

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City
NINETEENTH CONGRESS
First Regular Session



HOUSE BILL NO. 5795

Introduced by HON. GUS S. TAMBUNTING

AN ACT INSTITUTING THE MAGNA CARTA OF FILIPINO SEAFARERS

EXPLANATORY NOTE

Around 229,000 Filipino workers are on board merchant shipping vessels around the world at any given time. Overall, Filipino sea-based workers comprised more than 25 percent of 1.5 million mariners worldwide, thus becoming the single biggest nationality bloc in the shipping industry.

Demand for Filipino seafarers is still high, but the quality of training is dipping.¹ In October 2018, the Maritime Industry Authority (MARINA) submitted proof of its compliance with the recommendations for Philippine maritime education given by the European Maritime Safety Agency (EMSA).

In the same year, both the agency and the Commission on Higher Education (CHED) monitored the country's 75 approved maritime schools and noted deficiencies in facilities and training equipment; examination and assessment system; quality standard shipment shortcomings; and quality of shipboard training.

This bill aims to resolve the problems encountered by seafarers. Overseas Filipino Workers (OFWs) are known as modern-day Filipino heroes. This is the reason why their rights must be protected.

On behalf of the people of Parañaque City's Second District, and for the common good of the Filipino people, the approval of the said measure is earnestly sought.


REP. GUS S. TAMBUNTING
2nd District, Parañaque City

¹ <https://www.bworldonline.com/sparkup/2022/05/27/451254/demand-for-filipino-seafarers-still-high-but-quality-of-training-is-dipping/>

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

CHAPTER I

DECLARATION OF POLICY

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

Sec. 2. Declaration of Policies. - It is hereby declared the policy of the State:

- a) To recognize the rights, contributions, and unique role of seafarers as essential maritime professionals, acknowledge their vulnerabilities, and afford them full protection before, during, and after their employment;
- b) To recognize that seafarers are a special category of key workers providing essential services, and given the global nature of the shipping industry and the different jurisdictions that seafarers may be brought into contact with, they are in need of special protection;
- c) To encourage the participation of women in the seafaring profession and contribute meaningfully to the achievement of national development goals as productive members of the community;
- d) To maintain and progressively develop a pool of competent and world-class

seafarers through a system of education, training, certification, and licensing;

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

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

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

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

CHAPTER II

GENERAL PROVISIONS

Sec. 3 Coverage. - This Act shall cover:

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

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

2) Government ships not engaged in commercial operations;

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

4) Fishing vessels, as may be defined by appropriate rules and regulations to be issued by the Department of Labor and Employment (DOLE), In

consultation with the Bureau of Fisheries and Aquatic Resources and other relevant stakeholders.

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

b) All Filipino seafarers on board Philippine registered domestic ships engaged in trade and commerce between Philippine ports and within Philippine territorial or internal waters shall be covered primarily by equivalent provisions of the Labor Code of the Philippines, as amended and related social and welfare benefits laws. For this purpose, the DOLE shall issue the appropriate rules and regulations to govern the employment of domestic seafarers.

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

a) Abandonment - refers to a situation where in violation of the terms of the employment contract, the shipowner:

i) Fails to cover the cost of the seafarer's repatriation;

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

or

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

b) Cadet - refers to a student of a maritime educational institution who is required to undergo training on board registered International or domestic ships to fulfill a maritime degree or technical course;

c) 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 done for contractual or commercial purposes;

d) International Maritime Convention 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) International Convention on Standards of Training, Certification, and Watchkeeping for Seafarers (STCW)- refers to the international convention that establishes the minimum standards relating to training, certification, and watchkeeping for seafarers, which the Philippines acceded to on May 22, 1984;

f) Manning Agency- refers to a natural or juridical person duly licensed by the Secretary of the Department to engage in the recruitment and placement of seafarers;

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 - refer 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, shipbuilding and ship repair, providing 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, professional associations of seafarers, associations promoting seafarers' welfare, and women's maritime organizations;

