

Republic of the Philippines
CONGRESS OF THE PHILIPPINES

NINETEENTH CONGRESS
Second Regular Session

CONFERENCE COMMITTEE REPORT

The Conference Committee on the disagreeing provisions of Senate Bill No. 2221, entitled:

**"AN ACT
PROVIDING FOR THE MAGNA CARTA OF FILIPINO SEAFARERS"**

and House Bill No. 7325, entitled:

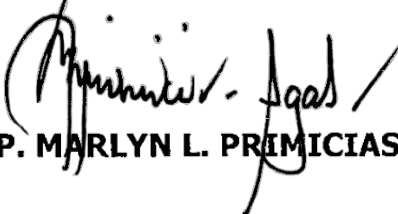
**"AN ACT
INSTITUTING THE MAGNA CARTA OF FILIPINO SEAFARERS"**

after having met and discussed the subject matter in full and free conference, agreed and hereby recommend to their respective Houses that Senate Bill No. 2221, in consolidation with House Bill No. 7325, be approved in accordance with the attached copy of the bill as reconciled and approved by the conferees.

**CONFEREES ON THE PART OF THE
HOUSE OF REPRESENTATIVES:**


REP. RON P. SALO
Chairperson

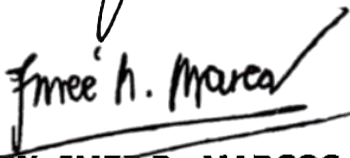

REP. SANDRO L. GONZALEZ


REP. MARLYN L. PRIMICIAS-AGABAS

**CONFEREES ON THE PART OF THE
SENATE:**


SEN. RAFFY T. TULFO
Chairperson


SEN. JOEL VILLANUEVA


SEN. IMEE R. MARCOS



REP. KHYMER ADAN T. OLASO



REP. MARISSA "DEL MAR" P. MAGSINO



SEN. FRANCIS G. ESCUDERO



SEN. RISA HONTIVEROS

w/ reservation as to the premium
bond to be paid by the seafarer,
considering that the monetary
awards to workers should be
immediately executory even
pending appeal, w/o any
condition.

**JOINT EXPLANATION OF THE BICAMERAL CONFERENCE COMMITTEE
ON THE DISAGREEING PROVISIONS OF
SENATE BILL NO. 2221 AND HOUSE BILL NO. 7325**

The Bicameral Conference Committee on the disagreeing provisions of **Senate Bill No. 2221** and **House Bill No. 7325**, after having met and fully discussed the subject matter in a conference, hereby report to their respective Houses the following:

1. The Conference Committee agreed to use both Senate Bill No. 2221 and House Bill No. 7325 as the working drafts;
2. Section 1 of both SBN 2221 and HBN 7325 were adopted by both Houses as **Section 1** of the reconciled version;
3. Sec. 2 of the Senate version, as amended by the Senate, was adopted as **Sec. 2** of the reconciled bill;
4. Sec. 3 of both Senate and House versions were consolidated, and was adopted as **Sec. 3** of the reconciled bill;
5. Sec. 4 of both Senate and House versions were consolidated, and was adopted as **Sec. 4** of the reconciled bill;
6. Sec. 5 of the Senate version was adopted as **Sec. 5** of the reconciled bill;
7. Sec. 6 of the Senate version, as amended by the House, was adopted as **Sec. 6** of the reconciled bill;
8. Sec. 7 of the Senate version was adopted as **Sec. 7** of the reconciled bill;
9. Sec. 8 of the Senate version was adopted as **Sec. 8** of the reconciled bill;
10. Sec. 9 of the Senate version was adopted as **Sec. 9** of the reconciled bill;
11. Sec. 10 of the Senate version was adopted as **Sec. 10** of the reconciled bill;
12. Sec. 11 of the Senate version was adopted as **Sec. 11** of the reconciled bill;

