



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

)
)
)

'22 JUL 14 AM 11:04

SENATE

RECEIVED BY:

S.B. No. 586

INTRODUCED BY SENATOR RISA HONTIVEROS

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

EXPLANATORY NOTE

With the Philippines deploying over 300,000 overseas Filipino seafarers (OFS) in international ocean-going vessels, the government's continuous efforts to ensure their protection and welfare has been strengthened through the ratification of the International Seafarer's Bill of Rights, making the Philippines the 30th member-state to sign the International Labor Organization's Maritime Labor Convention 2006.

Aimed towards better protection, before, during, and after deployment, increase in competency building, education and training, and increase in overall competency building, and increase in overall competitiveness and professional advantage of our Filipino overseas seafarers, this bill seeks to strengthen the rights of our OFS through stronger compensation benefits, clearer institutional accountabilities and more hardworking protective mechanisms that can empower the Philippine institutions in their protection of OFS within and beyond our borders. This bill seeks to forge clearer accountability of specific institutions when it comes to protection of OFS and to ensure just compensation of our OFS and relevant social protection.

The passage of this bill is earnestly sought.

RISA HONTIVEROS
Senator

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

'22 JUL 14 A11 :04

SENATE

S.B. No. 586

RECEIVED BY: 

INTRODUCED BY SENATOR RISA HONTIVEROS

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

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

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

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

8
9 **CHAPTER II**
10 **GENERAL PROVISIONS**

11
12 *Sec. 3. Coverage* – This Act shall cover:

- 13 a) All Filipino seafarers who are to be engaged, employed, or working in any
14 capacity, on board Philippine or foreign-registered ships, except those to
15 be engaged, employed, or working in the following categories of ships:
16 a. Warships, naval auxiliaries, and Coast Guard vessels;
17 b. Government ships not engaged in commercial operations;
18 c. Ships of traditional built, as may be defined under existing rules
19 and regulations; and
20 d. Fishing vessels, as may be defined by appropriate rules and
21 regulations to be issued by the Department of Labor and
22 Employment (DOLE), in consultation with the Bureau of Fisheries
23 and Aquatic Resources and other relevant stakeholders.

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

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

34 *Sec. 4. Definition of Terms.* – As used in this Act, the following terms shall have
35 the following meaning:

- 36 a) Abandonment - refers to a situation where, in violation of the terms of
37 the employment contract, the shipowner:
38 i. Fails to cover the cost of the seafarer's repatriation;
39 ii. Has left the seafarer without the necessary maintenance and
40 support; or

- 1 iii. Has otherwise unilaterally severed their ties with the seafarer,
2 including failure to pay contractual wages for a period of at least
3 two (2) months;
- 4 b) *Cadet* refers to a student of a maritime educational institution who is
5 required to undergo training on-board registered international or domestic
6 ships to fulfil a maritime degree or technical course;
- 7 c) *Domestic Shipping* - refers to the transport of passenger or cargo, or both,
8 by ships duly registered and licensed under Philippine law to engage in
9 trade and commerce between Philippine ports and within Philippine
10 territorial or internal waters, for hire or compensation, with general or
11 limited clientele, whether permanent, occasional, or incidental, with or
12 without fixed routes, and done for contractual or commercial purposes;
- 13 d) *International Maritime Convention or International Convention* – refers to
14 any written treaty or agreement, or any protocol or amendment thereto,
15 affecting the maritime industry, which has come into force and effect,
16 including the MLC, 2006;
- 17 e) *International Convention on Standards of Training, Certification, and*
18 *Watchkeeping for Seafarers (STCW)* - refers to the international
19 convention that establishes the minimum standards relating to training,
20 certification, and watchkeeping for seafarers, which the Philippines
21 acceded to on May 22, 1984;
- 22 f) *Manning Agency* - refers to a natural or juridical person duly licensed by
23 the Secretary of the Department to engage in the recruitment and
24 placement of seafarers;
- 25 g) *Maritime Accident* - refers to any unforeseen occurrence or physical event
26 connected to the navigation, operations, maneuvering, or handling of
27 ships, or the machinery, equipment, material, or cargo on board such
28 ships which may result in the detention of seafarers;
- 29 h) *Maritime Industry Stakeholders* - refer to all private stakeholders engaged
30 in the business of owning, managing, chartering, or operating domestic
31 and international ship/s of Philippine or foreign registry', manning of
32 ships, management ports, stevedoring and arrastre services, ship
33 brokering and chartering, ship-building and ship repair, providing
34 maritime services, such as ship supplies and provisions, maritime
35 education and training, shipping agency, and other similar activities. This
36 term shall also include bona fide maritime labor organizations,
37 professional associations of seafarers, associations promoting seafarers'
38 welfare, and women's maritime organizations;
- 39 i) *Maritime Labour Certificate* – refers to the document that certifies that
40 the working and living conditions of the seafarers on the ship have been

