

Before the Coronavirus disease 2019 (Covid-19) pandemic, the country was deploying around 50,000 seafarers monthly. In 2020, about 217,223 seafarers were deployed overseas from the Philippines, about 54 percent less than in the previous year or 469,996 seafarers. In that year, the majority of seafarers were deployed to bulk carrier vessels. The country had deployed 40,000 sea-based OFWs every month in 2021. These figures only mean that our economy has been slowly reopening while travel and border restrictions of countries of destination are also gradually easing.

Despite the rich history and significant role of the Filipino seafarers in our society, they have been given inadequate attention. Incidents of abduction, unjust compensation and on-board accidents have been reported yet no legislation has been passed to protect and uphold the rights of the seafarers and address their specific needs.

This measure seeks to deal with the shortcomings by creating a laws that focuses on the conditions and needs of the Filipino seafarer. The Magna Carta of Filipino Seafarers guarantees their right to humane working conditions and just compensation by ensuring that manning and crewing agencies provide adequate information about the on-board conditions as well as local and international laws that apply to the Filipino seafarer. Seafarers should be given ample time by the agency to examine his/her contract of employment and articles of agreement before he/she signs it. To ensure the security and safety of the overseas Filipino seafarers, they shall only be deployed in countries where their rights as Filipino sea-based migrant workers are observed and protected.

With the passage of this bill, more Filipinos will be given the knowledge and understanding of the transnational and globalized conditions the Filipino seafarers are experiencing through the establishment of the Filipino Seafarers' Research and Resource Center by the Commission on Higher Education, in coordination with the University of the Philippines School of Labor and Industrial relations (UP SOLAIR).

The Center shall conduct studies and research that will enhance the well-being and interests of the Filipino seafarers.

In view of the foregoing considerations, the immediate passage of this measure is sought.


LOREN LEGARDA

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SENATE
S. No. 1248

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Introduced by Senator Loren B. Legarda

AN ACT
INSTITUTING THE MAGNA CARTA OF FILIPINO SEAFARERS

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

CHAPTER I

DECLARATION OF POLICY

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

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

- 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 b) To recognize that seafarers are a special category of key workers providing
10 essential services, and given the global nature of the shipping industry and the
11 different jurisdictions that seafarers may be brought into contact with, they are
12 in need of special protection;
- 13 c) To encourage the participation of women in the seafaring profession and
14 contribute meaningfully to the achievement of national development goals as
15 productive members of the community;
- 16 d) To maintain and progressively develop a pool of competent and world-class
17 seafarers through a system of education, training, certification, and licensing;

- 1 e) To establish and enhance mechanisms of administrative, adjudicative, social,
2 and welfare services for seafarers and their families;
- 3 f) To enact laws that adopt and implement the standards set by international
4 conventions and agreements regarding the working and living conditions and
5 occupational safety and health, among others, of seafarers, particularly the
6 Maritime Labour Convention, 2006 (MLC, 2006); and
- 7 g) To recognize shipowners, maritime higher education institutions, and licensed
8 manning agencies as vital partners in promoting the rights, welfare, skills, and
9 competencies of seafarers.

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 CHAPTER II

15 GENERAL PROVISIONS

16 Sec. 3. *Coverage.* - This Act shall cover:

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

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

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

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

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

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

13 (ii) Has left the seafarer without the necessary maintenance and support;
14 or