13. Sec. 12 of the Senate version was adopted as **Sec. 12** of the reconciled bill;
14. Sec. 13 of the Senate version was adopted as **Sec. 13** of the reconciled bill;
15. Sec. 14 of the Senate version was adopted as **Sec. 14** of the reconciled bill;
16. Sec. 13 of the House version was adopted as **Sec. 15** of the reconciled bill;
17. Sec. 15 of the Senate version was adopted as **Sec. 16** of the reconciled bill;
18. Sec. 16 of the Senate version and Sec. 15 of the House versions were adopted as **Sec. 17** of the reconciled bill;
19. Sec. 17 of the Senate version was adopted as **Sec. 18** of the reconciled bill;
20. Sec. 18 of the Senate version was adopted as **Sec. 19** of the reconciled bill;
21. Sec. 17 of the House version was adopted as **Sec. 20** of the reconciled bill;
22. Sec. 19 of the Senate version was adopted as **Sec. 21** of the reconciled bill;
23. Sec. 20 of the Senate version was adopted as **Sec. 22** of the reconciled bill;
24. Sec. 21 of the Senate version was adopted as **Sec. 23** of the reconciled bill;
25. Sec. 22 of the Senate version was adopted as **Sec. 24** of the reconciled bill;
26. Sec. 23 of the Senate version was adopted as **Sec. 25** of the reconciled bill;
27. Sec. 24 of the Senate version was adopted as **Sec. 26** of the reconciled bill;
28. Sec. 25 of the Senate version was adopted as **Sec. 27** of the reconciled bill;
29. Sec. 26 of the Senate version was adopted as **Sec. 28** of the reconciled bill;
30. Sec. 27 of the Senate version was adopted as **Sec. 29** of the reconciled bill;
31. Sec. 28 of the Senate version was adopted as **Sec. 30** of the reconciled bill;
32. Sec. 29 of the Senate version was adopted as **Sec. 31** of the reconciled bill;
33. Sec. 30 of the Senate version was adopted as **Sec. 32** of the reconciled bill;
34. Sec. 31 of the Senate version was adopted as **Sec. 33** of the reconciled bill;

35. Sec. 27 of the House version, as amended by both Houses, was adopted as **Sec. 34** of the reconciled bill;
36. Sec. 33 of the Senate version was adopted as **Sec. 35** of the reconciled bill;
37. Sec. 34 of the Senate version, as amended by the House, was adopted as **Sec. 36** of the reconciled bill;
38. Sec. 35 of the Senate version was adopted as **Sec. 37** of the reconciled bill;
39. Sec. 36 of the Senate version was adopted as **Sec. 38** of the reconciled bill;
40. Sec. 37 of the Senate version was adopted as **Sec. 39** of the reconciled bill;
41. Sec. 38 of the Senate version, as amended by the House, was adopted as **Sec. 40** of the reconciled bill;
42. Sec. 39 of the Senate version and Sec. 25 of the House version were adopted as **Sec. 41** of the reconciled bill;
43. Sec. 40 of the Senate version was adopted as **Sec. 42** of the reconciled bill;
44. Sec. 41 of the Senate version was adopted as **Sec. 43** of the reconciled bill;
45. Sec. 42 of the Senate version was adopted as **Sec. 44** of the reconciled bill;
46. Sec. 43 of the Senate version was adopted as **Sec. 45** of the reconciled bill;
47. Sec. 44 of the Senate version was adopted as **Sec. 46** of the reconciled bill;
48. Sec. 45 of the Senate version was adopted as **Sec. 47** of the reconciled bill;
49. Sec. 46 of the Senate version was adopted as **Sec. 48** of the reconciled bill;
50. Sec. 47 of the Senate version and Sec. 41 of the House version were adopted as **Sec. 49** of the reconciled bill;
51. Sec. 48 of the Senate version, as amended by the House, was adopted as **Sec. 50** of the reconciled bill;
52. Sec. 49 of the Senate version, as amended by the House, was adopted as **Sec. 51** of the reconciled bill;

53. Sec. 50 of the Senate version was adopted as **Sec. 52** of the reconciled bill;
54. Sec. 51 of the Senate version was adopted as **Sec. 53** of the reconciled bill;
55. Sec. 52 of the Senate version was adopted as **Sec. 54** of the reconciled bill;
56. Sec. 53 of the Senate version was adopted as **Sec. 55** of the reconciled bill;
57. Sec. 54 of the Senate version was adopted as **Sec. 56** of the reconciled bill;
58. A new section was adopted as **Sec. 57** of the reconciled bill;
59. Sec. 55 of the Senate version, as amended by the House, was adopted as **Sec. 58** of the reconciled bill;
60. Sec. 56 of the Senate version, as amended by the Senate, was adopted as **Sec. 59** of the reconciled bill;
61. Sec. 57 of the Senate version was adopted as **Sec. 60** of the reconciled bill;
62. Sec. 58 of the Senate version was adopted as **Sec. 61** of the reconciled bill;
63. Sec. 59 of the Senate version was adopted as **Sec. 62** of the reconciled bill;
64. Sec. 60 of the Senate version was adopted as **Sec. 63** of the reconciled bill;
65. Sec. 61 of the Senate version was adopted as **Sec. 64** of the reconciled bill;
66. Sec. 62 of the Senate version was adopted as **Sec. 65** of the reconciled bill;
67. Sec. 63 of the Senate version was adopted as **Sec. 66** of the reconciled bill;
68. Sec. 64 of the Senate version was adopted as **Sec. 67** of the reconciled bill;
69. Sec. 65 of the Senate version was adopted as **Sec. 68** of the reconciled bill;
70. Sec. 66 of the Senate version was adopted as **Sec. 69** of the reconciled bill;
71. Sec. 67 of the Senate version, as amended by the Senate, was adopted as **Sec. 70** of the reconciled bill;
72. Sec. 68 of the Senate version was adopted as **Sec. 71** of the reconciled bill;
73. Sec. 69 of the Senate version was adopted as **Sec. 72** of the reconciled bill;

