



HOUSE OF REPRESENTATIVES

H. No. 5685

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BY REPRESENTATIVES AGLIPAY-VILLAR, MANALO, ANGARA-CASTILLO, NOGRALES (K.A.), NOGRALES (J.J.), VILLARIN, MENDOZA, VELARDE, VELASCO-CATERA, CASTELO, DEL MAR, REVILLA, SUANSING (E.), VIOLAGO, BAGATSING, GARIN (S.), TAN (A.), ORTEGA (P.), ESCUDERO, BATOCABE, BERTIZ, CORTUNA, ARENAS, MONTORO, GARCIA (G.), BRAVO (A.), ABAYON, SAVELLANO, VILLAR, OLIVAREZ, CO, BATAOIL, BRAVO (M.V.), DALIPE AND PRIMICIAS-AGABAS, PER COMMITTEE REPORT NO. 249

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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 the “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 maritime professionals, in recognition of their unique role and contribution to national development;

1 (b) To maintain and progressively develop a pool of competent and  
2 world-class seafarers through a system of education, training, accreditation  
3 and licensing;

4 (c) To establish mechanisms for the enhancement of administrative,  
5 adjudicative, social as well as welfare services for them and  
6 their families;

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

12 (e) To recognize shipowners, manning and recruitment entities  
13 as vital partners in promoting the skills and competencies of  
14 Filipino seafarers.

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

21 SEC. 3. *Applicability.* – This Act shall cover Filipino seafarers  
22 engaged, employed, or working in any capacity on board Philippine registered  
23 ships operating domestically or internationally, as well as those on board  
24 foreign registered ships.

25 This Act shall not cover the following categories of ships:

26 (a) Warships and naval auxiliaries;

27 (b) Government ships not engaged in commercial operations;

28 (c) Ships of traditional build, as may be defined under existing rules  
29 and regulations; and

30 (d) Fishing vessels.

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

2           (a) *Cadet* refers to a student of a maritime educational institution who  
3 is required to undergo training on board registered international ships or  
4 domestic ships to fulfill a maritime academic course;

5           (b) *Domestic Shipping* refers to the transport of passenger or cargo, or  
6 both, by ships duly registered and licensed under Philippine law to engage in  
7 trade and commerce between Philippine ports and within Philippine territorial  
8 or internal waters for hire or compensation with general or limited clientele  
9 whether permanent, occasional or incidental, with or without fixed routes and  
10 undertaken for contractual or commercial purposes;

11           (c) *International Maritime Convention* or *International Convention*  
12 refers to any written treaty or agreement, or any protocol or amendment  
13 thereto, affecting the maritime industry which has come into force and effect,  
14 including the MLC, 2006;

15           (d) *License* refers to the document issued by the Department of Labor  
16 and Employment (DOLE) authorizing any person or entity to engage in the  
17 recruitment and placement of seafarers;

18           (e) *Manning/Recruitment and Placement Agency* refers to any  
19 Filipino person, corporation, partnership, company, or other entity engaged in  
20 the canvassing, enlisting, contracting, transporting, utilizing, hiring or  
21 procuring whether for profit or not, of seafarers whether domestic or  
22 international;

23           (f) *Maritime Industry Stakeholders* refer to all private sector  
24 stakeholders, engaged in the business of owning, managing, chartering or  
25 operating domestic and international ship(s) of Philippine or foreign registry,  
26 manning of ships, management of ports, stevedoring and arrastre services, ship  
27 brokering and chartering, shipbuilding and ship repair, providing maritime  
28 services such as ship supplies and provisions, maritime education and training,  
29 shipping agency, and other similar activities.

1 This term shall also include bona fide maritime labor organizations and  
2 professional associations of seafarers;

3 (g) *Master* refers to a person having command of a ship;

4 (h) *Maritime Labour Certificate* refers to the document that certifies  
5 that the working and living conditions of the seafarers on the ship have been  
6 inspected and are compliant with the requirements of Philippine laws and  
7 regulations;

8 (i) *Officer* refers to a member of the crew other than the master who  
9 has been designated as such by national law or regulation or, in the absence of  
10 such designation, by collective agreement or custom;

11 (j) *Deck Officer* refers to an officer qualified in accordance with  
12 Chapter II of the International Convention on the Standards of Training,  
13 Certification and Watchkeeping for Seafarers, 1978 (STCW, 1978), as  
14 amended;

15 (k) *Engine Officer* refers to an officer qualified in accordance with  
16 Chapter III of the International Convention on the STCW, 1978, as amended;

