

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

'22 SEP 14 P 3 :47

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**SENATE**  
S. No. 1312

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INTRODUCED BY SENATOR RONALD "BATO" DELA ROSA

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

**EXPLANATORY NOTE**

The Philippines has been consistent as a top supplier of the workforce belonging to the maritime industry.<sup>1</sup> It is said that one-third of the world's seafarers are Filipinos,<sup>2</sup> thereby comprising the overwhelming majority of seafarers. In terms of remittances, Filipino seafarers have also contributed significantly. In 2021 alone, the sea-based remittances reached \$6,545,002,000, out of the total OFW remittances of \$31,417,614,000.<sup>3</sup> In the time of the pandemic, our seafarers continued to soldier on, helping to keep the Philippine economy afloat despite the rough and turbulent times.

In light of their contributions, therefore, it is only necessary that our seafarers be protected and defended under a law that caters directly and specifically to their needs. The dangers and risks that they face in the delivery and performance of their duties

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<sup>1</sup> Atty. Dennis Gorecho, "Philippines still a top supplier of seafarers," 25 March 2022. Retrieved from: <https://businessmirror.com.ph/2022/03/25/philippines-still-a-top-supplier-of-seafarers/>, retrieved on 14 September 2022.

<sup>2</sup> N.A, "Filipinos are a major source of seafarers for the global maritime sector," 17 February 2022. Retrieved from: <https://marine-charts.com/marine-navigation/filipinos-major-source-seafarers-for-global-maritime-sector/#:~:text=Filipinos%3A%20major%20source%20of%20Seafarers%20for%20the%20global,countries%20such%20as%20India%2C%20China%2C%20and%20the%20Philippines.,> retrieved on: 14 September 2022.

<sup>3</sup> Atty. Gorecho, "Philippines supplier seafarers."

require not just recognition, but more importantly, legislative action. Hence, this bill – establishing the Magna Carta of Filipino seafarers.

Under this proposed measure, the Philippines, in recognizing its status as the 30<sup>th</sup> Member State to ratify the International Maritime Labour Convention of 2006 (MLC, 2006), shall also endeavor to provide standardized and therefore humane employment to our Filipino seafarers. This bill also lays down measures that shall specifically address issues such as training for our seafarers, their employment overseas, as well as their eventual retirement. The vision that this proposed bill aims to achieve is that the Philippines shall not just be the top provider of workforce in the marine industry, but also the provider of the best forms of protection and benefits to our Filipino seafarers.

For these reasons, I earnestly seek the swift passage of this bill.

  
**RONALD "BATO" DELA ROSA**

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

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

**CHAPTER 1**  
**DECLARATION OF POLICY**

1  
2  
3  
4 Section 1. *Short Title.* – This law shall be known as the "Magna Carta of Filipino  
5 Seafarers."  
6

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

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

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

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

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

4 e) To establish and enhance mechanisms of administrative, adjudicative,  
5 social, and welfare services for seafarers and their families;

6 f) To enact laws that adopt, and implement the standards set by the  
7 international conventions and agreements regarding the working and living  
8 conditions and occupational safety and health, among others, of seafarers,  
9 particularly the Maritime Labor Convention, 2006 (MLC 2006); and

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

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

## 18 **CHAPTER II**

### 19 **GENERAL PROVISIONS**

20 *Sec. 3 Coverage.* – This Act shall cover:

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

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

26 2) Government ships not engaged in commercial operations;

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

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

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

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

10  
11 *Sec. 4. Definition of Terms.* – As used in this Act, the following terms shall have  
12 the following meaning:

13 a) Abandonment - refers to a situation where, in violation of the terms of  
14 the employment contract, the shipowner:

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

16 ii) Has left the seafarer without the necessary maintenance and  
17 support; or

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

21 b) Cadet - refers to a student of a maritime educational institution who is  
22 required to undergo training on board registered international or domestic ships  
23 to fulfil a maritime degree or technical course;

