


'22 JUL -7 P5 :46

SENATE
S. B. NO. 216

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Introduced by **SENATOR RAFFY T. TULFO**

AN ACT INSTITUTING THE MAGNA CARTA OF FILIPINO SEAFARERS

EXPLANATORY NOTE

It is undeniable that the maritime industry has always played a vital role in ensuring that the economies of countries in the world remain buoyant and vigorous. From a local vantage point, more than a quarter of the world's seafarers come from the Philippines. In 2019, data reported by the Global Maritime Forum revealed that 380,000 Filipino seafarers have contributed \$6.14 Billion to the Philippine economy.¹ As an archipelagic territory, ours is a country with a long-standing relationship with the sea. We have sent out seafarers since the time of Spanish galleons, plying from Manila to Acapulco and back. With the oil crises in the 1970s, modern-day Filipino mariners came to prominence. As reported by the Economist, on any day, perhaps 250,000 Filipino mariners are at sea. If they stayed at home, the world economy would convulse.²

Undoubtedly, the Filipino seafarer, like other OFWs, is looked up to as one of our modern-day heroes. The huge remittances in billions of dollars that they earn have obviously kept our economy afloat, even amid a global pandemic. We take pride in our seafarers because they are in fact preferred in the global fleet. As Engineer Nelson Ramirez, president of the United Filipino Seafarers (**UFS**), aptly describes – *"They speak English. They are hardworking. They are well-trained (the Philippines boasts scores of marine colleges). And they are adaptable: able to turn to any job, they are "pliant like bamboo".*³

¹ Simbulan, Camille. S.E.A.F.A.R.E.R. 30 September 2020, available at <https://www.globalmaritimeforum.org/news/s-e-a-f-a-r-e-r> (last accessed July 6, 2022)

² *Unsung Filipino seafarer power the global economy*, available at <https://www.economist.com/asia/2019/02/16/unsung-filipino-seafarers-power-the-global-economy> (last accessed July 6, 2022)

³ *Id.*

Notwithstanding these admirable qualities and the glorification of their economic contribution to the Philippine economy, our Filipino seafarers remain vulnerable. They are being shortchanged of what they rightfully deserve – security of tenure, sufficient retirement benefits, inexpensive or free training fees, access to health care that covers not just physical illnesses but also mental and emotional health concerns, free or reasonable legal services that could protect and preserve their rights from pre-employment to termination, and rightful disability and/or death benefits.

While seafarers generally have similar employment issues and concerns as the other OFWs, the nature of their work bear peculiarities that need separate legislation. Theirs is covered by a contract of adhesion where terms and conditions are designed to favor the employer, peppered with ambiguous provisions that oftentimes they do not understand. Our seafarers could sail non-stop, away from their families, exposed to harsh weather conditions with the risk of getting injured or killed. Thus, there is an urgent need to legislate exclusively for them, in addition to the protection afforded to them by the recently enacted Republic Act (RA) 11641.

The need to provide adequate protection to our OFWs, most specially to our **heroes at sea**, has never been clearer as in the pronouncement of our Supreme Court, through Justice Renato Puno, in the case of **Chavez vs. Bonto-Perez (242 SCRA 73)** – ***"Our overseas workers constitute an exploited class. Most of them come from the poorest sector of our society. They are thoroughly disadvantaged. Their profile shows they live in suffocating slums, trapped in an environment of crime. Hardly literate and ill-health, their hope lies in jobs they can hardly find in our country. Their unfortunate circumstance makes them easy prey to avaricious employers. They will climb mountains, cross the seas, endure slave treatment in foreign lands just to survive. Out of despondence, they will work under subhuman conditions and accept salaries below the minimum. The least we can do is to protect them with our laws in our land."***

It is for the foregoing reasons that the immediate approval of this bill is earnestly sought.


Raffy Teshiba Tulfo
Senator

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SENATE

RECEIVED BY: 

S. B. NO. 216

Introduced by **SENATOR RAFFY T. TULFO**

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

4 **SEC. 2. Declaration of Policies.** – It is hereby declared the policy of the State:
5

6 (a) To recognize the rights, contributions, and unique role of seafarers as essential
7 maritime professionals, acknowledge their vulnerabilities, and afford them full
8 protection before, during, and after their employment;
9

10 (b) To recognize that seafarers are a special category of key workers providing
11 essential services, and given the global nature of the shipping industry and the
12 different jurisdictions that seafarers may be brought into contact with, they are
13 in need of special protection;
14

15 (c) To encourage the participation of women in the seafaring profession and
16 contribute meaningfully to the achievement of national development goals as
17 productive members of the community;
18

19 (d) To maintain and progressively develop a pool of competent and world-class
20 seafarers through a system of education, training, certification, and licensing;
21

1 (e) To enact laws that adopt and implement the standards set by international
2 conventions and agreements regarding the working and living conditions and
3 occupational safety and health, among others, of seafarers, particularly the
4 Maritime Labour Convention, 2006 (MLC, 2006); and
5

6 (f) To recognize shipowners, maritime higher education institutions, and licensed
7 manning agencies as vital partners in promoting the rights, welfare, skills, and
8 competencies of seafarers.
9

10 Toward these ends, the State shall endeavor to improve the seafarers' working
11 conditions, terms and conditions of employment, and career prospects, and to provide
12 them opportunities to harness their potentials to the fullest. The State shall also uplift
13 the socio-economic well-being of the seafarers' families.
14

15 **CHAPTER II** 16 **GENERAL PROVISIONS**

17
18 **SEC. 3. Coverage.** – This Act shall cover:
19

20 (a) All Filipino seafarers who are to be engaged, engaged, employed, or working
21 in any capacity, on board Philippine ships that undertake international voyages
22 or foreign-registered ships, except those to be engaged, engaged, employed,
23 or working in the following categories of ships:
24

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

26
27 (2) Government ships not engaged in commercial operations;

28
29 (3) Ships of traditional built, as may be defined under existing rules and
30 regulations;

31
32 (4) Fishing vessels, as may be defined by appropriate rules and regulations to
33 be issued by the Department of Labor and Employment (DOLE), in
34 consultation with the Bureau of Fisheries and Aquatic Resources and other
35 relevant stakeholders.
36

37 For the purpose of this Act, a seafarer is deemed "to be engaged" as such if the
38 seafarer has been contracted for overseas employment but has yet to leave the
39 Philippines.
40

41 All Filipino seafarers on board Philippine registered domestic ships engaged in trade
42 and commerce navigating exclusively between Philippine ports and within Philippine
43 territorial or internal waters shall be covered primarily by the provisions of Presidential
44 Decree No. 442, otherwise known as the Labor Code of the Philippines, as amended,
45 Republic Act No. 11058, entitled "An Act Strengthening Compliance with Occupational
46 Safety and Health Standards and Providing Penalties for Violations Thereof," and other

1 related labor, social and welfare benefits laws. For this purpose, the DOLE shall issue
2 the appropriate rules and regulations to govern the employment of domestic seafarers.
3

4 **SEC. 4. Definition of Terms.** – As used in this Act, the following terms shall have
5 the following meaning:
6