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

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

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

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

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

- 1 f) *Maritime Accident* - refers to any unforeseen occurrence or physical event
2 connected to the navigation, operations, maneuvering, or handling of ships, or
3 the machinery, equipment, material, or cargo on board such ships which may
4 result in the detention of seafarers;
- 5 g) *Maritime Industry Stakeholders* - refer to all private stakeholders engaged in the
6 business of owning, managing, chartering, or operating domestic and
7 international ship/s of Philippine or foreign registry', manning of ships,
8 management ports, stevedoring and arrastre services, ship brokering and
9 chartering, ship-building and ship repair, providing maritime services, such as
10 ship supplies and provisions, maritime education and training, shipping
11 agency, and other similar activities.
12 This term shall also include *bona fide* maritime labor organizations, professional
13 associations of seafarers, associations promoting seafarers' welfare, and
14 women's maritime organizations;
- 15 h) *Maritime Labour Certificate* - refers to the document that certifies that the
16 working and living conditions of the seafarers on the ship have been inspected
17 and are compliant with the requirements of the MLC, 2006 and of applicable
18 Philippine laws and regulations;
- 19 i) *Maritime Labour Convention, 2006 (MLC, 2006)* - refers to the consolidated
20 Maritime Labour Convention approved by the International Labour
21 Organization (ILO) in 2006 and ratified by the Philippines on August 20, 2012;
- 22 j) *Master* - refers to a person having command of a ship and acts as the
23 shipowners' representative;
- 24 k) *Ocean-Going Ship*- refers to a ship other than those which navigate exclusively
25 in inland water or in water within or closely adjacent to sheltered water, or
26 areas where port regulations apply;
- 27 l) *Officer*- refers to a member of the crew other than the master who has been
28 designated as such by national law or regulation, or, in the absence of such
29 designation, by collective agreement or custom;
- 30 m) *One-Stop-Shop Center for OFWs (OSSCO)* - refers to the one-stop centers in
31 various parts of the country established to ensure prompt, efficient, vital, and
32 relevant services to Overseas Filipino Workers (OFWs) and other overseas

1 Filipinos and their families, including seafarers. The OSSCOs shall be the venue
2 for the acquisition of relevant clearances and permits, validation of overseas
3 job offers, availment of reintegration services and all pertinent seminars and
4 workshops for all stakeholders, among other, in accordance with Republic Act
5 No. 11641, or the "Department of Migrant Workers Act";

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

1 CHAPTER III

2 SEAFARER'S RIGHTS

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

4 to:

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

15 Sec. 6. *Right to Self-Organization, to Engage in Collective Bargaining, and to*

16 *Participate in Democratic Exercises.* - Seafarers shall enjoy the right to self- organization,

17 to collectively bargain, to form or join international organization of seafarers or

18 network with seafarers of different nationalities, and to participate in the deliberation

19 of issues and in the formulation of policies that affect them, including the guarantee

20 of representation in governing boards or appointment in government

21 instrumentalities.

22 Women seafarers shall also have the right, and be encouraged, to join, assist, or

23 form labor unions or associations, or form networks with women seafarers of

24 different nationalities.

25 Sec. 7. *Right to Educational Advancement and Training at Reasonable and Affordable*

26 *Costs.* - Seafarers shall have access to educational advancement and training at

27 reasonable and affordable costs.

28 Toward this end, relevant government agencies shall:

- 29 a) Regulate the operation of all educational and training institutions offering
- 30 courses related to seafaring;

- 1 b) Pursue grant programs, such as scholarships, subsidies, loan assistance, and
2 other measures that will harness the skills of seafarers toward greater
3 competitiveness given the new and evolving demands in the industry;
4 c) Promote quality maritime education and training that respond to the needs of
5 the industry and in accordance with minimum international maritime
6 standards of competency; and
7 d) Afford enhanced access to educational advancement and training of women in
8 the seafaring industry.

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

11 Sec. 8. *Right to Information.* - Shipowners, manning agencies, and other
12 organizations responsible for the recruitment and placement of seafarers, shall
13 provide seafarers relevant information, including the terms and conditions of
14 employment, company policies affecting seafarers, obligations of seafarers, conditions
15 and realities attending to their profession, and necessary laws and regulations of
16 countries covered by their sojourn. In addition, the seafarers shall, at all times, be
17 furnished a copy of the duly executed Standard Employment Contract, as well as the
18 results of the medical examination conducted on him/her. This right shall also include
19 the right of seafarers' organizations to relevant information affecting the terms and
20 conditions of employment of their members.

21 All ships covered by this Act shall have a copy of the MLC, 2006, the grievance
22 procedures available on-board, duly executed Standard Employment Contract of
23 seafarers, and when there is a collective bargaining agreement (CBA), a copy of such
24 agreement, which shall be readily available to the seafarers.

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

30 In addition, it shall be the duty of the shipowner and the manning agency,
31 within a reasonable period of time, to report to the Department of Migrant Workers

1 (DMW) and the Overseas Workers Welfare Administration Act (OWWA) such
2 incident and the details of the family or next-of-kin of the concerned seafarer/s.