24 c) Domestic shipping- refers to the transport of passenger or cargo, or  
25 both, by ships duly registered and licensed under Philippine law to engage in  
26 trade and commerce between Philippine ports and within Philippine territorial  
27 or internal waters, for hire or compensation, with general or limited clientele,  
28 whether permanent, occasional or incidental, with or without fixed routes, and  
29 done for contractual or commercial purposes;

30 d) International Maritime Convention or International Convention - refers  
31 to any written treaty or agreement, or any protocol or amendment thereto,

1 affecting the maritime industry, which has come into force and effect, including  
2 the MLC 2006;

3 e) International Convention on Standards of Training, certification, and  
4 Watchkeeping for Seafarers (STCW)- refers to the international convention that  
5 establishes the minimum standards relating to training, certification, and  
6 watchkeeping for seafarers, which the Philippines acceded to on May 22, 1984;

7 f) Manning Agency- refers to a natural or juridical person duly licensed by  
8 the Secretary of the Department to engage in the recruitment and placement  
9 of seafarers;

10 g) Maritime Accident - refers to any unforeseen occurrence or physical  
11 event connected to the navigation, operations, maneuvering, or handling of  
12 ships, or the machinery, equipment, material, or cargo on board such ships  
13 which may result in the detention of seafarers;

14 h) Maritime Industry Stakeholders - refer to all private sector stakeholders  
15 engaged in the business of owning, managing, chartering or operating  
16 domestic and international ship/s of Philippine or foreign registry, manning of  
17 ships, management of ports, stevedoring and arrastre services, ship brokering  
18 and chartering, shipbuilding and ship repair, providing maritime services, such  
19 as ship supplies and provisions, maritime education and training, shipping  
20 agency, and other similar activities.

21 This term shall also include bona fide maritime labor organizations, professional  
22 associations of seafarers, associations promoting seafarers' welfare, and  
23 women's maritime organizations;

24 i) Maritime Labor Certificate - refers to the document that certifies that the  
25 working and living conditions of the seafarers on the ship have been inspected  
26 and are compliant with the requirements of the MLC, 2006 and of applicable  
27 Philippine laws and regulations;

28 j) Maritime Labour Convention/ 2006 (MLO 2006) - refers to the  
29 consolidated Maritime Labour Convention approved by the International Labour  
30 Organization (ILO) in 2006 and ratified by the Philippines on August 20, 2012;

31 k) Master refers to a person having command of a ship and acts the  
32 shipowners' representative;

1 l) Ocean-Going Ship - refers to a ship other than those which navigate  
2 exclusively in inland water or in water within or closely adjacent to sheltered  
3 water, or areas where port regulations apply;

4 m) Officer- refers to a member of the crew other than the master who has  
5 been designated as such by national law or regulation, or, in the absence of  
6 such designation, by collective agreement or custom;

7 n) One-Stop-Shop Center for OFWs (OSSCO)- refers to the one-stop  
8 centers in various parts of the country established to ensure prompt, efficient,  
9 vital and relevant services to Overseas Filipino Workers (OFWs) and other  
10 overseas Filipinos and their families, including seafarers. The OSSCOs shall be  
11 the venue for the acquisition of relevant clearances and permits, validation of  
12 overseas job offers, availment of reintegratio:1 services and all pertinent  
13 seminars and workshops for all stakeholders, among others. In all cases and  
14 as far as practicable, the OSSCOs shall be co-located with DMW regional offices.  
15 Agencies at these centers shall, as far as practicable, include the Department  
16 of Labor and Employment (DOLE), Department of Migrant Workers (DMW),  
17 Department of Foreign Affairs (DFA), Overseas Workers Welfare Administration  
18 (OWWA), Technical Education and Skills Development Authority (TESDA),  
19 Professional Regulation Commission (PRC), Maritime Industry Authority  
20 (MARINA), Department of Health (DOH), Philippine Coast Guard (PCG), Home  
21 Development Mutual Fund (HDMF), Philippine Health Insurance Corporation  
22 (PhilHealth), Social Security System (SSS), Philippine Statistics Authority (PSA),  
23 Bureau of Immigration (BI), National Bureau of Investigation (NBI),  
24 Commission on Higher Education (CHED), Philippine National Police (PNP),  
25 Bureau of Internal Revenue (BIR), and such other government agencies as may  
26 be appropriate;

