementing regulations 2.5 and 4.6 and appendices of the MLC, 2006 on financial security for vessels, the shipowner shall provide an expeditious and effective financial security system to assist seafarers in the event of their abandonment and to assure compensation for contractual claims in the event of death or long-term disability of seafarers due to an occupational injury, illness or hazard.

Sec. 45. Measures to Protect Seafarers from Epidemics, Pandemics or other Public Health Emergencies. - Filipino seafarers onboard ships should be covered by adequate measures for protection from epidemics, pandemics and man-made or natural public health emergencies, such as provision of personal protective equipment. They should also have access to prompt and adequate medical care while onboard, including medical advice and confidential helplines on physical and mental health by radio or satellite communication, free of charge, which shall be available 24-hours-a-day.

Shipowners shall institute measures on prevention of contagion in accordance with flag state health regulation and World Health Organization (WHO) guidelines, including the necessary disinfection, decontamination, de-ratting or pest control, and other measures necessary to prevent the spread of infection or contamination.

Filipino seafarers who manifest symptoms of any prevailing illness due to an epidemic, pandemic or any public health emergency, man-made or natural, shall be properly isolated and treated pursuant to established guidelines of the flag state, the WHO and the applicable provisions of this Act.

In ports of call, Filipino seafarers in need of medical care shall have access to medical facilities on-shore.

CHAPTER XI EMPOWERMENT OF FILIPINO WOMEN SEAFARERS

SEC. 46. Enhanced Access to Educational Advancement and Training. - Women seafarers shall be given enhanced access to educational advancement and training. Government-owned MHEIs and MTIs shall equally provide scholarships to women students and trainees, utilizing their Gender and Development (GAD) budget.

Ships registered in the Philippines shall accommodate women cadets for their shipboard training.

Shipowners of Philippine-flag-registered vessels shall not practice gender discrimination in the choice of their cadets for shipboard training.

SEC. 47. Conscientization. - Women seafarers shall be made aware of their condition and shall be informed about their human rights through gender-awareness and women-empowerment courses in maritime schools and training centers.

The National Maritime Polytechnic (NMP), the sole government-owned maritime training center, shall continue to develop, enhance, and increase accessibility of its Gender-Awareness Training for Seafarers (GATS) to the maritime industry offering the training course in e-learning format.

Shipping companies and crewing agencies shall be encouraged to formulate their GAD policies.

A helpline for all victims of sexual-harassment and bullying shall be set up.

SEC. 48. Self-organization. - Women seafarers shall be encouraged to organize, form associations, or join trade unions and link-up and form networks with women seafarers from different nationalities.

SEC. 49. Seafarer's Resource and Research Center. - The NMP shall strengthen its research capability to provide comprehensive resources for seafarers, including gender-related topics in aid of evidence-based decision-making in the maritime industry.

SEC. 50. Creation of Inter-Agency Committee on Women Seafarers. - An Inter-Agency Committee on Women Seafarers shall be created to be composed of the following government agencies and maritime industry stakeholders: DOLE, POEA, MARINA, CHED, NMP and the Philippine Commission on Women (PCW); trade unions and seafarers' organizations; and associations of shipowners and manning agencies. The Committee shall ensure that the rights and welfare of women seafarers are protected. It shall assess the situation of women seafarers in maritime schools and in the industry, and shall serve as venue for continued dialogue among stakeholders on issues related to women seafarers, such as: gender discrimination, sexual-harassment, and bullying; women's right to reproductive health, maternity benefits, and social security; and the right to work in a safe and harmonious environment.

SEC. 51. Limitation on Deployment for Filipino Seafarers' Protection. - Filipino seafarers shall only board ships with policies, plans and accessible procedures to eliminate and address harassment and bullying on board ships.

CHAPTER XII SOCIAL SECURITY AND INSURANCE PROTECTION

SEC. 52. Social Welfare Benefits. - Without prejudice to established policy, CBA or other applicable social agreement, all seafarers shall become members of the Social Security System, Employees' Compensation and State Insurance Fund, PhilHealth, Home Development Mutual Fund (or Pag-IBI Fund), and the OWWA, and shall enjoy the benefits afforded pursuant to membership thereof.