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

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

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

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

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

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

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

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

15 CHAPTER VI

16 MINIMUM REQUIREMENTS FOR SEAFARERS

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

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

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

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

30 During the conduct of a medical examination, the seafarer shall have the
31 responsibility of answering truthfully all questions relating to his/her medical
32 condition and/or medical history, including previously known illness, injury, or

1 medical treatment, and to make a complete inventory of medication prescribed to
2 him/her by physicians; *Provided*, that the processing of the medical information of the
3 seafarer shall at all times comply with the provisions of Republic Act No. 10173 or the
4 Data Privacy Act of 2012.

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

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

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

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

17 CHAPTER VII

18 TERMS AND CONDITIONS OF EMPLOYMENT

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

- 22 a) Seafarer's full name, date of birth, age, birthplace, permanent, and/or
23 residential address;
- 24 b) Seafarer's Record Book Number, Seafarer's Identity Document Number, and
25 other necessary documentation required of seafarers by the other appropriate
26 government agencies;
- 27 c) Shipowner's name and address;
- 28 d) Place where and date when the seafarer's employment agreement is entered
29 into;
- 30 e) Duration of the contract;
- 31 f) Point of hire;

- 1 g) Capacity in which the seafarer is to be employed;
- 2 h) Amount of the seafarer's salary, and the formula used for calculating the same;
- 3 i) Maximum hours of work and minimum hours of rest;
- 4 j) Wages and wage-related benefits, which shall include, but is not limited to,
- 5 overtime pay, holiday pay, vacation leave pay, premium pay, paid leaves, and
- 6 13th-month pay, if applicable;
- 7 k) Compensation and benefits for occupational injury, illness, or death;
- 8 l) Social security and welfare benefits, including the compulsory insurance
- 9 coverage as provided under Republic Act No. 8042, as amended by Republic
- 10 Act No. 10022, otherwise known as The Migrant Workers Act;
- 11 m) Stipulations on repatriation or similar undertakings;
- 12 n) Separation pay and retirement pay, if applicable;
- 13 o) Reference to the CBA, if applicable; and
- 14 p) Other benefits in accordance with law, company policy, or CBA.

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

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

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

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

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

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

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

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

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

1 FOOD AND CATERING IN SHIPS

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

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

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

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

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

30 Sec. 39. *Food and Catering.* - All ships shall ensure protection and promotion of
31 the health of the seafarer. Toward this end, shipowners shall ensure that ships carry
32 on-board and serve free food and drinking water of appropriate quality, quantity, and

1 nutritional value that adequately cover the requirements of the ship and take into
2 consideration the differing cultural and religious backgrounds of the seafarers on
3 board the ship. The food and drinks in the preparation thereof shall be in accordance
4 with the standards of the Sanitation Code of the Philippines and pertinent laws, rules,
5 and regulations, and/or with international standards. In all cases, the ship's cooks
6 shall be trained and qualified.

7 CHAPTER IX

8 MEDICAL CARE AND MARITIME OCCUPATIONAL SAFETY AND 9 HEALTH STANDARDS

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

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

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

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

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

28 *Sec. 41. Protection of Seafarers from Epidemics, Pandemics, or Other Public Health*
29 *Emergencies.* - Seafarers on ships should be covered by adequate measures for
30 protection from health-related outbreaks, such as epidemics and pandemics,

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

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

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

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

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

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

25 CHAPTER X

26 TERMINATION OF EMPLOYMENT

27 *Sec. 43. Termination of Employment.* -

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

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

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

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

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

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

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

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

28 CHAPTER XI

29 SETTLEMENT OF DISPUTES

30 *Sec. 45. On board and Onshore Grievance Machinery.* - All ships of Philippine
31 registry shall establish a grievance machinery and fair, effective, and expeditious on

1 board and onshore procedures, at no cost to the seafarer, for the resolution of
2 grievances or complaints.

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

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

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

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

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

25 CHAPTER XII

26 REPATRIATION

27 *Sec. 48. Seafarers' Repatriation.* - In all cases of repatriation, the affected seafarer
28 shall be repatriated to the point of hire or the place of domicile of the seafarer, at
29 his/her option, or in case of incapacity or death, at the option of his/her next-of- kin,
30 and all costs related to the repatriation and/or transport of the personal effects and
31 remains of seafarers, including the provision on financial security in case of
32 abandonment of seafarers, shall be borne by or charged to the shipowner or the

1 manning agency concerned to expedite the repatriation without prior determination
2 of the cause of repatriation or termination of the seafarer's employment.