- i) Maritime Labor Certificate - refers to the document that certifies that the working and living conditions of the seafarers on the ship have been inspected and are compliant with the requirements of the MLC, 2006, and of applicable Philippine laws and regulations;
- j) Maritime Labour Convention/ 2006 (MLC, 2006) - refers to the consolidated The maritime Labour Convention approved by the International Labour Organization (ILO) in 2006 and ratified by the Philippines on August 20, 2012;
- k) Master refers to a person having command of a ship and acts the shipowners' representative;
- l) Ocean-Going Ship - refers to a ship other than those which navigate exclusively in inland water or in water within or closely adjacent to sheltered water, or areas where port regulations apply;
- m) Officer - refers to a member of the crew other than the master who has been designated as such by national law or regulation, or, in the absence of such designation, by collective agreement or custom;
- n) One-Stop-Shop Center for OFWs (OSSCO) - refers to the one-stop centers in various parts of the country established to ensure prompt, efficient, vital and relevant services to Overseas Filipino Workers (OFWs) and other overseas Filipinos and their families, including seafarers. The OSSCOs shall be the venue for the acquisition of relevant clearances and permits, validation of overseas job offers, availing of reintegration services and all pertinent seminars and workshops for all stakeholders, among others. In all cases and as far as practicable, the OSSCOs shall be co-located with DMW POEA regional offices. Agencies at these centers shall, as far as practicable, include the Department of Labor and Employment (DOLE), Department of Migrant Workers (DMW), Department of Foreign Affairs (DFA), Philippine Overseas Employment Administration• (POEA), Overseas Workers Welfare

Administration (OWWA), Technical Education and Skills Development Authority (TESDA), Professional Regulation Commission (PRC), Maritime Industry Authority (MARINA), Department of Health (DOH), Philippine Coast Guard (PCG), Home Development Mutual Fund (HDMF), Philippine Health Insurance Corporation (PhilHealth), Social Security System (SSS), Philippine Statistics Authority (PSA), Bureau of Immigration (BI), National Bureau of Investigation (NBI), Commission on Higher Education (CHED), Philippine National Police (PNP), Bureau of Internal Revenue (BIR), and other government agencies as may be appropriate;

o) Point of Hire refers to the place indicated in the contract of employment, and which shall be the basis for determining the commencement of the contract;

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, which shall be the point of hire or the seafarer's place of domicile, at the option of the seafarer, or in case of incapacity or death, at the option of his/her next of kin;

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

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

t) Ship or Vessel - refers to any kind, class, or type of craft or artificial contrivance capable of floating in the water, whether publicly or privately owned, ordinarily engaged in commercial activities;

u) Shipowner or Principal- refers to the 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 responsibility for operation and management of the ship from the shipowner, and who, in assuming such 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 III

SEAFARER'S RIGHTS

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

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

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 bargain, to form or join an international organization of seafarers or network with seafarers of different nationalities, and participate in the deliberation of issues and the formulation of policies that affect them, including the guarantee of representation in governing boards or appointment to 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.

Toward this end, relevant government agencies shall:

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

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

Sec. 8. Right to Information. - Shipowners, manning agencies, and other organizations responsible for the recruitment and placement of seafarers shall provide seafarers' relevant information, including the terms and conditions of employment, company policies affecting seafarers, conditions, and realities attending to their profession, and necessary laws and regulations of countries covered by their sojourn.

In addition, the seafarers shall, at all times, be furnished with a copy of the duly executed Standard Employment Contract, as well as the results of the medical examination conducted on him/her. The right shall also include the right 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, the grievance

procedures observed on-board, duly executed Standard Employment Contract of seafarers, and when there is a collective bargaining agreement (CBA), a copy of such an agreement, which shall be readily available to seafarers.

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

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

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

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

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

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

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

Sec. 15. 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 email and internet facilities, where available.

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

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

CHAPTER IV

WOMEN IN THE MARITIME INDUSTRY

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

- a) Payment of a lesser compensation, including wage, salary, or another form of remuneration and fringe benefits, to a male seafarer as against female seafarer, for work of equal value; and
- b) Favoring a male seafarer over a female seafarer with respect to promotion,

training opportunities, study and scholarship grants, solely on account of their sexes.