SEC. 53. Insurance Coverage. - The provisions on compulsory insurance for agency-hired workers under Section 37-A of Republic Act No. 8042, as amended by Republic Act No. 10022, shall continue to apply, at no cost, to seafarers: Provided, That the minimum insurance cover stated therein shall be issued by insurance companies duly accredited by the Insurance Commission - to ensure and facilitate claims of seafarers based on the section's "no contest, no fault or negligence" clause. This insurance cover is without prejudice to the insurance policy to be issued by the

shipowners, over and above the minimum cover, as an added protection to the seafarers in accordance with international standards and practices.

CHAPTER XIII COMPLIANCE AND ENFORCEMENT

SEC. 54. Compliance and Certification. - All ships of Philippine registry shall comply with the provisions of this Act. The shipowner or master shall ensure the compliance of the ship with the provisions of this Act and its Implementing Rules and Regulations (IRR).

The shipowner and master, as acting shipowner's representative, shall be made principally liable for any violation of the provisions of this Act and its IRR.

For this purpose, a Maritime Labor Certificate or a certificate of compliances, as applicable, shall be issued in accordance with the IRR.

SEC. 55. Inspection and Enforcement. - The Secretary of Labor and Employment, or a duly-authorized representative, shall have the sole and exclusive authority to inspect all Philippine ships, domestic or ocean-going to ensure compliance with the provisions of this Act. The Duly authorized representative shall have the power to board ships and carry out any examination, test or inquiry in order to ensure that the standards established under this Act and its IRR are strictly observed.

The Secretary of Labor and Employment may authorize other government agencies or duly-recognized organizations to conduct the inspection and issue certification in accordance with the provisions of this Act and its IRR.

The Secretary of Labor Employment or the duly-authorized representative shall have the power to order immediate restitution of differences, and impose fines for violations of the provisions of this Act.

If the violation or deficiency constitutes serious breach of the requirement of this Act and its IRR, or poses imminent danger to the ships or to the life or limb of the seafarer, the Secretary of Labor and Employment, or the duly-authorized representative, may immediately order the detention of the ship until the violation or deficiency is corrected.

SEC. 56. Recognized Organizations. - Recognized organizations may be authorized by the Secretary of Labor and Employment to conduct the inspection of ship's premises and issue the Maritime Labor Certificate or the Certificate of Compliance, as appropriate, in accordance with the provisions of this Act and its IRR.

A recognized organization must have the necessary knowledge of the requirements of this Act and its IRR, the MLC, 2006 and other relevant international treaties or conventions.

Likewise, to be recognized and authorized to inspect a ship, an organization must also have the necessary and qualified professional and technical expertise to conduct the inspection and certify to the ship's compliance with established standards.

CHAPTER XIV TERMINATION AND EXTENSION OF EMPLOYMENT

SEC. 57. Termination of Employment

- a. The employment of Filipino seafarers on board Philippines-registered ships operating internationally as well as those on board foreign-registered ships shall cease when the seafarers complete their period of contractual service aboard the ship, sign off from the ship, and arrive at the point of hire.

The employment is also terminated effective upon arrival at the point of hire for any of the following reasons:

1. When the seafarer signs off and is disembarked for medical reasons in the event the seafarer is declared: (1) fit for repatriation; or (2) when after an illness the seafarer is declared fit-to-work, but the employer is unable to find employment for the seafarer on board the ship originally boarded or on another ship of the employer;
 2. When the seafarer signs off due to the sale of the ship, lay-up of ship, discontinuance of voyage or change of ship principal;
 3. When the seafarer voluntarily resigns in writing and signs off prior to the expiration of contract within a reasonable period, as may be prescribed in the IRR of this Act; or
 4. When the seafarer is discharged for just causes in accordance with the provisions of the POEA Standard Employment Contract.
- b. The termination of employment of a seafarer on board domestic ships shall be governed by the provisions of Presidential Decree No. 442, as amended, or the Labor Code of the Philippines, on domestic shipping.
 - c. The termination of employment of a seafarer on board a foreign vessel or foreign registered ships shall be governed by the POEA SEC or applicable collective bargaining agreement (CBA).