17 (l) *Philippine National* refers to any individual who is a citizen of the  
18 Philippines, or a commercial partnership or corporation organized under the  
19 laws of the Philippines, at least sixty percent (60%) of the capital of which is  
20 owned by citizens of the Philippines;

21 (m) *Philippine Seafarers' One Stop Processing Center (PSOC)* refers  
22 to the facility created under DOLE Administrative Order No. 56, Series of  
23 2003, which houses multiple offices or agencies involved in providing services  
24 to seafarers, in one place;

25 (n) *Point of Hire* refers to the place where the contract of employment  
26 was executed;

27 (o) *Recognized Organizations* refer to organizations recognized by  
28 the DOLE to carry out inspections or issue the Maritime Labour Certificate in  
29 accordance with the scope of activities covered by their authorizations;

1 (p) *Repatriation* refers to the process of returning a seafarer to the  
2 point of hire;

3 (q) *Seafarer* refers to a person who is employed or is engaged to work  
4 in any capacity on board a ship to which the Act applies;

5 (r) *Ship or Vessel* refers to any kind, class or type of craft or artificial  
6 contrivance capable of floating in water, whether publicly or privately owned,  
7 ordinarily engaged in commercial activities and offshore operations, except  
8 fixed platform;

9 (s) *Seagoing Ship* refers to a ship other than those which navigate  
10 exclusively in inland water or water within or closely adjacent to sheltered  
11 water, or areas where port regulations apply;

12 (t) *Shipowner* refers to the owner of the ship employing Filipino  
13 seafarers to work on board domestic ships and ships engaged in international  
14 trade, or any other organization or person, such as the manager, agent or  
15 bareboat charterer, who has assumed the responsibility for operation and  
16 management of the ship, and who, in assuming such responsibilities, has  
17 agreed to take over all the attendant duties and responsibilities of a shipowner  
18 under this Act, regardless of whether any other organization or person fulfill  
19 certain of the duties or responsibilities on behalf of the shipowner.

## 20 CHAPTER II

### 21 SEAFARERS' RIGHTS

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

24 (a) Safe and secure workplace that complies with safety standards;

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

26 (c) Medical care, welfare measures and other forms of health and  
27 social protection; and

28 (d) Fair terms and conditions of employment including salary  
29 commensurate to their rank, hours of work, and other relevant basis for wage

1 computation, minimum number of working hours, rest period consistent with  
2 Philippine laws or international maritime conventions, when applicable.

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

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

12       No fee or other charges shall be imposed on cadets, interns,  
13 apprentices, on-the-job-trainees or other persons similarly situated.

14       Towards this end, relevant government agencies shall:

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

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

20       (c) Promote quality maritime education and training that respond to  
21 the needs of the industry and in accordance with minimum international  
22 maritime standards of competency.

23       SEC. 8. *Right to Relevant Information.* – Shipowners, manning  
24 agencies, and other organizations responsible for the recruitment and  
25 placement of Filipino seafarers shall be mandated to provide seafarers relevant  
26 information, including the terms and conditions of employment and company  
27 policies affecting seafarers. This right shall include the right of seafarers'  
28 organizations to relevant information affecting the terms and conditions of  
29 employment of their members.

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

3 SEC. 9. *Right to Consultation.* – Seafarers, shipowners and legitimate  
4 seafarers' and shipowners' organizations, as well as other relevant  
5 stakeholders, shall be adequately consulted before any maritime policy,  
6 executive issuance, rule or regulation affecting seafarers and their families is  
7 promulgated, or before any maritime law that may directly affect them is  
8 enacted.

9 SEC. 10. *Right Against Discrimination.* – Upon employment,  
10 seafarers shall have the right against discrimination by sole reason of race, sex,  
11 religion and political opinion. Career opportunities shall be promoted and  
12 appropriate working and living conditions shall be guaranteed equally among  
13 male and female seafarers.

14 SEC. 11. *Right to Free Legal Representation.* – Seafarers who are  
15 victims of violations of the provisions of this Act and who cannot afford the  
16 services of a competent and independent counsel shall have the right to free  
17 legal assistance and protection at government's expense, subject to existing  
18 rules and regulations.

19 SEC. 12. *Right to Access to Communication.* – Seafarers, especially  
20 during their free time or when they are not on duty, shall have reasonable  
21 access to ship-to-shore telephone communications, and email and internet  
22 facilities, where available.