7 (a) **Abandonment** refers to a situation where, in violation of the terms of the
8 employment contract, the shipowner:

9
10 (1) Fails to cover the cost of the seafarer's repatriation;

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

12 (3) Has otherwise unilaterally severed their ties with the seafarer, including failure
13 to pay contractual wages for a period of at least two (2) months;
14

15
16 (b) **Cadet** refers to a student of a maritime educational institution who is required
17 to undergo training on board registered international or domestic ships to fulfill
18 a maritime degree or technical course;
19

20
21 (c) **International Maritime Convention** or **International Convention** refers
22 to any written treaty or agreement, or any protocol or amendment thereto,
23 affecting the maritime industry, which has come into force and effect, including
24 the MLC, 2006;
25

26 (d) **International Convention on Standards of Training, Certification, and**
27 **Watchkeeping for Seafarers** or **STCW** refers to the international convention
28 that establishes the minimum standards relating to training, certification, and
29 watchkeeping for seafarers, which the Philippines acceded to on May 22, 1984;
30

31 (e) **Manning Agency** refers to a natural or juridical person duly licensed by the
32 Secretary of the Department to engage in the recruitment and placement of
33 seafarers;
34

35 (f) **Maritime Accident** refers to any unforeseen occurrence or physical event
36 connected to the navigation, operations, maneuvering, or handling of ships, or
37 the machinery, equipment, material, or cargo on board such ships which may
38 result in the detention of seafarers;
39

40 (g) **Maritime Industry Stakeholders** refer to all private stakeholders engaged
41 in the business of owning, managing, chartering, or operating domestic and
42 international ship/s of Philippine or foreign registry, manning of ships,
43 management ports, stevedoring and arrastre services, ship brokering and
44 chartering, ship-building and ship repair, providing maritime services, such as
45 ship supplies and provisions, maritime education and training, shipping agency,
46 and other similar activities.
47

- 1 This term shall also include bona fide maritime labor organizations, professional
2 associations of seafarers, associations promoting seafarers' welfare, and
3 women's maritime organizations;
4
- 5 (h) **Maritime Labour Certificate** refers to the document that certifies that the
6 working and living conditions of the seafarers on the ship have been inspected
7 and are compliant with the requirements of the MLC, 2006 and of applicable
8 Philippine laws and regulations;
9
- 10 (i) **Maritime Labour Convention, 2006** or **MLC, 2006** refers to the
11 consolidated Maritime Labour Convention approved by the International Labour
12 Organization (ILO) in 2006 and ratified by the Philippines on August 20, 2012;
13
- 14 (j) **Master** refers to a person having command of a ship and acts as the
15 shipowners' representative;
16
- 17 (k) **Ocean-Going Ship** refers to a ship other than those which navigate
18 exclusively in inland water or in water within or closely adjacent to sheltered
19 water, or areas where port regulations apply;
20
- 21 (l) **Officer** refers to a member of the crew other than the master who has been
22 designated as such by national law or regulation, or, in the absence of such
23 designation, by collective agreement or custom;
24
- 25 (m) **One-Stop-Shop Center** refers to the one-stop shop centers in various parts
26 of the country established to ensure prompt, efficient, vital, and relevant
27 services to Overseas Filipino Workers (OFWs) and other overseas Filipinos and
28 their families, including seafarers, and shall be the venue for the acquisition of
29 relevant clearances and permits, validation of overseas job offers, availment of
30 reintegration services and all pertinent seminars and workshops for all
31 stakeholders, among others, in accordance with Republic Act No. 11641,
32 entitled "An Act Creating the Department of Migrant Workers, Defining its
33 Powers and Functions, Rationalizing the Organization and Functions of
34 Government Agencies related to Overseas Employment and Labor Migration,
35 Appropriating Funds Therefor, and For Other Purposes";
36
- 37 (n) **Point of Hire** refers to the place indicated in the contract of employment, and
38 which shall be the basis in determining the commencement of the contract;
39
- 40 (o) **Recognized Organizations** refer to organizations recognized by the DOLE to
41 carry out inspections or issue the Maritime Labour Certificate in accordance
42 with the scope of activities covered by their authorizations;
43
- 44 (p) **Repatriation** refers to the process of returning a seafarer to the point of
45 destination, which shall be at the point of hire or the seafarer's place of
46 domicile, at the option of the seafarer, or in case of incapacity or death, at the
47 option of his/her next-of-kin;

- 1
2 (q) **Standard Employment Contract** or **Employment Contract** or **SEC** refers
3 to a government-prescribed contract containing the minimum terms and
4 conditions of employment;
5
6 (r) **Seafarer** refers to any Filipino who is to be employed, is employed, or is
7 engaged to work in any capacity on board a ship covered under this Act;
8
9 (s) **Ship** or **Vessel** refers to any kind, class, or type of craft or artificial contrivance
10 capable of floating in water, whether publicly or privately owned, ordinarily
11 engaged in commercial activities; and
12
13 (t) **Shipowner** or **Principal** refers to the owner of the ship employing Filipino
14 seafarers to work on board Philippine ships that undertake international
15 voyages and foreign-registered ships engaged in international trade, or any
16 other organization or person, such as the manager, agent, or bareboat
17 charterer, who has assumed the responsibility for the operation and
18 management of the ship from the shipowner, and who, in assuming such
19 responsibilities, has agreed to take over all the attendant duties and
20 responsibilities of a shipowner under this Act, regardless of whether any other
21 organization or persons fulfill certain duties or responsibilities on behalf of the
22 shipowner.
23
24
25

CHAPTER III SEAFARER'S RIGHTS

26
27
28
29 **SEC. 5. Right to Just Terms and Conditions of Work.** – Seafarers shall have the
30 right to:

- 31
32 (a) A safe and secure workplace that complies with safety standards;
33
34 (b) Decent working and living conditions on board a ship;
35
36 (c) Medical care and confirmatory tests, welfare measures, and other forms of
37 health and social protection;
38
39 (d) Fair terms and conditions of employment, including salary commensurate to
40 their rank, hours of work, paid sick leave or sickness benefits, the maximum
41 number of hours of work, and minimum hours of rest periods, consistent with
42 Philippine laws or international maritime conventions; and
43
44 (e) Compensation and benefits in the event of death or long-term disability for
45 occupational injuries, illnesses, hazards.
46

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

8
9 Women seafarers shall also have the right, and be encouraged, to join, assist, or form
10 labor unions or associations, or form networks with women seafarers of different
11 nationalities.

12
13 **SEC. 7. Right to Educational Advancement and Training at Reasonable and**
14 **Affordable Costs.** – Seafarers shall have access to educational advancement and
15 training at reasonable and affordable costs.

16
17 Toward this end, relevant government agencies shall:

- 18
19 (a) Regulate the operation of all educational and training institutions offering
20 courses related to seafaring;
21
22 (b) Pursue grant programs, such as scholarships, subsidies, loan assistance, and
23 other measures that will harness the skills of seafarers toward greater
24 competitiveness given the new and evolving demands in the industry;
25
26 (c) Promote quality maritime education and training that respond to the needs of
27 the industry and in accordance with minimum international maritime standards
28 of competency; and
29
30 (d) Afford enhanced access to educational advancement and training of women in
31 the seafaring industry.

