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

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SENATE

S. B. NO. 137

Introduced by **SENATOR JOEL VILLANUEVA**

**AN ACT
INSTITUTING THE MAGNA CARTA OF FILIPINO SEAFARERS**

EXPLANATORY NOTE

Article XIII, Section 3 of the 1987 Philippine Constitution provides that the State shall afford full protection to labor, local, and overseas. One category of these overseas workers are the seafarers whose numbers have steadily increased throughout the years.

Citing the BIMCO and the International Chamber of Shipping Seafarer Workforce Report for 2021, the United Nations Conference on Trade and Development noted that around the world, there are 1,892,720 seafarers, of whom 857,540 are officers and 1,035,180 are ratings.¹ Of these numbers, the report revealed that the largest supplier for both officers and ratings is the Philippines, followed by Russia, Indonesia, China, and India.² These countries constitute 44% of the seafarer workforce around the world.³ By the end of 2021, data from the Philippine Overseas Employment Administration shows that the total number of deployed sea-based Overseas Filipino Workers was 345,517.⁴

Furthermore, the seafarers' contribution, through their remittances, to the Philippine economy is undeniable. According to the *Bangko Sentral ng Pilipinas* (BSP), Filipino seafarers have remitted over USD6.545 billion in 2021 alone.⁵ Despite their significant contributions, however, they are often overshadowed by the country's land-based overseas workers.

¹ United Nations Conference on Trade and Development, Review of Maritime Transport 2021, available at https://unctad.org/system/files/official-document/rmt2021_en_0.pdf (last accessed July 3, 2022).

² *Id.*

³ *Id.*

⁴ Data from the Philippine Overseas Employment Administration as of December 2021.

⁵ Bangko Sentral ng Pilipinas, Overseas Filipinos' Cash Remittances, available at <https://www.bsp.gov.ph/Statistics/External/Table%2011.pdf> (last accessed July 3, 2022).

In addition, the country's current laws protecting migrant workers, particularly Republic Act No. 8042, as amended, also known as the Overseas Filipinos and Migrant Workers Act, do not adequately address the needs of seafarers, especially considering the peculiar circumstances that they are facing while working aboard ocean-going ships. For example, Filipino seafarers face the risk of abuse, exploitation and contract violations by their employers in the open seas with limited access to welfare services from Philippine embassies abroad. In the 18th Congress, we filed and successfully sponsored the creation of the Department of Migrant Workers, which was eventually signed into law, through the passage of Republic Act No. 11641.⁶

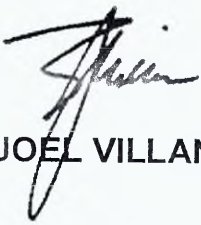
Nonetheless, there is still a need to continue prioritizing and promoting the welfare and the protection of the rights of Filipino seafarers. This bill, among others, seeks to establish the rights of seafarers on board Philippine- and foreign-registered ships undertaking international voyages; enumerate the duties of employers, seafarers and Philippine government agencies; and setting minimum standards for the training, accommodation, work facilities, education, repatriation, and occupational safety and health of seafarers, among others.

This bill likewise prioritizes the empowerment of women in the maritime industry through requiring the formulation of gender-sensitive policies to promote women's rights to adequate training opportunities and to freedom from discrimination, harassment, and bullying, among others.

In 2020, the International Maritime Organization (IMO) called on the Member States "to recognize seafarers as key workers - and to provide them with the support, assistance and travel options open to all key workers during the pandemic."⁷

This bill is an answer to IMO's call.

In view of the foregoing, the immediate approval of this bill is highly recommended.


SENATOR JOEL VILLANUEVA

⁶ <https://www.officialgazette.gov.ph/2021/12/30/republic-act-no-11641/>.

⁷ International Maritime Organization, UN Day of the Seafarer highlights the sacrifice of key workers at sea during the pandemic, accessible at <https://www.imo.org/en/MediaCentre/PressBriefings/Pages/20-DOTS-2020.aspx>. (last accessed July 3, 2022).

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Introduced by **SENATOR JOEL VILLANUEVA**

**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
DECLARATION OF POLICY**

1
2
3
4 **SECTION 1. Short Title.** – This Act shall be known as the “Magna Carta of Filipino
5 Seafarers.”
6

7 **SEC. 2. Declaration of Policies.** – It is hereby declared the policy of the State:
8

- 9 (a) To recognize the rights, contributions, and unique role of seafarers as essential
10 maritime professionals, acknowledge their vulnerabilities, and afford them full
11 protection before, during, and after their employment;
12
13 (b) To recognize that seafarers are a special category of key workers providing
14 essential services, and given the global nature of the shipping industry and the
15 different jurisdictions that seafarers may be brought into contact with, they are in
16 need of special protection;
17
18 (c) To encourage the participation of women in the seafaring profession and contribute
19 meaningfully to the achievement of national development goals as productive
20 members of the community;
21
22 (d) To maintain and progressively develop a pool of competent and world-class
23 seafarers through a system of education, training, certification, and licensing;
24
25 (e) To enact laws that adopt and implement the standards set by international
26 conventions and agreements regarding the working and living conditions and
27 occupational safety and health, among others, of seafarers, particularly the
28 Maritime Labour Convention, 2006 (MLC, 2006); and

1
2 (f) To recognize shipowners, maritime higher education institutions, and licensed
3 manning agencies as vital partners in promoting the rights, welfare, skills, and
4 competencies of seafarers.
5

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

11 CHAPTER II 12 GENERAL PROVISIONS 13

14 **SEC. 3. Coverage.** – This Act shall cover:
15

16 (a) All Filipino seafarers who are to be engaged, engaged, employed, or working in
17 any capacity, on board Philippine ships that undertake international voyages or
18 foreign-registered ships, except those to be engaged, engaged, employed, or
19 working in the following categories of ships:
20

21 (1) Warships, naval auxiliaries, and Coast Guard vessels;
22

23 (2) Government ships not engaged in commercial operations;
24

25 (3) Ships of traditional built, as may be defined under existing rules and regulations;
26

27 (4) Fishing vessels, as may be defined by appropriate rules and regulations to be
28 issued by the Department of Labor and Employment (DOLE), in consultation
29 with the Bureau of Fisheries and Aquatic Resources and other relevant
30 stakeholders.
31

32 For the purpose of this Act, a seafarer is deemed "to be engaged" as such if the seafarer
33 has been contracted for overseas employment but has yet to leave the Philippines.
34

35 All Filipino seafarers on board Philippine registered domestic ships engaged in trade and
36 commerce navigating exclusively between Philippine ports and within Philippine territorial
37 or internal waters shall be covered primarily by the provisions of Presidential Decree No.
38 442, otherwise known as the Labor Code of the Philippines, as amended, Republic Act
39 No. 11058, entitled "An Act Strengthening Compliance with Occupational Safety and
40 Health Standards and Providing Penalties for Violations Thereof," and other related labor,
41 social and welfare benefits laws. For this purpose, the DOLE shall issue the appropriate
42 rules and regulations to govern the employment of domestic seafarers.
43

