



Republic of the Philippines
DEPARTMENT OF LABOR AND EMPLOYMENT
NATIONAL CONCILIATION AND MEDIATION BOARD
4th - 6th Floors, Arcadia Building, 860 Quezon Avenue, Brgy. Paligsahan, Quezon City 1103
Trunkline Number: (02) 8252-6262 loc: 700, 720, 721, 728
Email address: ncmb.dole@ncmb.gov.ph



MEMORANDUM

TO : ALL ACCREDITED VOLUNTARY ARBITRATORS,
REGIONAL BRANCH DIRECTORS,
AND OFFICERS-IN-CHARGE
This Board

SUBJECT : DISSEMINATION OF ADVISORY NO . 01, SERIES OF 2026,
ON THE CLARIFICATION ON THE APPLICATION OF SECTION
59 OF REPUBLIC ACT NO. 12021 OR THE MAGNA CARTA OF
FILIPINO SEAFARERS TO VOLUNTARY ARBITRATION CASES

DATE : 15 July 2026

Pursuant to the agreement of the Tripartite Voluntary Arbitration Advisory Council (TVAAC) during its 135th Special Meeting, attached is **Advisory No. 01, Series of 2026**, entitled "**Clarification on the Application of Section 59 of Republic Act No. 12021 or the Magna Carta of Filipino Seafarers to Voluntary Arbitration Cases.**" The Advisory was issued in response to numerous reports received by the Board regarding the inconsistent application of the said provision, with the objective of establishing uniform guidance for its implementation in voluntary arbitration proceedings, particularly with respect to the determination of the proper reckoning date for its applicability and the execution of monetary awards. The date pointed to particular date when the case is initiated at the government office until its submission to voluntary arbitration.

While the TVAAC discussed the various initiatory proceedings put forward by our Accredited Voluntary Arbitrators (AVAs), this Advisory adopted the reckoning point of application of Section 59 as deliberated and agreed during the finalization of the Implementing Rules and Regulations of the Magna Carta.

In view thereof, all Regional Branch Directors and Officers-In-Charge are hereby directed to immediately disseminate the attached Advisory to all Accredited Voluntary Arbitrators (AVAs) within their respective jurisdictions and ensure that all concerned personnel handling voluntary arbitration matters are likewise furnished copies thereof.

The AVAs and all concerned personnel are enjoined to be guided accordingly and to strictly observe the provisions of the law as clarified in the Advisory.

For information and strict compliance.


TERESITA E. AUDEA
Officer-In-Charge



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ADVISORY NO. 01
Series of 2026

CLARIFICATION ON THE APPLICATION OF SECTION 59 OF REPUBLIC ACT NO. 12021 OR THE MAGNA CARTA OF FILIPINO SEAFARERS TO VOLUNTARY ARBITRATION CASES

Pursuant to the authority vested in the National Conciliation and Mediation Board (NCMB) under Executive Order No. 126, Series of 1987, and upon the recommendation of the Tripartite Voluntary Arbitration Advisory Council (TVAAC) during its 135th Special Meeting, and in accordance with Republic Act No. 12021 (R.A. No. 12021), otherwise known as the Magna Carta of Filipino Seafarers, and Department Order No. 247, Series of 2025, this Advisory is being issued to clarify the proper reckoning date and the execution of monetary awards under Section 59 of the Act in response to numerous reports received by the NCMB regarding its inconsistent application, thereby ensuring its uniform implementation in all arbitration proceedings:

- I. **Coverage.** Section 59 of R.A. No. 12021 shall only apply to monetary awards, including but not limited to salaries, wages, statutory benefits, death and disability claims, claims for damages, and other similar awards arising from seafarer complaints filed with the National Labor Relations Commission (NLRC) or NCMB on or after October 12, 2024, the date of effectivity of the law.
- II. **Reckoning Date for Cases Submitted to Voluntary Arbitration.** For purposes of proceedings before the NCMB, the phrase "*complaints filed with the NLRC or NCMB*" under Section 1, Rule XXII of the IRR shall be understood to refer exclusively to cases formally submitted to voluntary arbitration through any of the modes provided under Section 3, Rule III of Department Order No. 255, Series of 2025 (Revised Procedural Guidelines in the Conduct of Voluntary Arbitration Proceedings). Accordingly:
 - a. A complaint shall be deemed filed with the NCMB only upon its submission to voluntary arbitration. Such submission may occur through any of the following modes: direct submission, referral from NCMB after conciliation-mediation, referral from NLRC or DOLE, referral of request for assistance, or notice to arbitrate, as applicable. Hence, the reckoning date for the application of Section 59 shall be the **filing dates** of the applicable mode of submission to voluntary arbitration such as the following:
 1. date of the direct submission to voluntary arbitration,
 2. date of filing of conciliation-mediation cases (preventive mediation or notice of strike or lockout) submitted to voluntary arbitration
 3. date of filing of request for assistance referred to voluntary arbitration, and
 4. date of filing of NLRC and DOLE cases that ordered the referral of the case to voluntary arbitration.

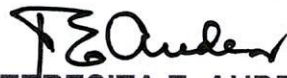
5. date of filing of notice to arbitrate.

- b. Proceedings before the grievance machinery prior to such submission to voluntary arbitration shall not be considered as filing with the NCMB for purposes of determining the applicability of Section 59.
- c. Complaints as enumerated in Section II.a. filed on or after 12 October 2024 shall be governed by Section 59 of R.A. No. 12021.
- d. Complaints filed before 12 October 2024 shall continue to be governed by the laws and rules in force at the time of their submission.

III. Execution of Monetary Awards. The execution of monetary awards in cases covered by this Advisory shall comply with the requirements of Section 59 of R.A. No. 12021 and Department Order No. 247, Series of 2025, including the requirement of posting of seafarer's bond for the execution of disputed amounts, as the case may be.

IV. Effect of Non-Compliance. Failure to observe the applicable provisions of R.A. No. 12021 and its IRR shall constitute a violation thereof and may give rise to appropriate remedies under existing laws, rules, and regulations.

Issued this 15th day of July 2026 in Quezon City, Philippines.


TERESITA E. AUDEA
Officer-in-Charge