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

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

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

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

19 *Sec. 50. Quarantine and Medical Expenses in Repatriation Due to Infection, Epidemics*
20 *or Pandemic.* - Before or during the process of repatriation, the expenses of medical
21 care and board and lodging for periods spent by seafarers in self-isolation or
22 quarantine, whether the seafarers have symptoms, have been exposed or are
23 quarantined as a safety precaution for the community, shall be covered by the
24 shipowner or manning agency until the seafarers have been duly repatriated to the
25 repatriation destination. Thereafter, medical care and quarantine expenses after
26 repatriation to the destination shall be borne by the Philippine government, following
27 the whole-of-government approach in the management of epidemics/pandemics.

28 *Sec. 51. Waiver of Entitlement to Repatriation.* - Entitlement to repatriation may
29 be waived by a seafarer; *Provided,* That the waiver shall be written, made freely and
30 voluntarily, with full knowledge of its consequences; *Provided, however,* that no such
31 waiver shall be allowed or presumed when a seafarers is abandoned, held captive on
32 or off the ship as a result of acts of piracy or armed robbery against the ship, or are

1 incapable of traveling due to illness, injury or incapacity, or other cases that affect the
2 seafarer's safety and security.

3 CHAPTER XIII

4 REINTEGRATION OF OVERSEAS FILIPINO SEAFARERS

5 Sec. 52. *Reintegration.* - There shall be developed and implemented a full-cycle and
6 comprehensive national reintegration program for seafarers, which shall be
7 embedded in all stages of migration for work beginning from pre-deployment, on-site
8 during employment and upon return, whether voluntary or involuntary. The
9 reintegration program shall cover the different dimensions of support needed by the
10 seafarer, such as economic, social, psychosocial, and cultural, including skills
11 certification and recognition of equivalency for effective employment services, and
12 shall ensure contribution to national development through investments and transfer
13 of technology from skilled or professional seafarers.

14 CHAPTER XIV

15 MANNING LEVELS AND COMPLIANCE AND ENFORCEMENT

16 OF SHIPS OF PHILIPPINE REGISTRY

17 Sec. 53. *Manning Levels.* - All ships of Philippine registry shall have the required
18 minimum manning levels as prescribed by the Maritime Industry Authority
19 (MARINA). They shall, at all times, be manned by a crew that is adequate in terms of
20 size and qualifications taking into account the need to operate the vessel safely and
21 efficiently.

22 Sec. 54. *Crew Competence.* - Every member of the crew of a ship of Philippine
23 Registry shall possess, in addition to the required medical certificate, the appropriate
24 certificate of competency issued by the relevant government agency/ies, setting forth
25 his/her competence to serve in the capacity, and perform the functions involved at
26 the level of responsibility, for the position held, for the type, tonnage, power, means
27 of propulsion, and trading patterns of the ships concerned.

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

31 Sec. 55. *Compliance and Certification.* - All ships of Philippine registry shall

1 comply with the provisions of this Act. The shipowner and master shall ensure the
2 compliance of the ship with this Act and its implementing rules and regulations, who
3 shall be made principally liable for any violation thereof.

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

7 *Sec. 56. Inspection and Enforcement. -*

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

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

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

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

- 29 b) The Philippine Coast Guard (PCG) shall have the authority to conduct port
30 state control inspections of vessels, including all foreign-flagged vessels, calling
31 at any port of the Philippines, for the promotion of safety of life and property
32 at sea, control and prevention of maritime pollution, and verification of

1 compliance with the minimum standards of training and social condition of
2 officers and crew on board the ships. The PCG shall assist relevant agencies in
3 the enforcement of the provisions of this Act and its implementing rules and
4 regulations, and the MLC, 2006.

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

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

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

19 *Sec. 57. Recognized Organizations.* - Recognized organizations may be
20 authorized by the Secretary of Labor to conduct inspection and issue certification in
21 accordance with the provisions of this Act and its implementing rules and regulations.
22 A recognized organization shall have the necessary knowledge of the requirements of
23 this Act and its implementing rules and regulations, MLC, 2006, and other relevant
24 international treaties or conventions.