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

34
35 **SEC. 8. Right to Information.** – Shipowners, manning agencies, and other
36 organizations responsible for the recruitment and placement of seafarers, shall provide
37 seafarers relevant information, including the terms and conditions of employment,
38 company policies affecting seafarers, obligations of seafarers, conditions and realities
39 attending to their profession, and necessary laws and regulations of countries covered
40 by their sojourn. In addition, the seafarers shall, at all times, be furnished a copy of
41 the duly executed Standard Employment Contract, as well as the results of the medical
42 examination conducted on him/her. This right shall also include the right of seafarers'
43 organizations to relevant information affecting the terms and conditions of
44 employment of their members, subject to provisions of Republic Act No. 10173,
45 otherwise known as the Data Privacy Act of 2012.

46
47 All ships covered by this Act shall have a copy of the MLC, 2006, the grievance
48 procedures available on board, duly executed Standard Employment Contract of

1 seafarers, and when there is a collective bargaining agreement (CBA), a copy of such
2 agreement, which shall be readily accessible and available to the seafarers.

3
4 **SEC. 9. Right to Information of a Seafarer's Family or Next-of-Kin.** – In critical
5 incidents, such as accidents or deaths on board or offshore, piracy, abandonment of
6 vessel, and other similar cases, the seafarer's family or next-of-kin shall be
7 immediately informed of the incident, including investigation reports, action/s taken,
8 and plans by the shipowner and the manning agency concerned.

9
10 In addition, it shall be the duty of the shipowner and the manning agency, within a
11 reasonable period of time, to report to the Department of Migrant Workers (DMW)
12 and the Overseas Workers Welfare Administration Act (OWWA) such incident and the
13 details of the family or next-of-kin of the concerned seafarer/s, which shall
14 subsequently provide the appropriate assistance.

15
16 **SEC. 10. Right to Safe Passage and Safe Travel.** – Seafarers shall be accorded
17 the rights to safe passage and safe travel, including the right to embark and disembark
18 in third countries when in transit, and the right to be repatriated and return home.

19
20 **SEC. 11. Right to Consultation.** – Seafarers and maritime stakeholders shall be
21 adequately consulted before adopting any maritime policy, executive issuance, rules
22 or regulations, or in the enactment of any maritime law that may directly affect the
23 seafarers and/or their families and beneficiaries.

24
25 **SEC. 12. Right against Discrimination.** – Seafarers shall have the right to be
26 protected from discrimination on the basis of race, age, sex, religion, or political
27 opinion, as well as on the basis of disablement, taking into consideration the inherent
28 requirements of the particular job or undertaking. Career opportunities shall be
29 promoted, and appropriate working and living conditions shall be guaranteed equally
30 among male and female seafarers.

31
32 **SEC. 13. Right to be Protected Against All Forms of Harassment and Bullying.**
33 – Seafarers shall be protected against all forms of harassment and bullying while on
34 board their ships. The shipowner shall put policies in place for the protection of all
35 crew members. Maritime stakeholders and seafarers shall ensure that harassment and
36 bullying do not take place.
37 Shipowners and manning agencies shall also establish helplines and grievance
38 mechanisms for all victims of harassment and bullying.

39
40 **SEC. 14. Right to Free Legal Representation.** – Seafarers who are victims of
41 violations of the provisions of this Act or whose contracts have been breached, who
42 cannot afford the services of a competent and independent counsel, shall have the
43 right to free legal assistance and protection at the government's expense, and to the
44 fair and speedy disposition of the case, including the expeditious settlement of any
45 money claims, subject to existing rules and regulations.

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

4
5 **SEC. 16. Right to Record of Employment or Certificate of Employment.** – The
6 seafarer shall have a right to the record of his/her employment on board the ship, or
7 a certificate of employment, specifying the length of service, the position the seafarer
8 occupied, an account of his/her final wages, and such other relevant information.

9
10 **SEC. 17. Right to Fair Treatment in the Event of a Maritime Accident.** – In
11 the event of a maritime accident, seafarers shall be treated fairly. They shall be entitled
12 to all the rights under the ILO/International Maritime Organization (IMO) 2006
13 Guidelines on Fair Treatment of Seafarers in the Event of a Maritime Accident and its
14 amendments.

15
16 **CHAPTER IV**
17 **WOMEN IN THE MARITIME INDUSTRY**

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

- 22
23 (a) Payment of a lesser compensation, including wage, salary or other form of
24 remuneration and fringe benefits, to a male seafarer as against a female
25 seafarer, for work of equal value; and
26
27 (b) Favoring a male seafarer over a female seafarer with respect to promotion,
28 training opportunities, study and scholarship grants, solely on account of their
29 sexes.

30
31 **SEC. 19. Gender and Development.** Shipowners and manning agencies shall
32 formulate gender and development policies. In addition, all maritime training
33 institutions shall ensure that appropriate gender-sensitive policies are in place to
34 promote the rights of women to adequate training and opportunities, free from
35 discrimination, harassment and bullying.

36
37 **CHAPTER V**
38 **SEAFARER'S DUTIES**

39
40 **SEC. 20. Duties of a Seafarer.** – Seafarers shall have the following duties:

- 41
42 (a) To comply with and observe the terms and conditions of the Standard
43 Employment Contract;
44
45 (b) To abide by lawful and reasonable company personnel policies;
46

- 1 (c) To follow and observe the chain of command of the vessel, and to comply with
2 the relevant and reasonable policies and procedures on board the ship or while
3 ashore, 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
9 with the latest technological and scientific knowledge applied in the maritime
10 fields, constant reading and diligent studies, and keen observation of shipboard
11 activities;
12
- 13 (f) To be, at all times, orderly and respectful to the shipmates, passengers,
14 shippers, stevedores, port authorities, and other persons who have official
15 business with the ship; and
16
- 17 (g) To take personal responsibility for his/her health while on board by maintaining
18 a healthy lifestyle and complying with medically prescribed instructions.
19

20 **CHAPTER VI**
21 **MINIMUM REQUIREMENTS FOR SEAFARERS**
22

23 **SEC. 21. Minimum Age.** – No person below eighteen (18) years old, other than a
24 cadet, shall be employed, engaged, or otherwise allowed to work on board Philippine-
25 registered ships navigating international waters, as well as on board foreign-registered
26 ships.
27

28 **SEC. 22. Medical Certificates.** – No seafarer shall be employed, engaged, or
29 otherwise allowed to work on board Philippine-registered ships navigating
30 international waters or ocean-going ship unless a medical certificate has been issued
31 declaring the seafarer to be fit to work.
32

33 For this purpose, the seafarer shall hold a valid medical certificate issued by a medical
34 facility duly accredited by the Department of Health (DOH), in accordance with its
35 rules and regulations.
36

37 The medical certificate shall certify that the person is expected to meet the minimum
38 requirements to perform the duty specific to the person's post safely and effectively
39 during the validity of the certificate.
40

41 During the conduct of a medical examination, the seafarer shall have the responsibility
42 of answering truthfully all questions relating to his/her medical condition and/or
43 medical history, including previously known illness, injury, or medical treatment, and
44 to make a complete inventory of medication prescribed to him/her by physicians;
45 Provided, that the processing of the medical information of the seafarer shall at all
46 times comply with the provisions of the Data Privacy Act of 2012.
47

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

3
4 **SEC. 23. Training and Qualifications.** – Only seafarers certified by appropriate
5 government agencies in compliance with the STCW and other applicable international
6 standards, shall work, be employed, or be engaged on board a ship.