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

CHAPTER V

SEAFARER'S DUTIES

Sec. 20. Duties of a Seafarer. - Seafarers shall have the following duties:

- a) To comply with and observe the terms and conditions of the Standard Employment Contract;
- b) To abide by lawful and reasonable company personnel policies;
- c) To follow and observe the chain and command of the vessel, and to comply with the relevant and reasonable policies and procedures on board the ship or while ashore, taking into consideration his/her religious freedom;
- 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 take personal responsibility for his/her health while on board by maintaining a healthy lifestyle and complying with medically prescribed instructions.

CHAPTER VI

MINIMUM REQUIREMENTS FOR SEAFARERS

Sec. 21. 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. 22. Medical Certificates. - No seafarer shall be employed, engaged, or otherwise allowed to work on board a domestic or ocean-going ship unless a medical certificate has been issued declaring the seafarer to be fit to work.

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

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

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

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

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

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

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

CHAPTER VII

TERMS AND CONDITIONS OF EMPLOYMENT

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

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

- n) Separation pay and retirement pay, if applicable;
- o) Reference to the CBA, if applicable; and
- p) Other benefits in accordance with the law, company policy or CBA.

The employment contract shall be in a working language or in the English language, executed in four (4) original copies before the commencement of the employment. The shipowner and the seafarer shall each have a signed original of the agreement. In addition, a signed original shall be made available on board the ship. For ocean-going Philippine-registered ships or foreign-registered ships, the DMW POEA shall Issue a Standard Employment Contract containing the minimum standards to be observed in the employment of seafarers. The Standard Employment Contract shall be reviewed and updated regularly and must, at all times, be consistent with the MLC, 2006, and other existing treaties and conventions governing seafarers, which the Philippines has ratified or will ratify In the future.

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

The minimum hours of rest for every seafarer shall not be less than ten (10) hours in a twenty-four (24)-hour period. The hours of rest may be divided into two (2) periods, one of which shall be at least six (6) hours in length, and the interval between the two 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 seven (7)-day period; Provided, further, that such watchkeeping duties shall not be allowed for more than (2) consecutive weeks; Provided, finally, that the intervals between the two (2) periods shall not be less than twice the duration of the exception.

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

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

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

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

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

Sec. 30 Limitations on Wage Deductions. - A deduction from the seafarer's

wages shall not be made without his/her written consent unless the deduction is provided for in the contract of employment and/or is authorized by law.

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

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

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

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

CHAPTER VIII

ACCOMMODATION, RECREATIONAL FACILITIES, FOOD AND CATERING IN SHIPS

Sec. 35. Application. - The requirements of this Chapter covering ships of Philippine registry shall be applicable to the following:

- a) All ocean-going ships and domestic ships constructed on or after the date when the MLC, 2006 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, insofar as they can be reasonably refitted, unless provided exemption by the relevant Philippine government agency; and
- c) All ships constructed prior to the entry into force of the MLC, 2006 which have undergone major or substantial structural alterations after the entry into force of the Convention, unless provided exemption by the relevant Philippine government agency.

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

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

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

Sec. 39. Food and Catering. - All ships shall ensure the protection and promotion of the health of the seafarer. Toward this end, shipowners shall ensure that ships carry

on-board and serve 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 the seafarers on board the ship. The 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, and/or with international standards. In all cases, the ship's cooks shall be trained and qualified.

CHAPTER IX

MEDICAL CARE AND MARITIME OCCUPATIONAL SAFETY AND HEALTH STANDARDS

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

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

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

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

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

Sec. 41. Protection of Seafarers from Epidemics, Pandemics, or Other Pub He

Health Emergencies. - Seafarers on ships should be covered by adequate measures for protection from health-related outbreaks, such as epidemics and pandemics, including the provision of personal protective supplies and equipment, as appropriate. Seafarers shall have access to prompt and adequate medical care while on board, including medical advice and confidential helplines on physical and mental health, which shall be free of charge.

