



HOUSE OF REPRESENTATIVES

H. No. 7325

BY REPRESENTATIVES SALO, MAGSINO, ARENAS, GONZALEZ, MENDOZA, PRIMICIAS-AGABAS, DUTERTE, YAP (ERIC), VILLAFUERTE (L.R.), VILLAFUERTE (M.L.), HORIBATA, ENCISO, VILLANUEVA, MORDEN, CASTRO (F.), MANUEL, REVILLA (R.J.), MERCADO-REVILLA, REVILLA (B.), TAMBUNTING, TULFO (R.W.), TULFO (J.), ESPARES, TY, GATO, DOMINGO, SAULOG, RIVERA, PALMA, TUTOR, ROMAN, PLEYTO, MARIANO-HERNANDEZ, SORIANO, CO (E.), QUIMBO, LIBANAN, ALBANO, DELOS SANTOS, GARIN, TEVES (J.), ALVAREZ (M.), ALVAREZ (J.), AQUINO, BAUTISTA-LIM, BERNOS, BONGALON, CABREDO, CAJAYON-UY, CARI, CO (A.N.), CUA, CUARESMA, DEL MAR, DUJALI, FUENTEBELLA, LARA, LIMKAICHONG, LOYOLA, NAVA, SALIMBANGON, SINGSON (R.V.), TIANGCO, UMALI, VARGAS-ALFONSO, YU (D.G.), ZAMORA (M.C.), ZUBIRI, ABALOS, ALMARIO, AMANTE, ANG, ATAYDE, BASCUG, BOSITA, BUSTOS, CARDEMA, CHATTO, CHUNGALAO, CO-PILAR, CRUZ (A.), CRUZ (R.), DAGOOC, DIMAPORO (S.A.), DIONISIO, DY (F.M.C.), EUDELA, FORTES, FRESNEDI, GARCIA (D.), GARDIOLA, GO (M.), GOLEZ, GUTIERREZ, HERNANDEZ, KHONGHUN, LAGON (D.), LAGON (S.), LAZATIN, MACEDA, MANGAOANG, MANQUIZ, MATIBAG, MERCADO, NOGRALES (M.I.), OUANO-DIZON, PANALIGAN, PANCHO, PLAZA, RODRIGUEZ (E.), SALI, SANTOS, TAN (J.), UNABIA, VARGAS, VERGARA, VERZOSA, YAP (C.), BULUT-BEGTANG, DALOG, FERRER (J.M.), GASATAYA, GOMEZ, MARAÑON, ROMULO, TEVES (A.), VILLA, YULO, ZAMORA (Y.M.), MARCOS, DALIPE, VIOLAGO, HATAMAN, SAKALURAN, YU (J.V.), YAMSUAN AND OLASO, PER COMMITTEE REPORT No. 348

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

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51

CHAPTER I
GENERAL PROVISIONS

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

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

- (a) To afford Filipino seafarers full protection before, during, and after employment by granting them certain rights as maritime professionals, in recognition of their unique role and contribution to national development;
- (b) To maintain and progressively develop a pool of competent and world-class seafarers through a system of education, training, certification, and licensing;
- (c) To establish mechanisms for the enhancement of administrative, adjudicative, social as well as welfare services for seafarers and their families;
- (d) To enact laws that adopt and implement the standards set by international conventions and agreements on working and living conditions, and occupational safety and health, among others, for seafarers particularly the Maritime Labour Convention, 2006 (MLC, 2006);
- (e) To recognize shipowners, Maritime Higher Education Institutions (MHEIs), manning and recruitment entities as vital partners in promoting the skills and competencies of Filipino seafarers;
- (f) To recognize that seafarers are a special category of key or essential workers and, given the global nature of the shipping industry and the different jurisdictions that they may be brought into contact with, need special protection in relation to contracts with public authorities, and shall be treated fairly at all times especially in the event of a maritime accident, epidemic, pandemic, and other natural or man-made crises, in accordance with international law; and
- (g) To encourage the participation of women in the seafaring profession and contribute meaningfully to the achievement of national development goals as productive members of the community.

To these ends, the State shall endeavor to improve the Filipino seafarers’ working conditions, terms of employment, career prospects and provide opportunities to harness their potentials to the fullest. The State shall strengthen its monitoring of institutions providing education, training, certification, and licensing, and ensure their compliance to international maritime standards and conventions. The State shall further promulgate policies and programs to uplift the socioeconomic well-being of the families of Filipino seafarers.

SEC. 3. *Coverage.* –This Act shall cover Filipino seafarers who are employed or engaged or work in any capacity on board foreign-registered ships and Philippine-registered ships operating internationally.

This Act shall not cover seafarers on board the following categories of ships:

- (a) Warships and naval auxiliaries;

- 1 (b) Government ships not engaged in commercial operations;
- 2 (c) Ships of traditional build, as may be defined under existing rules and regulations; and
- 3 (d) Fishing vessels.

4
5 Seafarers who are employed or engaged or work in any capacity on board merchant ships
6 operating domestically shall be covered by Presidential Decree No. 442, as amended, otherwise
7 known as the Labor Code of the Philippines, and by other applicable laws, executive issuances,
8 rules and regulations. They shall also be covered by the following provisions of this Act:

- 9
- 10 (a) Seafarers' Rights (Chapter II);
- 11 (b) Duties of Seafarers (Chapter III);
- 12 (c) Settlement of Disputes (Chapter X) specifically sections 46 to 49; and
- 13 (d) Women in the Maritime Industry (Chapter XII).

14
15 **SEC. 4. *Definition of Terms.*** – As used in this Act:

- 16
- 17 (a) *Abandonment* refers to a situation where, in violation of the terms of the employment
- 18 contract, the shipowner:
 - 19
 - 20 (1) fails to cover the cost of the seafarer's repatriation;
 - 21 (2) has left the seafarer without the necessary maintenance and support; or
 - 22 (3) has otherwise unilaterally severed ties with the seafarer, including failure to pay
 - 23 contractual wages for a period of at least two (2) months;
 - 24
- 25 (b) *Cadet* refers to a student of a maritime education institution undertaking training on
- 26 board a training ship as a requirement for certification under the International
- 27 Convention on Standards of Training, Certification and Watchkeeping (STCW) for
- 28 Seafarers and to fulfill a maritime degree or technical course. It may also refer to a
- 29 student of a non-degree course developed by Technical Education and Skills
- 30 Development Authority (TESDA) who is undergoing shipboard training;
- 31
- 32 (c) *Green lane* refers to the process of facilitating crew changes among ships and the
- 33 seafarers during public health emergencies, man-made or natural;
- 34
- 35 (d) *International maritime convention (IMC)* or *International convention* refers to any
- 36 written treaty or agreement, or any protocol or amendment thereto, affecting the
- 37 maritime industry which has come into force and effect, including the MLC, 2006;
- 38
- 39 (e) *International Convention on Standards of Training, Certification, and Watchkeeping for*
- 40 *Seafarers (STCW)* refers to the international convention that establishes the minimum
- 41 standards relating to training, certification, and watchkeeping for seafarers, which the
- 42 Philippines acceded to on May 22, 1984;
- 43
- 44 (f) *Manning or recruitment and placement agency* refers to any Filipino person,
- 45 corporation, partnership, company, or other entity engaged in the canvassing, enlisting,
- 46 contracting, transporting, utilizing, hiring or procuring of seafarers on behalf of
- 47 shipowners;
- 48
- 49 (g) *Maritime accident* refers to any unforeseen occurrence or physical event connected to
- 50 the navigation, operations, maneuvering or handling of ships, or the machinery,
- 51 equipment, material, or cargo on board such ships which may result in the detention of
- 52 seafarers;

1 (h) *Maritime industry stakeholders* refer to all private sector stakeholders engaged in the
2 business of owning, managing, chartering or operating international ships of Philippine
3 or foreign registry, manning of ships, management of ports, stevedoring and arrastre
4 services, ship brokering and chartering, ship-building and ship repair, delivering
5 maritime services such as ship supplies and provisions, maritime education and training,
6 shipping agency, and other similar activities.