1 inspected and are compliant with the requirements of the MLC, 2006 and
2 of applicable Philippine laws and regulations;

3 j) *Maritime Labour Convention, 2006 (MLC, 2006)* – refers to the
4 consolidated Maritime Labour Convention approved by the International
5 Labour Organization (ILO) in 2006 and ratified by the Philippines on
6 August 20, 2012;

7 k) *Master* – refers to a person having command of a ship and acts as the
8 shipowners' representative;

9 l) *Ocean-Going Ship* – refers to a ship other than those which navigate
10 exclusively in inland water or in water within or closely adjacent to
11 sheltered water, or areas where port regulations apply;

12 m) *Officer* – refers to a member of the crew other than the master who has
13 been designated as such by national law or regulation, or, in the absence
14 of such designation, by collective agreement or custom;

15 n) *One-Stop-Shop Center for OFWs (OSSCO)* - refers to the one-stop
16 centers in various parts of the country established to ensure prompt,
17 efficient, vital, and relevant services to Overseas Filipino Workers (OFWs)
18 and other overseas Filipinos and their families, including seafarers. The
19 OSSCOs shall be the venue for the acquisition of relevant clearances and
20 permits, validation of overseas job offers, availment of reintegration
21 services and all pertinent seminars and workshops for all stakeholders,
22 among others. In all cases and as far as practicable, the OSSCOs shall
23 be co-located with POEA regional offices. Agencies at these centers shall,
24 as far as practicable, include the Department of Labor and Employment
25 (DOLE), the Department of Foreign Affairs (DFA), Philippine Overseas
26 Employment Administration (POEA), Overseas Workers Welfare
27 Administration (OWWA), Technical Education and Skills Development
28 Authority (TESDA), Professional Regulation Commission (PRC), Maritime
29 Industry Authority (MARINA), Department of Health (DOH), Philippine
30 Coast Guard (PCG), Home Development Mutual Fund (HDMF),
31 Philippine Health Insurance Corporation (PhilHealth), Social Security
32 System (SSS), Philippine Statistics Authority (PSA), Bureau of
33 Immigration (BI), National Bureau of Investigation (NBI), Commission on
34 Higher Education (CHED), Philippine National Police (PNP), Bureau of
35 Internal Revenue (BIR), and such other government agencies as may be
36 appropriate;

37 o) *Point of Hire* – refers to the place indicated in the contract of employment,
38 and which shall be the basis in determining the commencement of the
39 contract;

- 1 p) *Recognized Organizations* – refer to organizations recognized by the DOLE
2 to carry out inspections or issue the Maritime Labour Certificate in
3 accordance with the scope of activities covered by their authorizations;
- 4 q) *Repatriation* – refers to the process of returning a seafarer to the point of
5 destination, which shall be at the point of hire or the seafarer's place of
6 domicile, at the option of the seafarer, or in case of incapacity or death,
7 at the option of his/her next-of-kin;
- 8 r) *Standard Employment Contract (SEC) or Employment Contract* – refers to
9 a government-prescribed contract containing the minimum terms and
10 conditions of employment;
- 11 s) *Seafarer* – refers to any Filipino who is to be employed, is employed, or
12 is engaged to work in any capacity on board a ship covered under this
13 Act;
- 14 t) *Ship or Vessel* – refers to any kind, class, or type of craft or artificial
15 contrivance capable of floating in water, whether publicly or privately
16 owned, ordinarily engaged in commercial activities; and
- 17 u) *Shipowner or Principal* – refers to the owner of the ship employing Filipino
18 seafarers to work on board domestic ships and ships engaged in
19 international trade, or any other organization or person, such as the
20 manager, agent, or bareboat charterer, who has assumed the
21 responsibility for the operation and management of the ship from the
22 shipowner, and who, in assuming such responsibilities, has agreed to take
23 over all the attendant duties and responsibilities of a shipowner under this
24 Act, regardless of whether any other organization or persons fulfill certain
25 duties or responsibilities on behalf of the shipowner.