44 **SEC. 4. Definition of Terms.** – As used in this Act, the following terms shall have the
45 following meaning:
46

47 (a) **Abandonment** refers to a situation where, in violation of the terms of the
48 employment contract, the shipowner:
49

50 (1) Fails to cover the cost of the seafarer's repatriation;
51

52 (2) Has left the seafarer without the necessary maintenance and support; or

1
2 (3) Has otherwise unilaterally severed their ties with the seafarer, including failure to
3 pay contractual wages for a period of at least two (2) months;
4

5 (b) **Cadet** refers to a student of a maritime educational institution who is required to
6 undergo training on board registered international or domestic ships to fulfill a
7 maritime degree or technical course;
8

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

13 (d) **International Convention on Standards of Training, Certification, and**
14 **Watchkeeping for Seafarers** or **STCW** refers to the international convention that
15 establishes the minimum standards relating to training, certification, and
16 watchkeeping for seafarers, which the Philippines acceded to on May 22, 1984;
17

18 (e) **Manning Agency** refers to a natural or juridical person duly licensed by the
19 Secretary of the Department to engage in the recruitment and placement of
20 seafarers;
21

22 (f) **Maritime Accident** refers to any unforeseen occurrence or physical event
23 connected to the navigation, operations, maneuvering, or handling of ships, or the
24 machinery, equipment, material, or cargo on board such ships which may result in
25 the detention of seafarers;
26

27 (g) **Maritime Industry Stakeholders** refer to all private stakeholders engaged in the
28 business of owning, managing, chartering, or operating domestic and international
29 ship/s of Philippine or foreign registry, manning of ships, management ports,
30 stevedoring and arrastre services, ship brokering and chartering, ship-building and
31 ship repair, providing maritime services, such as ship supplies and provisions,
32 maritime education and training, shipping agency, and other similar activities.
33

34 This term shall also include bona fide maritime labor organizations, professional
35 associations of seafarers, associations promoting seafarers' welfare, and women's
36 maritime organizations;
37

38 (h) **Maritime Labour Certificate** refers to the document that certifies that the working
39 and living conditions of the seafarers on the ship have been inspected and are
40 compliant with the requirements of the MLC, 2006 and of applicable Philippine laws
41 and regulations;
42

43 (i) **Maritime Labour Convention, 2006** or **MLC, 2006** refers to the consolidated
44 Maritime Labour Convention approved by the International Labour Organization
45 (ILO) in 2006 and ratified by the Philippines on August 20, 2012;
46

47 (j) **Master** refers to a person having command of a ship and acts as the shipowners'
48 representative;
49

50 (k) **Ocean-Going Ship** refers to a ship other than those which navigate exclusively in
51 inland water or in water within or closely adjacent to sheltered water, or areas
52 where port regulations apply;

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- (l) **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;
- (m) **One-Stop-Shop Center** refers to the one-stop shop 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, and shall be the venue for the acquisition of relevant clearances and permits, validation of overseas job offers, availment of reintegration services and all pertinent seminars and workshops for all stakeholders, among others, in accordance with Republic Act No. 11641, entitled "An Act Creating the Department of Migrant Workers, Defining its Powers and Functions, Rationalizing the Organization and Functions of Government Agencies related to Overseas Employment and Labor Migration, Appropriating Funds Therefor, and For Other Purposes";
- (n) **Point of Hire** refers to the place indicated in the contract of employment, and which shall be the basis in determining the commencement of the contract;
- (o) **Recognized Organizations** refer to organizations recognized by the DOLE to carry out inspections or issue the Maritime Labour Certificate in accordance with the scope of activities covered by their authorizations;
- (p) **Repatriation** refers to the process of returning a seafarer to the point of destination, which shall be at 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;
- (q) **Standard Employment Contract or Employment Contract or SEC** refers to a government-prescribed contract containing the minimum terms and conditions of employment;
- (r) **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;
- (s) **Ship or Vessel** refers to any kind, class, or type of craft or artificial contrivance capable of floating in water, whether publicly or privately owned, ordinarily engaged in commercial activities; and
- (t) **Shipowner or Principal** refers to the owner of the ship employing Filipino seafarers to work on board Philippine ships that undertake international voyages and foreign-registered 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 the 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 hours of work, 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, hazards.

SEC. 6. Right to Self-Organization, to Engage in Collective Bargaining, and to Participate in Democratic Exercises. – Seafarers shall enjoy the right to self-organization, to collectively bargain, to form or join international organization of seafarers or network with seafarers of different nationalities, and to participate in the deliberation of issues and in the formulation of policies that affect them, including, as far as practicable, representation in governing boards or appointment in government agencies or instrumentalities.

Women seafarers shall also have the right, and be encouraged, to join, assist, or form labor unions or associations, or form networks with women seafarers of different nationalities.

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 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 minimum international maritime standards of competency; and
- (d) Afford enhanced access to educational advancement and training of women in the seafaring industry.

1 CHED and MARINA shall work together to mainstream gender and development in the
2 curricula of maritime institutions and training centers.
3

4 **SEC. 8. Right to Information.** – Shipowners, manning agencies, and other organizations
5 responsible for the recruitment and placement of seafarers, shall provide seafarers
6 relevant information, including the terms and conditions of employment, company policies
7 affecting seafarers, obligations of seafarers, conditions and realities attending to their
8 profession, and necessary laws and regulations of countries covered by their sojourn. In
9 addition, the seafarers shall, at all times, be furnished a copy of the duly executed
10 Standard Employment Contract, as well as the results of the medical examination
11 conducted on him/her. This right shall also include the right of seafarers' organizations to
12 relevant information affecting the terms and conditions of employment of their members,
13 subject to provisions of Republic Act No. 10173, otherwise known as the Data Privacy Act
14 of 2012.
15

16 All ships covered by this Act shall have a copy of the MLC, 2006, the grievance
17 procedures available on board, duly executed Standard Employment Contract of
18 seafarers, and when there is a collective bargaining agreement (CBA), a copy of such
19 agreement, which shall be readily accessible and available to the seafarers.
20

21 **SEC. 9. Right to Information of a Seafarer's Family or Next-of-Kin.** – In critical
22 incidents, such as accidents or deaths on board or offshore, piracy, abandonment of
23 vessel, and other similar cases, the seafarer's family or next-of-kin shall be immediately
24 informed of the incident, including investigation reports, action/s taken, and plans by the
25 shipowner and the manning agency concerned.
26

27 In addition, it shall be the duty of the shipowner and the manning agency, within a
28 reasonable period of time, to report to the Department of Migrant Workers (DMW) and the
29 Overseas Workers Welfare Administration Act (OWWA) such incident and the details of
30 the family or next-of-kin of the concerned seafarer/s, which shall subsequently provide the
31 appropriate assistance.
32