SEC. 58. Extension of Employment. - The extension of a seafarer's employment agreement beyond the original period must be adequately reviewed and freely-accepted by the Filipino seafarer prior to signing any such extension. The shipowner, or a duly-authorized representative of the shipowner, and the manning agency shall ensure that the Filipino seafarer has fully considered by the effect of such an extension on the repatriation and contract entitlements, and that there shall be no diminution of the seafarer's salaries and benefits.

The shipowners and the manning agencies shall submit periodic reports to the POEA on the welfare and well-being Filipino seafarers subjected to contract extensions.

CHAPTER XV SETTLEMENT OF DISPUTES

SEC. 59. Onboard and Onshore Grievance Machinery. - All ships of Philippine registry shall prescribe and observe fair, effective and expeditious onboard and on-shore methods and procedures to handle grievance at no cost to the seafarer.

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

SEC. 60. Mandatory Conciliation-Mediation and Arbitration. - Seafarers, whether engaged, employed or working onboard ships of Philippine registry or other registries shall avail of the conciliation-mediation services of the DOLE pursuant to Republic Act 10396, otherwise known as "An Act Strengthening Conciliation-Mediation as a Voluntary Mode of Dispute Settlement for All Labor Cases, Amending for this purpose Article 228 of Presidential Decree No.422, as Amended, Otherwise Known as the Labor Code of The Philippines" and its IRR, by filing a request for assistance before the conciliation-mediation desks at the Regional/Field/Provincial Offices of the DOLE or its attached agencies.

In case the conciliation-mediation process involving a seafarer covered by a CBA fails, the case shall be submitted for Voluntary Arbitration in accordance with Articles 261 and 262 of the Labor Code of the Philippines, as amended. In cases where seafarers are not covered by the CBA, the seafarer shall have the option to submit the case to Compulsory Arbitration or Voluntary Arbitration.

CHAPTER XVI REINTEGRATION FOR OVERSEAS FILIPINO SEAFARERS

Sec. 61. Reintegration. - Returning or unemployed overseas Filipino seafarers may avail of the of the livelihood development and training programs,

placements and other services of the DOLE and other concerned government agencies, including OWWA, National Reintegration Center for OFWs (NCRO), Technical Education and Skill Development Authority (TESDA), Cooperative Development Authority (CDA), NMP and CHED.

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

The NRCO shall develop a reintegration program for Filipino seafarers to be submitted within sixty (60) days from the date of effectivity of this Act. The center shall provide mechanisms for their reintegration into the Philippine society, serve as a promotion house for their local employment, and ensure that their skills and competencies are maximized in the development of the Philippine domestic and international maritime industry. The implementation of the reintegration program shall form part of the semi-annual report of the DOLE to Congress as required under Republic Act No. 8402, or the Migrant Workers and Overseas Filipinos Act of 1995, as amended.

CHAPTER XVII INCENTIVES AND AWARDS GRANTED TO THE MARITIME INDUSTRY

SEC. 62. Incentives and Awards. - There shall be established an incentives and awards system for the maritime industry stakeholders which shall be developed and administered by the concerned government agency in consultation with the Maritime Industry Tripartite Council (MITC).

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

CHAPTER XVIII FINANCIAL ASSISTANCE TO SEAFARERS

SEC. 63. *Credit Delivery.* - Financial assistance for alternative sustainable livelihood programs, educational, career, and personal advancement, among others, shall be made available to seafarers upon the approval of this Act. The Land Bank of the Philippines (LBP), Development Bank of the Philippines (DBP), Small Business Corporation (SBC), People's Credit and Finance Corporation (PCFC) and other government financial institutions as well as private banks and financial intermediaries shall set up a special credit windows with preferential or subsidized interest rates that will serve the financing needs of the seafarers consistent with the policies, rules and regulations of the Bangko Sentral ng Pilipinas.