26
27 **CHAPTER III**
28 **SEAFARERS' RIGHTS**
29

30 *Sec. 5. Right to Just Terms and Conditions of Work.* – Seafarers shall have the
31 right to:

- 32 a) A safe and secure workplace that complies with safety standards;
33 b) Decent working and living conditions on board a ship;
34 c) Medical care and confirmatory tests, welfare measures, and other forms of
35 health and social protection;
36 d) Fair terms and conditions of employment, including salary commensurate
37 to their rank, hours of work, paid sick leave or sickness benefits, the
38 maximum number of workers hours, and minimum hours of rest periods,
39 consistent with Philippine laws or international maritime conventions; and

- 1 e) Compensation and benefits in the event of death or long-term disability for
2 occupational injuries, illnesses, hazards.

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

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

15 Toward this end, relevant government agencies shall:

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

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

28 Sec. 8. *Right to Information.* – Shipowners, manning agencies, and other
29 organizations responsible for the recruitment and placement of seafarers, shall provide
30 seafarers relevant information, including the terms and conditions of employment,
31 company policies affecting seafarers, obligations of seafarers, conditions and realities
32 attending to their profession, and necessary laws and regulations of countries covered by
33 their sojourn. In addition, the seafarers shall, at all times, be furnished a copy of the duly
34 executed Standard Employment Contract, as well as the results of the medical
35 examination conducted on him/her. This right shall also include the right of seafarers'
36 organizations to relevant information affecting the terms and conditions of employment
37 of their members.

38 All ships covered by this Act shall have a copy of the MLC, 2006, the grievance procedures
39 available on-board, duly executed Standard Employment Contract of seafarers, and when

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

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

8 In addition, it shall be the duty of the shipowner and the manning agency, within a
9 reasonable period of time, to report to the POEA and the OWWA such incident and the
10 details of the family or next-of-kin of the concerned seafarer/s.

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

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

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

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

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

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

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

- 1 e) To continually improve his/her professional competency by keeping up-
2 to-date with the latest technological and scientific knowledge applied in
3 the maritime fields, constant reading and diligent studies, and keen
4 observation of shipboard activities;
- 5 f) To be, at all times, orderly and respectful to the shipmates, passengers,
6 shippers, stevedores, port authorities, and other persons who have official
7 business with the ship; and
- 8 g) To take personal responsibility for his/her health while on board by
9 maintaining a healthy lifestyle and complying with medically prescribed
10 instructions.

11
12 **CHAPTER VI**
13 **MINIMUM REQUIREMENTS FOR SEAFARERS**
14

15 Sec. 21. *Minimum Age.* – No person below eighteen (18) years old, other than a
16 cadet, shall be employed, engaged, or otherwise allowed to work on board Philippine-
17 registered ships operating domestically or internationally, as well as on board foreign-
18 registered ships.

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

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

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

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

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

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

39 Sec. 24. *Recruitment and Placement.* – Only duly licensed manning agencies shall
40 be allowed to operate and engage in the recruitment and placement of seafarers, in

1 accordance with rules and regulations as may be issued by the Secretary of Labor and
2 Employment, or the Secretary in-charge of migration-related matters, including the
3 deployment of seafarers.