33 **SEC. 10. Right to Safe Passage and Safe Travel.** – Seafarers shall be accorded the
34 rights to safe passage and safe travel, including the right to embark and disembark in third
35 countries when in transit, and the right to be repatriated and return home.
36

37 **SEC. 11. Right to Consultation.** – Seafarers and maritime stakeholders shall be
38 adequately consulted before adopting any maritime policy, executive issuance, rules or
39 regulations, or in the enactment of any maritime law that may directly affect the seafarers
40 and/or their families and beneficiaries.
41

42 **SEC. 12. Right against Discrimination.** – Seafarers shall have the right to be protected
43 from discrimination on the basis of race, age, sex, religion, or political opinion, as well as
44 on the basis of disablement, taking into consideration the inherent requirements of the
45 particular job or undertaking. Career opportunities shall be promoted, and appropriate
46 working and living conditions shall be guaranteed equally among male and female
47 seafarers.
48

49 **SEC. 13. Right to be Protected Against All Forms of Harassment and Bullying.** –
50 Seafarers shall be protected against all forms of harassment and bullying while on board
51 their ships. The shipowner shall put policies in place for the protection of all crew members.
52 Maritime stakeholders and seafarers shall ensure that harassment and bullying do not
53 take place.

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

3
4 **SEC. 14. Right to Free Legal Representation.** – Seafarers who are victims of violations
5 of the provisions of this Act or whose contracts have been breached, who cannot afford
6 the services of a competent and independent counsel, shall have the right to free legal
7 assistance and protection at the government's expense, and to the fair and speedy
8 disposition of the case, including the expeditious settlement of any money claims, subject
9 to existing rules and regulations.

10
11 **SEC. 15. Right to Access to Communication.** – Seafarers, especially during their free
12 time or when they are not on duty, shall have reasonable access to ship-to-shore
13 telephone communications, email, and internet facilities, where available.

14
15 **SEC. 16. Right to Record of Employment or Certificate of Employment.** – The
16 seafarer shall have a right to the record of his/her employment on board the ship, or a
17 certificate of employment, specifying the length of service, the position the seafarer
18 occupied, an account of his/her final wages, and such other relevant information.

19
20 **SEC. 17. Right to Fair Treatment in the Event of a Maritime Accident.** – In the event
21 of a maritime accident, seafarers shall be treated fairly. They shall be entitled to all the
22 rights under the ILO/International Maritime Organization (IMO) 2006 Guidelines on Fair
23 Treatment of Seafarers in the Event of a Maritime Accident and its amendments.

24
25 **CHAPTER IV**
26 **WOMEN IN THE MARITIME INDUSTRY**

27
28 **SEC. 18. Discrimination Against Women Seafarers.** In addition to the right against
29 discrimination on the basis of sex, women seafarers shall be protected from the following
30 discriminatory acts:

- 31
32 (a) Payment of a lesser compensation, including wage, salary or other form of
33 remuneration and fringe benefits, to a male seafarer as against a female seafarer,
34 for work of equal value; and
35
36 (b) Favoring a male seafarer over a female seafarer with respect to promotion, training
37 opportunities, study and scholarship grants, solely on account of their sexes.

38
39 **SEC. 19. Gender and Development.** Shipowners and manning agencies shall formulate
40 gender and development policies. In addition, all maritime training institutions shall ensure
41 that appropriate gender-sensitive policies are in place to promote the rights of women to
42 adequate training and opportunities, free from discrimination, harassment and bullying.

43
44 **CHAPTER V**
45 **SEAFARER'S DUTIES**

46
47 **SEC. 20. Duties of a Seafarer.** – Seafarers shall have the following duties:

- 48
49 (a) To comply with and observe the terms and conditions of the Standard Employment
50 Contract;
51
52 (b) To abide by lawful and reasonable company personnel policies;

- 1 (c) To follow and observe the chain of command of the vessel, and to comply with the
2 relevant and reasonable policies and procedures on board the ship or while ashore,
3 taking into consideration his/her religious freedom;
4
- 5 (d) To be diligent in the performance of duties relating to the ship, its stores,
6 equipment, and cargo, whether on board, in transit, or ashore;
7
- 8 (e) To continually improve his/her professional competency by keeping up-to-date with
9 the latest technological and scientific knowledge applied in the maritime fields,
10 constant reading and diligent studies, and keen observation of shipboard activities;
11
- 12 (f) To be, at all times, orderly and respectful to the shipmates, passengers, shippers,
13 stevedores, port authorities, and other persons who have official business with the
14 ship; and
15
- 16 (g) To take personal responsibility for his/her health while on board by maintaining a
17 healthy lifestyle and complying with medically prescribed instructions.
18

19 **CHAPTER VI**
20 **MINIMUM REQUIREMENTS FOR SEAFARERS**
21

22 **SEC. 21. Minimum Age.** – No person below eighteen (18) years old, other than a cadet,
23 shall be employed, engaged, or otherwise allowed to work on board Philippine-registered
24 ships navigating international waters, as well as on board foreign-registered ships.
25

26 **SEC. 22. Medical Certificates.** – No seafarer shall be employed, engaged, or otherwise
27 allowed to work on board Philippine-registered ships navigating international waters or
28 ocean-going ship unless a medical certificate has been issued declaring the seafarer to
29 be fit to work.
30

31 For this purpose, the seafarer shall hold a valid medical certificate issued by a medical
32 facility duly accredited by the Department of Health (DOH), in accordance with its rules
33 and regulations.
34

35 The medical certificate shall certify that the person is expected to meet the minimum
36 requirements to perform the duty specific to the person's post safely and effectively during
37 the validity of the certificate.
38

39 During the conduct of a medical examination, the seafarer shall have the responsibility of
40 answering truthfully all questions relating to his/her medical condition and/or medical
41 history, including previously known illness, injury, or medical treatment, and to make a
42 complete inventory of medication prescribed to him/her by physicians; Provided, that the
43 processing of the medical information of the seafarer shall at all times comply with the
44 provisions of the Data Privacy Act of 2012.
45

46 For the purposes of this Section, a medical certificate issued in accordance with the
47 requirements of STCW shall be accepted.
48

49 **SEC. 23. Training and Qualifications.** – Only seafarers certified by appropriate
50 government agencies in compliance with the STCW and other applicable international
51 standards, shall work, be employed, or be engaged on board a ship.
52

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

6
7 In all cases, no amount or fee, including placement fees, shall be charged to the seafarer
8 in relation to his/her recruitment and placement.