7
8 This term shall also include *bona fide* maritime labor organizations and professional
9 associations of seafarers;

10
11 (i) *Maritime Higher Education Institution or MHEI* refers to any institution of higher
12 learning which is authorized by the Commission on Higher Education (CHED) to offer
13 college education through four (4) year or five (5) year courses in the maritime field
14 leading to the degree of, among others, Bachelor of Science in Maritime Transportation,
15 Bachelor of Science in Marine Engineering, and Bachelor of Science in Naval
16 Architecture;

17
18 (j) *Maritime Labour Certificate* refers to the document certifying that the working and
19 living conditions of the seafarers on the ship have been inspected and are compliant with
20 the requirements of Philippine laws and regulations;

21
22 (k) *Maritime Labour Convention, 2006 or MLC, 2006* refers to the consolidated Maritime
23 Labour Convention approved by the International Labour Organization (ILO) in 2006
24 and ratified by the Philippines on August 20, 2012;

25
26 (l) *Master* refers to a person having command of a ship and acts as the shipowner's
27 representative;

28
29 (m) *Non-degree courses and programs on Maritime Education and Training* refer to
30 technical education or the education process designed at post-secondary and lower
31 tertiary levels, officially recognized as non-degree programs aimed at preparing
32 technicians, para-professionals and other categories of middle-level workers by
33 providing them with a broad range of general education, theoretical, scientific and
34 technological studies, and related job skills training associated with occupations
35 developed and implemented by TESDA, in consultation with CHED and the Maritime
36 Industry Authority (MARINA), consistent with its mandate under Republic Act No.
37 7796 (TESDA Act of 1994). This does not include associate degree programs on
38 maritime education which are under the jurisdiction of CHED;

39
40 (n) *Ocean-going ship* refers to a ship other than one which navigates exclusively in inland
41 waters or waters within, or closely adjacent to, sheltered waters or areas where port
42 regulations apply;

43
44 (o) *Point of hire* refers to the place indicated in the contract of employment which shall be
45 the basis for determining commencement and termination of contract;

46
47 (p) *Seafarer* refers to any person who is employed or engaged or works in any capacity on
48 board a ship to which this Act applies;

1 (q) *Ship* or *vessel* refers to any kind, class or type of craft or artificial contrivance capable
2 of floating in water, whether publicly or privately owned, ordinarily engaged in
3 commercial activities and offshore operations, except fixed platform;
4

5 (r) *Shipowner* refers to the owner of the ship employing Filipino seafarers, or another
6 organization or person, such as the manager, agent or bareboat charterer, who has
7 assumed the responsibility for the operation of the ship from the owner and who, on
8 assuming such responsibility, has agreed to take over the duties and responsibilities
9 imposed on shipowners in accordance with this Act, regardless of whether any other
10 organization or persons fulfill certain duties or responsibilities on behalf of the
11 shipowner.
12

13 CHAPTER II 14 SEAFARERS' RIGHTS 15

16 SEC. 5. *Seafarers' Employment and Social Rights.* – Seafarers shall have the right to:
17

18 (a) Safe and secure workplace that complies with safety standards;
19

20 (b) Fair terms and conditions of employment;
21

22 (c) Decent working and living conditions on board a ship; and
23

24 (d) Health protection, medical care, welfare measures, and other forms of social protection.
25

26 SEC. 6. *Right to Self-organization, to Engage in Collective Bargaining and to Participate*
27 *in Democratic Exercises.* – Seafarers shall enjoy their right to self-organization, to collective
28 bargaining, and to participate in the deliberation of issues and in the formulation of policies that
29 affect them, including the guarantee of representation in governing boards or appointment in
30 government instrumentalities.
31

32 Women seafarers shall also have the right, and be encouraged, to join, assist, or form labor
33 unions or associations, or form networks with women seafarers of different nationalities.
34

35 In the exercise of this right, notwithstanding any contrary provision of a general or special
36 law, the exemptions from taxes, duties and other assessments provided in Article 251 of Presidential
37 Decree No. 442, as amended, shall continue to be enjoyed by legitimate labor organizations of
38 seafarers, without need to apply for or confirm such exemptions which may be withdrawn only by
39 a special law expressly repealing this provision.
40

41 SEC. 7. *Right to Educational Advancement and Training at Reasonable and Affordable*
42 *Costs.* – Seafarers shall have access to educational advancement and training at reasonable and
43 affordable costs. To this end, relevant government agencies shall:
44

45 (a) pursue grants and programs such as scholarships, subsidies, loan assistance and other
46 measures that will harness the skills of Filipino seafarers toward greater competitiveness
47 given the new demands in the industry; and
48

49 (b) promote quality maritime education and training that respond to the needs of the industry
50 and in accordance with minimum international maritime standards of competency.

1 Seafarers shall not be required to undertake unnecessary trainings, except those which may
2 be required by the MARINA in accordance with the STCW Convention and other international
3 maritime instruments. The seafarers, or seafarers' groups or organizations shall be consulted
4 whenever new mandatory trainings will be imposed. The MARINA shall regularly publish and
5 inform the public and seafarers' groups of the list of mandatory or required trainings, as well as the
6 list of accredited training providers.

7
8 SEC. 8. *Right to Relevant Information.* – Shipowners, manning agencies, concerned
9 government agencies and other organizations responsible for the recruitment and placement of
10 Filipino seafarers shall provide relevant information, including the terms and conditions of
11 employment and company policies affecting seafarers. This right shall include the access of
12 seafarers' organizations to relevant information affecting the terms and conditions of employment
13 of their members.

14
15 SEC. 9. *Right to Information of Seafarer's Family.* – In cases of accidents or death onboard
16 and offshore, piracy and other similar incidents, the seafarer's family shall be immediately
17 informed of action taken and to be taken, including investigations conducted by the shipowner or
18 manning agency. The shipowner or manning agency shall also have the duty to report the said
19 incidents to the Department of Migrant Workers (DMW) and Overseas Workers Welfare
20 Administration (OWWA).

21
22 SEC. 10. *Right to Public Consultation.* – Seafarers and maritime industry stakeholders shall
23 be adequately consulted on matters affecting seafarers and their families before any maritime
24 policy, executive issuance, rule or regulation is promulgated, or before any maritime law is enacted.

25
26 SEC. 11. *Right Against Discrimination.* – Seafarers shall have the right not to be
27 discriminated against by reason of race, sex, religion, age, and political opinion. Career
28 opportunities shall be promoted and appropriate working and living conditions shall be guaranteed
29 equally among male and female seafarers.

30
31 SEC. 12. *Right to Free Legal Representation.* – Seafarers who are victims of violations of
32 the provisions of this Act or of their employment contract and who cannot afford the services of a
33 competent and independent counsel shall have the right to free legal representation, assistance, and
34 counselling by the Public Attorney's Office (PAO), and to fair and speedy disposition of their cases,
35 including the expeditious settlement of any money claims, subject to existing laws, rules and
36 regulations.

37
38 SEC. 13. *Right to an Appropriate Grievance Mechanism.* – Seafarers shall have the right
39 to avail of an expeditious and inexpensive grievance mechanism to address and resolve their
40 complaints, disputes, grievances and controversies.

41
42 SEC. 14. *Right to Immediate Medical Attention.* – Seafarers shall be provided immediate
43 and adequate medical services, medicines, and medical supplies onboard, and access to shore-based
44 medical facilities for the protection of the seafarers, as well as the corresponding medical or trained
45 personnel who shall provide first-aid and medical care, pursuant to the Maritime Occupational
46 Safety and Health guidelines.