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

6
7
8
9

CHAPTER VII TERMS AND CONDITIONS OF EMPLOYMENT

10 *Sec. 25. Standard Employment Contract for Seafarers.* – There shall be a Standard
11 Employment Contract in writing between the shipowner and the seafarer, which shall
12 include, but not be limited to, the folioing information and terms:

- 13 a) Seafarer's full name, date of birth, age, birthplace, permanent, and/or
14 residential address;
- 15 b) Seafarer's Record Book Number, Seafarer's Identity Document Number, and
16 POEA Seafarer's Registration Number;
- 17 c) Shipowner's name and address;
- 18 d) Place where and date when the seafarer's employment agreement is
19 entered into;
- 20 e) Duration of the contract;
- 21 f) Point of hire;
- 22 g) Capacity in which the seafarer is to be employed;
- 23 h) Amount of the seafarer's salary, and the formula used for calculating the
24 same;
- 25 i) Maximum hours of work and minimum hours of rest;
- 26 j) Wages and wage-related benefits, which shall include, but is not limited to,
27 overtime pay, holiday pay, vacation leave pay, premium pay, paid leaves,
28 and 13th-month pay, if applicable;
- 29 k) Compensation and benefits for occupational injury, illness, or death;
- 30 l) Social security and welfare benefits, including the compulsory insurance
31 coverage as provided under Republic Act No. 8042, as amended by Republic
32 Act No. 10022, otherwise known as The Migrant Workers Act;
- 33 m) Stipulations on repatriation or similar undertakings;
- 34 n) Separation pay and retirement pay, if applicable;
- 35 o) Reference to the CBA, if applicable; and
- 36 p) Other benefits in accordance with law, company policy, or CBA.

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

1 For ocean-going Philippine-registered ships or foreign-registered ships, the POEA shall
2 issue a Standard Employment Contract containing the minimum standards to be observed
3 in the employment of seafarers. The Standard Employment Contract shall be reviewed
4 and updated regularly and must, at all times, be consistent with the MLC, 2006, and other
5 existing treaties and conventions governing seafarers, which the Philippines has ratified
6 or will ratify in the future.

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

12 The minimum hours of rest for every seafarer shall not be less than ten (10) hours in a
13 24-hour period. The hours of rest may be divided into two periods, one of which shall be
14 at least six (6) hours in length, and the interval between the two periods of rest shall not
15 exceed fourteen (14) hours.

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

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

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

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

36 *Sec. 28. Wages.* – Without prejudice to higher rates provided under the Standard
37 Employment Contract, or under a CBA, or by the shipowner as company practice or policy,
38 the minimum wage applicable to seafarers on board ocean-going ships of Philippine or
39 foreign registry shall be as provided in the Standard Employment Contract, which in no
40 case be lower than the prevailing industry standard on ocean- going seafaring wage rates

1 for officers and other members of the ship's crew, and regularly paid in full at least once
2 a month.

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

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

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

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

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

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

32

33

CHAPTER VIII

34

ACCOMMODATION, RECREATION FACILITIES,

35

FOOD AND CATERING IN SHIPS

36

37 *Sec. 35. Application.* – The requirements of this Chapter covering ships of
38 Philippine Registry shall be applicable to the following:

39

- a) All ocean-going ships and domestic ships constructed on or after the date
40 when the MLC, 2006 come into force;

1 medicines on board, and shall ensure access to shore facilities for the health of seafarers,
2 as well as the corresponding medical or trained personnel who shall provide first-aid and
3 medical care.

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

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

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

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

15 *Sec. 41. Protection of Seafarers from Epidemics, Pandemics, or Other Public Health*
16 *Emergencies.* – Seafarers on ships should be covered by adequate measures for
17 protection from health-related outbreaks, such as epidemics and pandemics, including
18 the provision of personal protective supplies and equipment, as appropriate.

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

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

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

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

40

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40

CHAPTER X
TERMINATION OF EMPLOYMENT

Sec. 43. *Termination of Employment* –

- a) The employment of seafarers on board Philippine-registered ships operating internationally, as well as those on board foreign-registered ships, shall cease when the seafarers complete their period of contractual service aboard the ship, signs-off from the ship, and arrive at the destination as specified under this paragraph (b) of this Section.;
- b) The employment is also terminated effective upon arrival at the point of destination, which shall either be at the point of hire or the seafarer's place of domicile, at the option of the seafarer, or in case of the seafarer's incapacity or death, at the option of his/her next-of-kin, for any of the following reasons;
1. When the seafarer signs-off and is disembarked for medical reasons in the event the seafarer is declared: (i) fit for repatriation; or (ii) when after an illness, the seafarer is declared fit to work, but the shipowner is unable to find employment for the seafarer on board the ship originally boarded or another ship of the shipowner;
 2. When the seafarer signs-off due to sale of the ship, lay-up of the ship, discontinuance of voyage or change of ship principal, shipwreck, grounding, or unseaworthiness;
 3. When the seafarer voluntarily resigns in writing and signs-off prior to the expiration of contract within a reasonable period as may be prescribed in the implementing rules and regulations of this Act; or
 4. When the seafarer is discharged for just causes in accordance with the provisions of the Standard Employment Contract.