74. Sec. 70 of the Senate version was adopted as **Sec. 73** of the reconciled bill;
75. Sec. 71 of the Senate version was adopted as **Sec. 74** of the reconciled bill;
76. Sec. 72 of the Senate version was adopted as **Sec. 75** of the reconciled bill;
77. Sec. 73 of the Senate version was adopted as **Sec. 76** of the reconciled bill;
78. Sec. 74 of the Senate version was adopted as **Sec. 77** of the reconciled bill;
79. Sec. 75 of the Senate version was adopted as **Sec. 78** of the reconciled bill;
80. Sec. 76 of the Senate version was adopted as **Sec. 79** of the reconciled bill;
81. Sec. 77 of the Senate version was adopted as **Sec. 80** of the reconciled bill;
82. Sec. 78 of the Senate version was adopted as **Sec. 81** of the reconciled bill;
83. Sec. 55 of the House version was adopted as **Sec. 82** of the reconciled bill;
84. Sec. 79 of the Senate version was adopted as **Sec. 83** of the reconciled bill;
85. Sec. 57 of the House version, as amended by both Houses was adopted as **Sec. 84** of the reconciled bill;
86. Sec. 58 of the House version, as amended by both Houses was adopted as **Sec. 85** of the reconciled bill;
87. A new section was inserted, and was adopted as **Sec. 86** of the reconciled bill;
88. A new section was inserted, and was adopted as **Sec. 87** of the reconciled bill;
89. Sec. 80 of the Senate version was adopted as **Sec. 88** of the reconciled bill;
90. Sec. 81 of the Senate version and Sec. 60 of the House version, were adopted as **Sec. 89** of the reconciled bill;
91. Sec. 82 of the Senate version and Sec. 61 of the House version, were adopted as **Sec. 90** of the reconciled bill;
92. Sec. 83 of the Senate version and Sec. 62 of the House version, were adopted as **Sec. 91** of the reconciled bill;

93. Sec. 84 of the Senate version and Sec. 63 of the House version, were adopted as **Sec. 92** of the reconciled bill;
94. Sec. 85 of the Senate version was adopted as **Sec. 93** of the reconciled bill;
95. Sec. 86 of the Senate version was adopted as **Sec. 94** of the reconciled bill;
96. Sec. 87 of the Senate version, as amended by the House, was adopted as **Sec. 95** of the reconciled bill;
97. Sec. 88 of the Senate version, as amended by the House, was adopted as **Sec. 96** of the reconciled bill;
98. Sec. 89 of the Senate version, was adopted as **Sec. 97** of the reconciled bill;
99. Sec. 90 of the Senate version was adopted as **Sec. 98** of the reconciled bill;
100. Sec. 91 of the Senate version was adopted as **Sec. 99** of the reconciled bill;
101. Sec. 92 of the Senate version was adopted as **Sec. 100** of the reconciled bill;
102. Sec. 93 of the Senate version was adopted as **Sec. 101** of the reconciled bill;
103. Sec. 94 of the Senate version was adopted as **Sec. 102** of the reconciled bill;
104. Sec. 95 of the Senate version was adopted as **Sec. 103** of the reconciled bill;
105. Sec. 71 of the House version, as amended by both Houses, was adopted as **Sec. 104** of the reconciled bill;
106. Sec. 97 of the Senate version was adopted as **Sec. 105** of the reconciled bill;
107. Sec. 98 of the Senate version was adopted as **Sec. 106** of the reconciled bill;
108. Sec. 99 of the Senate version was adopted as **Sec. 107** of the reconciled bill;
109. The title of Senate Bill 2221 was adopted by both Houses as the title of the bill.

In case of a conflict between the statements/amendments ~~stated~~ in this Joint Explanatory Statement and that of the provisions of the consolidated bill in the accompanying Conference Committee Report, the provisions of the latter shall prevail.

Approved,



REP. RON P. SALO
Chairperson
House Panel



SEN. RAFFY T. TULFO
Chairperson
Senate Panel

**REPUBLIC OF THE PHILIPPINES
CONGRESS OF THE PHILIPPINES**

NINETEENTH CONGRESS
Second Regular Session

REPUBLIC ACT NO. _____

**AN ACT
PROVIDING FOR THE MAGNA CARTA OF FILIPINO SEAFARERS**

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

CHAPTER I

DECLARATION OF POLICY

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

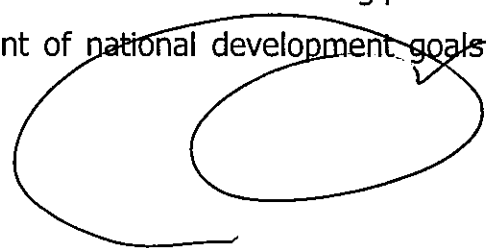
SEC. 2. Declaration of Policies and Objectives. – The State shall protect the rights and overall welfare of domestic and overseas Filipino seafarers, promote their full employment, and ensure equal opportunities in the maritime industry regardless of sex or creed, including equitable access to education, training, and development consistent with existing domestic and international laws, standards, and conventions, particularly the Maritime Labour Convention, 2006 (MLC, 2006) and the International Convention on Standards of Training, Certification, and Watchkeeping for Seafarers (STCW Convention).