9
10 **CHAPTER VII**
11 **TERMS AND CONDITIONS OF EMPLOYMENT**

12
13 **SEC. 25. Standard Employment Contract for Seafarers.** – There shall be a Standard
14 Employment Contract in writing between the shipowner and the seafarer, which shall
15 include, but not be limited to, the following information and terms:

- 16
17 (a) Seafarer's full name, date of birth, age, birthplace, permanent, and/or residential
18 address;
- 19
20 (b) Seafarer's Record Book Number, Seafarer's Identity Document Number,
21 Seafarer's Registration Number, and other necessary documentation required of
22 seafarers by other appropriate government agencies;
- 23
24 (c) Shipowner's name and address;
- 25
26 (d) Place where and date when the seafarer's employment agreement is entered into;
- 27
28 (e) Duration of the contract;
- 29
30 (f) Point of hire;
- 31
32 (g) Capacity in which the seafarer is to be employed;
- 33
34 (h) Amount of the seafarer's salary, and the formula used for calculating the same;
- 35
36 (i) Maximum hours of work and minimum hours of rest;
- 37
38 (j) Wages and wage-related benefits, which shall include, but is not limited to,
39 overtime pay, holiday pay, vacation leave pay, premium pay, paid leaves, and 13th-
40 month pay, if applicable;
- 41
42 (k) Compensation and benefits for occupational injury, illness, or death;
- 43
44 (l) Social security and welfare benefits, including the compulsory insurance coverage
45 as provided under Republic Act No. 8042, as amended by Republic Act No. 10022,
46 otherwise known as the Migrant Workers Act, and Section 6(n) of Republic Act No.
47 11641, otherwise known as the Department of Migrant Workers Act;
- 48
49 (m) Stipulations on repatriation or similar undertakings;
- 50
51 (n) Separation pay and retirement pay, if applicable;
- 52

1 (o) Reference to the CBA, if applicable; and

2
3 (p) Other benefits in accordance with law, company policy, or CBA.

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

9
10 For ocean-going Philippine-registered ships or foreign-registered ships, the DMW shall
11 issue a Standard Employment Contract containing the minimum standards to be observed
12 in the employment of seafarers. The Standard Employment Contract shall be reviewed
13 and updated regularly and must, at all times, be consistent with the MLC, 2006, and other
14 existing treaties and conventions governing seafarers, which the Philippines has ratified
15 or will ratify in the future.

16
17 **SEC. 26. Maximum Hours of Work and Minimum Hours of Rest.** – The normal hours
18 of work of a seafarer shall not exceed eight (8) hours a day with one (1) rest day per week.
19 If the seafarer is required to work beyond eight (8) hours, the maximum hours of work
20 shall not exceed fourteen (14) hours in any 24-hour period, and seventy-two (72) hours in
21 any seven (7)-day period.

22
23 The minimum hours of rest for every seafarer shall not be less than ten (10) hours in a
24 24-hour period. The hours of rest may be divided into two periods, one of which shall be
25 at least six (6) hours in length, and the interval between the two periods of rest shall not
26 exceed fourteen (14) hours.

27
28 In exceptional cases, seafarers in watchkeeping duties may be required to work beyond
29 fourteen (14) hours: Provided, that the rest period is not less than seventy (70) hours in
30 any seven-day period; Provided, further, that such watchkeeping duties shall not be
31 allowed for more than two (2) consecutive weeks; Provided, finally, that the intervals
32 between the two (2) periods shall not be less than twice the duration of the exception.

33
34 Seafarers shall be granted reasonable periods of shore leaves while the vessel is docked
35 for the benefit of their health and well-being, subject to proportionate and specifically
36 adopted rules, regulations, and measures of the Port State.

37
38 **SEC. 27. Paid Annual Leave.** – Unless a higher annual leave is already provided in the
39 employment contract, or under a CBA, or by the shipowner as company practice or policy,
40 the seafarers shall be paid an annual leave, to be calculated on the basis of a minimum
41 of 4.5 calendar days per month of employment, without prejudice to any future increases
42 as may be prescribed by laws, rules, or regulations; Provided, that the following shall not
43 be counted as part of the annual paid leave:

44
45 (a) Public and customary holidays of the Philippines, whether or not they fall during
46 the paid annual leave;

47
48 (b) Periods of incapacity for work (i) resulting from illness or injury; (ii) due to maternity
49 or paternity leave in accordance with law;

50
51 (c) Temporary shore leave granted to a seafarer while employed; or

1 (d) Compensatory leave of any kind.
2

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

10
11 **SEC. 29. Remittance of Wages.** – Shipowners shall provide the appropriate facilities and
12 assistance to the seafarer to enable the seafarer to remit his/her wages to his/her
13 designated allottee/s in the Philippines through any authorized Philippine bank or financial
14 intermediary; Provided, that such allotment shall not be less than eighty percent (80%) of
15 the seafarer's monthly basic salary.
16

17 **SEC. 30. Limitations on Wage Deductions.** – A deduction from the seafarer's wages
18 shall not be made without his/her written consent unless the deduction is provided for in
19 the contract of employment and/or is authorized by law.
20

21 **SEC. 31. Personal Effects.** – A seafarer may bring a reasonable number of articles for
22 personal use on board the ship; Provided, that this shall not inconvenience the ship or
23 cargo or pose any risk on board the ship. If the seafarers' personal effects are lost or
24 damaged as a result of shipwreck, loss or stranding, abandonment of the vessel, or as a
25 result of fire, flooding, collision, or piracy, the shipowner shall reimburse him/her for said
26 loss or damage, subject to limits prescribed by existing rules and regulations, unless a
27 higher limit is provided under the existing CBA, but in no case lower than international
28 standards.
29

30 **SEC. 32. Social Welfare Benefits.** – Without prejudice to established policy, CBA, or
31 other applicable social agreement, all seafarers shall be members of, and receive the
32 benefits conferred by, the OWWA, Social Security System (SSS), Employees'
33 Compensation and State Insurance Fund, Philippine Health Insurance Corporation
34 (PhilHealth), Home Development Mutual Fund (Pag-IBIG Fund), and other applicable
35 social protection laws, rules and regulations, as may now or hereafter be created in favor
36 of Filipino workers and/or OFWs.
37

38 **SEC. 33. Sick Leave and Sickness Benefits During Public Health Emergencies.** – A
39 seafarer who has contracted an illness or disease during public health emergencies, such
40 as epidemics or pandemics, while in transit, or is under quarantine, shall be entitled to
41 paid sick leave and sickness benefits until the seafarer joins the vessel.
42

43 **SEC. 34. Anti-Harassment and Bullying Policies On Board Ships.** – Shipowners shall
44 ensure protection to seafarers with policies and accessible procedures to address
45 harassment and bullying on board ships.
46

47
48 **CHAPTER VIII**
49 **ACCOMMODATION, RECREATION FACILITIES,**
50 **FOOD AND CATERING IN SHIPS**

51 **SEC. 35. Application.** – The requirements of this Chapter covering ships of Philippine
52 Registry shall be applicable to the following:
53

- 1 (a) All ocean-going ships constructed on or after the date when the MLC, 2006 come
2 into force;
3
4 (b) All ocean-going second-hand ships, acquired or leased, and entered in the
5 Philippine Registry after the entry date into force of the said Convention, insofar as
6 they can be reasonably refitted, unless provided exemption by the relevant
7 Philippine government agency; and
8
9 (c) All ocean-going ships constructed prior to the entry into force of the MLC, 2006,
10 which have undergone major or substantial structural alterations after the entry into
11 force of the Convention, unless provided exemption by the relevant Philippine
12 government agency.
13