47
48 SEC. 15. *Right to Have Access to Communication.* – Seafarers, especially during their free
49 time or when they are not on duty, shall have reasonable access to ship-to-shore telephone
50 communications, and internet or email facilities, where available.

1 SEC. 16. *Right to Fair Treatment in the Event of a Maritime Accident.* – In the event of a
2 maritime accident, seafarers shall be treated fairly and entitled to all the rights under existing laws,
3 international instruments or maritime conventions.
4

5 SEC. 17. *Right to a Fair Medical Assessment.* – A seafarer shall have the right to seek a
6 second opinion from other accredited clinics of the Department of Health (DOH) or from other
7 competent and licensed physicians whenever there is doubt on the medical assessment of an
8 examining physician or clinic which negatively affects the seafarer’s immediate employment. If
9 the clinic or physician selected by the seafarer disagrees with the first assessment, a third doctor
10 (from any DOH-accredited clinic or from a DOH regional or provincial hospital), jointly-selected
11 by the employer and the seafarer, may be hired by the shipowner or manning agency, at no expense
12 to the seafarer, to make a third medical assessment. The findings of the third doctor shall be final
13 and binding on both parties.
14

15 CHAPTER III 16 DUTIES OF SEAFARERS 17

18 SEC. 18. Seafarers shall have the following duties:
19

- 20 (a) To comply with and observe the terms and conditions of the employment contract;
- 21
- 22 (b) To abide by lawful company personnel policies;
- 23
- 24 (c) To obey the lawful commands of the Master or the Master’s lawful successor, and to
25 comply with the shipowner’s or principal’s policy on safety and operational procedures
26 and instructions given in connection therewith;
- 27
- 28 (d) To be diligent in the performance of duties relating to the ship, its stores, equipment and
29 cargo, whether on board, in transit or ashore;
- 30
- 31 (e) To be, at all times, orderly and respectful to the shipmates, passengers, shippers,
32 stevedores, port authorities, and other persons who have official business with the ship;
- 33
- 34 (f) To act in conformity with prevailing moral, ethical, and societal norms; and
- 35
- 36 (g) To be personally responsible for maintaining a healthy lifestyle.
37

38 CHAPTER IV 39 MINIMUM REQUIREMENTS FOR SEAFARERS TO WORK ON A SHIP 40

41 SEC. 19. *Minimum Age.* – No person below eighteen (18) years old shall be employed or
42 engaged or work as a seafarer.
43

44 SEC. 20. *Medical Certificate.* – Seafarers shall not work on a ship unless they are certified
45 as medically fit to perform their duties. The seafarer shall hold a valid medical certificate issued by
46 a duly qualified medical practitioner or by a medical facility duly accredited by the DOH in
47 accordance with its existing rules and regulations. MARINA, in coordination with the DOH, shall
48 issue guidelines on the length of validity of medical certificates.
49

50 For the purpose of this Section, a medical certificate issued in accordance with the
51 requirements of the STCW shall be accepted.

1 SEC. 21. *Training and Qualifications.* – Seafarers shall not work on a ship unless they are
2 trained or certified as competent and qualified to perform their duties. Training and certification in
3 accordance with the mandatory instruments adopted by the International Maritime Organization
4 (IMO) shall be considered as meeting the requirements of this Section.

5
6 SEC. 22. *Recruitment and Placement.* – Only duly-licensed recruitment or manning
7 agencies shall be allowed to operate and engage in the recruitment and placement of seafarers, in
8 accordance with existing laws, rules and regulations.

9
10 Recruitment or manning agencies shall not use means and mechanisms that will prevent or
11 deter seafarers from gaining employment for which they are qualified. They shall not charge any
12 fees for recruitment or placement or for providing employment to seafarers. Further, they are
13 required to:

- 14
- 15 (a) maintain an up-to-date register of all seafarers recruited or placed through them, to be
16 made available for inspection by the DMW and the MARINA;
- 17
- 18 (b) make sure that seafarers are informed of their rights and duties under their employment
19 agreements prior to or in the process of engagement and that proper arrangements are
20 made for seafarers to examine their employment agreements before and after they are
21 signed and for them to receive a copy of the agreements;
- 22
- 23 (c) verify that, prior to deployment, seafarers recruited or placed by them are competent,
24 qualified and hold the documents necessary for the job concerned, and that the
25 seafarers’ employment agreements are in accordance with applicable laws and
26 regulations and any collective bargaining agreement that forms part of the employment
27 agreement;
- 28
- 29 (d) ensure, as far as practicable, that the shipowner has the means to protect seafarers from
30 being stranded in a foreign port;
- 31
- 32 (e) examine and respond to any complaint concerning their activities and advise the DMW
33 and MARINA of any unresolved complaint; and
- 34
- 35 (f) establish a system of protection, by way of insurance or an equivalent appropriate
36 measure, to compensate seafarers for monetary loss that they may incur as a result of
37 the failure of a manning or recruitment and placement agency or the relevant shipowner
38 under the seafarers’ employment agreement to meet its obligations to them.
- 39

40 CHAPTER V

41 CONDITIONS OF EMPLOYMENT

42

43 SEC. 23. *Standard Employment Contract.* – The terms and conditions for employment of a
44 seafarer shall be set out or referred to in a clearly written and legally enforceable standard
45 employment contract (SEC). The SEC shall be agreed to by the seafarer under conditions which
46 ensure that the seafarer has an opportunity to review and seek advice on the terms and conditions
47 in the agreement and freely accepts them before signing. The SEC shall be understood to
48 incorporate any applicable collective bargaining agreements.

49
50 The SEC shall be approved by the DMW. It shall be observed in the employment of seafarers
51 on board foreign-registered ships and Philippine-registered ships operating internationally, and
52 shall include the following particulars:

- 1 (a) Seafarer's full name, date of birth or age, and birthplace;
- 2 (b) Shipowner's name and address;
- 3 (c) Place where and date when the seafarer's employment agreement is entered into;
- 4 (d) Duration or period of employment or engagement;
- 5 (e) Point of hire;
- 6 (f) Capacity in which the seafarer is to be employed;
- 7 (g) Amount of the seafarer's salary, and the formula used for calculating the same;
- 8 (h) Hours of work and hours of rest;
- 9 (i) Wage-related benefits, which include the following: overtime pay, holiday pay,
- 10 premium pay, paid leaves, and 13th month pay, if applicable;
- 11 (j) Health, social security and welfare benefits;
- 12 (k) Entitlement to repatriation or similar undertakings;
- 13 (l) Separation pay and retirement pay, if applicable;
- 14 (m) Reference to the collective bargaining agreement, if applicable;
- 15 (n) Other benefits in accordance with law, company policy or agreements;
- 16 (o) Termination of the agreement and the conditions thereof, including:
 - 17 (1) if the agreement has been made for an indefinite period, the conditions entitling
 - 18 either party to terminate it, as well as the required notice period, which shall not be
 - 19 less for the shipowner than for the seafarer;
 - 20 (2) if the agreement has been made for a definite period, the date fixed for its expiry;
 - 21 and
 - 22 (3) if the agreement has been made for a voyage, the port of destination and the time
 - 23 which has to expire after arrival before the seafarer shall be discharged;

24
25 The SEC shall be in written in English or in a working language of the seafarer, executed in
26 three (3) original copies before the commencement of the employment. The shipowner and the
27 seafarer shall each have a signed original copy of the agreement. A signed original copy shall be
28 made available on board the ship.

29
30 The SEC shall stipulate that Filipino seafarers shall be granted shore leave to benefit their
31 health and well-being consistent with the operational requirements of their positions, and subject to
32 proportionate and specifically-adopted measures by the port state on epidemics, pandemics and
33 other public health emergencies, man-made or natural.

34
35 When there is a collective bargaining agreement, a copy thereof must be maintained onboard
36 the ship and readily accessible to the seafarers.