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

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

CHAPTER XI
SETTLEMENT OF DISPUTES

1

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

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

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

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

15 b) If there is no CBA, the parties shall have the option to submit the case to
16 compulsory arbitration or voluntary arbitration, or conciliation-mediation
17 services provided under Republic Act No. 10396, otherwise known as "An
18 Act Strengthening Conciliation-Mediation as a Voluntary Mode of Dispute
19 Settlement for all Labor Cases, Amending for this Purpose Article 228 of
20 Presidential Decree No. 442, as amended. Otherwise Known as the 'Labor
21 Code of the Philippines'" and its implementing rules and regulations.

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

28

29

CHAPTER XII

30

REPATRIATION

31

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

1 economic, social, psychosocial, and cultural, including skills certification and recognition
2 of equivalency for effective employment services, and shall ensure contribution to
3 national development through investments and transfer of technology from skilled or
4 professional seafarers.

6 CHAPTER XIV

7 PROVISIONS APPLICABLE TO DOMESTIC SEAFARERS

8
9 *Sec. 53. Wages, Holiday Pay, Service Incentive Leave, and other Statutory*
10 *Benefits.* – The minimum wage rate of seafarers on board ships engaged in domestic
11 shipping shall be determined by the Regional Wages and Productivity Boards (RTWPB),
12 taking into account the peculiarities of the employment arrangement of seafarers and the
13 criteria for wage-fixing pursuant to Republic Act No. 6727, otherwise known as the "Wage
14 Rationalization Act;" Provided, that wages for actual work hours and days shall not be
15 lower than the applicable minimum wage rates for actual work hours and days shall not
16 be lower than the applicable minimum wage rates in the place where the ship is
17 registered. Wages of domestic seafarers shall be paid in full and regularly at least twice
18 a week in a month, or at intervals not greater than 16 days as provided in the Labor Code
19 of the Philippines, as amended.

20 In addition, the provisions of the Labor Code of the Philippines, as amended, on
21 "Prohibitions Regarding Wages," "Wage Studies, Wage Agreements, and Wage
22 Determination," "Administration and Enforcement," "Holidays," "Service Incentive Leaves
23 and Service Charges," shall continue to apply, unless higher annual leave is already
24 provided under the CBA or by the shipowner as company practice or policy or seafarers'
25 employment agreement. In addition, domestic seafarers shall also be entitled to (i) 13th
26 month pay pursuant to Presidential Decree No. 851, as amended, (ii) paid maternity leave
27 under Republic Act No. 11210, otherwise known as the 105- Day Expanded Maternity
28 Leave Law, (iii) paid paternity leave under Republic Act No. 8187, otherwise known as
29 the Paternity Leave Act of 1996, (iv) Paid parental leave for solo parents under Republic
30 Act No. 8972, otherwise known as the Solo Parents' Welfare Act of 2000; (v) paid leave
31 for victims of violence against women and their children under Republic Act No. 9262,
32 otherwise known as the Anti-Violence Against Women and their Children Act of 2004, (vi)
33 paid special leave due to surgery for any gynecological disorder, under Republic Act No.
34 9710, otherwise known as the Magna Carta of Women, and retirement pay, pursuant to
35 Republic Act No. 7641.