7
8 **SEC. 24. Recruitment and Placement.** – Only duly licensed manning agencies
9 shall be allowed to operate and engage in the recruitment and placement of seafarers,
10 in accordance with rules and regulations as may be issued by the Secretary of Labor
11 and Employment, or the Secretary in-charge of migration-related matters, including
12 the deployment of seafarers.

13
14 In all cases, no amount or fee, including placement fees, shall be charged to the
15 seafarer in relation to his/her recruitment and placement.

16
17 **CHAPTER VII**
18 **TERMS AND CONDITIONS OF EMPLOYMENT**

19
20 **SEC. 25. Standard Employment Contract for Seafarers.** – There shall be a
21 Standard Employment Contract in writing between the shipowner and the seafarer,
22 which shall include, but not be limited to, the following information and terms:

- 23
24 (a) Seafarer's full name, date of birth, age, birthplace, permanent, and/or
25 residential address;
26
27 (b) Seafarer's Record Book Number, Seafarer's Identity Document Number,
28 Seafarer's Registration Number, and other necessary documentation required
29 of seafarers by other appropriate government agencies;
30
31 (c) Shipowner's name and address;
32
33 (d) Place where and date when the seafarer's employment agreement is entered
34 into;
35
36 (e) Duration of the contract;
37
38 (f) Point of hire;
39
40 (g) Capacity in which the seafarer is to be employed;
41
42 (h) Amount of the seafarer's salary, and the formula used for calculating the same;
43
44 (i) Maximum hours of work and minimum hours of rest;
45

- 1 (j) Wages and wage-related benefits, which shall include, but is not limited to,
2 overtime pay, holiday pay, vacation leave pay, premium pay, paid leaves, and
3 13th-month pay, if applicable;
4
5 (k) Compensation and benefits for occupational injury, illness, or death;
6
7 (l) Social security and welfare benefits, including the compulsory insurance
8 coverage as provided under Republic Act No. 8042, as amended by Republic
9 Act No. 10022, otherwise known as the Migrant Workers Act, and Section 6(n)
10 of Republic Act No. 11641, otherwise known as the Department of Migrant
11 Workers Act;
12
13 (m) Stipulations on repatriation or similar undertakings;
14
15 (n) Separation pay and retirement pay, if applicable;
16
17 (o) Reference to the CBA, if applicable; and
18
19 (p) Other benefits in accordance with law, company policy, or CBA.
20

21 The employment contract shall be in a working language or in the English language,
22 executed in four (4) original copies before the commencement of the employment.
23 The shipowner and the seafarer shall each have a signed original of the agreement.
24 In addition, a signed original shall be made available on board the ship.
25

26 For ocean-going Philippine-registered ships or foreign-registered ships, the DMW shall
27 issue a Standard Employment Contract containing the minimum standards to be
28 observed in the employment of seafarers. The Standard Employment Contract shall
29 be reviewed and updated regularly and must, at all times, be consistent with the MLC,
30 2006, and other existing treaties and conventions governing seafarers, which the
31 Philippines has ratified or will ratify in the future.
32

33 **SEC. 26. Maximum Hours of Work and Minimum Hours of Rest.** – The normal
34 hours of work of a seafarer shall not exceed eight (8) hours a day with one (1) rest
35 day per week. If the seafarer is required to work beyond eight (8) hours, the maximum
36 hours of work shall not exceed fourteen (14) hours in any 24-hour period, and seventy-
37 two (72) hours in any seven (7)-day period.
38

39 The minimum hours of rest for every seafarer shall not be less than ten (10) hours in
40 a 24-hour period. The hours of rest may be divided into two periods, one of which
41 shall be at least six (6) hours in length, and the interval between the two periods of
42 rest shall not exceed fourteen (14) hours.
43

44 In exceptional cases, seafarers in watchkeeping duties may be required to work
45 beyond fourteen (14) hours: Provided, that the rest period is not less than seventy
46 (70) hours in any seven-day period; Provided, further, that such watchkeeping duties
47 shall not be allowed for more than two (2) consecutive weeks; Provided, finally, that

1 the intervals between the two (2) periods shall not be less than twice the duration of
2 the exception.

3
4 Seafarers shall be granted reasonable periods of shore leaves while the vessel is
5 docked for the benefit of their health and well-being, subject to proportionate and
6 specifically adopted rules, regulations, and measures of the Port State.

7
8 **SEC. 27. Paid Annual Leave.** – Unless a higher annual leave is already provided in
9 the employment contract, or under a CBA, or by the shipowner as company practice
10 or policy, the seafarers shall be paid an annual leave, to be calculated on the basis of
11 a minimum of 4.5 calendar days per month of employment, without prejudice to any
12 future increases as may be prescribed by laws, rules, or regulations; Provided, that
13 the following shall not be counted as part of the annual paid leave:

- 14
15 (a) Public and customary holidays of the Philippines, whether or not they fall during
16 the paid annual leave;
17
18 (b) Periods of incapacity for work (i) resulting from illness or injury; (ii) due to
19 maternity or paternity leave in accordance with law;
20
21 (c) Temporary shore leave granted to a seafarer while employed; or
22
23 (d) Compensatory leave of any kind.

24
25 **SEC. 28. Wages.** – Without prejudice to higher rates provided under the Standard
26 Employment Contract, or under a CBA, or by the shipowner as company practice or
27 policy, the minimum wage applicable to seafarers on board ocean-going ships of
28 Philippine or foreign registry shall be as provided in the Standard Employment Contract,
29 which in no case be lower than the prevailing industry standard on ocean-going
30 seafaring wage rates for officers and other members of the ship's crew, and regularly
31 paid in full at least once a month.

32
33 **SEC. 29. Remittance of Wages.** – Shipowners shall provide the appropriate
34 facilities and assistance to the seafarer to enable the seafarer to remit his/her wages
35 to his/her designated allottee/s in the Philippines through any authorized Philippine
36 bank or financial intermediary; Provided, that such allotment shall not be less than
37 eighty percent (80%) of the seafarer's monthly basic salary.

38
39 **SEC. 30. Limitations on Wage Deductions.** – A deduction from the seafarer's
40 wages shall not be made without his/her written consent unless the deduction is
41 provided for in the contract of employment and/or is authorized by law.