SEC. 64. *Annual Report of Financial Institutions.* - The LBP, DBP, SBC and PCFC and other government financial institutions shall submit an annual report to the House Committee on Overseas Workers Affairs and the Senate Committee on Labor and Employment on the state of the implementation of this provision.

CHAPTER XIX GOVERNMENT AGENCIES

SEC. 65. *Role of Government Agencies.* - The following government agencies shall perform the following functions to promote the welfare and protect the rights of Filipino seafarers:

- a. Department of Labor and Employment (DOLE) - The DOLE shall exercise sole and exclusive jurisdiction in implementing the provisions of this Act and ensure that the standards set forth herein, under Presidential Decree No. 442, as amended, and other laws, the MLC, 2006 and other international treaties and conventions to which the Philippines is a signatory, are faithfully complied with and fairly applied to all Filipino seafarers;

The DOLE shall likewise determine and set appropriate benchmarks consistent with the MLC, 2006, this Act, and other applicable laws on employment conditions and other labor standards and regulations;

- b. Department of Foreign Affairs (DFA) - The DFA shall, through its home offices or foreign posts, give paramount importance to the safety and well-being of Filipino seafarers, by providing adequate and timely intervention and assistance, such as representing their interests with foreign authorities concerned and facilitating their repatriation when they are distressed or beleaguered;
- c. Department of Health (DOH) - The DOH shall regulate the activities and operations of all clinics which conduct physical, optical, dental, psychological and other similar examinations, hereinafter referred to as health examinations, on Filipino seafarers;

The DOH shall determine and prescribe the nature of the health examination that shall be required of a seafarer, ensuring that such examination will genuinely determine the seafarer's state of health, considering the duties that the seafarer shall be to perform on board. The DOH shall likewise prescribe the contents of the medical certificate to ensure accuracy of the finding/s stated therein.

The DOH shall also strictly comply with its tasks and mandate under Republic Act No. 8042, as amended.

- d. Philippine Overseas Employment Administration (POEA) – The POEA shall review the contracts of employment and the working conditions of the officers and crew of vessels of Philippine registry operating internationally, and of such officers and crew members who are Filipino citizens and employed by foreign vessels to ensure that these comply with the prescribed standards;
- e. Overseas Workers Welfare Administration (OWWA) – The OWWA shall, through its welfare officers or coordinating officers, provide the Filipino seafarers and their families all the assistance they may need in the enforcement of contractual obligations by agencies and their principals.
- f. The OWWA shall likewise formulate and implement welfare programs for overseas Filipino seafarers and their families while they are abroad and upon their return. It shall ensure the awareness by the overseas Filipino workers and their families of these programs and other related governmental programs.
- g. Maritime Industry Authority (MARINA) – The MARINA shall ensure that all maritime education including the curricula and training programs are structured and delivered in accordance with written programs, methods and media of delivery, procedures and course materials, international standards as prescribed under the STCW Convention. The MARINA shall be tasked to ensure that the guidelines for the flag state on fair treatment of seafarers in the event of a maritime accident are observed at all times.
- h. Philippine Coast Guard (PCG) – The PCG, in line with its function to enforce applicable laws within the maritime jurisdiction of the Philippines, shall assist the DOLE in the enforcement of Department Orders and other issuances implementing the MLC 2006. In addition, the PCG shall be the agency tasked in ensuring that the guidelines for the port state/coastal state on fair treatment of seafarers in the event of a maritime accident are observed at all times.
- i. National Maritime Polytechnic (NMP) – The NMP shall enhance the employability and competitiveness of Filipino seafarers in the domestic and international labor market by offering specialization and upgrading courses for both licensed officers and ratings, and by conducting researches and studies on the latest maritime technologies and other related matters for the maritime industry.
- j. Philippine Information Agency (PIA) – The PIA shall disseminate information about government programs, projects, and services to the Filipino seafarers and their families and other stakeholders in the Philippine maritime industry, both local and overseas, with the final goal of seeing the quality of their lives improved and empowered to productively participate in the country's development.

The PIA shall also ensure proper and adequate information dissemination of the concerns and benefits of this Act to the general public especially to its intended beneficiaries, specially at the barangay level.