### 23 CHAPTER III -

#### 24 DUTIES OF SEAFARERS

25 SEC. 13. Seafarers shall have the following duties:

26 (a) To comply with and observe the terms and conditions of the  
27 employment contract;

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

29 (c) To be obedient to the lawful commands of the Master or the  
30 Master's lawful successor, and to comply with the shipowner's/principal's

1 policy on safety and operational procedures and instructions given in  
2 connection therewith;

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

5 (e) To be, at all times, orderly and respectful to the shipmates,  
6 passengers, shippers, stevedores, port authorities, and other persons who have  
7 official business with the ship; and

8 (f) To be personally responsible for maintaining a healthy lifestyle.

#### 9 CHAPTER IV

##### 10 MINIMUM REQUIREMENTS FOR SEAFARERS

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

15 SEC. 15. *Medical Certificates.* – No seafarer shall be employed,  
16 engaged, or otherwise allowed to work on board a domestic or ocean-going  
17 ship unless a medical certificate has been issued declaring the seafarer to be fit  
18 to work.

19 The seafarer shall hold a valid medical certificate issued by a medical  
20 facility duly accredited by the Department of Health (DOH) in accordance  
21 with its existing rules and regulations.

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

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

28 SEC. 16. *Training and Qualifications.* – Only seafarers certified by  
29 appropriate government agencies shall work, be employed or be engaged on  
30 board a ship.



1           **SEC. 17. *Recruitment and Placement.*** — Only duly licensed manning  
 2 or placement and recruitment agency shall be allowed to operate and engage in  
 3 the recruitment and placement of seafarers, in accordance with the rules and  
 4 regulations as may be issued by the Secretary of Labor and Employment.

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

7           **SEC. 18. *Contracting or Subcontracting of Services.*** — The  
 8 contracting or subcontracting of seafarers for work on board domestic ships  
 9 shall be governed by existing rules and regulations issued by the DOLE.

## 10           CHAPTER V

### 11           CADETSHIP

12           **SEC. 19. *Applicability.*** — The shipboard training of cadets shall be  
 13 governed by Sections 5 to 12 of Chapter II; Section 13 of Chapter III; Section  
 14 15 of Chapter IV; Sections 22 to 23 of Chapter VI; Sections 25 to 27 of  
 15 Chapter VII; Sections 31 to 35 of Chapter IX; Section 36 of Chapter X; and  
 16 Section 42 of Chapter XIV hereof.

17           **SEC. 20. *Shipboard Training Agreement for Cadets.*** — There shall be  
 18 a written agreement between the shipowner on one hand, and the cadet and the  
 19 maritime institution or school on the other, and which shall include the  
 20 following information, terms and conditions:

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

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

24           (c) Name and address of the shipowner, if applicable;

25           (d) Place and date when the cadet's agreement is entered into;

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

27           (f) Amount of the cadet's allowance or stipend;

28           (g) Required number of hours of training and rest which shall not be  
 29 less than the prescribed hours of work and rest in Section 21 of this Act;

1 (h) Duties and responsibilities of the sponsoring company, Maritime  
2 Higher Education Institutions (MHEIs), and cadets, as may be provided under  
3 the Standard Cadet Training Agreement on Ships Engaged in International  
4 Voyage of the Philippine Overseas Employment Administration (POEA); and

5 (i) Other benefits in accordance with law, company policy or  
6 agreements.

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

14 MHEIs shall demonstrate that over the last three (3) years, an average  
15 of at least the minimum percentage of the target number of cadets, as per  
16 updated relevant Commission on Higher Education (CHED) Memorandum  
17 Order are able to secure berths in connection with their studies, which  
18 minimum percentage, however, shall not be lower than sixty percent (60%) of  
19 students enrolled in their Bachelor of Science in Marine Transportation  
20 (BSMT) or Bachelor of Science in Marine Engineering (BSMarE) programs.  
21 The CHED, in coordination with the Maritime Industry Authority (MARINA),  
22 shall ensure that only BSMT or BSMarE programs in MHEIs that meet the  
23 above requirement are conferred approved or accredited.