Shipowners shall institute preventive measures in accordance with the health regulations of the Flag State and the appropriate guidelines Issued by the World Health Organization (WHO), including the necessary disinfection, decontamination, de-rating, or other measures necessary to prevent the spread of Infection or contamination. Affected seafarers shall also be properly isolated and treated pursuant to establish guidelines of the Flag State, the WHO, and applicable rules and regulations.

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

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

Sec. 42. Financial Security System to Assist Seafarers in Case of Occupational Injury and Other Causes. - In accordance with 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 sickness, injury, or death occurring while they are serving under a seafarer's employment contract, or arising from their employment under such agreement.

CHAPTER X

TERMINATION OF EMPLOYMENT

Sec. 43. Termination of Employment. -

a) The employment of Filipino seafarers on board Philippine-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 destination as specified under this paragraph (b) of this Section;

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

1) When the seafarer signs off and is disembarked for medical reasons in the event that the seafarer is declared: i) fit for repatriation; or ii) 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 shipowner;

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

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

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

Sec. 44. Extension of Employment -In the event of the extension of the term of a seafarer's employment contract, the seafarer shall be furnished with a copy of the new or supplemental contract covering the extension of his employment with adequate time to review and obtain expert advice regarding the terms and conditions of his/her extended employment, which shall in no case be lower than the terms of his/her

original employment. In all cases, the shipowner, or a duly authorized representative or the manning agency shall ensure that the seafarer has considered the effect of such an extension to any accumulated entitlement and repatriation benefits, among others. Manning agencies and shipowners shall submit periodic reports to the DMW P9EA on the welfare and well-being of seafarers subjected to such contract extensions.

CHAPTER XI

SETTLEMENT OF DISPUTES

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

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

Sec. 46. Mandatory Conciliation-Mediation. - In the absence of an agreement or settlement at the grievances machinery level, the following rules shall apply:

- a) If there is a CBA, the matter shall be submitted for voluntary arbitration in accordance with existing laws, rules, and regulations;
- b) If there is no CBA, the parties shall have the option to submit the case to compulsory arbitration or voluntary arbitration, or conciliation-mediation services provided under Republic Act No. 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. 442, as amended. Otherwise Known as the 'Labor Code of the Philippines'" and its Implementing rules and regulations.

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

CHAPTER XII

REPATRIATION

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

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

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

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

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

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

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

CHAPTER XIII

REINTEGRATION OF OVERSEAS FILIPINO SEAFARERS

Sec. 52. Reintegration. - There shall be developed and implemented a full-cycle and comprehensive national reintegration program for seafarers, which shall be embedded in all stages of migration for work beginning from pre-deployment, on-site during employment and upon return, whether voluntary or involuntary. The reintegration program shall cover the different dimensions of support needed by the seafarer, such as economic, social, psychosocial, and cultural, including skills certification and recognition of equivalency for effective employment services, and

shall ensure contribution to national development through investments and transfer of technology from skilled or professional seafarers.

CHAPTER XIV

PROVISIONS APPLICABLE TO DOMESTIC SEAFARERS

Sec. 53. Wages, Holiday Pay, Service Incentive Leave, and Other Statutory

Benefits. - The minimum wage rate of seafarers on board ships engaged in domestic shipping shall be determined by the Regional Tripartite Wages and Productivity Boards (RTWPB), taking into account the peculiarities of the employment arrangement of seafarers and the criteria for wage-fixing pursuant to Republic Act No. 6727, otherwise known as the "Wage Rationalization Act;" Provided, that wages for actual work hours and days shall not be lower than the applicable minimum wage rates in the place where the ship is registered. Wages of domestic seafarers shall be paid in full and regularly at least twice a week in a month, or at intervals not greater than sixteen (16) days as provided In the Labor Code of the Philippines, as amended.