The State shall endeavor to secure decent working and living conditions for seafarers; standardize the terms and conditions of their employment; promote their skills and competencies; regulate operations of manning agencies and incentivize maritime stakeholders; establish and enhance mechanisms for administrative, adjudicative, and social and welfare services for the seafarers and their families.

The State shall 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.

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- Top: A small scribble.
- Middle: "Punished - good" with a checkmark.
- Below: A vertical line with a circle at the bottom.
- Further down: "Magna Carta" written vertically.
- Bottom: A large, stylized signature or scribble.

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- Top: "SEA-CO."
- Middle: "Free h. Marca" with a checkmark and a line through it.
- Bottom: A signature.



The State shall likewise ensure that appropriate actions are imposed for violations of human rights at sea, that effective sanctions shall be adopted in deterring the future abuses, and ensuring that those who engage in human rights violations do not benefit from their illegal actions.

Towards these ends, shipowners, Maritime Higher Education Institutions (MHEIs), manning and recruitment entities shall be recognized as vital partners in protecting and empowering Filipino seafarers.

CHAPTER II
GENERAL PROVISIONS

SEC. 3. Coverage. – This Act shall cover both domestic and overseas Filipino seafarers, and Filipino cadets undergoing shipboard training, in accordance with Chapter XVIII (Shipboard Training of Cadets) of this Act.

Provided, That Chapter VII (Terms and Conditions of Employment of Overseas Seafarers) and Chapter XII (Repatriation) shall not apply to domestic seafarers.

Provided, Further, That Chapter XIV (Domestic Filipino Seafarers) shall not apply to overseas Filipino seafarers.

Provided, Finally, That this Act shall not cover both domestic and overseas seafarers on board the following categories of ships:

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

SEC. 4. Definition of Terms. – As used in this Act, the following terms shall have the following meaning:

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

- (1) Fails to cover the cost of the seafarer's repatriation; or
- (2) Has left the seafarer without the necessary maintenance and support, which include adequate food, accommodation, drinking water supplies, essential fuel for survival on board the ship and necessary medical care; or

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(3) Has otherwise unilaterally severed its ties with the seafarer, including failure to pay contractual wages for a period of at least two (2) months;

(b) *Cadet* refers to a student of a maritime educational institution who is at least sixteen (16) years of age and required to undergo training on board a registered ship covered by this Act to fulfill a maritime degree or technical course;

(c) *Domestic Seafarer* refers to a seafarer who has been engaged, employed or works in any capacity on board a domestic ship;

(d) *Domestic Ship* refers to a ship duly registered and licensed under Philippine law to engage in trade and commerce between Philippine ports and within Philippine territorial or internal waters, for hire or compensation, with general or limited clientele, whether permanent, occasional or incidental, with or without fixed routes, and done for contractual or commercial purposes;

(e) *Employment Contract* refers to the written agreement between a domestic seafarer and shipowner, in accordance with the provisions of Chapter XIV of this Act;

(f) *Green Lane* refers to a controlled travel corridor facilitating in the shortest time possible a safe and swift entry of seafarers with a valid Seafarers' Identity Document and other relevant documents, and if appropriate, exempting seafarers from travel- or health-related movement restrictions during public health emergencies when entry is requested for:

(1) Onboarding the ship to which they are deployed or transferring to another ship; or

(2) Passing in transit to join the ship to which they are deployed in another country or for repatriation; or

(3) Any other legitimate purpose as may be approved by relevant authorities;

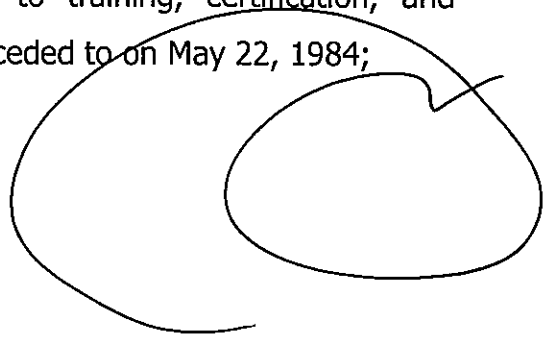
(g) *International Convention on Standards of Training, Certification, and Watchkeeping for Seafarers (STCW Convention)* refers to the international convention that establishes the minimum standards relating to training, certification, and watchkeeping for seafarers, which the Philippines acceded to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