42
43 **SEC. 31. Personal Effects.** – A seafarer may bring a reasonable number of articles
44 for personal use on board the ship; Provided, that this shall not inconvenience the
45 ship or cargo or pose any risk on board the ship. If the seafarers' personal effects are
46 lost or damaged as a result of shipwreck, loss or stranding, abandonment of the vessel,
47 or as a result of fire, flooding, collision, or piracy, the shipowner shall reimburse
48 him/her for said loss or damage, subject to limits prescribed by existing rules and

1 regulations, unless a higher limit is provided under the existing CBA, but in no case
2 lower than international standards.

3
4 **SEC. 32. Social Welfare Benefits.** – Without prejudice to established policy, CBA,
5 or other applicable social agreement, all seafarers shall be members of, and receive
6 the benefits conferred by, the OWWA, Social Security System (SSS), Employees'
7 Compensation and State Insurance Fund, Philippine Health Insurance Corporation
8 (PhilHealth), Home Development Mutual Fund (Pag-IBIG Fund), and other applicable
9 social protection laws, rules and regulations, as may now or hereafter be created in
10 favor of Filipino workers and/or OFWs.

11
12 **SEC. 33. Sick Leave and Sickness Benefits During Public Health Emergencies.**
13 – A seafarer who has contracted an illness or disease during public health emergencies,
14 such as epidemics or pandemics, while in transit, or is under quarantine, shall be
15 entitled to paid sick leave and sickness benefits until the seafarer joins the vessel.

16
17 **SEC. 34. Anti-Harassment and Bullying Policies On Board Ships.** – Shipowners
18 shall ensure protection to seafarers with policies and accessible procedures to address
19 harassment and bullying on board ships.

20
21 **CHAPTER VIII**
22 **ACCOMMODATION, RECREATION FACILITIES,**
23 **FOOD AND CATERING IN SHIPS**
24

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

- 27
28 (a) All ocean-going ships constructed on or after the date when the MLC, 2006
29 come into force;
30
31 (b) All ocean-going second-hand ships, acquired or leased, and entered in the
32 Philippine Registry after the entry date into force of the said Convention, insofar
33 as they can be reasonably refitted, unless provided exemption by the relevant
34 Philippine government agency; and
35
36 (c) All ocean-going ships constructed prior to the entry into force of the MLC, 2006,
37 which have undergone major or substantial structural alterations after the entry
38 into force of the Convention, unless provided exemption by the relevant
39 Philippine government agency.
40

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

46
47 **SEC. 37. Requirements for Sanitation.** – All ships shall have sanitation facilities
48 that meet the minimum standards for health and hygiene, which shall be accessible

1 to seafarers on board. The sanitation facilities shall be located at convenient places,
2 allowing for easy access to workstations. Separate sanitation facilities shall also be
3 provided for male and female crew members of the ship.

4
5 **SEC. 38. Recreation Facilities.** – Unless otherwise exempted herein or by
6 appropriate regulations, all ships shall have recreation facilities, amenities, and
7 services that are appropriate and accessible to seafarers.

8
9 **SEC. 39. Food and Catering.** – All ships shall ensure protection and promotion of
10 the health of the seafarer. Toward this end, shipowners shall ensure that ships carry
11 on-board and serve free food and drinking water of appropriate quality, quantity, and
12 nutritional value that adequately cover the requirements of the ship and take into
13 consideration the differing cultural and religious backgrounds of the seafarers on
14 board the ship. The food and drinks in the preparation thereof shall be in accordance
15 with the standards of the Sanitation Code of the Philippines and pertinent laws, rules,
16 and regulations, and/or with international standards. In all cases, the ship's cooks shall
17 be trained and qualified.

18
19 **CHAPTER IX**
20 **MEDICAL CARE AND**
21 **MARITIME OCCUPATIONAL SAFETY AND HEALTH STANDARDS**

22
23 **SEC. 40. Medical Care On Board Ships and Ashore.** – The shipowner shall
24 provide adequate medical facility, equipment, paraphernalia, and medical supplies,
25 including medicines on board, and shall ensure access to shore facilities for the health
26 of seafarers, as well as the corresponding medical or trained personnel who shall
27 provide first-aid and medical care.

28
29 The medicine chest and its contents, the medical equipment, and the medical guide
30 on board shall be maintained and inspected regularly to ensure that labeling, expiry
31 dates, and conditions of storage of all medicines and the directions for their use are
32 checked, and all equipment are functioning properly.

33
34 The shipowner shall ensure that seafarers have access to medical treatment for any
35 illness or injury, hospitalization, and dental treatment until the sick or injured seafarer
36 has recovered or until the sickness or incapacity has been declared of a permanent
37 character.

38
39 A seafarer shall have the right to consult a qualified physician or dentist without delay
40 in ports of call, where practicable.

41
42 The health protection and medical care under this Section shall be provided at no cost
43 to the seafarer, in accordance with rules and regulations issued for this purpose.

44
45 **SEC. 41. Protection of Seafarers from Epidemics, Pandemics, or Other Public**
46 **Health Emergencies.** – Seafarers on ocean-going ships shall be covered by
47 adequate measures for protection from health-related outbreaks, such as epidemics

1 and pandemics, including the provision of personal protective supplies and equipment,
2 as appropriate.

3
4 Seafarers shall have access to prompt and adequate medical care while on board a
5 ship, including medical advice and confidential helplines on physical and mental health,
6 which shall be free of charge.

7
8 Shipowners shall institute preventive measures in accordance with the health
9 regulations of the Flag State and the appropriate guidelines issued by the World Health
10 Organization (WHO), including the necessary disinfection, decontamination, de-ratting,
11 or other measures necessary to prevent the spread of infection or contamination.
12 Affected seafarers shall also be properly isolated and treated pursuant to established
13 guidelines of the Flag State, the WHO, and applicable rules and regulations.

14
15 In ports of call, seafarers in need of medical care shall have access to medical facilities
16 onshore.

17
18 The transit of seafarers who are medically fit to work shall be facilitated and exempted
19 from travel-related, health-related, or movement restrictions until arrival at the point
20 of destination.

21
22 **SEC. 42. Financial Security System to Assist Seafarers in case of**
23 **Occupational Injury and Other Causes.** – In accordance with the MLC, 2006 on
24 Financial Security for vessels, the shipowner shall provide an expeditious and effective
25 financial security system to assist seafarers in the event of their abandonment and to
26 assure compensation for contractual claims in the event of sickness, injury, or death
27 occurring while they are serving under a seafarer's employment contract, or arising
28 from their employment under such agreement.