## 24 CHAPTER VI

### 25 TERMS AND CONDITION OF EMPLOYMENT

26 SEC. 21. *Standard Employment Agreement for Seafarers.* - There  
27 shall be an agreement in writing between the shipowner and the seafarer,  
28 which shall include the following information and terms:

- 29 (a) Seafarer's full name, date of birth or age, and birthplace;  
30 (b) Shipowner's name and address;

- 1 (c) Place where and date when the seafarer's employment agreement  
2 is entered into;
- 3 (d) Capacity in which the seafarer is to be employed;
- 4 (e) Amount of the seafarer's salary, and the formula used for  
5 calculating the same;
- 6 (f) Hours of work and hours of rest;
- 7 (g) Wages and wage-related benefits, which include the following:  
8 overtime pay, holiday pay, premium pay, paid leaves, 13<sup>th</sup> month pay, if  
9 applicable;
- 10 (h) Social security and welfare benefits;
- 11 (i) Stipulation on repatriation or similar undertakings;
- 12 (j) Separation pay and retirement pay, if applicable;
- 13 (k) Reference to the collective bargaining agreement, if applicable;
- 14 and
- 15 (l) Other benefits in accordance with law, company policy or  
16 agreements.

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

22 The Philippine Overseas Employment Administration-Standard  
23 Employment Contract (POEA-SEC) approved by the DOLE shall be observed  
24 in the employment of Filipino seafarers on board foreign registered ships.

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

27 **SEC. 22. Wages.** - Upon effectivity of this Act, the Regional  
28 Tripartite Wages and Productivity Boards shall set the minimum wage rates of  
29 the seafarers on board ships engaged in domestic shipping, taking into account

1 the peculiarities of the employment arrangement of seafarers and the criteria as  
2 determined pursuant to Republic Act No. 6727, otherwise known as "Wage  
3 Rationalization Act": *Provided*, That wages for actual work hours and days  
4 shall not be lower than the applicable minimum wage rates in the domicile or  
5 head office of the employer. Wages shall be paid at least once every two (2)  
6 weeks or twice a month, at intervals not exceeding sixteen (16) days.

7 Trainees, probationary crew members and other similarly situated  
8 persons shall be paid full minimum wage in accordance with the services  
9 rendered.

10 Cadets, on-the-job trainees, apprentices and other similarly situated  
11 persons who are on board vessels as part of the completion of their academic  
12 or training program, shall be provided with stipends or allowances, which shall  
13 not be less than fifty percent (50%) of the existing minimum wage of regular  
14 seafarers.

15 **SEC. 23. Hours of Work and Hours of Rest.** — The normal hours of  
16 work of every seafarer shall not exceed eight (8) hours a day. If the seafarer is  
17 allowed to work beyond eight (8) hours, the maximum hours of work shall not  
18 exceed fourteen (14) hours in any twenty-four (24)-hour period, and  
19 seventy-two (72) hours in any seven (7)-day period.

20 The minimum hours of rest for every seafarer shall not be less than  
21 ten (10) hours. Hours of rest may be divided into not more than two (2)  
22 periods, one of which shall be at least six (6) hours in length, and the interval  
23 between consecutive periods of rest shall not exceed fourteen (14) hours.

24 In exceptional cases, seafarers in watchkeeping duties may be required  
25 to work beyond fourteen (14) hours: *Provided*, That the rest period is not less  
26 than seventy (70) hours in any seven (7)-day period. This exception shall not  
27 be allowed for more than two (2) consecutive weeks. The intervals between  
28 two (2) periods of exception shall not be less than twice the duration of the  
29 exception.

1           **SEC. 24. *Paid Annual Leave.*** – Whenever applicable, the seafarers  
2 shall be paid an annual leave to be calculated on the basis of a minimum of 2.5  
3 calendar days per month of employment.

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

## 10                               CHAPTER VII

### 11                               REPATRIATION

12           **SEC. 25. *Seafarers Shall Be Entitled to Repatriation.*** – All costs  
13 related to the repatriation or transport of the personal effects of a seafarer shall  
14 be borne by or charged to the shipowner and the manning agency concerned.  
15 The expenses of repatriation shall include the transportation charges, pay and  
16 allowances from the moment the seafarers leave the ship until they reach the  
17 repatriation destination, the accommodation and the food of the seafarer  
18 during the journey and transportation of thirty kilograms (30 kgs.) of the  
19 seafarers’ personal luggage to the repatriation destination. The primary  
20 responsibility to repatriate entails the obligation on the part of the shipowner  
21 or agency to advance the repatriation and other attendant costs, including plane  
22 fare, deployment cost of the principal and immigration fines and penalties, to  
23 immediately repatriate the seafarer should the need for it arise, without a prior  
24 determination of the cause of the termination of the seafarer’s employment.  
25 However, after the worker has returned to the country, the shipowner or  
26 agency may recover the cost of repatriation from the seafarer if the termination  
27 of the employment was due solely to the seafarer’s fault.