27 o) Point of Hire refers to the place indicated in the contract of employment,  
28 and which shall be the basis in determining the commencement of the contract;

29 p) Recognized Organizations- refer to organizations recognized by the  
30 DOLE to carry out inspections or issue the Maritime Labor Certificate in  
31 accordance with the scope of activities covered by their authorizations;

1 q) Repatriation - refers to the process of returning a seafarer to the point  
2 of destination, which shall be the point of hire or the seafarer's place of  
3 domicile, at the option of the seafarer, or in case of incapacity or death, at the  
4 option of his/her next-of-kin;

5 r) Standard Employment Contract (SEC) or Employment Contract- refers  
6 to a government-prescribed contract containing the minimum terms and  
7 conditions of employment;

8 s) Seafarer- refers to any Filipino who is to be employed, is employed, or  
9 is engaged to work in any capacity on board a ship covered under this Act;

10 t) Ship or Vessel - refers to any kind, class or type of craft or artificial  
11 contrivance capable of floating in water, whether publicly or privately owned,  
12 ordinarily engaged in commercial activities;

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

### 22 23 **CHAPTER III**

### 24 **SEAFARER'S RIGHTS**

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

27 a) A safe and secure workplace that complies with safety standards;

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

29 c) Medical care and confirmatory tests, welfare measures and other forms  
30 of health and social protection;

31 d) Fair terms and conditions of employment, including salary  
32 commensurate to their rank, hours of work, paid sick leave or sickness benefits,



1 the maximum number of workers hours, and minimum hours of rest periods,  
2 consistent with Philippine laws or international maritime conventions; and  
3 e) Compensation and benefits in the event of death or long-term disability for  
4 occupational injuries, illnesses and hazards.

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

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

15 Towards this end, relevant government agencies shall:

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

26 CHED and MARINA shall work together to mainstream gender and development  
27 in the 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  
30 provide seafarers relevant information, including the terms and conditions of  
31 employment, company policies affecting seafarers, conditions and realities attending  
32 to their profession, and necessary laws and regulations of countries covered by their

1 sojourn. In addition, the seafarers shall, at all times, be furnished a copy of the duly  
2 executed Standard Employment Contract, as well as the results of the medical  
3 examination conducted on him/her. The right shall also include the right of seafarers'  
4 organizations to relevant information affecting the terms and condition of  
5 employment of their members.

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

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

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

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

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

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

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

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

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

12 *Sec. 16. Right to Record of Employment or Certificate of Employment.* - At the  
13 expiration of the employment contract of the seafarer, the seafarer shall be given a  
14 record of his/her employment on board the ship or a certificate of employment  
15 specifying the length of service, the position the seafarer occupied, an account of  
16 his/her final wages, and such other relevant information.

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

## 22 **CHAPTER IV**

### 23 **WOMEN IN THE MARITIME INDUSTRY**

24 *Sec. 18. Discrimination Against Women Seafarers.* - In addition to the right  
25 against discrimination on the basis of sex, women seafarers shall be protected from  
26 the following discriminatory acts:

27 a) Payment of a lesser compensation, including wage, salary or other form  
28 of remuneration and fringe benefits, to a male seafarer as against female  
29 seafarer, for work of equal value; and

30 b) Favoring a male seafarer over a female seafarer with respect to  
31 promotion, training opportunities, study and scholarship grants, solely on  
32 account of their sexes.



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

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

7 During the conduct of a medical examination, the seafarer shall have the  
8 responsibility of answering truthfully all questions relating to his/her medical condition  
9 and/or medical history, including previously known illness, injury, or medical  
10 treatment, and to make a complete inventory of medication prescribed to him/her by  
11 physicians; Provided, That the processing of the medical information of the seafarer  
12 shall at all times comply with the provisions of Republic Act No. 10173 or the "Data  
13 Privacy Act of 2012."