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

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

- 3 a) Seafarer's full name, date of birth, age, birthplace, permanent, and/or
4 residential address;
- 5 b) Seafarer's Record Book Number, Seafarer's Identity Document Number;
- 6 c) Shipowner's name and address;
- 7 d) Place where and date when the seafarer's employment agreement is
8 entered into;
- 9 e) Duration of the contract;
- 10 f) Point of hire;
- 11 g) Capacity in which the seafarer is to be employed;
- 12 h) Amount of the seafarer's salary, and the formula used for calculating the
13 same;
- 14 i) Maximum hours of work and minimum hours of rest;
- 15 j) Wages and wage-related benefits, which shall include, but is not limited
16 to, overtime pay, holiday pay, vacation leave pay, premium pay, paid
17 leaves, and 13th-month pay, if applicable;
- 18 k) Compensation and benefits for occupational injury, illness, or death;
- 19 l) Social security and welfare benefits, including the compulsory insurance
20 coverage as provided under Republic Act No. 8042, as amended by
21 Republic Act No. 10022, otherwise known as The Migrant Workers Act;
- 22 m) Stipulations in case of rescues or other similar undertakings;
- 23 n) Separation pay and retirement pay, if applicable;
- 24 o) Reference to the CBA, if applicable; and
- 25 p) Other benefits in accordance with the law, company policy, or CBA.

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

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

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

37 *Sec. 56. Termination of Employment of Domestic Seafarers.* – The termination of
38 employment of a seafarer on board domestic ships shall be governed by the provisions
39 of the Labor Code of the Philippines, as amended, and applicable rules and regulations

1 and health as provided under this Act. The enforcement and compliance
2 monitoring activities may be coordinated and conducted by the DOLE with
3 the relevant government agencies, including MARINA and PCG, in
4 conjunction with their schedules for inspection and certification.

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

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

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

25 The conduct of port state controls shall be in accordance with international
26 conventions and instruments ratified or to be ratified in the future. The
27 PCG Commandant or his/her duly authorized representative shall have the
28 power to order immediate correction of, and impose fines for, violations of
29 the relevant provisions of this Act. The PCG shall prohibit a ship from
30 leaving port upon the order of the Secretary of Labor or the appropriate
31 Secretary in-charge of migration-related matters, or in case of finding of
32 non-compliance with the provisions of this Act and the MLC, 2006 and/or
33 its amendments and the conditions on board are clearly hazardous to the
34 safety, health, or security of seafarers. In all cases, the prohibition to leave
35 the port shall be in place until the same have been rectified or until a plan
36 of action to rectify the non-conformities is shown to be implemented in an
37 expeditious manner and cleared by the Secretary of Labor or the
38 appropriate Secretary in-charge of migration-related matters.

1 treaties and conventions to which the Philippines is a signatory are
2 faithfully complied with and fairly applied to seafarers.

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

6 c) Department of Foreign Affairs (DFA). DFA, through its consular offices or
7 foreign service posts, in coordination with the appropriate government
8 agency, shall take priority action or make representation with the foreign
9 authority concerned to protect the rights of seafarers and extend
10 immediate assistance, including the repatriation of distressed or
11 beleaguered seafarers.

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

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

23 e) Philippine Overseas Employment Administration (POEA). POEA shall review
24 and improve on the working conditions and terms of employment of the
25 officers and crew of vessels of Philippine registry, and of such officers and
26 crew members who are Filipino citizens and employed by foreign vessels.

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

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

37 g) Maritime Industry Authority (MARINA). The MARINA shall ensure that the
38 examination, licensing, and certification system for seafarers are in
39 accordance with the requirements prescribed under the STOW Convention,

1 international agreements, other conventions relevant thereto, and other
2 applicable laws, rules, and regulations.

3 h) National Maritime Polytechnic. The NMP shall strengthen its research
4 capability to provide studies/resources for evidenced-based policy
5 decision-making and program development, and continuously address
6 gaps in the protection and welfare of the seafarers. The NMP shall also
7 continue to develop, enhance, and increase the accessibility of its gender
8 and women empowerment and training courses for seafarers to the
9 maritime industry, which shall be made available in any format, including
10 digital and/or e-learning format.

11 i) Philippine Coast Guard (PCG). The PCG shall undertake port state control
12 inspections of vessels calling at any port of the Philippines, in accordance
13 with international conventions and standards, for the promotion of safety
14 of life and property at sea, control and prevention of maritime pollution,
15 and verification of compliance with the minimum standards of training and
16 social condition of officers and crew on board the ships. The PCG shall
17 likewise, in line with its function to assist in the enforcement of applicable
18 laws within the maritime jurisdiction of the Philippines, assist the DOLE in
19 the enforcement of the rules and regulations issued for the purpose of
20 implementing the MLC, 2006, including orders to detain vessels found in
21 gross violation of pertinent laws, rules and regulations.