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(h) *International Maritime Convention or International Convention* refers to any written treaty or agreement, or any protocol or amendment thereto, affecting the maritime industry, which has come into force and effect, including the MLC, 2006;

(i) *Manning Agency* refers to a natural or juridical person duly licensed by the Secretary of the Department of Migrant Workers (DMW) to engage in the recruitment and placement of seafarers;

(j) *Maritime Accident* refers to any unforeseen occurrence or physical event connected to the navigation, operations, maneuvering, or handling of ships, or the machinery, equipment, material, or cargo on board such ships which may result in the detention of seafarers;

(k) *Maritime Higher Education Institution or MHEI* refers to any institution of higher learning which is authorized by the CHED to offer college education through four (4)-year or five (5)-year courses in the maritime field leading to the degree of, among others, Bachelor of Science in Marine Transportation (BSMT), Bachelor of Science in Marine Engineering (BSMarE), and Bachelor of Science in Naval Architecture;

(l) *Maritime Industry Stakeholders* refers to all private sector stakeholders engaged in the business of owning, managing, chartering or operating domestic and international ship/s of Philippine or foreign registry, manning of ships, management of ports, stevedoring and arrastre services, ship brokering and chartering, shipbuilding and ship repair, providing maritime services, such as ship supplies and provisions, maritime education and training, shipping agency, and other similar activities.

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

(m) *Maritime Labour Certificate* refers to the document, complemented by a declaration of maritime labour compliance, that constitutes as *prima facie* evidence that the Philippine-flagged vessel has been duly inspected and, to the extent so certified, is compliant with the requirements of the MLC, 2006, as amended, relating to working and living conditions of the seafarers and of applicable Philippine laws and regulations;

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James H. Morca

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(n) *Maritime Labour Convention 2006 (MLC, 2006)* refers to the consolidated Maritime Labour Convention approved by the International Labour Organization (ILO) in 2006 and ratified by the Philippines on August 20, 2012;

(o) *Master* refers to a person having command of a ship and acts as the shipowners' representative;

(p) *Non-degree Courses and Programs on Maritime Education and Training* refers to technical education or the education process designed at post-secondary and lower tertiary levels, officially recognized as non-degree programs aimed at preparing technicians, para-professionals and other categories of middle-level workers by providing them with a broad range of general education, theoretical, scientific and technological studies, and related job skills training associated with occupations developed and implemented by the Technical Education and Skills Development (TESDA), in consultation with the Commission on Higher Education (CHED) and the Maritime Industry Authority (MARINA), consistent with its mandate under Republic Act No. 7796, otherwise known as the "TESDA Act of 1994". This does not include associate degree programs on maritime education which are under the jurisdiction of CHED;

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

(r) *Officer* refers to a member of the crew, other than the master, who has been designated as such by national law or regulation, or, in the absence of such designation, by collective agreement or custom;

(s) *One-Stop Shop Center for Seafarers* refers to a unit in the one-stop shop center provided under Section 11 of Republic Act No. 11641, otherwise known as the "Department of Migrant Workers Act", that shall handle the specific concerns of seafarers, and shall, as far as practicable, be located in major crew-change ports, specifically in Metro Manila, Pangasinan, Bulacan, Cavite, Batangas, Iloilo, Cebu, Cagayan De Oro City, Davao City and other areas to be determined by DMW, to facilitate easy access to all relevant government clearances and permits, employment documents, validation of job offers, reintegration services, seminars or training for upskilling or retooling, and all other services including legal assistance;

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(t) *Overseas Seafarer* refers to a seafarer who has been engaged, employed, or works in any capacity on board a ship or vessel plying international waters, whether Philippine-registered or foreign-registered;

(u) *Place of Domicile* refers to the home address of seafarers as declared in the standard employment contract;

(v) *Point of Hire* refers to the place indicated in the contract of employment, and which shall be the basis in determining the commencement of the contract;

(w) *Recognized Organizations* refer to organizations recognized and authorized by the Department of Labor and Employment (DOLE), as competent, independent and has the necessary expertise relevant to the MLC, 2006 to carry out inspections, require rectification of identified deficiencies in the working and living conditions of seafarers, and issue the appropriate maritime labour certificates on behalf of the DOLE on Philippine-flagged ships;

(x) *Repatriation* refers to the process of returning a seafarer to the point of hire; or in the case of incapacity, which need not be permanent, or death, the seafarer, or their remains, shall be repatriated to the point of hire or the seafarer's place of domicile at the option of the seafarer or the seafarer's next of kin;

(y) *Seafarer* refers to any Filipino, including cadets, who is engaged, employed, or working in any capacity on board a ship covered under this Act;

For purposes of this Act, a seafarer is deemed "engaged" as such if the seafarer has signed a valid employment contract but has yet to leave the point of hire. In the case of a cadet, one is deemed engaged upon signing of a valid shipboard training agreement.