14 For purposes of this section, a medical certificate issued in accordance with the  
15 requirements of STCW shall be accepted.

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

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

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

## 26 **CHAPTER VII**

### 27 **TERMS AND CONDITIONS OF EMPLOYMENT**

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

- 31 a) Seafarer's full name, date of birth, age, birthplace, permanent and/or  
32 residential address;

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

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

27           For ocean-going Philippine-registered ships or foreign-registered ships, the  
28           DMW P9EA shall issue a Standard Employment Contract containing the minimum  
29           standards to be observed in the employment of seafarers. The Standard Employment  
30           Contract shall be reviewed and updated regularly and must, at all times, be consistent  
31           with the MLC, 2006, and other existing treaties and conventions governing seafarers,  
32           which the Philippines has ratified or will ratify in the future.

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

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

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

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

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

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

31           *Sec. 28. Wages.* - Without prejudice to higher rates provided under the  
32 Standard Employment Contract, or under a CBA, or by the shipowner as company

1 practice or policy, the minimum wage applicable to seafarers on board ocean-going  
2 ships of Philippine or foreign registry shall be as provided in the Standard Employment  
3 Contract, which in no case be lower than the prevailing industry standard on ocean-  
4 going seafaring wage rates for officers and other members of the ship's crew, and  
5 regularly paid in full at least once a month.

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

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

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

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

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









1 service aboard the ship, sign off from the ship, and arrive at the destination as  
2 specified under this paragraph (b) of this Section;

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

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

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

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

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

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

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

31 **CHAPTER XI**  
32 **SETTLEMENT OF DISPUTES**

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

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

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

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

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

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

## 27                               **CHAPTER XII**

### 28                               **REPATRIATION**

29           Sec. 48. *Seafarers' Repatriation.* - In all cases of repatriation, the affected  
 30 seafarer shall be repatriation to the point of hire or the place of domicile of the  
 31 seafarer, at his/her option, or in case of incapacity or death, at the option of his/her  
 32 next-of-kin, and all costs related to the repatriation and/or transport of the personal

1 effects and remains of seafarers, including the provision on financial security in case  
2 of abandonment of seafarers, shall be borne by or charged to the shipowner or the  
3 manning agency concerned to expedite the repatriation without prior determination  
4 of the cause of repatriation or termination of the seafarer's employment.

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

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

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

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

21 *Sec. 50. Quarantine and Medical Expenses in Repatriation Due to Infection,*  
22 *Epidemics or Pandemic.* - Before or during the process of repatriation, the expenses  
23 of medical care and board and lodging for periods spent by seafarers in self-isolation  
24 or quarantine, whether or not the seafarers have symptoms, have been exposed or  
25 are quarantined as a safety precaution for the community, shall be covered by the  
26 shipowner or manning agency until the seafarers have been duly repatriated to the  
27 repatriation destination. Thereafter, medical care and quarantine expenses after  
28 repatriation to the destination shall be borne by the Philippine government, following  
29 the whole-of-government approach in the management of epidemics and pandemics.

30 *Sec. 51. Waiver of Entitlement to Repatriation.* - Entitlement to repatriation  
31 may be waived by a seafarer; Provided, That the waiver shall be written, made freely  
32 and voluntarily, with full knowledge of its consequences; Provided, however, that no

1 such waiver shall be allowed or presumed when a seafarer is abandoned, held captive  
2 on or off the ship as a result of acts of piracy or armed robbery against the ship, or  
3 are incapable of travelling due to illness, injury or incapacity, or other causes that  
4 affect the seafarer's safety and security.

