



**HOUSE OF REPRESENTATIVES**

**H. No. 7325**

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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

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**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:*

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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 (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.

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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  
10 CHAPTER VII  
11 HEALTH, WELFARE AND SOCIAL SECURITY PROTECTION

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.

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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.

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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.  
52

- 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,