37
38 The terms and conditions for employment to be provided in the SEC shall always be updated
39 in consonance with the latest MLC and other existing treaties and conventions governing seafarers
40 duly entered into by the Philippines.

41
42 SEC. 24. *Wages.* – All seafarers shall be paid for their work regularly and in full in
43 accordance with their employment agreements.

44
45 Without prejudice to higher rates provided under the SEC, or under a collective bargaining
46 agreement (CBA), or by the shipowner as company practice or policy, the minimum wage
47 applicable to seafarers on board ocean-going ships of Philippine or foreign registry shall be as
48 provided in the SEC, which in no case shall be lower than the prevailing industry standard on ocean-
49 going seafaring wage rates for officers and other members of the ship's crew, and regularly paid in
50 full at least once a month.

1 SEC. 25. *Payment of Wages to Abandoned Seafarer.* – Filipino seafarers abandoned by
2 shipowners shall be entitled to full payment of wages and other benefits provided under the SEC or
3 the CBA.

4
5 SEC. 26. *Hours of Work and Hours of Rest.* – For purposes of this Section, the term:

6
7 (a) *hours of work* means time during which seafarers are required to do work on account of
8 the ship;

9 (b) *hours of rest* means time outside hours of work; this term does not include short breaks.

10
11 The normal hours of work of a seafarer shall not exceed eight (8) hours a day. If the seafarer
12 is allowed to work beyond eight (8) hours, the maximum hours of work shall not exceed fourteen
13 (14) hours in any 24-hour period, and seventy-two (72) hours in any 7-day period.

14
15 The minimum hours of rest for every seafarer shall not be less than ten (10) hours. Hours of
16 rest may be divided into no more than two (2) periods, one of which shall be at least six (6) hours
17 in length, and the interval between consecutive periods of rest shall not exceed fourteen (14) hours.

18
19 In exceptional cases, seafarers in watchkeeping duties may be required to work beyond
20 fourteen (14) hours: *Provided*, That the rest period is not less than seventy (70) hours in any 7-day
21 period. This exception shall not be allowed for more than two (2) consecutive weeks. The intervals
22 between two (2) periods of exceptions shall not be less than twice the duration of the exception.

23
24 SEC. 27. *Entitlement to Leave.* – Unless higher annual leave is provided under the CBA, or
25 by the shipowner as company practice or policy, or by the SEC, seafarers shall be paid an annual
26 leave to be calculated on the basis of a minimum of 2.5 calendar days per month of employment.

27
28 SEC. 28. *Sickness Benefits During Public Health Emergencies.* – Filipino seafarers who
29 have contracted any illness due to an epidemic, pandemic or other public health emergencies,
30 whether natural or man-made, or are under quarantine or self-isolation, shall be entitled to paid sick
31 leave or sickness benefits as long as they are incapacitated or unable to work.

32
33 SEC. 29. *Repatriation.* – Seafarers have a right to be repatriated at no cost to themselves.
34 They are entitled to repatriation in the following circumstances:

35
36 (a) If the seafarers' employment agreement expires while they are abroad;

37 (b) When the seafarers' employment agreement is terminated:

38 (1) by the shipowner; or

39 (2) by the seafarer for justified reasons.

40 (c) When the seafarers are no longer able to carry out their duties under their employment
41 agreement or cannot be expected to carry them out in specific circumstances.

42
43 The maximum duration of service periods on board following which a seafarer is entitled to
44 repatriation shall be less than 12 months.

45
46 In all cases of repatriation, the affected seafarer shall be repatriated to the point of hire. In
47 case of incapacity or death, the seafarer or the remains shall be repatriated to the point of hire or the
48 seafarer's place of domicile at the option of the seafarer or the seafarer's next of kin. All costs
49 related to the repatriation and transport of the personal effects and remains of seafarers, including
50 the provision on financial security in case of abandonment of seafarers, shall be borne by or charged
51 to the shipowner or the manning agency concerned to expedite the repatriation without prior
52 determination of the cause of repatriation or termination of the seafarer's employment.

1 The repatriation expenses that shall be borne by or charged to the shipowner or the manning
2 agency concerned shall include:

- 3
4 (a) Basic pay and related hotel and meal costs, if necessary, from the moment the seafarers
5 leave the ship until they reach the point of hire;
6 (b) Transportation charges, the normal mode of transport should be by air;
7 (c) Deployment cost of the principal; and
8 (d) Immigration fees, fines, and penalties.
9

10 However, in cases where the termination of employment is based on serious default of the
11 seafarer's employment obligations, or for just cause, or upon the request of the seafarer, the cost of
12 repatriation shall be for the account of the seafarer in accordance with the employment agreement.
13

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

18 In case repatriation is undertaken by the government, whether by the Department of Foreign
19 Affairs (DFA), DMW or OWWA, the manning agency or ship-owner or the insurance company,
20 shall immediately reimburse the appropriate government agency, without prejudice to any sanctions
21 that may be imposed against the manning agency or ship-owner or the insurance company for any
22 violation of its obligation to repatriate the seafarer.
23

24 *SEC. 30. Quarantine and Medical Expenses in Repatriation Due to Epidemics, Pandemics*
25 *or other Public Health Emergencies.* – Before or during the process of repatriation of a seafarer in
26 times of epidemics, pandemics or other public health emergencies, whether natural or man-made,
27 the shipowner or manning agency shall cover the following expenses until the seafarer is considered
28 duly repatriated to the point of hire:
29

- 30 (a) medical care, board and lodging for periods spent by a seafarer in quarantine or self-
31 isolation, whether or not the seafarer has symptoms or has been exposed to any
32 infectious diseases, virus or bacteria – until declared as free of any infection, virus or
33 ailment by the DOH Bureau of Quarantine or any DOH-accredited clinic; and
34 (b) hospitalization and medical treatment when the seafarer is sick or infected – until
35 declared as fully recovered.
36

37 Thereafter, should the seafarer need further quarantine or medical care, the expenses shall
38 be covered by the OWWA from funds to be appropriated for this purpose.
39

40 *SEC. 31. Seafarer Compensation for the Ship's Loss or Foundering.* – Seafarers shall be
41 entitled to adequate compensation in the case of injury, loss or unemployment arising from the
42 ship's loss or foundering, in accordance with the SEC or the CBA.
43

44 *SEC. 32. Manning Levels.* – All Philippine-registered ships operating internationally shall
45 observe the minimum manning levels in accordance with the requirements prescribed by the
46 MARINA.
47

48 Every ship shall be manned by a crew that is adequate in terms of size and commensurate
49 qualifications taking into account the need to operate the vessel safely and efficiently. In no case
50 shall minimum manning levels on ships carrying Filipino seafarers be reduced to avoid fatigue of
51 Filipino seafarers remaining on board.

1
2 SEC. 33. *Registry of Seafarers.* – To better respond to the manning requirements of ocean-
3 going ships of foreign registry and Philippine-registered ship operating internationally, the DMW
4 MARINA, and OWWA shall maintain a unified registry of all seafarers in the Philippines. The
5 registry shall contain the relevant information or data to promote employment opportunities for
6 seafarers, whether on board or ashore, and allow for the appropriate learning for and implementation
7 of additional training, skills and competency development programs for seafarers.

8
9 SEC. 34. *Crew Competence.* – The crew members of a Philippine-registered ship operating
10 internationally shall possess the appropriate certificate of competency that sets forth their
11 competence to serve and perform the functions of the position held, and corresponding to the
12 aptitude and proficiency required relative to the type, tonnage, power, means of propulsion, and
13 trading patterns of the ships concerned.

14
15 The certificate of competency shall attest to the fact that the seafarer to whom it is issued
16 meets the requirements for service, age, qualification, and has successfully passed the examinations
17 conducted to determine the seafarer’s proficiency and level of expertise for the position.