### 5 **CHAPTER XIII**

#### 6 **REINTEGRATION OF OVERSEAS FILIPINO SEAFARERS**

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

### 16 **CHAPTER XIV**

#### 17 **PROVISIONS APPLICABLE TO DOMESTIC SEAFARERS**

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

28 In addition, the provisions of the Labor Code of the Philippines, as amended,  
29 on "Prohibitions Regarding Wages," "Wage Studies, Wage Agreements, and Wage  
30 Determination," "Administration and Enforcement," "Holidays," "Service Incentive  
31 Leaves and Service Charges," shall continue to apply, unless higher annual leave is  
32 already provided under the CBA or by the shipowner as company practice or policy or

1 seafarers' employment agreement. In addition, domestic seafarers shall also be  
2 entitled to:

- 3 i) 13<sup>th</sup> month pay pursuant to Presidential Decree No. 851, as amended,
- 4 ii) paid maternity leave under Republic Act No. 11210, otherwise known  
5 as the "105-Day Expanded Maternity Leave Law,"
- 6 iii) paid paternity leave under Republic Act No. 8187, otherwise known  
7 as the "Paternity Leave Act of 1996,"
- 8 iv) paid parental leave for solo parents under Republic Act No. 8972,  
9 otherwise known as the "Solo Parents' Welfare Act of 2000,"
- 10 v) paid leave for victims of violence against women and their children  
11 under Republic Act No. 9262, otherwise known as the "Anti-Violence  
12 Against Women and their Children Act of 2004,"
- 13 vi) paid special leave due to surgery for any gynecological disorder,  
14 under Republic Act No. 9710, otherwise known as the "Magna Carta of  
15 Women," and retirement pay, pursuant to Republic Act No. 7641.

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

20 *Sec. 54. Employment Contract.* - There shall be an agreement in writing  
21 between the shipowner and the seafarer, which shall include the following 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;
- 25 c) Shipowner's name and address;
- 26 d) Place where and date when the seafarer's employment agreement is  
27 entered into;
- 28 e) Duration of the contract;
- 29 f) Point of hire;
- 30 g) Capacity in which the seafarer is to be employed;
- 31 h) Amount of the seafarer's salary, and the formula used for calculating the  
32 same;



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

13 The foregoing employment agreement shall be executed by and between the  
14 shipowner and the seafarer before the commencement of employment, in a language  
15 or dialect understandable to both parties. The shipowner shall provide the domestic  
16 seafarer the signed original copy of the agreement and a certified true copy shall be  
17 made available on board the ship.

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

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

24 *Sec. 56. Termination of Employment of Domestic Seafarers.* -The termination  
25 of employment of a seafarer on board domestic ships shall be governed by the  
26 provisions of the Labor Code of the Philippines, as amended, and applicable rules and  
27 regulations issued by DOLE. In case the termination of employment is initiated by the  
28 shipowner, the substantial and procedural aspects of due process shall be observed.

29 *Sec. 57. Rescue of Seafarers On-Board Domestic Ships.* - The provisions under  
30 this Act on repatriation as may be applicable, shall also apply to seafarer working on  
31 domestic ships. Seafarers on board domestic ships shall be entitled to emergency  
32 rescues in cases of war, epidemics, abandonment of ships by shipowners, disasters or

1 calamities, whether natural or man-made, and other similar events. The Philippine  
2 Coast Guard and MARINA shall undertake and assist in the rescue of seafarers on  
3 board domestic ships.

4         *Sec. 58. Contracting or Subcontracting of Services.* - The contracting or  
5 subcontracting of seafarers for work onboard domestic ships shall be governed by  
6 existing rules and regulations by the DOLE.

## 7   **CHAPTER XV**

### 8   **MANNING LEVELS AND COMPLIANCE AND ENFORCEMENT**

#### 9   **OF SHIPS OF PHILIPPINE REGISTRY**

10         *Sec. 59. Manning Levels.* -All ships of Philippine registry shall have the required  
11 minimum manning levels as prescribed by the Maritime Industry Authority (MARINA).  
12 They shall, at all times, be manned by a crew that is adequate in terms of size and  
13 qualifications taking into account the need to operate the vessel safely and efficiently.

14         *Sec. 60. Crew Competence.* -Every member of the crew of a ship of Philippine  
15 registry shall possess, in addition to the required medical certificate, the appropriate  
16 certificate of competency issued by the relevant government agency/ies, setting forth  
17 his/her competence to serve in the capacity, and perform the functions involved at  
18 the level of responsibility, for the position held, for the type, tonnage, power, means  
19 of propulsion, and trading patterns of the ships concerned.