14 **SEC. 36. Accommodation Facilities.** – Unless otherwise exempted herein or by
15 appropriate regulations, all ships shall have safe, decent, and adequate accommodations
16 for seafarers, taking into account the need to protect the health and safety of seafarers
17 working or living on board the ship. There shall be a basic shipboard facility for women,
18 such as separate sleeping rooms.
19

20 **SEC. 37. Requirements for Sanitation.** – All ships shall have sanitation facilities that
21 meet the minimum standards for health and hygiene, which shall be accessible to
22 seafarers on board. The sanitation facilities shall be located at convenient places, allowing
23 for easy access to workstations. Separate sanitation facilities shall also be provided for
24 male and female crew members of the ship.
25

26 **SEC. 38. Recreation Facilities.** – Unless otherwise exempted herein or by appropriate
27 regulations, all ships shall have recreation facilities, amenities, and services that are
28 appropriate and accessible to seafarers.
29

30 **SEC. 39. Food and Catering.** – All ships shall ensure protection and promotion of the
31 health of the seafarer. Toward this end, shipowners shall ensure that ships carry on-board
32 and serve free food and drinking water of appropriate quality, quantity, and nutritional
33 value that adequately cover the requirements of the ship and take into consideration the
34 differing cultural and religious backgrounds of the seafarers on board the ship. The food
35 and drinks in the preparation thereof shall be in accordance with the standards of the
36 Sanitation Code of the Philippines and pertinent laws, rules, and regulations, and/or with
37 international standards. In all cases, the ship's cooks shall be trained and qualified.
38

39 **CHAPTER IX**
40 **MEDICAL CARE AND**
41 **MARITIME OCCUPATIONAL SAFETY AND HEALTH STANDARDS**
42

43 **SEC. 40. Medical Care On Board Ships and Ashore.** – The shipowner shall provide
44 adequate medical facility, equipment, paraphernalia, and medical supplies, including
45 medicines on board, and shall ensure access to shore facilities for the health of seafarers,
46 as well as the corresponding medical or trained personnel who shall provide first-aid and
47 medical care.
48

49 The medicine chest and its contents, the medical equipment, and the medical guide on
50 board shall be maintained and inspected regularly to ensure that labeling, expiry dates,
51 and conditions of storage of all medicines and the directions for their use are checked,
52 and all equipment are functioning properly.
53

1 The shipowner shall ensure that seafarers have access to medical treatment for any
2 illness or injury, hospitalization, and dental treatment until the sick or injured seafarer has
3 recovered or until the sickness or incapacity has been declared of a permanent character.
4

5 A seafarer shall have the right to consult a qualified physician or dentist without delay in
6 ports of call, where practicable.
7

8 The health protection and medical care under this Section shall be provided at no cost to
9 the seafarer, in accordance with rules and regulations issued for this purpose.
10

11 **SEC. 41. Protection of Seafarers from Epidemics, Pandemics, or Other Public**
12 **Health Emergencies.** – Seafarers on ocean-going ships shall be covered by adequate
13 measures for protection from health-related outbreaks, such as epidemics and pandemics,
14 including the provision of personal protective supplies and equipment, as appropriate.
15

16 Seafarers shall have access to prompt and adequate medical care while on board a ship,
17 including medical advice and confidential helplines on physical and mental health, which
18 shall be free of charge.
19

20 Shipowners shall institute preventive measures in accordance with the health regulations
21 of the Flag State and the appropriate guidelines issued by the World Health Organization
22 (WHO), including the necessary disinfection, decontamination, de-ratting, or other
23 measures necessary to prevent the spread of infection or contamination. Affected
24 seafarers shall also be properly isolated and treated pursuant to established guidelines of
25 the Flag State, the WHO, and applicable rules and regulations.
26

27 In ports of call, seafarers in need of medical care shall have access to medical facilities
28 onshore.
29

30 The transit of seafarers who are medically fit to work shall be facilitated and exempted
31 from travel-related, health-related, or movement restrictions until arrival at the point of
32 destination.
33

34 **SEC. 42. Financial Security System to Assist Seafarers in case of Occupational**
35 **Injury and Other Causes.** – In accordance with the MLC, 2006 on Financial Security for
36 vessels, the shipowner shall provide an expeditious and effective financial security system
37 to assist seafarers in the event of their abandonment and to assure compensation for
38 contractual claims in the event of sickness, injury, or death occurring while they are
39 serving under a seafarer's employment contract, or arising from their employment under
40 such agreement.
41

42 43 CHAPTER X 44 TERMINATION OF EMPLOYMENT 45

46 **SEC. 43. Termination of Employment.** –
47

- 48 (a) The employment of seafarers on board Philippine-registered ships operating
49 internationally, as well as those on board foreign-registered ships, shall cease
50 when the seafarers complete their period of contractual service aboard the ship,
51 signs-off from the ship, and arrive at the destination as specified under this
52 paragraph (b) of this Section;
53

1 (b) The employment is also terminated effective upon arrival at the point of destination,
2 which shall either be at the point of hire or the seafarer's place of domicile, at the
3 option of the seafarer, or in case of the seafarer's incapacity or death, at the option
4 of his/her next-of-kin, for any of the following reasons:
5

6 (1) When the seafarer signs-off and is disembarked for medical reasons in the
7 event the seafarer is declared: (i) fit for repatriation; or (ii) when after an illness,
8 the seafarer is declared fit to work, but the shipowner is unable to find
9 employment for the seafarer on board the ship originally boarded or another
10 ship of the shipowner;
11

12 (2) When the seafarer signs-off due to sale of the ship, lay-up of the ship,
13 discontinuance of voyage or change of ship principal, shipwreck, grounding, or
14 unseaworthiness;
15

16 (3) When the seafarer voluntarily resigns in writing and signs-off prior to the
17 expiration of contract within a reasonable period as may be prescribed in the
18 implementing rules and regulations of this Act; or
19

20 (4) When the seafarer is discharged for just causes in accordance with the
21 provisions of the Standard Employment Contract.
22

23 **SEC. 44. Extension of Employment.** – In the event of the extension of the term of a
24 seafarer's employment contract, the seafarer shall be furnished a copy of the new, or
25 supplemental contract covering the extension of his employment, with adequate time to
26 review and obtain expert advice regarding the terms and conditions of his/her extended
27 employment, which shall in no case be lower than the terms of his/her original employment.
28 In all cases, the shipowner, or a duly authorized representative or the manning agency
29 shall ensure that the seafarer has considered the effect of such an extension to any
30 accumulated entitlement and repatriation benefits, among others.
31

32 Manning agencies and shipowners shall submit periodic reports to the DMW on the
33 welfare and well-being of seafarers subjected to such contract extensions.
34

35 CHAPTER XI 36 SETTLEMENT OF DISPUTES 37

38 **SEC 45. On board and Onshore Grievance Machinery.** – All covered ships shall
39 establish a grievance machinery and fair, effective, and expeditious on board and onshore
40 procedures, at no cost to the seafarer, for the resolution of grievances or complaints.
41