In addition, the provisions of the Labor Code of the Philippines, as amended, on "Prohibitions Regarding Wages," "Wage Studies, Wage Agreements, and Wage Determination," "Administration and Enforcement," "Holidays," "Service Incentive Leaves and Service Charges" shall continue to apply, unless higher annual leave is already provided under the CBA or by the shipowner as company practice or policy or seafarers' employment agreement. In addition, domestic seafarers shall also be entitled to

- i) 13th month pay pursuant to Presidential Decree No. 851, as amended,
- ii) paid maternity leave under Republic Act No. 11210, otherwise known as the "105-Day Expanded Maternity Leave Law,"
- iii) paid paternity leave under Republic Act No. 8187, otherwise known as the "Paternity Leave Act of 1996,"
- iv) paid parental leave for solo parents under Republic Act No. 8972, otherwise known as the "Solo Parents' Welfare Act of 2000,"

v) paid leave for victims of violence against women and their children under Republic Act No. 9262, otherwise known as the "Anti-Violence Against Women and their Children Act of 2004,"

vi) paid special leave due to surgery for any gynecological disorder, under Republic Act No. 9710, otherwise known as the "Magna Carta of Women," and retirement pay, pursuant to Republic Act No. 7641.

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

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

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

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

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

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

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

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

Sec. 57. Rescue of Seafarers On-Board Domestic Ships. - The provisions under this Act on repatriation as may be applicable, shall also apply to seafarers working on domestic ships. Seafarers on board domestic ships shall be entitled to emergency rescues in cases of war, epidemics, abandonment of ships by shipowners, disasters or calamities, whether natural or man-made and other similar events. The Philippine

Coast Guard and MARINA shall undertake and assist in the rescue of seafarers on board domestic ships.

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

CHAPTER XV

MANNING LEVELS AND COMPLIANCE AND ENFORCEMENT OF SHIPS OF THE PHILIPPINE REGISTRY

Sec. 59. Manning Levels. - All ships of the Philippine registry shall have the required minimum manning levels as prescribed by the Maritime Industry Authority (MARINA). They shall, at all times, 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.

Sec. 60. Crew Competence. - Every member of the crew of a ship in the Philippine registry shall possess, in addition to the required medical certificate, the appropriate certificate of competency issued by the relevant government agencies setting forth his/her competence to serve in the capacity, and perform the functions involved at the level of responsibility, for the position held, for the type, tonnage, power, means of propulsion, and trading patterns of the ships concerned.

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

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

For this purpose, a Maritime Labour Certificate or a certificate of compliance, as applicable, shall be issued in accordance with the Implementing rules and regulations of this Act.

Sec. 62. Inspection and Enforcement -

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

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

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

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

b) The Philippine Coast Guard (PCG) shall have the authority to conduct the port state control inspections of vessels, including all foreign-flagged vessels, calling at any port of the Philippines, for the promotion of safety of life and property at sea, control and prevention of maritime pollution, and verification of compliance with the minimum standards of training and social condition of officers and crew on board the ships. The PCG shall assist

relevant agencies in the enforcement of the provisions of this Act and its implementing rules and regulations, and the MLC, 2006.

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

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

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

Sec. 63. Recognized Organizations. - Recognized organizations may be authorized by the Secretary of Labor to conduct inspection and issue certification in accordance with the provisions of this Act and Its implementing rules and regulations.

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

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

CHAPTER XVI

SHIPBOARD TRAINING OF CADETS

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

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

- a) Cadet's full name, date of birth, birthplace, and age, which should be at least sixteen (16) years old;
- b) Name and address of the maritime institution or school;
- c) Name and address of the shipowner and its manning and placement agency, if applicable;
- d) Place and date when the agreement is entered into;
- e) Capacity in which the cadet is to be trained;
- f) The amount of the cadet's allowance or stipend, if applicable;
- g) Required number of hours of training and rest which shall not be less than the prescribed hours of rest in Section 26 of this Act;
- h) Duties and responsibilities of the sponsoring company. Maritime Higher Education Institutions (MHEIs), and cadets, as may be provided under the Standard Cadet Training Agreement on Ships Engaged in International Voyage of the Philippine Overseas Employment Administration (POEA); and
- i) Other benefits in accordance with existing laws, company policy or agreements.