18
19 SEC. 35. *Green Lane for Crew Change.* – When national or international emergencies or
20 circumstances warrant, the DMW, DOH, DFA, Department of Labor and Employment, Department
21 of Justice, Department of the Interior and Local Government, Department of Transportation, and
22 other relevant agencies, shall activate a *green lane* for seafarers that shall exempt them from travel-
23 related or health-related movement restrictions in order to facilitate their joining or leaving ships.

24
25 CHAPTER VI
26 ACCOMMODATION, RECREATIONAL FACILITIES, FOOD AND CATERING

27 SEC. 36. *Accommodation.* – Seafarers shall be provided with decent accommodations and
28 recreational facilities onboard in accordance with the standards set under pertinent laws, regulations
29 and applicable provisions of the MLC, 2006.

30
31 SEC. 37. *Food and Catering.* – The shipowner shall ensure the protection and promotion
32 of health of seafarers and ensure that the ship carry onboard free food and drinking water of
33 appropriate quality, quantity and nutritional value that adequately cover the requirements of the ship
34 and take into consideration the differing cultural and religious backgrounds of seafarers. All foods
35 and drinks and the preparation thereof shall be in accordance with the standards set under the
36 Sanitation Code of the Philippines, pertinent laws, regulations and applicable provisions of the
37 MLC, 2006.

38
39 SEC. 38. *Establishment of Seafarer Welfare Centers.* – The OWWA shall establish seafarer
40 welfare facilities or centers in major crew-change ports, specifically in Metro Manila, Pangasinan,
41 Bulacan, Cavite, Batangas, Iloilo, Cebu, Cagayan de Oro City, Davao City and other areas to be
42 determined by OWWA to have higher concentration of seafarers. The facility or center shall offer
43 services which promote the welfare of, and cater to, the recreational, cultural, religious,
44 communication and legal needs of seafarers.

45
46 Pursuant to the legal services as required in this Section, the PAO shall, in coordination with
47 OWWA, appoint at least one public attorney who shall be posted in the seafarer welfare centers
48 and shall render, free of charge, legal assistance and counselling to seafarers or their families in
49 criminal, civil, labor, administrative and other quasi-judicial cases.

50
51 The OWWA shall, in consultation with relevant government agencies and stakeholders,
52 review and develop annually the welfare facilities and services to ensure that they are appropriate

1 in the light of changes in the needs of seafarers resulting from technical, operational and other
2 developments in the shipping industry.

3
4 A One-Stop-Shop for Seafarers, which shall have representatives from government agencies
5 that process or issue licenses, permits, clearances and other documents required by seafarers shall
6 also be established in these welfare centers for the convenience of the seafarers and to maximize
7 the services being offered to them.

8
9 CHAPTER VII
10 HEALTH, WELFARE AND SOCIAL SECURITY PROTECTION

11
12 SEC. 39. *Measures to Protect Seafarers from Epidemics, Pandemics or other Public Health*
13 *Emergencies.* – Filipino seafarers onboard ships shall be covered by adequate measures for
14 protection from epidemics, pandemics or man-made or natural public health emergencies, such as
15 the provision of personal protective equipment. They shall be provided access to prompt and
16 adequate medical care while onboard, including medical advice and confidential helplines on
17 physical and mental health by radio or satellite communication, free of charge, which shall be
18 available 24-hours-a-day.

19
20 Shipowners shall institute measures on prevention of contagion in accordance with flag state
21 health regulations and World Health Organization (WHO) guidelines, including the necessary
22 disinfection, decontamination, de-ratting or pest control, and other measures necessary to prevent
23 the spread of infection or contamination.

24
25 Filipino seafarers who manifest symptoms of any prevailing illness due to an epidemic,
26 pandemic or any public health emergency, man-made or natural, shall be properly isolated and
27 treated pursuant to established guidelines of the flag state, the WHO and the applicable provisions
28 of this Act.

29
30 SEC. 40. *Social Security.* – Without prejudice to established policy, the CBA or other
31 applicable employment agreement, all seafarers shall be entitled to compensation and benefits under
32 the DMW SEC and benefits provided for by the OWWA (Republic Act No. 10801, otherwise
33 known as the Overseas Workers Welfare Administration Act), Pag-IBIG Fund (Republic Act No.
34 7742, entitled An Act Amending Presidential Decree No. 1752, as amended), PhilHealth (Republic
35 Act No. 7875, as amended, otherwise known as the National Health Insurance Act of 1995),
36 Employees' Compensation Law (Presidential Decree No. 626, as amended, entitled Further
37 Amending Certain Articles of Presidential Decree No. 442 Entitled Labor Code of the Philippines),
38 the Social Security Law (Republic Act No. 1161, as amended, otherwise known as the Social
39 Security Law), and other applicable laws.

40
41 SEC. 41. *Insurance Coverage.* – The provisions on compulsory insurance for agency-hired
42 workers under Section 37-A of Republic Act No. 8042, as amended by Republic Act No. 10022,
43 entitled An Act Amending Republic Act No. 8042, otherwise known as the Migrant Workers and
44 Overseas Filipinos Act of 1995, As Amended, Further Improving the Standard of Protection and
45 Promotion of the Welfare of Migrant Workers, Their Families and Overseas Filipinos in Distress,
46 and for Other Purposes, shall continue to apply, at no cost, to seafarers: *Provided*, That the minimum
47 insurance cover stated therein shall be issued by insurance companies duly accredited by the
48 Insurance Commission – to ensure and facilitate claims of seafarers based on the section's "no
49 contest, no fault or negligence" clause. This insurance cover is without prejudice to the insurance
50 policy to be issued or secured by the shipowners, over and above the minimum cover, as an added
51 protection to the seafarers in accordance with international standards and practices.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52

CHAPTER VIII
COMPLIANCE AND ENFORCEMENT

SEC. 42. *Compliance and Enforcement.* – The Secretary of the DMW, or the DMW Secretary’s duly authorized representative, shall have access to foreign-registered ships and Philippine-registered ships operating internationally and conduct inspection to ensure compliance with working and living standards of seafarers as provided under this Act. The DMW Regional Office or Migrant Workers Office having jurisdiction over the port of call of the ship shall conduct the inspection and issue the corresponding Maritime Labour Certificate.

The shipowner or master shall ensure the compliance of the ship with this Act and its Implementing Rules and Regulations (IRR), who shall be made principally liable for any violation thereof. For this purpose, the Maritime Labour Certificate or a certificate of compliance, as applicable, shall be issued in accordance with the IRR.

The enforcement and compliance monitoring activities may be coordinated and conducted by the DMW with relevant government agencies, including DOLE, MARINA and the Philippine Coast Guard (PCG), in conjunction with their schedules for inspection and certification.

The Secretary of DMW, or the DMW Secretary’s duly authorized representative, shall have the power to order immediate correction of, and impose fines for, violations of the relevant provisions of this Act.

If the violation or deficiency constitutes a serious breach of the requirement of this Act and its IRR or poses an imminent danger to the ships, and/or to the life or limbs of the seafarer, the Secretary of DMW, or the DMW Secretary’s duly authorized representative shall coordinate with the PCG to order the detention of the ship immediately until the violation or deficiency is corrected or until a plan of action to rectify the non-conformities is shown to be implemented in an expeditious manner.

SEC. 43. *Recognized Organizations.* – Recognized organizations may be authorized by the Secretary of Migrant Workers to conduct the inspection of ship’s premises and issue the Maritime Labour Certificate or the Certificate of Compliance, as appropriate, in accordance with the provisions of this Act and its IRR.

A recognized organization must have the necessary knowledge of the requirements of this Act and its IRR, the MLC, 2006 and other relevant international treaties or conventions.

Likewise, to be recognized and authorized to inspect a ship, an organization must also have the necessary and qualified professional and technical expertise to conduct the inspection and certify to the ship’s compliance with established standards.