42 Any grievance or complaints shall first be referred to the appropriate grievance
43 mechanism provided under this Section. In cases where a seafarer is a member of a
44 legitimate trade union organization and covered by a CBA, he/she shall be assisted by a
45 union-designated representative in the proceedings. Any agreements reached by the
46 parties at the grievance proceedings shall be final and binding.
47

48 **SEC. 46. Mandatory Conciliation-Mediation.** – In the absence of an agreement or
49 settlement at the grievance machinery level, the following rules shall apply:
50

51 (a) If there is a CBA, the matter shall be submitted for voluntary arbitration in
52 accordance with existing laws, rules, and regulations;
53

1 (b) If there is no CBA, the parties shall have the option to submit the case to
2 compulsory arbitration or voluntary arbitration, or conciliation-mediation services
3 provided under Republic Act No. 10396, otherwise known as "An Act Strengthening
4 Conciliation-Mediation as a Voluntary Mode of Dispute Settlement for all Labor
5 Cases, Amending for this Purpose Article 228 of Presidential Decree No. 442, as
6 amended, Otherwise Known as the "Labor Code of the Philippines" and its
7 implementing rules and regulations.
8

9 **SEC. 47. Maritime Industry Labor Arbitration.** – There shall be a pool of trained
10 maritime industry conciliators-mediators and experts with the appropriate competence,
11 integrity, and knowledge of the Philippine and global maritime industry practices and
12 standards, MLC, 2006, and related Philippine-ratified conventions and treaties, who shall
13 handle the mediation or conciliation or arbitration of all issues relating to the employment
14 of seafarers.
15

16 CHAPTER XII 17 REPATRIATION AND REINTEGRATION 18

19 **SEC. 48. Seafarers' Repatriation.** – In all cases of repatriation, the affected seafarer
20 shall be repatriated to the point of hire or the place of domicile of the seafarer, at his/her
21 option, or in case of incapacity or death, at the option of his/her next-of-kin, and all costs
22 related to the repatriation and/or transport of the personal effects and remains of seafarers,
23 including the provision on financial security in case of abandonment of seafarers, shall be
24 borne by or charged to the shipowner or the manning agency concerned to expedite the
25 repatriation without prior determination of the cause of repatriation or termination of the
26 seafarer's employment.
27

28 **SEC. 49. Repatriation Expenses; Advance and Recovery.** – The repatriation expenses,
29 which shall be borne by or charged to the shipowner or the manning agency concerned,
30 shall include:
31

- 32 (a) Basic pay and allowances from the moment the seafarers leave the ship until they
33 reach the repatriation destination;
34
35 (b) Accommodation and food during the journey to the repatriation destination;
36
37 (c) Transportation charges, whereby the normal mode of transport should be by air;
38
39 (d) Deployment cost of the principal; and
40
41 (e) Immigration fees, fines, and penalties.
42

43 However, in cases where the termination of employment is for just cause or upon the
44 request of the seafarer, the cost of repatriation shall be for the account of the seafarer in
45 accordance with the employment agreement.
46

47 The responsibility to provide for the repatriation costs shall be without prejudice to the
48 right to civil, criminal or other claims in accordance with law or otherwise, particularly in
49 cases of maritime accident or death other than natural causes.
50

51 **SEC. 50. Quarantine and Medical Expenses in Repatriation Due to Infection,
52 Epidemics or Pandemic.** – Before or during the process of repatriation, the expenses of

1 medical care and board and lodging for periods spent by seafarers in self-isolation or
2 quarantine, whether or not the seafarers have symptoms, have been exposed or are
3 quarantined as a safety precaution for the community, shall be covered by the shipowner
4 or manning agency until the seafarers have been duly repatriated to the repatriation
5 destination. Thereafter, medical care and quarantine expenses after repatriation to the
6 destination shall be borne by the Philippine government, following the whole-of-
7 government approach in the management of epidemics/pandemics.
8

9 **SEC. 51. Waiver of Entitlement to Repatriation.** – Entitlement to repatriation may be
10 waived by a seafarer; Provided, That the waiver shall be written, made freely and
11 voluntarily, with full knowledge of its consequences; Provided, however, that no such
12 waiver shall be allowed or presumed when a seafarer is abandoned, held captive on or
13 off the ship as a result of acts of piracy or armed robbery against the ship, or are incapable
14 of traveling due to illness, injury or incapacity, or other cases that affect the seafarer's
15 safety and security.
16

17 **SEC. 52. Reintegration.** – In accordance with the Department of Migrant Workers Act,
18 seafarers may avail of the full-cycle and comprehensive national reintegration program
19 for seafarers, which shall be embedded in all stages of migration for work beginning from
20 pre-deployment, on-site during employment and upon return, whether voluntary or
21 involuntary, through the National Reintegration Center for OFWs. The reintegration
22 program shall cover the different dimensions of support needed by the seafarer, such as
23 economic, social, psychosocial, and cultural, including skills certification and recognition
24 of equivalency for effective employment services, and shall ensure contribution to national
25 development through investments and transfer of technology from skilled or professional
26 seafarers.
27

28 **CHAPTER XIII**
29 **MANNING LEVELS AND COMPLIANCE AND ENFORCEMENT OF SHIPS OF**
30 **PHILIPPINE REGISTRY**
31

32 **SEC. 53. Manning Levels.** – Covered ships of Philippine registry shall have the required
33 minimum manning levels as prescribed by the Maritime Industry Authority (MARINA).
34 They shall, at all times, be manned by a crew that is adequate in terms of size and
35 qualifications taking into account the need to operate the vessel safely and efficiently.
36

37 **SEC. 54. Crew Competence.** – Every member of the crew of a ship of an ocean-going
38 Philippine registry shall possess, in addition to the required medical certificate, the
39 appropriate certificate of competency issued by the relevant government agency/ies,
40 setting forth his/her competence to serve in the capacity, and perform the functions
41 involved at the level of responsibility, for the position held, for the type, tonnage, power,
42 means of propulsion, and trading patterns of the ships concerned.
43

44 The certificate of competency shall attest that the seafarer to whom it is issued meets the
45 requirements for service, age, qualification, and examinations for the position held.
46

47 **SEC. 55. Compliance and Certification.** – All ocean-going ships of Philippine registry
48 shall comply with the provisions of this Act. The shipowner and master shall ensure the
49 compliance of the ship with this Act and its implementing rules and regulations, who shall
50 be made principally liable for any violation thereof.
51

1 For this purpose, a Maritime Labour Certificate or a certificate of compliance, as
2 applicable, shall be issued in accordance with the implementing rules and regulations of
3 this Act.
4

5 **SEC. 56. Inspection and Enforcement. –**
6

7 (a) The Secretary of DMW, or his/her duly authorized representative, shall have the
8 authority to inspect all covered ships of Philippine registry to ensure compliance
9 with labor standards and occupational safety and health as provided under this Act.
10