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

The foregoing agreement shall be in a language familiar to and understood by

all parties on in English, executed in four (4) original copies before the commencement of the shipboard training. The shipowner, cadet and the maritime institution/school shall each have a signed original 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.

Sec. 66. No Discrimination of Women for Shipboard Training. ~ Women cadets shall be accorded equal access to training and shall not be discriminated against for shipboard training.

CHAPTER XVII

INCENTIVES AND AWARDS GRANTED TO THE MARITIME INDUSTRY

Sec. 67. Incentives and Awards shall be established an incentive 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 XVII

ROLE OF GOVERNMENT AGENCIES

Sec. 68. 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) Commission on Higher Education (CHED) - The CHED shall set the standards and monitor the performance of maritime education programs and maritime higher education institutions, ensuring that quality maritime education, including curricula and training programs, are structured and delivered in accordance with the written programs, methods, and media of

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

b) Department of Labor and Employment (DOLE). - The DOLE shall ensure that the standards set forth under this Act, Presidential Decree No. 442, as amended, and other domestic 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 Filipino seafarers.

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

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

d) 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 medical 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 required to perform on board. The DOH shall likewise prescribe the contents of the medical certificate to ensure that such certification will genuinely reflect the seafarer's state of health.

e) Department of Migrant Workers (DMW)

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

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

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

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

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

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

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 seafarers and their families of these programs and other related governmental

programs.

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

h) Philippine Coast Guard (PCG). - The PCG shall undertake port state control inspections of vessels calling at any port of the Philippines, in accordance with international conventions and standards, for the promotion of safety of life and property at sea, control and prevention of maritime pollution, and verification of compliance with the minimum standards of training and social

- condition of officers and crew on board the ships.

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

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

Sec. 70. Registry of Seafarers. - The DMW POEA, for ocean-going ships of foreign registry, and MARINA, for domestic and ocean-going ships of Philippine

registry, shall maintain a registry of all seafarers in the Philippines; Provided, that the registry of seafarers aboard ocean-going ships shall be integrated to the management information system established under the Migrant Workers and Overseas Filipinos Act, as amended. The registry shall contain updated and relevant information or data to promote employment opportunities for seafarers, whether on board or ashore, or to provide a list of available training and education to support skills and development and competencies of seafarers, as well as a digitalized copy of the duly executed contract.

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

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

CHAPTER XIX

FINAL PROVISIONS

Sec. 72. Administrative Fines and Penalties- Any shipowner, master, their representatives or other person who fails or refuses to present employment records, such as payrolls, daily time records, payslip or other documents, such as medical records, when required by the Individual seafarer, the Secretary of Labor or his duly authorized representative, or the duly authorized representative of a recognized organization, shall be subjected to administrative fines ranging from One hundred thousand pesos (Php 100,000.00) to One million pesos (Php 1,000,000.00), in accordance with the implementing rules and regulations of this Act.

Sec. 73. Penalties for Violations of Section 68. - Any shipowner, master, their

representatives who operate without, or fails to present, a valid Maritime Labour Certificate, or its equivalent, shall be punished with fines ranging from One hundred thousand pesos (Php100,000.00) to One million pesos (Php1,000,000.00), in accordance with the implementing rules and regulations of this Act.

Sec. 74. Penalties for Violations of Sections 69 and 70. - Any person who, without proper authorization, exercises the authority granted to the Secretary of Labor and Employment under Sections 69 and 70 of this Act shall be punished with a fine of not less than two hundred thousand pesos (Php200,000.00) but not more than Two million pesos (Php2,000,000.00), 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.

Sec. 75. 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, otherwise known as the Labor Code of the Philippines, as amended, and Republic Act No. 8042, otherwise known as the "Migrant Workers and Overseas Filipinos Act of 1995", as amended, shall continue to be recognized and shall not be diminished after the effectivity of this Act.

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

Sec. 77. 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. 78. Repealing Clause. - All laws, presidential decrees, issuances, executive orders, letters of instruction, rules and regulations inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

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

Approved,