28           **SEC. 26. *Emergency Repatriation for Seafarers on Board Foreign***  
29 ***Registered Ships.*** – In cases of war, epidemics, abandonment of ship by  
30 shipowners, disasters, calamities, natural or man-made, and other similar

1 events, the Department of Foreign Affairs (DFA), in coordination with the  
2 POEA and the Overseas Workers Welfare Administration (OWWA), shall  
3 undertake the repatriation of seafarers. The DFA shall draw from the  
4 Emergency Repatriation Fund (ERF) provided under the General  
5 Appropriations Act (GAA) to defray the expenses involved in the repatriation  
6 of undocumented seafarers, while the POEA shall require manning agencies to  
7 effect the repatriation of seafarers within forty-eight (48) hours or suffer the  
8 penalty of suspension. In case of failure of the manning agency to provide for  
9 the repatriation within the prescribed time, the POEA shall coordinate with the  
10 OWWA to advance the cost of repatriation of the seafarer without prejudice to  
11 reimbursement from the concerned manning agency.

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

14 **SEC. 27. *Repatriation for Seafarers on Board Domestic Ships.*** – The  
15 provisions on repatriation shall also apply to seafarers working on domestic  
16 ships. Seafarers on board domestic ships shall be entitled to emergency  
17 repatriation in cases of war, epidemics, abandonment of ship by shipowners,  
18 disasters or calamities, whether natural or man-made, and other similar events.

## 19 CHAPTER VIII

### 20 MANNING REQUIREMENT

21 **SEC. 28. *Manning Levels.*** – All ships of Philippine registry shall  
22 observe the required minimum manning levels in accordance with the  
23 requirements prescribed by the MARINA.

24 Every ship shall be manned by a crew that is adequate in terms of size  
25 and qualifications taking into account the need to operate the vessel safely and  
26 efficiently.

27 **SEC. 29. *Crew Competence.*** – The crew members of a ship of  
28 Philippine registry shall possess the appropriate certificate of competency,  
29 which sets forth their competence to serve and perform the functions involved

1 at the level of responsibility, for the position held, for the type, tonnage,  
2 power, means of propulsion, and trading patterns of the ships concerned.

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

7 SEC. 30. *Registry of Seafarers.* – To better respond to the manning  
8 requirements of oceangoing ships of foreign registry, and domestic and  
9 oceangoing ships of Philippine registry, the POEA and the MARINA,  
10 respectively, shall maintain a registry of all seafarers in the Philippines. The  
11 registry shall contain the relevant information or data to promote employment  
12 opportunities for seafarers whether on board or ashore, and allow for the  
13 appropriate learning for and implementation of additional training, skills and  
14 competency development programs for seafarers.

#### 15 CHAPTER IX

#### 16 ACCOMMODATION, RECREATIONAL FACILITIES,

#### 17 FOOD AND CATERING

18 SEC. 31. *Accommodation Facilities.* – Unless otherwise exempted  
19 herein or by appropriate regulations, all ships of Philippine registry shall have  
20 safe, decent and adequate accommodations for seafarers taking into account  
21 the need to protect the health and safety of seafarers working or living on  
22 board.

23 SEC. 32. *Requirements for Sanitation.* – All ships of Philippine  
24 registry shall have sanitation facilities that meet the minimum standards for  
25 health and hygiene and are accessible to seafarers on board. The sanitation  
26 facilities shall be located at convenient places, allowing for easy access to  
27 work stations. Separate facilities shall be provided for male and female crew.

28 SEC. 33. *Recreational Facilities.* – Unless otherwise exempted  
29 herein or by appropriate regulations, all ships of Philippine registry shall have

1 recreational facilities, amenities, and services that are appropriate and  
2 accessible to seafarers.

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

6 SEC. 34. *Food and Catering.* – The shipowner shall ensure the  
7 protection and promotion of health of seafarers. Whenever applicable, a  
8 shipowner shall ensure that a ship serves free food and drinking water of  
9 appropriate quality, quantity and nutritional value that adequately cover the  
10 requirements of the ship and take into consideration the differing cultural and  
11 religious backgrounds of seafarers. All foods and drinks and the preparation  
12 thereof shall be in accordance with the standards of the Sanitation Code of the  
13 Philippines and pertinent laws, rules and regulations.