11 The enforcement and compliance monitoring activities may be coordinated and
12 conducted by the DMW, with the relevant government agencies, including DOLE,
13 MARINA and PCG, in conjunction with their schedules for inspection and
14 certification.
15

16 The Secretary of DMW, or his/her duly authorized representative shall have the
17 power to order immediate correction of, and impose fines for, violations of the
18 relevant provisions of this Act.
19

20 If the violation or deficiency constitutes a serious breach of the requirement of this
21 Act and its implementing rules and regulations or poses an imminent danger to the
22 ships, and/or to the life or limbs of the seafarer, the Secretary of DMW, or his/her
23 duly authorized representative shall coordinate with the PCG to order the detention
24 of the ship immediately until the violation or deficiency is corrected or until a plan
25 of action to rectify the non-conformities is shown to be implemented in an
26 expeditious manner.
27

28 (b) The Philippine Coast Guard (PCG) shall have the authority to conduct port state
29 control inspections of vessels, including all foreign-flagged vessels, calling at any
30 port of the Philippines, for the promotion of safety of life and property at sea, control
31 and prevention of maritime pollution, and verification of compliance with the
32 minimum standards of training and social condition of officers and crew on board
33 the ships. The PCG shall assist relevant agencies in the enforcement of the
34 provisions of this Act and its implementing rules and regulations, and the MLC,
35 2006.
36

37 The conduct of port state controls shall be in accordance with international
38 conventions and instruments ratified or to be ratified in the future.
39

40 The PCG Commandant or his/her duly authorized representative shall have the
41 power to order immediate correction of, and impose fines for, violations of the
42 relevant provisions of this Act.
43

44 The PCG shall prohibit a ship from leaving port upon the order of the Secretary of
45 DMW, or in case of finding of non-compliance with the provisions of this Act and
46 the MLC, 2006 and/or its amendments and the conditions on board are clearly
47 hazardous to the safety, health, or security of seafarers. In all cases, the prohibition
48 to leave the port shall be in place until the same have been rectified or until a plan
49 of action to rectify the non-conformities is shown to be implemented in an
50 expeditious manner, and cleared by the Secretary of DMW.
51

1 **SEC. 57. Recognized Organizations.** – Recognized organizations may be authorized by
2 the Secretary of DMW to conduct inspection and issue certification in accordance with the
3 provisions of this Act and its implementing rules and regulations.
4

5 A recognized organization shall have the necessary knowledge of the requirements of this
6 Act and its implementing rules and regulations, MLC, 2006, and other relevant
7 international treaties or conventions.
8

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

13 **CHAPTER XIV** 14 **SHIPBOARD TRAINING OF CADETS** 15

16 **SEC. 58. Applicability.** – The provisions of Sections 5 to 17 (Seafarers' Rights), Sections
17 18 to 19 (Women in the Maritime Industry), Section 22 (Medical Certificate), Sections 35
18 to 39 (Accommodation, Recreation Facilities, Food and Catering in Ships), Section 40
19 (Medical Care On Board Ships and Ashore), Sections 45 to 47 (Settlement of Disputes),
20 Sections 48 to 52 (Repatriation and Reintegration) shall apply with respect to the training
21 of cadets.
22

23 **SEC. 59. Shipboard Training Agreement for Cadets.** – There shall be a written
24 agreement among the shipowner, the cadet, and the maritime institution or school, which
25 shall embody the following information, terms, and conditions:
26

- 27 (a) Cadet's full name, date of birth, birthplace, and age, which should be at least 16
28 years old;
- 29 (b) Name and address of maritime institution or school;
- 30 (c) Name and address of shipowner and its manning and placement agency, if
31 applicable;
- 32 (d) Place and date when the agreement is entered into;
- 33 (e) Capacity in which the cadet is to be trained;
- 34 (f) The amount of the cadet's allowance or stipend, if applicable;
- 35 (g) Required number of hours of training and rest which shall not be less than the
36 prescribed hours of rest in Section 23 of this Act;
- 37 (h) Duties and responsibilities of the sponsoring company, the Maritime Higher
38 Educational Institution (MHEIs), and cadets, as may be provided prevailing cadet
39 training agreement standards; and
- 40 (i) Other benefits in accordance with existing laws, company policy, or agreements.
41
42
43
44
45
46
47
48
49

50 In no case shall cadets perform activities outside of the scope of the cadet shipboard
51 training program.
52

1 The foregoing agreement shall be in a language familiar to and understood by all parties
2 or in English, executed in four (4) original copies before the commencement of the
3 shipboard training. The shipowner, cadet and the maritime institution/school shall each
4 have a signed original of the agreement, and an electronic copy thereof shall be submitted
5 to the DMW. A signed original copy shall also be made available on-board the ship.
6

7 **SEC. 60. No Discrimination of Women for Shipboard Training.** – Women cadets shall
8 be accorded equal access to training and shall not be discriminated against for shipboard
9 training.

10
11 **CHAPTER XV**
12 **INCENTIVES AND AWARDS GRANTED TO THE MARITIME INDUSTRY**
13

14 **SEC. 61. Incentives and Awards.** – There shall be established an incentives and awards
15 system for the maritime industry stakeholders, which shall be developed and administered
16 by the concerned government agency upon consultation with the Maritime Industry
17 Tripartite Council (MITC).
18

19 Under such rules and regulations that may be promulgated, deserving shipowners,
20 seafarers, manning, and other organizations or entities shall be commended or awarded
21 for their outstanding performance in upholding the rights of seafarers and complying with
22 this Act.
23

24 **CHAPTER XVI**
25 **ROLE OF GOVERNMENT AGENCIES**
26

27 **SEC. 62. Role of Government Agencies.** – The following government agencies shall
28 perform the following functions to promote the welfare and protect the rights of seafarers:
29

30 (a) **Commission on Higher Education (CHED).** CHED shall set the standards and
31 monitor the performance of maritime education programs and maritime higher
32 education institutions, ensuring that quality maritime education, including curricula
33 and training programs, are structured and delivered in accordance with the written
34 programs, methods, and media of delivery, procedures, and course materials
35 compliant with international standards prescribed under the STCW Convention and
36 its amendments. For this purpose, CHED shall be in close coordination with the
37 MARINA.
38

39 (b) **Department of Migrant Workers (DMW).** The DMW shall review and improve on
40 the working conditions and terms of employment of the officers and crew of vessels
41 covered under this Act. It shall likewise ensure that the standards set forth under
42 this Act, the MLC, 2006, and other international treaties and conventions to which
43 the Philippines is a signatory are faithfully complied with and fairly applied to
44 seafarers. To this end, the DMW shall establish an effective system for inspection
45 and certification as provided under this Act to ensure that the working and living
46 conditions of seafarers are met and continue to be met pursuant to the MLC, 2006.
47

48 It shall strengthen its research capability to provide studies/resources for
49 evidenced-based policy decision-making and program development, and
50 continuously address gaps in the protection and welfare of the seafarers.
51