CHAPTER IX
TERMINATION AND EXTENSION OF EMPLOYMENT

SEC. 44. *Termination of Employment.* – The termination of employment of a seafarer on board a foreign registered ship and Philippine-registered ship operating internationally shall be governed by the SEC or the applicable CBA.

SEC. 45. *Extension of Employment.* – The extension of a seafarer’s employment agreement beyond the original period must be adequately reviewed and freely-accepted by the Filipino seafarer prior to signing any such extension.

1 The shipowners and the manning agencies shall submit periodic reports to the DMW on the
2 welfare and well-being of Filipino seafarers subjected to contract extensions.

3
4 CHAPTER X
5 SETTLEMENT OF DISPUTES
6

7 SEC. 46. *Onboard and Onshore Grievance Machinery.* – All ships of Philippine registry
8 shall prescribe and observe fair, effective and expeditious onboard and on-shore methods and
9 procedures to handle grievances or complaints at no cost to the seafarer.

10
11 SEC. 47. *Mandatory Conciliation-Mediation.* – In the absence of an agreement or settlement
12 at the grievance machinery level, the following rules shall apply:

- 13
14 (a) If there is a CBA, the matter shall be submitted for voluntary arbitration in accordance
15 with existing laws, rules, and regulations;
16 (b) If there is no CBA, the parties shall have the option to submit the case to compulsory
17 arbitration or voluntary arbitration, or conciliation-mediation services provided under
18 existing laws, rules and regulations.

19
20 SEC. 48. *Maritime Industry Labor Arbitration.* – There shall be a pool of trained maritime
21 industry conciliators-mediators and experts with the appropriate competence, integrity, and
22 knowledge of the Philippine and global maritime industry practices and standards, MLC, 2006, and
23 other related Philippine-ratified conventions and treaties, who shall handle the mediation or
24 conciliation or arbitration of all issues relating to the employment of seafarers.

25
26 In cases where a seafarer is a member of a legitimate trade union organization, any grievance
27 shall, as a condition precedent to conciliation-mediation, undergo the grievance machinery with the
28 involvement of the union as established in its CBA. Without prejudice to any existing law, any
29 agreement reached by the parties during the grievance negotiation shall be final and binding.

30
31 SEC. 49. *Judgment on the Basis of Certification.* – No judgment or award resulting in the
32 forfeiture of the seafarer's claims shall be rendered solely on the basis of a defective or questionable
33 fit-to-work certification.

34
35 SEC. 50. *Period to Settle Claims.* – In the event a seafarer, or the seafarer's successor-in-
36 interest, files for a claim for unpaid salaries and other statutory monetary benefits, or those arising
37 from disability or death, the employer or the manning agency shall have fifteen (15) days from the
38 submission of the claim, proof or complete documents, as the case may be, to determine the validity
39 of the claim. The results of the validation by the employer or manning agency shall be
40 communicated to the seafarer within the aforesaid 15-day period. The employer or manning agency
41 shall, within fifteen (15) days from the time it has communicated to the seafarer its findings, settle
42 its obligations to the seafarer, if any.

43
44 This provision also applies to the claims of a seafarer, or the seafarer's successors-in-
45 interest, arising from accidental death, natural death, or permanent disability benefits under Sec.
46 37-A of RA 8042, as amended.

47
48 SEC. 51. *Escrow as a Manner of Execution.* – Any monetary award by the arbitrator to the
49 seafarer, or the seafarer's successors-in-interest, made whether in a voluntary or mandatory
50 arbitration, or by the National Labor Relations Commission, shall be placed in escrow, if the
51 employer or manning agency has raised or intends to raise the decision for judicial review in

1 accordance with the Rules of Court. The amount in escrow shall not include claims for salaries,
2 statutory monetary benefits, or those originally determined by the employer or manning agency to
3 be legally due to the seafarer.
4

5 The amount shall remain in escrow until the issuance of an entry of judgment by the
6 appropriate reviewing court or when the employer or manning agency fails to perfect the appeal or
7 petition for review. The fees in obtaining or maintaining the escrow account shall be paid by the
8 employer or the manning agency.
9

10 The interest earned by the amount in escrow shall inure to the benefit of the prevailing party.
11

12 However, the seafarer or the seafarer's successors-in-interest may, in accordance with the
13 Rules of Court, move for the execution of the monetary award pending appeal upon posting of a
14 bond, the amount of which shall be determined by the appropriate court.
15

16 The DMW shall issue the appropriate implementing guidelines for this section and Section
17 50 of this Act.
18

19 CHAPTER XI 20 REINTEGRATION OF OVERSEAS FILIPINO SEAFARERS 21

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

32 CHAPTER XII 33 WOMEN IN THE MARITIME INDUSTRY 34

35 SEC. 53. *Protection for Women Seafarers.* – In addition to the right against discrimination
36 on the basis of sex, women seafarers shall be protected from the following discriminatory acts:
37

38 (a) Payment of a lesser compensation, including wage, salary or other form of remuneration
39 and fringe benefits, to a male seafarer as against female seafarer, for work of equal
40 value; and
41

42 (b) Favoring a male seafarer over a female seafarer with respect to promotion, training
43 opportunities, study and scholarship grants, solely on account of their sexes.
44

45 SEC. 54. *Gender and Development.* – Shipowners and manning agencies shall formulate
46 gender and development policies. In addition, all maritime training institutions shall ensure that
47 appropriate gender-sensitive policies are in place to promote the rights of women to access adequate
48 training and opportunities for promotion, free from discrimination, harassment and bullying.
49

50 CHAPTER XIII 51 EDUCATION AND TRAINING OF SEAFARERS

1 SEC. 55. *Shipboard Training.* – Shipboard training is a mandatory requirement and
2 component of the Bachelor of Science in Maritime Transportation (BSMT), Bachelor of Science
3 in Maritime Engineering (BSMarE) and other maritime degree programs, as may be approved by
4 CHED, that pertains to the seagoing service as provided under the STCW Convention. This
5 requirement aims to ensure that every student or cadet shall have the opportunity to undergo
6 approved seagoing service of not less than 12 months, which may include workshop skills training
7 and other equivalency arrangements in accordance with IMO standards.

8
9 SEC. 56. *Applicability of Other Provisions to Shipboard Training.* – The provisions on
10 Seafarers’ Rights, Duties of Seafarers, Medical Certificate, Medical Care On Board Ships and
11 Ashore, Settlement of Disputes, and Women in the Maritime Industry, as may be applicable, shall
12 also apply to shipboard training of cadets.

13
14 SEC. 57. *Requirements for Maritime Higher Education Institutions (MHEIs).* – All MHEIs
15 offering BSMT, BSMarE and other maritime degree programs, as may be approved by CHED,
16 shall be required to have their own training ships, or shall enter into agreements with local or
17 international shipping companies, ship-owners, or manning agencies with respect to the shipboard
18 training program of their students or cadets. In this regard, they shall enroll or admit only the
19 number of students equivalent to not more than one hundred and ten percent (110%) of the training
20 slots on their own training ships, or the number of training slots that can be accommodated by the
21 shipping companies, ship-owners, or manning agencies based on the agreements the concerned
22 MHEI has into entered with said shipping companies, ship-owners, or manning agencies: *Provided,*
23 That upon passage of this Act, MHEIs shall give priority for shipboard training to students who
24 have finished the academic requirements of their BSMT or BSMarE programs and signified their
25 intent to avail of the shipboard training: *Provided further,* That MHEIs shall accommodate all
26 previous students who have finished the academic requirements of their BSMT or BSMarE
27 programs who signify their intention to avail of the shipboard training: *Provided furthermore,* That
28 the MHEIs shall not charge the students any tuition or matriculation fees for the shipboard training
29 unless the shipboard training is conducted in the MHEIs’ own training ship.