Nothing in this Act shall diminish the protection given to overseas Filipino workers under Republic Act No. 11641, including to seafarers who are still to be engaged as such;

(z) *Ship or Vessel* refers to any kind, class or type of craft or artificial contrivance capable of floating in water, whether publicly or privately owned, ordinarily engaged in commercial activities, other than one which navigates exclusively in inland water or in water within or closely adjacent to sheltered water, or areas where port regulations apply;

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(aa) *Shipowner or Principal* refers to the owner of the ship employing Filipino seafarers to work on board domestic ships and ships engaged in international trade, or any other organization or person, such as the manager, agent or bareboat charterer, who has assumed the responsibility for operation and management of the ship from the shipowner, and who, in assuming such responsibilities, has agreed to take over all the attendant duties and responsibilities of a shipowner under this Act, regardless of whether any other organization or persons fulfill certain duties or responsibilities on behalf of the shipowner; and

(bb) *Standard Employment Contract (SEC)* refers to a government-prescribed contract containing at least the minimum terms and conditions of employment in accordance with this Act.

CHAPTER III

SEAFARER'S RIGHTS

SEC. 5. *Right to Just Terms and Conditions of Work.* – Seafarers shall have the right to:

- (a) A safe and secure workplace that complies with safety standards;
- (b) Fair terms and conditions of employment;
- (c) Decent working and living conditions on board a ship; and
- (d) Appropriate medical care and confirmatory diagnostic tests, welfare measures and other forms of health and social protection.

SEC. 6. *Right to Self-Organization and to Collective Bargaining.* – Seafarers shall have the right to form, join or assist in the formation of a labor organization of their own choosing for purposes of collective bargaining, to engage in concerted activities in accordance with law, and to participate in the deliberation of issues and in the formulation of policies that affect them, including the guarantee of representation in governing boards or appointment in government instrumentalities.

In the exercise of this right, the exemptions from taxes, duties and other assessments provided in Article 251 of Presidential Decree No. 442, otherwise known as the "Labor Code of the Philippines", as amended, shall continue to be enjoyed by legitimate labor organizations of seafarers, without need to apply for or confirm such

exemptions, which may be withdrawn only by a special law expressly repealing this provision.

SEC. 7. Right to Educational Advancement and Training at Reasonable and Affordable Costs. – Seafarers shall have access to educational advancement and training at reasonable and affordable costs. No fees or other charges, other than tuition and other miscellaneous fees, shall be imposed on cadets or other persons similarly situated.

Toward this end, relevant government agencies shall:

- (a) Regulate the operation of all educational and training institutions offering courses related to seafaring or maritime education;
- (b) Pursue grant programs, such as scholarships, subsidies, loan assistance and other measures that will harness the skills of seafarers toward greater competitiveness given the new and evolving demands in the industry;
- (c) Promote quality maritime education and training that respond to the needs of the industry and in accordance with minimum international maritime standards of competency; and
- (d) Afford enhanced access to educational advancement and training of women in the seafaring industry.

The CHED, National Maritime Polytechnic (NMP) and MARINA shall work together to mainstream gender and development in the curricula of maritime institutions and training centers.

SEC. 8. Right to Information. – Shipowners, manning agencies, and other organizations responsible for the recruitment and placement of seafarers shall provide seafarers relevant information, including the terms and conditions of employment, company policies affecting seafarers, conditions and realities attending to their profession, and necessary laws and regulations of countries covered by their sojourn. In addition, the seafarers shall, at all times, be furnished a copy of the duly executed SEC, as well as the results of the medical examination conducted on him/her. The right shall also include the right of seafarers' organizations to relevant information affecting the terms and conditions of employment of their members, subject to the provisions of Republic Act No. 10173, otherwise known as the "Data Privacy Act of 2012."

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Francis H. Maraca

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

SEC. 9. Right to Information of a Seafarer's Family or Next-of-Kin. – In critical incidents, such as accidents or deaths on board or offshore, piracy, abandonment of vessel, and other similar cases, the seafarer's family or next-of-kin shall be immediately informed of the incident, including investigation reports, action/s taken, and plans by the shipowner and the manning agency concerned with regard to remedies, mitigation or repatriation.

In addition, it shall be the duty of the shipowner and the manning agency, within five (5) days from being informed of the incident, to report to DMW for overseas seafarers, or to DOLE for Filipino domestic seafarers, such incident and the details to the family or next-of-kin of the concerned seafarer/s, which shall subsequently provide the appropriate assistance.

SEC. 10. Right to Safe Passage and Safe Travel. – Seafarers shall be accorded the rights to safe passage and safe travel, including the right to embark and disembark in third countries when in transit, and the right to be repatriated and return home.

SEC. 11. Right to Consultation. – Seafarers and maritime stakeholders both on board and in the Philippines shall be adequately consulted before the adoption of any maritime policy, executive issuance, rules or regulations, or in the enactment of any maritime law that may directly affect the seafarers and/or their families and beneficiaries.