29
30
31 **CHAPTER X**
32 **TERMINATION OF EMPLOYMENT**

33
34 **SEC. 43. Termination of Employment.** –

35
36 (a) The employment of seafarers on board Philippine-registered ships operating
37 internationally, as well as those on board foreign-registered ships, shall cease
38 when the seafarers complete their period of contractual service aboard the ship,
39 signs-off from the ship, and arrive at the destination as specified under this
40 paragraph (b) of this Section;

41
42 (b) The employment is also terminated effective upon arrival at the point of
43 destination, which shall either be at the point of hire or the seafarer's place of
44 domicile, at the option of the seafarer, or in case of the seafarer's incapacity or
45 death, at the option of his/her next-of-kin, for any of the following reasons:

46
47 (1) When the seafarer signs-off and is disembarked for medical reasons in the
48 event the seafarer is declared: (i) fit for repatriation; or (ii) when after an

1 illness, the seafarer is declared fit to work, but the shipowner is unable to
2 find employment for the seafarer on board the ship originally boarded or
3 another ship of the shipowner;

4
5 (2) When the seafarer signs-off due to sale of the ship, lay-up of the ship,
6 discontinuance of voyage or change of ship principal, shipwreck, grounding,
7 or unseaworthiness;

8
9 (3) When the seafarer voluntarily resigns in writing and signs-off prior to the
10 expiration of contract within a reasonable period as may be prescribed in
11 the implementing rules and regulations of this Act; or

12
13 (4) When the seafarer is discharged for just causes in accordance with the
14 provisions of the Standard Employment Contract.

15
16 **SEC. 44. Extension of Employment.** – In the event of the extension of the term
17 of a seafarer’s employment contract, the seafarer shall be furnished a copy of the new,
18 or supplemental contract covering the extension of his employment, with adequate
19 time to review and obtain expert advice regarding the terms and conditions of his/her
20 extended employment, which shall in no case be lower than the terms of his/her
21 original employment. In all cases, the shipowner, or a duly authorized representative
22 or the manning agency shall ensure that the seafarer has considered the effect of
23 such an extension to any accumulated entitlement and repatriation benefits, among
24 others.

25
26 Manning agencies and shipowners shall submit periodic reports to the DMW on the
27 welfare and well-being of seafarers subjected to such contract extensions.

28
29 **CHAPTER XI**
30 **SETTLEMENT OF DISPUTES**

31
32 **SEC 45. On board and Onshore Grievance Machinery.** – All covered ships shall
33 establish a grievance machinery and fair, effective, and expeditious on board and
34 onshore procedures, at no cost to the seafarer, for the resolution of grievances or
35 complaints.

36
37 Any grievance or complaints shall first be referred to the appropriate grievance
38 mechanism provided under this Section. In cases where a seafarer is a member of a
39 legitimate trade union organization and covered by a CBA, he/she shall be assisted by
40 a union-designated representative in the proceedings. Any agreements reached by the
41 parties at the grievance proceedings shall be final and binding.

42
43 **SEC. 46. Mandatory Conciliation-Mediation.** – In the absence of an agreement
44 or settlement at the grievance machinery level, the following rules shall apply:

45
46 (a) If there is a CBA, the matter shall be submitted for voluntary arbitration in
47 accordance with existing laws, rules, and regulations;

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
3 services provided under Republic Act No. 10396, otherwise known as "An Act
4 Strengthening Conciliation-Mediation as a Voluntary Mode of Dispute
5 Settlement for all Labor Cases, Amending for this Purpose Article 228 of
6 Presidential Decree No. 442, as amended, Otherwise Known as the 'Labor Code
7 of the Philippines'" and its 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
13 shall handle the mediation or conciliation or arbitration of all issues relating to the
14 employment of seafarers.
15

16 **CHAPTER XII** 17 **REPATRIATION AND REINTEGRATION** 18

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

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

- 32 (a) Basic pay and allowances from the moment the seafarers leave the ship until
33 they 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
38 air;
39
40 (d) Deployment cost of the principal; and
41
42 (e) Immigration fees, fines, and penalties.
43

44 However, in cases where the termination of employment is for just cause or upon the
45 request of the seafarer, the cost of repatriation shall be for the account of the seafarer
46 in accordance with the employment agreement.
47

1 The responsibility to provide for the repatriation costs shall be without prejudice to
2 the right to civil, criminal or other claims in accordance with law or otherwise,
3 particularly in cases of maritime accident or death other than natural causes.
4

5 **SEC. 50. Quarantine and Medical Expenses in Repatriation Due to Infection,**
6 **Epidemics or Pandemic.** – Before or during the process of repatriation, the
7 expenses of medical care and board and lodging for periods spent by seafarers in self-
8 isolation or quarantine, whether or not the seafarers have symptoms, have been
9 exposed or are quarantined as a safety precaution for the community, shall be covered
10 by the shipowner or manning agency until the seafarers have been duly repatriated
11 to the repatriation destination. Thereafter, medical care and quarantine expenses after
12 repatriation to the destination shall be borne by the Philippine government, following
13 the whole-of-government approach in the management of epidemics/pandemics.
14

15 **SEC. 51. Waiver of Entitlement to Repatriation.** – Entitlement to repatriation
16 may be waived by a seafarer; Provided, That the waiver shall be written, made freely
17 and voluntarily, with full knowledge of its consequences; Provided, however, that no
18 such waiver shall be allowed or presumed when a seafarer is abandoned, held captive
19 on or off the ship as a result of acts of piracy or armed robbery against the ship, or
20 are incapable of traveling due to illness, injury or incapacity, or other cases that affect
21 the seafarer's safety and security.
22

23 **SEC. 52. Reintegration.** – In accordance with the Department of Migrant Workers
24 Act, seafarers may avail of the full-cycle and comprehensive national reintegration
25 program for seafarers, which shall be embedded in all stages of migration for work
26 beginning from pre-deployment, on-site during employment and upon return, whether
27 voluntary or involuntary, through the National Reintegration Center for OFWs. The
28 reintegration program shall cover the different dimensions of support needed by the
29 seafarer, such as economic, social, psychosocial, and cultural, including skills
30 certification and recognition of equivalency for effective employment services, and
31 shall ensure contribution to national development through investments and transfer
32 of technology from skilled or professional seafarers.
33

34 **CHAPTER XIII**

35 **MANNING LEVELS AND COMPLIANCE AND ENFORCEMENT OF SHIPS OF** 36 **PHILIPPINE REGISTRY** 37

38 **SEC. 53. Manning Levels.** – Covered ships of Philippine registry shall have the
39 required minimum manning levels as prescribed by the Maritime Industry Authority
40 (MARINA). They shall, at all times, be manned by a crew that is adequate in terms of
41 size and qualifications taking into account the need to operate the vessel safely and
42 efficiently.
43

44 **SEC. 54. Crew Competence.** – Every member of the crew of a ship of an ocean-
45 going Philippine registry shall possess, in addition to the required medical certificate,
46 the appropriate certificate of competency issued by the relevant government
47 agency/ies, setting forth his/her competence to serve in the capacity, and perform the

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

3
4 The certificate of competency shall attest that the seafarer to whom it is issued meets
5 the requirements for service, age, qualification, and examinations for the position held.

6
7 **SEC. 55. Compliance and Certification.** – All ocean-going ships of Philippine
8 registry shall comply with the provisions of this Act. The shipowner and master shall
9 ensure the compliance of the ship with this Act and its implementing rules and
10 regulations, who shall be made principally liable for any violation thereof.

11
12 For this purpose, a Maritime Labour Certificate or a certificate of compliance, as
13 applicable, shall be issued in accordance with the implementing rules and regulations
14 of this Act.