30
31 The MHEIs shall comply with the provisions of this Section within three (3) years from the
32 implementation of this Act. Failure to comply with this provision shall be a ground for closure of
33 the concerned MHEI to be immediately undertaken by CHED.

34
35 For purposes of this Act, the CHED shall be the primary agency in charge of monitoring
36 and ensuring that MHEIs are compliant with the required academic curriculum for the BSMT and
37 BSMarE programs. The MARINA shall be the primary agency in charge of monitoring and
38 ensuring that the training programs are compliant with the established shipboard training
39 curriculum.

40
41 SEC. 58. *Requirements for Philippine-registered Ships on Shipboard Training.* – All
42 Philippine-registered ships operating domestically are mandated to enter into agreement with any
43 of the MHEIs for the shipboard training of the latter’s cadets. Passenger ships shall be required to
44 accommodate cadets equivalent to not less than fifty percent (50%) of the total number of their
45 crew-complement, while cargo ships shall be required to accommodate cadets equivalent to not
46 less than thirty percent (30%) of the total number of their crew-complement.

47
48 Philippine-registered ships operating internationally shall also enter into agreement with any
49 of the MHEIs for the shipboard training of the latter’s cadets. They shall be required to
50 accommodate cadets in accordance with the STCW Convention and subject to the guidelines to be
51 issued by MARINA.

1 For this purpose, all Philippine-registered ships, whether operating domestically or
2 internationally, conducting shipboard training shall appoint or employ a training officer who shall
3 ensure that the training programs are compliant with the established shipboard training curriculum.
4

5 The MARINA shall issue the appropriate guidelines for implementation of the first
6 paragraph, while CHED and MARINA shall issue the appropriate guidelines for the second
7 paragraph of this Section.
8

9 *SEC. 59. Shipboard Training Agreement.* – There shall be a written agreement between the
10 shipping company on one hand, and the cadet and the MHEI on the other, which shall stipulate that
11 the cadet is entitled to free food and accommodation and shall pay only fees for personal protective
12 equipment, insurance premium and other reasonable fees that may be approved by the CHED and
13 MARINA.
14

15 The agreement shall also include the following information, terms and conditions:
16

- 17 (a) Cadet’s full name, date of birth, birthplace and age, which should be at least 16 years
18 old;
- 19 (b) Name and address of the maritime institution or school;
- 20 (c) Name and address of the shipowner or shipping company;
- 21 (d) Place and date when the cadet’s agreement is entered into;
- 22 (e) Duration or period covered of the training or cadetship;
- 23 (f) Capacity in which the cadet is to be trained;
- 24 (g) Amount of the cadet’s allowance or stipend;
- 25 (h) Required number of hours of training and rest which would not be less than the
26 prescribed hours of work and rest in Section 26 of this Act;
- 27 (i) Duties and responsibilities of the shipowner or shipping company, MHEIs and cadets;
28 and
- 29 (j) Other benefits in accordance with law, company policy or agreements.
30

31 The agreement shall be written in a working language or in English, executed in four (4)
32 original copies before the commencement of the shipboard training. The shipowner, cadet and the
33 maritime institution or school shall each have a signed original copy of the agreement and an
34 electronic copy thereof shall be furnished to the DMW and the MARINA. A signed original copy
35 shall also be made available on board the ship.
36

37 For cadets on-board international ships, the shipowners or manning agencies may provide
38 allowances, consistent with existing practices.
39

40 *SEC. 60. Curriculum Committee.* – A Curriculum Committee shall be formed to periodically
41 assess the curriculum of the BSMT and BSMarE to ensure their consistency with the IMO model
42 courses on marine or maritime education. Except for mandatory subjects required by CHED leading
43 to a degree, subjects which are not consistent with the IMO model courses shall be removed. The
44 Committee shall be chaired by CHED with the following as members: MARINA, DMW, DFA,
45 MHEIs, training institutions, academe, shipowners and manning agencies.
46

47 *SEC. 61. Regulation of Training Programs and Fees.* – The Maritime Industry Board
48 created under Presidential Decree No. 474, entitled Providing for the Reorganization of Maritime
49 Functions in the Philippines, Creating the Maritime Industry Authority, and for Other Purposes, as
50 amended, shall be authorized under this Act to regulate the fees and charges imposed by MARINA-
51 accredited Maritime Training Institutions for maritime courses and/or programs required under
52 STCW Convention, 1978, as amended, and its subsequent amendments. The MARINA Board shall

1 ensure that the fees being charged for these training courses are reasonable and not exorbitant at the
2 expense of the seafarers. For this purpose, the Secretary of the DMW is hereby made a Vice-
3 Chairperson of the MARINA Board to ensure protection of the rights and welfare of seafarers
4 onboard ships operating internationally.

5
6 This power to regulate does not extend to non-mandatory training or courses. In this regard,
7 the MARINA shall regularly publish the list of mandatory training or courses required by the STCW
8 Convention.

9
10 SEC. 62. *Non-Degree Courses for Seafarers.* – The TESDA shall, in consultation with
11 CHED and MARINA, develop and establish non-degree courses on maritime education and training
12 consistent with its mandate under Republic Act No. 7796. Non-degree holder seafarers shall be
13 allowed to undergo shipboard training, for purposes of employment in the domestic seafaring
14 industry, in vessels below the minimum gross tonnage and required horsepower as provided under
15 the guidelines of MARINA in compliance with international standards: *Provided,* That such non-
16 degree programs may serve as a preparatory course, or may be considered as an “associate degree,”
17 leading to the full degree of BSMT, BSMarE and other maritime degree programs through a
18 ladderized system of education and training consistent with Republic Act No. 10647 (The
19 Ladderized Education Act of 2014) and Republic Act No. 10968 (Philippine Qualifications
20 Framework Act).

21
22 For purposes of this Act, the TESDA shall be the primary agency in charge of developing
23 and establishing non-degree maritime courses or programs and ensuring its implementation.

24
25 SEC. 63. *Implementing Guidelines.* – The CHED, MARINA, DMW, TESDA and other
26 concerned government agencies, in consultation with the stakeholders, are hereby authorized to
27 formulate the implementing guidelines for this Chapter on Education and Training of Seafarers.

28
29 CHAPTER XIV
30 INCENTIVES AND AWARDS TO THE MARITIME INDUSTRY

31
32 SEC. 64. *Incentives and Awards.* – There shall be established an incentives and awards
33 system for the maritime industry stakeholders which shall be developed and administered by the
34 DMW and MARINA in consultation with the Maritime Industry Tripartite Council. Under such
35 rules and regulations that may be promulgated, deserving shipowners, seafarers, manning and other
36 organizations or entities shall be commended or awarded for their outstanding performance in
37 upholding the rights of seafarers and complying with the MLC, 2006 and this Act.

38
39 CHAPTER XV
40 ROLE OF GOVERNMENT AGENCIES

41
42 SEC. 65. *Role of Government Agencies.* – The following government agencies shall perform
43 the following functions to promote the welfare and protect the rights of Filipino seafarers:

- 44
45 (a) Department of Migrant Workers (DMW) – The DMW shall be the primary agency
46 tasked to protect the rights and promote the welfare of overseas Filipino seafarers. It
47 shall review the contracts of employment and the working conditions of the officers and
48 crew of vessels of Philippine registry operating internationally, and of such officers and
49 crew members who are Filipino citizens and employed by foreign vessels to ensure that
50 these comply with the prescribed standards. It shall strengthen its monitoring of the
51 compliance by the manning agencies with DMW’s appropriate guidelines.