SEC. 12. Right Against Discrimination. – Seafarers shall have the right to be protected from discrimination on the basis of race, sex, gender, religion, or political opinion, taking into consideration the inherent requirements of the particular job or undertaking. Career opportunities shall be promoted, and appropriate working and living conditions shall be guaranteed equally among male and female seafarers.

SEC. 13. Right to be Protected Against All Forms of Harassment and Bullying. – Seafarers shall be protected against all forms of harassment and bullying while on board ships or onshore. The shipowner shall put policies in place for the protection of

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all crew members. Maritime stakeholders and seafarers shall ensure that harassment and bullying do not take place.

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

For this purpose, the Pre-Departure Orientation Seminar (PDOS) of seafarers shall include the policies, plans and accessible procedures to eliminate and address all forms of harassment and bullying on board ships and onshore.

SEC. 14. Right to Free Legal Representation. – Seafarers shall have the right to free legal assistance and protection at the expense of the government, and to the fair and speedy disposition of the case, including the expeditious settlement of any money claims, subject to existing rules and regulations, in cases of violations of this Act or breach of contract and the seafarer cannot afford the services of a counsel.

SEC. 15. Right to an Appropriate Grievance Mechanism. – Seafarers shall have the right to avail of an expeditious and inexpensive grievance mechanism to address and resolve their complaints, disputes, grievances and controversies.

SEC. 16. Right to Immediate Medical Attention. – Seafarers shall be provided immediate and adequate medical services, medicines, and medical supplies on board, and access to shore-based medical facilities, including mental health services, for the protection of their physical and mental well-being, as well as the corresponding medical or trained personnel who shall provide first-aid and medical care, pursuant to the Maritime Occupational Safety and Health guidelines provided under this Act.

SEC. 17. Right to Access to Communication. – Seafarers, especially during their free time or when they are not on duty, shall have reasonable access to ship-to-shore telephone communications, email and internet facilities, where available.

SEC. 18. Right to Record of Employment or Certificate of Employment. – At the expiration of the employment contract of the seafarer, the seafarer shall be given a record of his/her employment on board the ship or a certificate of employment specifying the length of service, the position the seafarer occupied, an account of his/her final wages, and such other relevant information.

SEC. 19. Right to Fair Treatment in the Event of a Maritime Accident. – Seafarers shall be treated fairly in the event of a maritime accident following the ILO and

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International Maritime Organization (IMO) 2006 Guidelines on Fair Treatment of Seafarers in the Event of a Maritime Accident and its amendments.

SEC. 20. Right to a Fair Medical Assessment. – A seafarer shall have the right to seek a second opinion from other accredited clinics of the Department of Health (DOH) or from other competent and licensed physicians whenever there is doubt on the medical assessment of an examining physician or clinic which negatively affects the seafarer's immediate employment. If the clinic or physician selected by the seafarer disagrees with the first assessment, a third doctor (from any DOH-accredited clinic or from a DOH regional or provincial hospital), jointly-selected by the employer and the seafarer, may be hired by the shipowner or manning agency, at no expense to the seafarer, to make a third medical assessment. The findings of the third doctor shall be final and binding on both parties.

SEC. 21. Right to Vote in National Elections. – Seafarers who are qualified and registered voters may vote in national elections, as well as in all national referenda and plebiscites, in accordance with the provisions of Republic Act No. 10590, otherwise known as "The Overseas Voting Act of 2013."

CHAPTER IV

WOMEN IN THE MARITIME INDUSTRY

SEC. 22. Discrimination Against Women Seafarers. – Women seafarers shall be protected from gender-based discriminatory practices, which shall include, but not be limited to, the following:

(a) Undue regard for the distinctive needs of women, and failure to promote their health, security, dignity, and general welfare;

(b) Payment of a lesser compensation, including other forms of remuneration and fringe benefits, to female seafarers as against male seafarers, for work of equal value; and

(c) Undue advantage given to male seafarers over female seafarers with respect to promotion, training opportunities, study and scholarship grants, solely on account of their gender.

SEC. 23. Gender and Development. – Shipowners, manning agencies, and maritime training institutions shall formulate and ensure that policies on gender and

development are in place to promote women's rights to adequate training and opportunities free from discrimination, harassment, and bullying.

CHAPTER V

DUTIES OF SEAFARERS

SEC. 24. Duties of a Seafarer. – Seafarers shall have the following duties:

- (a) To faithfully comply with and observe the terms and conditions of one's employment contract;
- (b) To abide by lawful and reasonable company personnel policies and procedures and the Code of Ethics for seafarers;
- (c) To follow and observe the chain of command on board the ship or while ashore, without prejudice to one's religious freedom;
- (d) To be diligent in performing one's duties relating to the ship, its stores, equipment, and cargo, whether on board, in transit, or ashore;
- (e) To continually improve one's professional competency by keeping up-to-date with the latest technological and scientific developments applied in various maritime fields, continuous education, and keen observation of shipboard activities at the expense of the shipowner;
- (f) To conduct oneself in an orderly and respectful manner towards shipmates, passengers, shippers, stevedores, port authorities, and other persons who have official business with the ship at all times;
- (g) To conduct oneself in accordance with moral, ethical and social norms;
- (h) To be responsible for one's health while on board by maintaining a healthy lifestyle, taking proper medications, and complying with prescribed medical policies; and
- (i) To perform one's duties in a responsible and sustainable manner should one engage in various economic activities related to oceans, seas and coasts.