14 SEC. 35. *Application.* – The requirements of this chapter for crew  
15 accommodation and recreational facilities covering ships of Philippine registry  
16 shall be applicable to the following:

17 (a) All oceangoing ships and domestic ships constructed on or after  
18 the date when the MLC, 2006 comes into force;

19 (b) All second-hand ships, whether oceangoing or domestic, acquired  
20 or leased, and entered in the Philippine registry after the entry date into force  
21 of the said Convention unless provided exemption by the relevant Philippine  
22 government agency; and

23 (c) All ships constructed prior to the entry into force of the MLC,  
24 2006 which have undergone major or substantial structural alterations after the  
25 entry into force of the Convention, unless provided exemption by the relevant  
26 Philippine government agency.

## 27 CHAPTER X

### 28 HEALTH PROTECTION AND MEDICAL CARE

29 SEC. 36. *Medical Care on Board Ships and Ashore.* – The shipowner  
30 shall provide adequate equipment, paraphernalia and medical supplies,



1 including medicines on board, and shall ensure access to shore facilities for the  
2 health of seafarers, as well as the corresponding medical or trained personnel  
3 who shall provide first aid and medical care pursuant to the Maritime  
4 Occupational Safety and Health Standards and other pertinent laws, rules and  
5 regulations.

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

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

10 A seafarer shall have the right to material assistance and financial  
11 support from the shipowner with respect to the expenses incurred during and  
12 as a result of medical treatment for sickness, injury or death occurring while  
13 they are serving under a valid employment contract or those which arise from  
14 their employment, without prejudice to any other legal remedies that a seafarer  
15 may seek.

## 16 CHAPTER XI

### 17 WELFARE AND SOCIAL SECURITY PROTECTION

18 SEC. 37. *Social Welfare Benefits.* – Without prejudice to established  
19 policy, CBA or other applicable social agreement, all seafarers shall become  
20 members of the Social Security System (SSS), Employees' Compensation and  
21 State Insurance Fund, PhilHealth, Home Development Mutual Fund  
22 (or Pag-IBIG Fund) and shall enjoy the benefits afforded pursuant to  
23 membership thereof.

## 24 CHAPTER XII

### 25 COMPLIANCE AND ENFORCEMENT

26 SEC. 38. *Compliance and Certification.* – All ships of Philippine  
27 registry shall comply with the provisions of this Act. The shipowner or master  
28 shall ensure the compliance of the ship with the provisions of this Act and its  
29 implementing rules and regulations.

1           The shipowner and master, as acting shipowner's representative, shall  
2 be made principally liable for any violation of the provisions of this Act and its  
3 implementing rules and regulations.

4           For this purpose, a maritime labour certificate or a certificate of  
5 compliance, as applicable, shall be issued in accordance with the  
6 implementing rules and regulations. The DOLE, the DFA and the MARINA,  
7 in consultation with shipowners and seafarers' organizations, shall formulate  
8 the said implementing rules and regulations.

9           SEC. 39. *Inspection and Enforcement.* – The Secretary of Labor and  
10 Employment or the duly authorized representative shall have the sole and  
11 exclusive authority to inspect all Philippine ships, domestic or oceangoing, to  
12 ensure compliance with the provisions of this Act. The duly authorized  
13 representative shall have the power to board ships and carry out any  
14 examination, test or inquiry in order to ensure that the standards established  
15 under this Act and its implementing rules and regulations are strictly observed.

16           The Secretary of Labor and Employment may authorize other  
17 government agencies or duly recognized organizations to conduct inspection  
18 and issue certification in accordance with the provisions of this Act and its  
19 implementing rules and regulations.

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

23           If the violation or deficiency constitutes serious breach of the  
24 requirement of this Act and its implementing rules and regulations, or poses  
25 imminent danger to the ships or to the life or limb of the seafarer, the Secretary  
26 of Labor and Employment or the duly authorized representative may  
27 immediately order the detention of the ship until the violation or deficiency is  
28 corrected.

29           SEC. 40. *Recognized Organization.* – Recognized organizations may  
30 be authorized by the Secretary of Labor and Employment to conduct the

1 inspection of ship's premises and issue the maritime labour certificate or the  
2 certificate of compliance with, as appropriate, in accordance with the  
3 provisions of this Act and its implementing rules and regulations.

4 A recognized organization must have the necessary knowledge of the  
5 requirements of this Act and its implementing rules and regulations, the  
6 MLC, 2006 and other relevant international treaty or convention.