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

23         *Sec. 61. Compliance and Certification.* -All ships of Philippine registry shall  
24 comply with the provisions of this Act. The shipowner and master shall ensure the  
25 compliance of the ship with this Act and its implementing rules and regulations, who  
26 shall be made principally liable for any violation thereof.

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

30         *Sec. 62. Inspection and Enforcement.* –

31         a)         The Secretary of Labor and the appropriate Secretary-in-charge of  
32 migration-related matters, or his/her duly authorized representative, shall have

1 the authority to inspect all ships of Philippine registry, domestic or ocean-going,  
2 to ensure compliance with labor standards and occupational safety and health  
3 as provided under this Act.

4 The enforcement and compliance monitoring activities may be coordinated and  
5 conducted by the DOLE with the relevant government agencies, including  
6 MARINA and PCG, in conjunction with their schedules for inspection and  
7 certification.

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

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

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

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

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

1 The PCG shall prohibit a ship from leaving port upon the order of the Secretary  
2 of Labor or the appropriate Secretary-in-charge of migration- related matters,  
3 or in case of finding of non-compliance with the provisions of this Act and the  
4 MLC, 2006 and/or its amendments and the conditions on board are clearly  
5 hazardous to the safety, health or security of seafarers. In all cases, the  
6 prohibition to leave the port shall be in place until the same have been rectified  
7 or until a plan of action to rectify the non-conformities is shown to be  
8 implemented in an expeditious manner, and cleared by the Secretary of Labor  
9 or the appropriate Secretary-in-charge of migration- related matters.

10 *Sec. 63. Recognized Organizations.* - Recognized organizations may be  
11 authorized by the Secretary of Labor to conduct inspection and issue certification in  
12 accordance with the provisions of this Act and its implementing rules and regulations.

13 A recognized organization shall have the necessary knowledge of the  
14 requirements of this Act and its implementing rules and regulations, the MLC, 2006  
15 and other relevant international treaties or conventions.

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

## 19 **CHAPTER XVI**

### 20 **SHIPBOARD TRAINING OF CADETS**

21 *Sec. 64. Applicability.* - The provisions of Sections 5 to 17 (Seafarers' Rights),  
22 Sections 18 to 19 (Women in the Maritime Industry), Section 22 (Medical Certificate),  
23 Sections 35 to 39 (Accommodation, Recreation Facilities, Food and Catering in Ships),  
24 Section 40 (Medical Care On Board Ships and Ashore), Sections 45 to 47 (Settlement  
25 of Disputes), Sections 48 to 50 (Repatriation) shall apply with respect to the training  
26 of cadets.

27 *Sec. 65. Shipboard Training Agreement for Cadets.* -There shall be a written  
28 agreement between the shipowner, the cadet and the maritime institution or school  
29 which shall embody the following information, terms and conditions:

- 30 a) Cadet's full name, date of birth, birthplace and age, which should be at  
31 least sixteen (16) years old;
- 32 b) Name and address of the maritime institution or school;

- 1 c) Name and address of the shipowner and its manning and placement  
2 agency, if applicable;
- 3 d) Place and date when the agreement is entered into;
- 4 e) Capacity in which the cadet is to be trained;
- 5 f) The amount of the cadet's allowance or stipend, if applicable;
- 6 g) Required number of hours of training and rest which shall not be less  
7 than the prescribed hours of rest in Section 26 of this Act;
- 8 h) Duties and responsibilities of the sponsoring company, Maritime Higher  
9 Education Institutions (MHEIs), and cadets, as may be provided under the  
10 Standard Cadet Training Agreement on Ships Engaged in International Voyage;  
11 and
- 12 i) Other benefits in accordance with existing laws, company policy or  
13 agreements.

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

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

22 *Sec. 66. No Discrimination of Women for Shipboard Training.* - Women cadets  
23 shall be accorded equal access to training and shall not be discriminated against for  
24 shipboard training.