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

28 CHAPTER XV

29 SHIPBOARD TRAINING OF CADETS

30 *Sec. 58. Applicability.* -The provisions of Sections 5 to 17 (Seafarers' Rights),
31 Sections 18 to 19 (Women in the Maritime Industry), Section 22 (Medical Certificate),
32 Sections 35 to 39 (Accommodation, Recreation Facilities, Food and Catering in Ships),

1 Section 40 (Medical Care On Board Ships and Ashore), Sections 45 to 47 (Settlement
2 of Disputes), Sections 48 to 50 (Repatriation) shall apply with respect to the training
3 of cadets.

4 Sec. 59. *Shipboard Training Agreement for Cadets.* -There shall be a written
5 agreement among the shipowner, the cadet, and the maritime institution or school,
6 which shall embody the following information, terms, and conditions:

- 7 a) Cadet's full name, date of birth, birthplace, and age, which should be at least
8 16 years old;
- 9 b) Name and address of maritime institution or school;
- 10 c) Name and address of shipowner and its manning and placement agency, if
11 applicable;
- 12 d) Place and date when the agreement is entered into;
- 13 e) Capacity in which the cadet is to be trained;
- 14 f) The amount of the cadet's allowance or stipend, if applicable;
- 15 g) Required number of hours of training and rest which shall not be less than the
16 prescribed hours of rest in Section 23 of this Act;
- 17 h) Duties and responsibilities of the sponsoring company, the Maritime Higher
18 Educational Institution (MHEIs), and cadets, as may be provided under
19 existing cadet training agreement standards; and
- 20 i) Other benefits in accordance with existing laws, company policy, or
21 agreements.

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

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

30 Sec. 60. *No Discrimination of Women for Shipboard Training.* - Women cadets shall
31 be accorded equal access to training and shall not be discriminated against for
32 shipboard training.

1 CHAPTER XVI

2 INCENTIVES AND AWARDS GRANTED TO THE MARITIME INDUSTRY

3 Sec. 61. *Incentives and Awards.* -There shall be established an incentives and
4 awards system for the maritime industry stakeholders, which shall be developed and
5 administered by the concerned government agency upon consultation with the
6 Maritime Industry Tripartite Council (MITC).

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

11 CHAPTER XVII

12 ROLE OF GOVERNMENT AGENCIES

13 Sec. 62. *Role of Government Agencies.* - The following government agencies shall
14 perform the following functions to promote the welfare and protect the rights of
15 seafarers:

16 a) Commission on Higher Education (CHED). CHED shall set the standards and
17 monitor the performance of maritime education programs and maritime higher
18 education institutions, ensuring that quality maritime education, including
19 curricula and training programs, are structured and delivered in accordance
20 with the written programs, methods, and media of delivery, procedures, and
21 course materials compliant with international standards prescribed under the
22 STCW Convention and its amendments. For this purpose, CHED shall be in
23 close coordination with the MARINA.

24 b) Department of Labor and Employment (DOLE). DOLE shall ensure that the
25 standards set forth under this Act, Presidential Decree No. 442, as amended,
26 and other domestic laws, the MLC, 2006 and other international treaties and
27 conventions to which the Philippines is a signatory are faithfully complied with
28 and fairly applied to seafarers.

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

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

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

10 The DOH shall determine and prescribe the nature of the medical examination
11 that shall be required of a seafarer, ensuring that such examination will
12 genuinely determine the seafarer's State of health, considering the duties that
13 he/she shall be required to perform on board. The DOH shall likewise
14 prescribe the contents of the medical certificate to ensure that such certification
15 will genuinely reflect the seafarer's state of health.

16 e) Overseas Workers' Welfare Administration (OWWA). The OWWA, through its
17 welfare officer or, in his absence, the coordinating officer, shall provide the
18 seafarers and his/her family all the assistance they may need in the
19 enforcement of contractual obligations by agencies and/or by their principals.
20 The OWWA shall likewise formulate and implement welfare programs for
21 overseas Filipino seafarers and their families while they are abroad and upon
22 their return. It shall ensure the awareness by the overseas Filipino workers and
23 their families of these programs and other related governmental programs.