15
16 **SEC. 56. Inspection and Enforcement.** –

17
18 (a) The Secretary of DMW, or his/her duly authorized representative, shall have
19 the authority to inspect all covered ships of Philippine registry to ensure
20 compliance with labor standards and occupational safety and health as provided
21 under this Act.

22
23 The enforcement and compliance monitoring activities may be coordinated and
24 conducted by the DMW, with the relevant government agencies, including
25 DOLE, MARINA and PCG, in conjunction with their schedules for inspection and
26 certification.

27
28 The Secretary of DMW, or his/her duly authorized representative shall have the
29 power to order immediate correction of, and impose fines for, violations of the
30 relevant provisions of this Act.

31
32 If the violation or deficiency constitutes a serious breach of the requirement of
33 this Act and its implementing rules and regulations or poses an imminent
34 danger to the ships, and/or to the life or limbs of the seafarer, the Secretary of
35 DMW, or his/her duly authorized representative shall coordinate with the PCG
36 to order the detention of the ship immediately until the violation or deficiency
37 is corrected or until a plan of action to rectify the non-conformities is shown to
38 be implemented in an expeditious manner.

39
40 (b) The Philippine Coast Guard (PCG) shall have the authority to conduct port state
41 control inspections of vessels, including all foreign-flagged vessels, calling at
42 any port of the Philippines, for the promotion of safety of life and property at
43 sea, control and prevention of maritime pollution, and verification of compliance
44 with the minimum standards of training and social condition of officers and
45 crew on board the ships. The PCG shall assist relevant agencies in the
46 enforcement of the provisions of this Act and its implementing rules and
47 regulations, and the MLC, 2006.

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

3
4 The PCG Commandant or his/her duly authorized representative shall have the
5 power to order immediate correction of, and impose fines for, violations of the
6 relevant provisions of this Act.

7
8 The PCG shall prohibit a ship from leaving port upon the order of the Secretary
9 of DMW, or in case of finding of non-compliance with the provisions of this Act
10 and the MLC, 2006 and/or its amendments and the conditions on board are
11 clearly hazardous to the safety, health, or security of seafarers. In all cases,
12 the prohibition to leave the port shall be in place until the same have been
13 rectified or until a plan of action to rectify the non-conformities is shown to be
14 implemented in an expeditious manner, and cleared by the Secretary of DMW.

15
16 **SEC. 57. Recognized Organizations.** – Recognized organizations may be
17 authorized by the Secretary of DMW to conduct inspection and issue certification in
18 accordance with the provisions of this Act and its implementing rules and regulations.

19
20 A recognized organization shall have the necessary knowledge of the requirements of
21 this Act and its implementing rules and regulations, MLC, 2006, and other relevant
22 international treaties or conventions.

23
24 A recognized organization shall also have the necessary and qualified professional,
25 technical, and support expertise to carry out the conduct of inspection and issuance
26 of certification.

27
28 **CHAPTER XIV**
29 **SHIPBOARD TRAINING OF CADETS**

30
31 **SEC. 58. Applicability.** – The provisions of Sections 5 to 17 (Seafarers' Rights),
32 Sections 18 to 19 (Women in the Maritime Industry), Section 22 (Medical Certificate),
33 Sections 35 to 39 (Accommodation, Recreation Facilities, Food and Catering in Ships),
34 Section 40 (Medical Care On Board Ships and Ashore), Sections 45 to 47 (Settlement
35 of Disputes), Sections 48 to 52 (Repatriation and Reintegration) shall apply with
36 respect to the training of cadets.

37
38 **SEC. 59. Shipboard Training Agreement for Cadets.** – There shall be a written
39 agreement among the shipowner, the cadet, and the maritime institution or school,
40 which shall embody the following information, terms, and conditions:

- 41
42 (a) Cadet's full name, date of birth, birthplace, and age, which should be at least
43 16 years old;
44
45 (b) Name and address of maritime institution or school;
46
47 (c) Name and address of shipowner and its manning and placement agency, if
48 applicable;

- 1
2 (d) Place and date when the agreement is entered into;
3
4 (e) Capacity in which the cadet is to be trained;
5
6 (f) The amount of the cadet's allowance or stipend, if applicable;
7
8 (g) Required number of hours of training and rest which shall not be less than the
9 prescribed hours of rest in Section 23 of this Act;
10
11 (h) Duties and responsibilities of the sponsoring company, the Maritime Higher
12 Educational Institution (MHEIs), and cadets, as may be provided prevailing
13 cadet training agreement standards; and
14
15 (i) Other benefits in accordance with existing laws, company policy, or
16 agreements.
17

18 In no case shall cadets perform activities outside of the scope of the cadet shipboard
19 training program.
20

21 The foregoing agreement shall be in a language familiar to and understood by all
22 parties or in English, executed in four (4) original copies before the commencement
23 of the shipboard training. The shipowner, cadet and the maritime institution/school
24 shall each have a signed original of the agreement, and an electronic copy thereof
25 shall be submitted to the DMW. A signed original copy shall also be made available
26 on-board the ship.
27

28 **SEC. 60. No Discrimination of Women for Shipboard Training.** – Women
29 cadets shall be accorded equal access to training and shall not be discriminated against
30 for shipboard training.
31

32 **CHAPTER XV** 33 **INCENTIVES AND AWARDS GRANTED TO THE MARITIME INDUSTRY** 34

35 **SEC. 61. Incentives and Awards.** – There shall be established an incentives and
36 awards system for the maritime industry stakeholders, which shall be developed and
37 administered by the concerned government agency upon consultation with the
38 Maritime Industry Tripartite Council (MITC).
39

40 Under such rules and regulations that may be promulgated, deserving shipowners,
41 seafarers, manning, and other organizations or entities shall be commended or
42 awarded for their outstanding performance in upholding the rights of seafarers and
43 complying with this Act.
44

45 **CHAPTER XVI** 46 **ROLE OF GOVERNMENT AGENCIES** 47

1
2 **SEC. 62. Role of Government Agencies.** – The following government agencies
3 shall perform the following functions to promote the welfare and protect the rights of
4 seafarers:
5

6 (a) **Commission on Higher Education (CHED).** CHED shall set the standards
7 and monitor the performance of maritime education programs and maritime
8 higher education institutions, ensuring that quality maritime education,
9 including curricula and training programs, are structured and delivered in
10 accordance with the written programs, methods, and media of delivery,
11 procedures, and course materials compliant with international standards
12 prescribed under the STCW Convention and its amendments. For this purpose,
13 CHED shall be in close coordination with the MARINA.
14

15 (b) **Department of Migrant Workers (DMW).** The DMW shall review and
16 improve on the working conditions and terms of employment of the officers
17 and crew of vessels covered under this Act. It shall likewise ensure that the
18 standards set forth under this Act, the MLC, 2006, and other international
19 treaties and conventions to which the Philippines is a signatory are faithfully
20 complied with and fairly applied to seafarers. To this end, the DMW shall
21 establish an effective system for inspection and certification as provided under
22 this Act to ensure that the working and living conditions of seafarers are met
23 and continue to be met pursuant to the MLC, 2006.
24