## 25 **CHAPTER XVII**

### 26 **INCENTIVES AND AWARDS GRANTED TO THE MARITIME INDUSTRY**

27 *Sec. 67. Incentives and Awards.*- There shall be established an incentives and  
28 awards system for the maritime industry stakeholders which shall be developed and  
29 administered by the concerned government agency in consultation with the Maritime  
30 Industry Tripartite Council (MITC).

31 Under such rules and regulations that may be promulgated, deserving  
32 shipowners, seafarers, manning and other organizations or entities shall be

1 commended or awarded for their outstanding performance in upholding the rights of  
2 seafarers and complying with this Act.

### 3 **CHAPTER XVII**

#### 4 **ROLE OF GOVERNMENT AGENCIES**

5 *Sec. 68. Role of Government Agencies.* - The following government agencies  
6 shall perform the following functions to promote the welfare and protect the rights of  
7 Filipino seafarers:

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

16 b) Department of Labor and Employment (DOLE). - The DOLE shall ensure  
17 that the standards set forth under this Act, Presidential Decree No. 442, as  
18 amended, and other domestic laws, the MLC, 2006 and other international  
19 treaties and conventions to which the Philippines is a signatory are faithfully  
20 complied with and fairly applied to Filipino seafarers.

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

24 c) Department of Foreign Affairs (DFA). - DFA, through its consular offices  
25 or foreign service posts, in coordination with the appropriate government  
26 agency, shall take priority action or make representation with the foreign  
27 authority concerned to protect the rights of seafarers and extend immediate  
28 assistance.

29 d) Department of Health (DOH). - The DOH shall regulate the activities and  
30 operations of all clinics which conduct physical, optical, dental, psychological  
31 and other similar examinations, hereinafter referred to as health examinations,  
32 on Filipino seafarers.

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

7 e) Department of Migrant Workers (DMW). - The DMW, including the  
8 Migrant Workers Office (MWO), shall be the primary agency tasked to protect  
9 the rights and promote the welfare of overseas Filipino seafarers, in accordance  
10 to its mandate under Republic Act No. 11641 or the "Department of Migrant  
11 Workers Act."

12 It shall also review and improve on the working conditions and terms of  
13 employment of the officers and crew of vessels of Philippine registry, and of  
14 such officers and crew members who are Filipino citizens and employed by  
15 foreign vessels.

16 DMW shall develop and implement a national reintegration program for  
17 seafarers, as prescribed under Chapter XIII, Section 52 of this Act.

18 DMW, through the National Maritime Polytechnic (NMP), shall strengthen its  
19 research capability to provide studies/resources for evidence-based policy  
20 decision-making and program development, and continuously address gaps in  
21 the protection and welfare of the seafarers.

22 The NMP shall also continue to develop, enhance, and increase the accessibility  
23 of its gender and women empowerment and training courses for seafarers to  
24 the maritime industry, which shall be made available in any format, including  
25 digital and/or e-learning format.

26 f) Overseas Workers Welfare Administration (OWWA). - The OWWA,  
27 through its welfare officer or, in his absence, the coordinating officer, shall  
28 provide the seafarers and his/her family all the assistance they may need in the  
29 enforcement of contractual obligations by agencies and/or by their principals.  
30 The OWWA shall likewise formulate and implement welfare programs for  
31 overseas Filipino seafarers and their families while they are abroad and upon

1 their return. It shall ensure the awareness by the overseas Filipino seafarers  
2 and their families of these programs and other related governmental programs.

3 g) Maritime Industry Authority (MARINA). - The MARINA shall ensure that  
4 the examination, licensing, and certification system for seafarers are in  
5 accordance with the requirements prescribed under STCW Convention,  
6 international agreements, other conventions relevant thereto, and other  
7 applicable laws, rules and regulations.

8 h) Philippine Coast Guard (PCG). - The PCG shall undertake port state  
9 control inspections of vessels calling at any port of the Philippines, in  
10 accordance with international conventions and standards, for the promotion of  
11 safety of life and property at sea, control and prevention of maritime pollution,  
12 and verification of compliance with the minimum standards of training and  
13 social condition of officers and crew on board the ships.