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

## 11 CHAPTER XIII

### 12 TERMINATION OF EMPLOYMENT

#### 13 SEC. 41. *Termination of Employment.* -

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

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

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

26 (2) When the seafarer signs off due to the sale of the ship, lay-up of  
27 ship, discontinuance of voyage or change of ship principal;

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

1 (4) When the seafarer is discharged for just causes in accordance with  
2 the provisions of the POEA-SEC.

3 (b) The termination of employment of a seafarer on board domestic  
4 ships shall be governed by the provisions of the Labor Code of the Philippines,  
5 as amended, on domestic shipping.

6 (c) The termination of employment of a seafarer on board a foreign  
7 vessel or foreign-registered ships shall be governed by the POEA-SEC or  
8 applicable CBA.

#### 9 CHAPTER XIV

##### 10 SETTLEMENT OF DISPUTES

11 SEC. 42. *On Board and Onshore Grievance Machinery.* - All ships  
12 of Philippine registry shall prescribe and observe fair, effective and  
13 expeditious on board and onshore methods and procedures to handle grievance  
14 at no cost to the seafarer, in accordance with the implementing rules and  
15 regulations of this Act.

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

22 SEC. 43. *Mandatory Conciliation-Mediation and Arbitration.* -  
23 Seafarers, whether engaged, employed or working on board ships of Philippine  
24 registry or other registries, shall avail of the conciliation-mediation services of  
25 the DOLE pursuant to Republic Act No. 10396 and its implementing rules and  
26 regulations, by filing a request for assistance before the conciliation-mediation  
27 desks at the Regional/Field/Provincial Offices of the DOLE or its attached  
28 agencies.

29 In case of failure of conciliation-mediation in cases where seafarers are  
30 covered by the CBA, the case shall be submitted for Voluntary Arbitration in

1 accordance with Articles 261 and 262 of the Labor Code, as amended. In cases  
2 where seafarers are not covered by the CBA, the seafarer shall have the option  
3 to submit the case to Compulsory Arbitration or Voluntary Arbitration.

#### 4 CHAPTER XV

##### 5 REINTEGRATION FOR OVERSEAS FILIPINO SEAFARERS

6 SEC. 44. *Reintegration.* - Returning or unemployed overseas  
7 Filipino seafarers may avail of the livelihood development and training  
8 programs, placements and other services offered by concerned government  
9 agencies, including the OWWA, the Technical Education and Skills  
10 Development Authority (TESDA), the Technology and Livelihood Resource  
11 Center (TLRC), the Cooperative Development Authority (CDA), the National  
12 Maritime Polytechnic (NMP) and the CHED.

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

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

#### 23 CHAPTER XVI

##### 24 INCENTIVES AND AWARDS GRANTED TO THE

##### 25 MARITIME INDUSTRY

26 SEC. 45. *Incentives and Awards.* - There shall be established an  
27 incentives and awards system for the maritime industry stakeholders which  
28 shall be developed and administered by the concerned government agency in  
29 consultation with the Maritime Industry Tripartite Council (MITC).

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

5 CHAPTER XVII  
6 GOVERNMENT AGENCIES

7 SEC. 46. *Role of Government Agencies.* – The following government  
8 agencies shall perform the following functions to promote the welfare and  
9 protect the rights of Filipino seafarers:

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

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

19 (b) Department of Foreign Affairs (DFA). – The DFA, through its  
20 home offices or foreign posts, shall give paramount importance to the safety  
21 and well-being of Filipino seafarers, by providing adequate and timely  
22 intervention and assistance, such as representing their interests with foreign  
23 authorities concerned and facilitating their repatriation when they are  
24 distressed or beleaguered.

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

29 The DOH shall determine and prescribe the nature of the health  
30 examination that shall be required of a seafarer, ensuring that such

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

6 (d) Philippine Overseas Employment Administration (POEA). – The  
7 POEA shall look into the contracts of employment and the working conditions  
8 of the officers and crew of vessels of Philippine registry operating  
9 internationally, and of such officers and crew members who are Filipino  
10 citizens and employed by foreign vessels to ensure that these comply with the  
11 prescribed standards.

12 (e) Overseas Workers Welfare Administration (OWWA). – The  
13 OWWA, through its welfare officers or coordinating officers, shall provide the  
14 Filipino seafarers and their families all the assistance they may need in the  
15 enforcement of contractual obligations by agencies and their principals.

16 The OWWA shall likewise formulate and implement welfare programs  
17 for overseas Filipino seafarers and their families while they are abroad and  
18 upon their return. It shall ensure the awareness by the overseas Filipino  
19 seafarers and their families of these programs and other related governmental  
20 programs.