25 It shall strengthen its research capability to provide studies/resources for
26 evidenced-based policy decision-making and program development, and
27 continuously address gaps in the protection and welfare of the seafarers.
28

29 It shall also continue to develop, enhance, and increase the accessibility of its
30 gender and women empowerment and training courses for seafarers to the
31 maritime industry, which shall be made available in any format, including digital
32 and/or e-learning format.
33

34 It shall extend immediate assistance to seafarers, or their families or next-of-
35 kin, including the repatriation of distressed seafarers, and any other analogous
36 help or intervention.
37

38 (c) **Department of Foreign Affairs (DFA).** DFA, through its consular offices or
39 foreign service posts, in coordination with the appropriate government agency,
40 shall take priority action or make representation with the foreign authority
41 concerned to protect the rights of seafarers.
42

43 (d) **Department of Health (DOH).** DOH shall regulate the activities and
44 operations of all clinics which conduct medical, physical, optical, dental,
45 psychological, and other similar examinations, hereinafter referred to as health
46 examinations, on seafarers.
47

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

- 7
8 (e) **Overseas Workers' Welfare Administration (OWWA).** The OWWA,
9 through its welfare officer or, in his absence, the coordinating officer, shall
10 provide the seafarers and his/her family all the assistance they may need in the
11 enforcement of contractual obligations by agencies and/or by their principals.

12
13 The OWWA shall likewise formulate and implement welfare programs for
14 overseas Filipino seafarers and their families while they are abroad and upon
15 their return. It shall ensure the awareness by the overseas Filipino workers and
16 their families of these programs and other related governmental programs.

- 17
18 (f) **Maritime Industry Authority (MARINA).** The MARINA shall ensure that the
19 examination, licensing, and certification system for seafarers are in accordance
20 with the requirements prescribed under the STCW Convention, international
21 agreements, other conventions relevant thereto, and other applicable laws,
22 rules, and regulations.

- 23
24 (g) **Philippine Coast Guard (PCG).** The PCG shall undertake port state control
25 inspections of vessels calling at any port of the Philippines, in accordance with
26 international conventions and standards, for the promotion of safety of life and
27 property at sea, control and prevention of maritime pollution, and verification
28 of compliance with the minimum standards of training and social condition of
29 officers and crew on board the ships.

30
31 The PCG shall likewise, in line with its function to assist in the enforcement of
32 applicable laws within the maritime jurisdiction of the Philippines, assist the
33 DOLE in the enforcement of the rules and regulations issued for the purpose of
34 implementing the MLC, 2006, including orders to detain vessels found in gross
35 violation of pertinent laws, rules and regulations.

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

41
42 **SEC. 63. One-Stop Shop Center.** – Seafarers may avail of the assistance of One-
43 Stop Shop Centers, as created and established under the Department of Migrant
44 Workers Act.

45
46 **SEC. 64. Registry of Seafarers.** – The DMW shall maintain a registry of all seafarers
47 on board ocean-going vessels in the Philippines; Provided, that the registry of
48 seafarers aboard ocean-going ships shall be integrated to the management

1 information system established under the Department of Migrant Workers Act. The
2 registry shall contain updated and relevant information or data to promote
3 employment opportunities for seafarers, whether on board or ashore, or to provide a
4 list of available training and education to support skills development and competencies
5 of seafarers, as well as a digitalized copy of the duly executed contract.

6
7 The DMW shall ensure compliance with the Data Privacy Act of 2012, and is
8 implementing rules and regulations in handling the relevant information or data of
9 seafarers.

10
11 **SEC. 65. Maritime Occupational Safety and Health Standards.** – The DOLE, in
12 consultation with the maritime industry stakeholders, shall formulate the Maritime
13 Occupational Safety and Health Standards (MOSHS) pursuant to the provisions of
14 Republic Act No. 11058, otherwise known as the “Occupational Safety and Health Law”
15 and pertinent maritime conventions and treaties ratified by the Philippines.

16 17 **CHAPTER XVII** 18 **FINAL PROVISIONS**

19
20 **SEC. 66. Administrative Fines and Penalties.** – Any shipowner, master, their
21 representatives or other person who fails or refuses to present employment records,
22 such as payrolls, daily time records, payslip, or other documents, such as medical
23 records, when required by the individual seafarer, the Secretary of DMW or his duly
24 authorized representative, or the duly authorized representative of a recognized
25 organization, shall be subjected to administrative fines ranging from One Hundred
26 Thousand Pesos (Php100,000) to One Million Pesos (Php1,000,000), in accordance
27 with the implementing rules and regulations of this Act.

28
29 **SEC. 67. Penalties for Violations of Section 55.** Any shipowner, master, their
30 representatives who operate without, or fails to present, a valid Maritime Labour
31 Certificate, or its equivalent, shall be punished with fines ranging from One Hundred
32 Thousand Pesos (Php100,000) to One Million Pesos (Php1,000,000.00), in accordance
33 with the implementing rules and regulations of this Act.

34
35 **SEC. 68. Penalties for Violations of Sections 56 and 57.** – Any person who,
36 without proper authorization, exercises the authority granted to the Secretary of DMW
37 under Sections 56 and 57 of this Act shall be punished with a fine of not less than Two
38 Hundred Thousand Pesos (Php200,000.00) nor more than Two Million Pesos
39 (Php2,000,000), or imprisonment of not less than one (1) year nor more than four (4)
40 years, or both at the discretion of the court. The foregoing offense shall prescribe after
41 five (5) years from its commission.

42
43 **SEC. 69. Transitory Provision.** – All rights, privileges, and benefits previously
44 enjoyed by seafarers before the effectivity of this Act, including those set forth in
45 Presidential Decree No. 442, otherwise known as the Labor Code of the Philippines,
46 as amended, and Republic Act No. 8042, otherwise known as the “Migrant Workers
47 and Overseas Filipinos Act of 1995,” as amended, shall continue to be recognized and
48 shall not be diminished after the effectivity of this Act.

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

4
5 **SEC. 70. Implementing Rules and Regulations.** – Within ninety (90) days from
6 the effectivity of this Act, the DMW, in coordination with DOLE, DFA, MARINA, CHED,
7 TESDA, PCG, OWWA, and other concerned agencies, and upon consultation with
8 relevant stakeholders, shall formulate the rules and regulations for the effective
9 implementation of this Act.

10
11 **SEC. 71. Separability Clause.** – If, for any reason, any section, clause or term of
12 this Act is held to be illegal, invalid, or unconstitutional, such parts not affected by
13 such declaration shall remain in full force and effect.

14
15 **SEC. 72. Repealing Clause.** – All laws, presidential decrees, issuances, executive
16 orders, letters of instruction, rules, and regulations inconsistent with the provisions of
17 this Act are hereby repealed or modified accordingly.

18
19 **SEC. 73. Effectivity Clause.** – This Act shall take effect fifteen (15) days after its
20 publication in the Official Gazette or in a newspaper of general circulation.

Approved,