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

SEC. 66. *Philippine Seafarers' One Stop Processing Center (PSOC).* - An integrated document processing center, to be known as the Philippine Seafarer One-Stop Processing Center (PSOC), shall be established to assist seafarers and the general public. The agencies that are mandated to provide services in the PSOC are as follows:

- a. Department of Labor and Employment;
- b. Department of Foreign Affairs;
- c. Commission on Higher Education;
- d. Professional Regulation Commission;
- e. National Telecommunications Commission;
- f. Philippine Overseas Employment Administration;
- g. Overseas Workers Welfare Administration;
- h. Technical Education and Skills Development Authority;
- i. Maritime Industry Authority;
- j. National Bureau of Investigation;
- k. Social Security System;
- l. Philippine Health Insurance Corporation;
- m. Philippine Statistics Authority;
- n. Home Development Mutual Fund;
- o. Such other government agencies that the Secretary of DOLE may deem appropriate to be included in the PSOC

Further, the PSOC, for its initial operation, shall create pilot centers in strategic areas in Luzon, Visayas, and Mindanao that are identified as having the highest concentration of seafarers.

The data gathered for the PSOC shall be made accessible to and utilized by the maritime sector and stakeholders.

The local government units (LGUs) are encouraged to reduce the amount of local taxes, fees and charges imposed on transactions made by seafarers with the PSOC in connection with their profession.

CHAPTER XX TRIPARTISM

SEC. 67. *Tripartism.* - In line with ILO's principle of tripartism as embodied in the MLC, 2006, as amended, a Maritime Industry Tripartite Council (MITC) shall be established. The members of the MITC shall be composed of: 1) the competent authority represented by the DOLE; 2) a representative of shipowners' organizations concerned; and 3) a representative of recognized seafarers' unions. The MITC will serve as a body for tripartite consultation and discussion among government, management and labor, and shall work together to address maritime labor and employment concerns and come up with policies, guidelines and regulations affecting the Philippine maritime seafaring industry. The MITC shall protect the welfare of seafarers, and at the same time, ensure the continuous employment, marketability, cost-competitiveness and expansion of job opportunities for Filipino seafarers and shipowners.

CHAPTER XXI FINAL PROVISIONS

SEC. 68. *Administrative Fines and Penalties.* - Any shipowner, master, their representative or other competent person who fails or refuses to present employment records, such as payrolls, daily time records, pay slip or other documents, when required by the Secretary of Labor and Employment or the duly authorized representative of the Secretary, or the duly authorized representative of a recognized organization, shall be liable for administrative fines and penalties in accordance with the IRR of this Act.

SEC. 69. *Penalties for Violations of Inspection and Enforcement.* - Any person who, without proper authorization, exercises the Authority granted to the Secretary of Labor and Employment under Sections 55 and 56 of this Act, shall be punished with a fine of not less than One hundred thousand pesos (P100,000.00) nor more than Four hundred thousand pesos (P400,000.00), or imprisonment of not less than one (1) year nor more than four (4) years, or both at the discretion of the court. The foregoing offense shall prescribe after five (5) years from its commission, or upon discovery of the violation by competent authorities.

SEC. 70. *Transitory Provision.* - All rights, privileges and benefits previously enjoyed by Filipino seafarers before the effectivity of this Act, including those set forth in Presidential Decree No. 442, as amended, and Republic Act No. 8042, as amended, shall continue to be recognized and shall not be diminished.

SEC. 71. *Implementing Rules and Regulations.* - The DOLE, in coordination with the DFA, MARINA, PCG, and other concerned agencies, shall formulate the rules and regulations to implement this Act within ninety (90) days after its effectivity.

SEC. 72. *Separability Clause.* - If, for any reason, any section, clause or term of this Act is held to be illegal, invalid, or unconstitutional, such parts not affected by such declaration shall remain in full force and effect.

SEC. 73. *Repealing Clause.* - All laws, presidential decrees, issuances, executive orders, Letters of instruction, rules or regulations inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 74. *Effectivity.* - This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,