21 (f) Maritime Industry Authority (MARINA). – The MARINA shall  
22 ensure that all maritime education including the curricula and training  
23 programs are structured and delivered in accordance with written programs,  
24 methods and media of delivery, procedures and course materials, international  
25 standards as prescribed under the STCW Convention and other applicable  
26 laws.

27 (g) Philippine Coast Guard (PCG). – The PCG, in line with its  
28 function to assist in the enforcement of applicable laws within the maritime  
29 jurisdiction of the Philippines, shall assist the DOLE in the enforcement of  
30 Department Orders and other issuances implementing the MLC, 2006,

1 including orders to detain vessels found in gross violation of pertinent laws,  
2 rules and regulations.

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

8 SEC. 47. *Philippine Seafarers' One Stop Processing Center (PSOC).*

9 – The PSOC shall operationalize and make available to the public an  
10 integrated document processing center for the seafarers and the general public  
11 to conduct official transactions. The agencies that are mandated to provide  
12 services in the PSOC are as follows:

- 13 (a) Department of Labor and Employment;
- 14 (b) Department of Foreign Affairs;
- 15 (c) Commission on Higher Education;
- 16 (d) Professional Regulation Commission;
- 17 (e) National Telecommunications Commission;
- 18 (f) Philippine Overseas Employment Administration;
- 19 (g) Overseas Workers Welfare Administration;
- 20 (h) Technical Education and Skills Development Authority;
- 21 (i) Maritime Industry Authority;
- 22 (j) National Bureau of Investigation;
- 23 (k) Social Security System;
- 24 (l) Philippine Health Insurance Corporation;
- 25 (m) Philippine Statistics Authority;
- 26 (n) Home Development Mutual Fund; and
- 27 (o) Such other government agencies that the Secretary of Labor and  
28 Employment may deem appropriate to be included in the PSOC.



## CHAPTER XVIII

## FINAL PROVISIONS

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3       SEC. 48. *Administrative Fines and Penalties.* – Any shipowner,  
4 master, their representative or other person who fails or refuses to present  
5 employment records, such as payrolls, daily time records, payslip or other  
6 documents, when required by the Secretary of Labor and Employment, or the  
7 duly authorized representative of the Secretary of Labor and Employment, or  
8 the duly authorized representative of a recognized organization, shall be  
9 imposed administrative fines and penalties in accordance with the  
10 implementing rules and regulations promulgated to implement this Act.

11       SEC. 49. *Penalties for Violations of Sections 38 and 39.* – Any  
12 person who, without proper authorization, exercises the authority granted to  
13 the Secretary of Labor and Employment under Sections 38 and 39 of this Act,  
14 shall be punished with a fine of not less than one hundred thousand pesos  
15 (P100,000.00) nor more than four hundred thousand pesos (P400,000.00), or  
16 imprisonment of not less than one (1) year nor more than four (4) years, or  
17 both at the discretion of the court. The foregoing offense shall prescribe after  
18 five (5) years from its commission, or upon discovery of the violation by  
19 competent authorities.

20       SEC. 50. *Transitory Provision.* – All rights, privileges and benefits  
21 previously enjoyed by Filipino seafarers before the effectivity of this Act,  
22 including those set forth in Presidential Decree No. 442, otherwise known as  
23 the Labor Code of the Philippines, as amended, and Republic Act No. 8042,  
24 otherwise known as the “Migrant Workers and Overseas Filipinos Act of  
25 1995”, as amended, shall continue to be recognized and shall not be  
26 diminished.

27       SEC. 51. *Implementing Rules and Regulations.* – The DOLE, in  
28 coordination with the DFA, the MARINA and other concerned agencies, shall  
29 formulate the rules and regulations to implement this Act within ninety (90)  
30 days after its effectivity.

1           SEC. 52. *Separability Clause.* – If, for any reason, any section, clause  
2 or term of this Act is held to be illegal, invalid, or unconstitutional, such parts  
3 not affected by such declaration shall remain in full force and effect.

4           SEC. 53. *Repealing Clause.* – All laws, presidential decrees,  
5 issuances, executive orders, letters of instruction, rules and regulations  
6 inconsistent with the provisions of this Act are hereby repealed or modified  
7 accordingly.

8           SEC. 54. *Effectivity.* – This Act shall take effect fifteen (15) days  
9 after its publication in the *Official Gazette* or in a newspaper of general  
10 circulation.

Approved,

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