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

29 g) Philippine Coast Guard (PCG). The PCG shall undertake port state control
30 inspections of vessels calling at any port of the Philippines, in accordance with
31 international conventions and standards, for the promotion of safety of life and
32 property at sea, control and prevention of maritime pollution, and verification

1 of compliance with the minimum standards of training and social condition of
2 officers and crew on board the ships.

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

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

12 *Sec. 63. One-Stop Shop Center for OFWs (OSSO).* – There shall be established in
13 each region a One Stop Shop Center, as create and established under the Department
14 of Migrant Workers Act.

15 *Sec. 64. Registry of Seafarers.* – The DMW shall maintain a registry of all
16 seafarers in The Philippines; *Provided*, that the registry of seafarers aboard ocean-going
17 ships shall be integrated to the management information system established under the
18 Migrant Workers and Overseas Filipinos Act, as amended. The registry shall contain
19 updated and relevant information or data to promote employment opportunities for
20 seafarers, whether on board or ashore, or to provide a list of available training and
21 education to support skills development and competencies of seafarers, as well as a
22 digitalized copy of the duly executed contract.

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

26 *Sec. 65. Maritime Occupational Safety and Health Standards.* -The DOLE, in
27 consultation with the maritime industry stakeholders, shall formulate the Maritime
28 Occupational Safety and Health Standards (MOSHS) pursuant to the provisions of
29 Republic Act No. 11058, otherwise known as the "Occupational Safety and Health
30 Law" and pertinent maritime conventions and treaties ratified by the Philippines.

31 CHAPTER XVIII

32 FINAL PROVISIONS

1 Sec. 66. *Administrative Fines and Penalties.* - Any shipowner, master, their
2 representatives or other person who fails or refuses to present employment records,
3 such as payrolls, daily time records, payslip, or other documents, such as medical
4 records, when required by the individual seafarer, the Secretary of DMW or his duly
5 authorized representative, or the duly authorized representative of a recognized
6 organization, shall be subjected to administrative fines ranging from One Hundred
7 Thousand Pesos (Php100,000) to One Million Pesos (Php1,000,000), in accordance with
8 the implementing rules and regulations of this Act.

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

14 Sec. 68. *Penalties for Violations of Sections 56 and 57.* - Any person who, without
15 proper authorization, exercises the authority granted to the Secretary of Labor and
16 Employment under Sections 69 and 70 of this Act shall be punished with a fine of not
17 less than Two Hundred Thousand Pesos (Php200,000.00) nor more than Two Million
18 Pesos (Php2,000,000), or imprisonment of not less than one (1) year nor more than four
19 (4) years, or both at the discretion of the court. The foregoing offense shall prescribe
20 after five (5) years from its commission.

21 Sec. 69. *Transitory Provision.* - All rights, privileges, and benefits previously
22 enjoyed by seafarers before the effectivity of this Act, including those set forth in
23 Presidential Decree No. 442, otherwise known as the Labor Code of the Philippines,
24 as amended, and Republic Act No. 8042, otherwise known as the "Migrant Workers
25 and Overseas Filipinos Act of 1995," as amended, shall continue to be recognized and
26 shall not be diminished after the effectivity of this Act.

27 Sec. 70. *Implementing Rules and Regulations.* - Within ninety (90) days from the
28 effectivity of this Act, the DOLE, in coordination with DFA, MARINA, CHED,
29 TESDA, PCG, OWWA, and other concerned agencies, and upon consultation with
30 relevant stakeholders, shall formulate the rules and regulations for the effective
31 implementation of this Act.

1 *Sec. 71. Separability Clause.* - If, for any reason, any section, clause or term of this
2 Act is held to be illegal, invalid, or unconstitutional, such parts not affected by such
3 declaration shall remain in full force and effect.

4 *Sec. 72. Repealing Clause.* -All laws, presidential decrees, issuances, executive
5 orders, letters of instruction, rules, and regulations inconsistent with the provisions of
6 this Act are hereby repealed or modified accordingly.

7 *Sec. 73. Effectivity Clause.* -This Act shall take effect fifteen (15) days after its
8 publication in the Official Gazette or in a newspaper of general circulation.

9

Approved,