52 It shall also continue to develop, enhance, and increase the accessibility of its
53 gender and women empowerment and training courses for seafarers to the

1 maritime industry, which shall be made available in any format, including digital
2 and/or e-learning format.
3

4 It shall extend immediate assistance to seafarers, or their families or next-of-kin,
5 including the repatriation of distressed seafarers, and any other analogous help or
6 intervention.
7

8 (c) **Department of Foreign Affairs (DFA).** DFA, through its consular offices or foreign
9 service posts, in coordination with the appropriate government agency, shall take
10 priority action or make representation with the foreign authority concerned to
11 protect the rights of seafarers.
12

13 (d) **Department of Health (DOH).** DOH shall regulate the activities and operations of
14 all clinics which conduct medical, physical, optical, dental, psychological, and other
15 similar examinations, hereinafter referred to as health examinations, on seafarers.
16

17 The DOH shall determine and prescribe the nature of the medical examination that
18 shall be required of a seafarer, ensuring that such examination will genuinely
19 determine the seafarer's state of health, considering the duties that he/she shall be
20 required to perform on board. The DOH shall likewise prescribe the contents of the
21 medical certificate to ensure that such certification will genuinely reflect the
22 seafarer's state of health.
23

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

29 The OWWA shall likewise formulate and implement welfare programs for overseas
30 Filipino seafarers and their families while they are abroad and upon their return. It
31 shall ensure the awareness by the overseas Filipino workers and their families of
32 these programs and other related governmental programs.
33

34 (f) **Maritime Industry Authority (MARINA).** The MARINA shall ensure that the
35 examination, licensing, and certification system for seafarers are in accordance
36 with the requirements prescribed under the STCW Convention, international
37 agreements, other conventions relevant thereto, and other applicable laws, rules,
38 and regulations.
39

40 (g) **Philippine Coast Guard (PCG).** The PCG shall undertake port state control
41 inspections of vessels calling at any port of the Philippines, in accordance with
42 international conventions and standards, for the promotion of safety of life and
43 property at sea, control and prevention of maritime pollution, and verification of
44 compliance with the minimum standards of training and social condition of officers
45 and crew on board the ships.
46

47 The PCG shall likewise, in line with its function to assist in the enforcement of
48 applicable laws within the maritime jurisdiction of the Philippines, assist the DOLE
49 in the enforcement of the rules and regulations issued for the purpose of
50 implementing the MLC, 2006, including orders to detain vessels found in gross
51 violation of pertinent laws, rules and regulations.
52

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

6 **SEC. 63. One-Stop Shop Center.** – Seafarers may avail of the assistance of One-Stop
7 Shop Centers, as created and established under the Department of Migrant Workers Act.
8

9 **SEC. 64. Registry of Seafarers.** – The DMW shall maintain a registry of all seafarers on
10 board ocean-going vessels in the Philippines; Provided, that the registry of seafarers
11 aboard ocean-going ships shall be integrated to the management information system
12 established under the Department of Migrant Workers Act. The registry shall contain
13 updated and relevant information or data to promote employment opportunities for
14 seafarers, whether on board or ashore, or to provide a list of available training and
15 education to support skills development and competencies of seafarers, as well as a
16 digitalized copy of the duly executed contract.
17

18 The DMW shall ensure compliance with the Data Privacy Act of 2012, and its
19 implementing rules and regulations in handling the relevant information or data of
20 seafarers.
21

22 **SEC. 65. Maritime Occupational Safety and Health Standards.** – The DOLE, in
23 consultation with the maritime industry stakeholders, shall formulate the Maritime
24 Occupational Safety and Health Standards (MOSHS) pursuant to the provisions of
25 Republic Act No. 11058, otherwise known as the “Occupational Safety and Health Law”
26 and pertinent maritime conventions and treaties ratified by the Philippines.
27

28 **CHAPTER XVII** 29 **FINAL PROVISIONS** 30

31 **SEC. 66. Administrative Fines and Penalties.** – Any shipowner, master, their
32 representatives or other person who fails or refuses to present employment records, such
33 as payrolls, daily time records, payslip, or other documents, such as medical records,
34 when required by the individual seafarer, the Secretary of DMW or his duly authorized
35 representative, or the duly authorized representative of a recognized organization, shall
36 be subjected to administrative fines ranging from One Hundred Thousand Pesos
37 (Php100,000) to One Million Pesos (Php1,000,000), in accordance with the implementing
38 rules and regulations of this Act.
39

40 **SEC. 67. Penalties for Violations of Section 55.** Any shipowner, master, their
41 representatives who operate without, or fails to present, a valid Maritime Labour
42 Certificate, or its equivalent, shall be punished with fines ranging from One Hundred
43 Thousand Pesos (Php100,000) to One Million Pesos (Php1,000,000.00), in accordance
44 with the implementing rules and regulations of this Act.
45

46 **SEC. 68. Penalties for Violations of Sections 56 and 57.** – Any person who, without
47 proper authorization, exercises the authority granted to the Secretary of DMW under
48 Sections 56 and 57 of this Act shall be punished with a fine of not less than Two Hundred
49 Thousand Pesos (Php200,000.00) nor more than Two Million Pesos (Php2,000,000), or
50 imprisonment of not less than one (1) year nor more than four (4) years, or both at the
51 discretion of the court. The foregoing offense shall prescribe after five (5) years from its
52 commission.
53

1 **SEC. 69. Transitory Provision.** – All rights, privileges, and benefits previously enjoyed
2 by seafarers before the effectivity of this Act, including those set forth in Presidential
3 Decree No. 442, otherwise known as the Labor Code of the Philippines, as amended, and
4 Republic Act No. 8042, otherwise known as the “Migrant Workers and Overseas Filipinos
5 Act of 1995,” as amended, shall continue to be recognized and shall not be diminished
6 after the effectivity of this Act.
7

8 The Transition Period provided under Section 23 of the Department of Migrant Workers
9 Act shall likewise be taken into consideration.
10

11 **SEC. 70. Implementing Rules and Regulations.** – Within ninety (90) days from the
12 effectivity of this Act, the DMW, in coordination with DOLE, DFA, MARINA, CHED, TESDA,
13 PCG, OWWA, and other concerned agencies, and upon consultation with relevant
14 stakeholders, shall formulate the rules and regulations for the effective implementation of
15 this Act.
16

17 **SEC. 71. Separability Clause.** – If, for any reason, any section, clause or term of this Act
18 is held to be illegal, invalid, or unconstitutional, such parts not affected by such declaration
19 shall remain in full force and effect.
20

21 **SEC. 72. Repealing Clause.** – All laws, presidential decrees, issuances, executive orders,
22 letters of instruction, rules, and regulations inconsistent with the provisions of this Act are
23 hereby repealed or modified accordingly.
24

25 **SEC. 73. Effectivity Clause.** – This Act shall take effect fifteen (15) days after its
26 publication in the Official Gazette or in a newspaper of general circulation.
27

28 **Approved,**