14 The PCG shall, in line with its function to assist in the enforcement of applicable  
15 laws within the maritime jurisdiction of the Philippines, shall assist the DOLE in  
16 the enforcement of the rules and regulations issued for the purpose of  
17 implementing the MLC 2006, including orders to detain vessels found in gross  
18 violation of pertinent laws, rules and regulations.

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

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

28 Sec. 70. *Registry of Seafarers*. - The DMW PGEA, for ocean-going ships of  
29 foreign registry, and MARINA, for domestic and ocean-going ships of Philippine  
30 registry, shall maintain a registry of all seafarers in the Philippines; Provided, that the  
31 registry of seafarers aboard ocean-going ships shall be integrated to the management  
32 information system established under the Migrant Workers and Overseas Filipinos Act,



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

6 DMW and MARINA shall ensure compliance with Republic Act No. 10173,  
7 otherwise known as the "Data Privacy Act of 2012," and its implementing rules and  
8 regulations in handling the relevant information or data of seafarers in their respective  
9 registries.

10 *Sec. 71. Maritime Occupational Safety and Health Standards.* - The DOLE, in  
11 consultation with the maritime industry stakeholders, shall formulate the Maritime  
12 Occupational Safety and Health Standards (MOSHS) pursuant to the provisions of  
13 Republic Act No. 11058, otherwise known as the "Occupational Safety and Health  
14 Law" and pertinent maritime conventions and treaties ratified by the Philippines.

## 15 **CHAPTER XIX**

### 16 **FINAL PROVISIONS**

17 *Sec. 72. Administrative Fines and Penalties.*- Any shipowner, master, their  
18 representatives or other person who fails or refuses to present employment records,  
19 such as payrolls, daily time records, payslip or other documents, such as medical  
20 records, when required by the individual seafarer, the Secretary of Labor or his duly  
21 authorized representative, or the duly authorized representative of a recognized  
22 organization, shall be subjected to administrative fines ranging from One hundred  
23 thousand pesos (Phpl00,000.00) to One million pesos (Phpl,000,000.00), in  
24 accordance with the implementing rules and regulations of this Act.

25 *Sec. 73. Penalties for Violations of Section 68.* -Any shipowner, master, their  
26 representatives who operate without, or fails to present, a valid Maritime Labour  
27 Certificate, or its equivalent, shall be punished with fines ranging from One hundred  
28 thousand pesos (Phpl00,000.00) to One million pesos (Phpl,000,000.00), in  
29 accordance with the implementing rules and regulations of this Act.

30 *Sec. 74. Penalties for Violations of Sections 69 and 70.* - Any person who,  
31 without proper authorization, exercises the authority granted to the Secretary of Labor  
32 and Employment under Sections 69 and 70 of this Act shall be punished with a fine of

1 not less than Two hundred thousand pesos (Php200,000.00) but not more than Two  
2 million pesos (Php2,000,000.00), or imprisonment of not less than one (1) year nor  
3 more than four (4) years, or both at the discretion of the court. The foregoing offense  
4 shall prescribe after five (5) years from its commission.

5        *Sec. 75. Transitory Provision.* - All rights, privileges and benefits previously  
6 enjoyed by Filipino seafarers before the effectivity of this Act, including those set forth  
7 in Presidential Decree No. 442, otherwise known as the Labor Code of the Philippines,  
8 as amended, and Republic Act No. 8042, otherwise known as the "Migrant Workers  
9 and Overseas Filipinos Act of 1995", as amended, shall continue to be recognized and  
10 shall not be diminished after the effectivity of this Act.

11        *Sec. 76. Implementing Rules and Regulations.* -Within ninety (90) days from  
12 the effectivity of this Act, the DOLE, in coordination with the DMW, DFA, MARINA,  
13 CHED, TESDA, PCG, OWWA, and other concerned agencies, and upon consultation  
14 with relevant stakeholders, shall formulate the rules and regulations for the effective  
15 implementation of this Act.

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

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

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

Approved,