- 1 (b) Department of Foreign Affairs (DFA) – The DFA shall, through its home offices or
2 foreign posts, give paramount importance to the safety and well-being of Filipino
3 seafarers, by providing adequate and timely intervention and assistance, such as
4 representing their interests with foreign authorities concerned and facilitating their
5 repatriation when they are distressed or beleaguered, and other important consular
6 services.
7
- 8 (c) Department of Labor and Employment (DOLE) – The DOLE shall ensure that
9 Presidential Decree No. 442, as amended, and other applicable laws, international
10 conventions, executive issuances, rules and regulations are fairly applied to seafarers
11 who are on board ships operating domestically.
12
- 13 (d) Department of Health (DOH) – The DOH shall regulate the activities and operations of
14 all clinics which conduct physical, optical, dental, psychological and other similar
15 examinations, hereinafter referred to as health examinations, on Filipino seafarers. The
16 DOH shall determine and prescribe the nature of the health examination that shall be
17 required of a seafarer, ensuring that such examination will genuinely determine the
18 seafarer’s state of health, considering the duties that the seafarer shall be required to
19 perform on board. The DOH shall likewise prescribe the contents of the medical
20 certificate to ensure accuracy of the finding/s stated therein. The DOH shall ensure that
21 its regulations are consistent with the relevant provisions of the STCW Convention, as
22 amended.
23
- 24 (e) Overseas Workers Welfare Administration (OWWA) – The OWWA shall formulate and
25 implement welfare programs for overseas Filipino seafarers and their families while they
26 are abroad and upon their return. It shall ensure the awareness by the OFWs and their
27 families of these programs and other related governmental programs.
28
- 29 The OWWA shall establish shore-based welfare facilities or centers pursuant to Section
30 38 of this Act. The welfare facilities or centers may also be established in OWWA
31 Regional Offices to complement its existing programs for OFWs.
32
- 33 (f) Commission on Higher Education (CHED) – The CHED shall strengthen its monitoring
34 function to ensure the academic performance and compliance of the MHEIs with this
35 Act. It shall ensure that maritime education programs are in accordance with the IMO
36 model courses on marine or maritime education. It shall also ensure that maritime
37 education, including curricula and training programs, are structured and delivered in
38 accordance with the written programs, methods, procedures, and course materials
39 compliant with international standards prescribed under the STCW Convention and its
40 amendments. Finally, it shall ensure that the MHEIs have adequate resources, facilities
41 and teaching materials corresponding to the number of students. CHED shall regularly
42 publish the list of accredited MHEIs and their status of compliance or deficiencies with
43 the requirements for offering maritime courses.
44
- 45 (g) Maritime Industry Authority (MARINA) – The MARINA shall ensure that the
46 examination, licensing, and certification system for seafarers and ships are in accordance
47 with the requirements prescribed under the STCW Convention, international
48 agreements, other conventions relevant thereto, and other applicable laws, rules, and
49 regulations. The MARINA shall also monitor and ensure that the ships are compliant
50 with established standards and the shipboard training provided to cadets are compliant
51 with the established curriculum.

- 1 (h) National Labor Relations Commission (NLRC) – The NLRC shall, consistent with its
2 mandate and jurisdiction under Presidential Decree No. 442, as amended, and other
3 labor laws, adjudicate labor and management disputes involving seafarers through
4 compulsory arbitration or alternative modes of dispute resolution.
5
- 6 (i) Philippine Coast Guard (PCG) – The PCG shall, in line with its function to enforce
7 applicable laws within the maritime jurisdiction of the Philippines, assist the DMW in
8 the enforcement of its Department Orders and other issuances implementing the MLC,
9 2006. In addition, the PCG shall be the agency tasked in ensuring that the guidelines for
10 the port state or coastal state on fair treatment of seafarers in the event of a maritime
11 accident are observed at all times.
12
- 13 (j) Public Attorney’s Office (PAO) – The PAO shall render, free of charge, legal
14 representation, assistance, and counselling to seafarers or their families in criminal, civil,
15 labor, administrative and other quasi-judicial cases. The PAO may issue appropriate
16 guidelines to ensure the effective legal representation to seafarers.
17
- 18 (k) Technical Education and Skills Development Authority (TESDA) – The TESDA shall,
19 in consultation with CHED and MARINA, develop, establish, and implement non-
20 degree courses and programs on maritime education and other quality technical
21 education and training programs for seafarers who may want to learn new skills or
22 enhance their existing skills.
23

24 Unless otherwise provided in this Act, the mandate, power and function of all existing
25 departments, agencies or instrumentalities of the government, including government-owned and
26 controlled corporations, shall remain and continue to be recognized in accordance with the law or
27 order creating them.
28

29 CHAPTER XVI
30 CONGRESSIONAL OVERSIGHT COMMITTEE
31

32 SEC. 66. *Congressional Oversight Committee.* – There is hereby created a Congressional
33 Oversight Committee to monitor the implementation of this Act, composed of five (5) members
34 from the Senate and five (5) members from the House of Representatives. The Oversight Committee
35 shall be co-chaired by the Chairperson of the Senate Committee on Migrant Workers and the
36 Chairperson of the House of Representatives Committee on Overseas Workers Affairs. The other
37 members of the Oversight Committee from the Senate and the House of Representatives, with at
38 least one (1) member from the Minority from each chamber, shall be designated by the Senate
39 President and Speaker of House of Representatives, respectively.
40

41 The Congressional Oversight Committee shall conduct periodic review of the provisions of
42 this Act every five (5) years and shall recommend the necessary amendments of this Act, if
43 warranted.
44

45 CHAPTER XVII
46 FINAL PROVISIONS
47

48 SEC. 67. *Administrative Fines and Penalties.* – Any shipowner, master, their representative
49 or other competent person who fails or refuses to present employment records, such as payrolls,
50 daily time records, pay slips or other documents, when required by the Secretary of Migrant
51 Workers or the duly authorized representative of the Secretary, or the duly authorized representative

1 of a recognized organization, shall be liable for administrative fines and penalties in accordance
2 with the IRR of this Act.

3
4 SEC. 68. *Penalties for Violations of Inspection and Enforcement.* – Any person who,
5 without proper authorization, exercises the authority granted to the Secretary of Migrant Workers
6 under Section 42 of this Act, shall be punished with a fine of not less than Two hundred thousand
7 pesos (P200,000.00) nor more than Two million pesos (P2,000,000.00), or imprisonment of not less
8 than one (1) year nor more than four (4) years, or both at the discretion of the court. The foregoing
9 offense shall prescribe after five (5) years from its commission or discovery of the violation by
10 competent authorities.

11
12 SEC. 69. *Non-diminution of Benefits.* – All rights, privileges and benefits previously
13 enjoyed by Filipino seafarers before the effectivity of this Act, including those set forth in
14 Presidential Decree No. 442, as amended, and Republic Act No. 8042, as amended, shall continue
15 to be recognized and shall not be diminished.

16
17 SEC. 70. *Appropriations.* – The amount necessary for the initial implementation of this Act
18 shall be charged against the current year’s appropriations of the departments and agencies
19 concerned. Thereafter, such amount shall be included in the annual General Appropriations Act.

20
21 SEC. 71. *Implementing Rules and Regulations.* – The DMW shall, in coordination with the
22 DFA, DOLE, DOH, OWWA, CHED, MARINA, PCG, TESDA, and PAO, and upon consultation
23 with relevant stakeholders, promulgate the necessary rules and regulations to implement the
24 provisions of this Act within ninety (90) days after its effectivity.

25
26 SEC. 72. *Separability Clause.* – If, for any reason, any section, clause or term of this Act is
27 held to be illegal, invalid, or unconstitutional, such parts not affected by such declaration shall
28 remain in full force and effect.

29
30 SEC. 73. *Repealing Clause.* – All laws, presidential decrees, issuances, executive orders,
31 letters of instruction, rules or regulations inconsistent with the provisions of this Act are hereby
32 repealed or modified accordingly.

33
34 SEC. 74. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the
35 *Official Gazette* or in a newspaper of general circulation.

Approved,