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

26 *Sec. 69. One-Stop Shop Center for OFWs (OSSCO).* – There shall be established
27 in each region a One Stop Shop Center for OFWs, which shall be co-located in the regional
28 offices of the POEA, and shall have, as far as practicable, representatives from agencies
29 that process the documents or issue the required licenses, permits and clearances
30 required of seafarers.

31 *Sec. 70. Registry of Seafarers.* – The POEA, for ocean-going ships of foreign
32 registry, and MARINA, for domestic and ocean-going ships of Philippine registry, shall
33 maintain a registry of all seafarers in the Philippines; Provided, that the registry of
34 seafarers aboard ocean-going ships shall be integrated to the management information
35 system established under the Migrant Workers and Overseas Filipinos Act, as amended.
36 The registry shall contain updated and relevant information or data to promote
37 employment opportunities for seafarers, whether on board or ashore, or to provide a list
38 of available training and education to support skills development and competencies of
39 seafarers, as well as a digitalized copy of the duly executed contract.

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

4 *Sec. 71. Maritime Occupational Safety and Health Standards.* – The DOLE, in
5 consultation with the maritime industry stakeholders, shall formulate the Maritime
6 Occupational Safety and Health Standards (MOSHS) pursuant to the provisions of
7 Republic Act No. 11058, otherwise known as the "Occupational Safety and Health Law"
8 and pertinent maritime conventions and treaties ratified by the Philippines.

9
10 **CHAPTER XIX**
11 **FINAL PROVISIONS**
12

13 *Sec. 72. Administrative Fines and penalties.* – Any shipowner, master, their
14 representatives or other person who fails or refuses to present employment records, such
15 as payrolls, daily time records, payslip, or other documents, such as medical records,
16 when required by the individual seafarer, the Secretary of Labor or his duly authorized
17 representative, or the duly authorized representative of a recognized organization, shall
18 be subjected to administrative fines ranging from One Hundred Thousand Pesos
19 (Phpl00,000) to One Million Pesos (Phpl,000,000), in accordance with the implementing
20 rules and regulations of this Act.

21 *Sec. 73. Penalties for Violations of Section 68.* – Any shipowner, master, their
22 representatives who operate without, or fails to present, a valid Maritime Labour
23 Certificate, or its equivalent, shall be punished with fines ranging from One Hundred
24 Thousand Pesos (Phpl00,000) to One Million Pesos (Phpl,000,000.00), in accordance with
25 the implementing rules and regulations of this Act.

26 *Sec. 74. Penalties for Violations of Sections 69 and 70.* – Any person who, without
27 proper authorization, exercises the authority granted to the Secretary of Labor and
28 Employment under Sections 69 and 70 of this Act shall be punished with a fine of not less
29 than Two Hundred Thousand Pesos (Php200,000.00) nor more than Two Million Pesos
30 (Php2,000,000), or imprisonment of not less than one (1) year nor more than four (4)
31 years, or both at the discretion of the court. The foregoing offense shall prescribe after
32 five (5) years from its commission.

33 *Sec. 75. Transitory Provision.* – All rights, privileges, and benefits previously
34 enjoyed by seafarers before the effectivity of this Act, including those set forth in
35 Presidential Decree No. 442, otherwise known as the Labor Code of the Philippines, as
36 amended, and Republic Act No. 8042, otherwise known as the "Migrant Workers and
37 Overseas Filipinos Act of 1995," as amended, shall continue to be recognized and shall
38 not be diminished after the effectivity of this Act.

39 *Sec. 76. Implementing Rules and Regulations.* - Within ninety (90) days from the
40 effectivity of this Act, the DOLE, in coordination with DFA, MARINA, CHED, TESDA, PCG,

1 POEA, OWWA, and other concerned agencies, and upon consultation with relevant
2 stakeholders, shall formulate the rules and regulations for the effective implementation
3 of this Act.

4 *Sec. 77. Separability Clause.* – If, for any reason, any section, clause or term of
5 this Act is held to be illegal, invalid, or unconstitutional, such parts not affected by such
6 declaration shall remain in full force and effect.

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

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

Approved,