SEC. 25. Minimum Age. – Except for cadets, the minimum age required for employment or engagement to work on board Philippine-registered ships operating domestically or internationally and on board foreign-registered ships shall be eighteen (18) years old.

SEC. 26. Pre-Employment Medical Examination (PEME). – All PEME of seafarers shall be performed only in DOH-accredited medical facilities following the standards set by the DOH.

It is the duty of a seafarer undergoing PEME to answer all questions relating to one's complete medical history truthfully: *Provided*, That the processing of the medical information collected shall be subject to compliance with Republic Act No. 10173.

SEC. 27. Medical Certificate. – As a pre-requisite for employment on board a domestic or ocean-going ship, all seafarers shall be required to secure a medical certificate issued by a DOH-accredited medical facility after undergoing a PEME.

It shall certify that the seafarer has met the minimum health requirements for performing duties specific to the post, and is physically and mentally fit to work.

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

SEC. 28. Training and Qualifications. – Only seafarers certified by appropriate government agencies according to the STCW Convention and other applicable international standards shall be allowed to work and be employed on board a ship.

CHAPTER VI

MANNING AGENCIES

SEC. 29. Recruitment and Placement. – Only duly licensed manning agencies shall be allowed to operate and engage in the recruitment and placement of seafarers following existing laws, rules, and regulations. In no event shall recruitment or placement fees and related costs, including the cost of visas, be directly or indirectly levied or collected, in whole or in part, from the seafarers or their families: *Provided*, That only the cost of obtaining medical certificate, seafarer's record book, and passport, or other similar travel documents, may be charged to the seafarer.

All practices and mechanisms that tend to prevent qualified seafarers from gaining employment shall also be prohibited.

SEC. 30. Nature of Liability. – The manning agency shall be jointly and severally liable with the principal or shipowner for any and all claims arising out of the implementation of the employment contract involving Filipino seafarers.

SEC. 31. Duties and Responsibilities. – The duties and responsibilities of manning agencies shall also include, but are not limited to, the following:

(a) maintain an up-to-date register of all seafarers recruited or placed through them, to be made available for inspection by the DMW and the MARINA;

(b) To inform seafarers of their rights and duties under their employment contracts before or in the process of engagement;

(c) To allow seafarers to examine their employment contracts before and after signing and furnish them a copy thereof;

(d) To verify, before deployment, that the seafarers recruited or placed are competent, qualified, and possess the documents necessary for the job concerned, and their employment contracts conform with applicable laws, rules, and regulations, and the CBA which may form part of said agreements, if any;

(e) To ensure, as far as practicable, that the shipowner has the means to protect seafarers from being stranded in a foreign port;

(f) To examine and respond to any complaint concerning the agency's activities and submit a written report on all unresolved complaints to the DMW and the MARINA; and

(g) To establish a system of protection, by way of insurance or an equivalent mechanism, to compensate seafarers for monetary loss due to the failure of the agency or the relevant shipowner under the seafarers' employment contract to meet its obligations to them.

CHAPTER VII

TERMS AND CONDITIONS OF EMPLOYMENT OF OVERSEAS SEAFARERS

SEC. 32. Standard Employment Contract (SEC). – An SEC between the shipowner and the overseas seafarer shall be in writing and shall include, but not be limited to, the following information and terms:

(a) Seafarer's full name, date of birth, age, birthplace, permanent or residential address;

(b) Seafarer's Record Book Number, Seafarer's Identity Document Number, Seafarer's Registration Number, and other necessary documentation as may be required by other appropriate government agencies;

(c) Shipowner's name and address;

(d) Place and date of execution of the seafarer's employment contract;

(e) Duration of the contract;

(f) Point of hire;
(g) Capacity in which the seafarer is to be employed;
(h) Amount of the seafarer's salary and the formula used for calculating the same;

(i) Maximum hours of work and minimum hours of rest;

(j) Wages and wage-related benefits, which include, but are not limited to, overtime pay, holiday pay, vacation leave pay, premium pay, paid leaves, and 13th-month pay, if applicable;

(k) Compensation and benefits for occupational injury, illness, or death;

(l) The mandatory process for the determination of the final and binding disability grading to be determined by a DOH-accredited third doctor who is an expert in the disability of the seafarer, in case of conflict between the findings of the company and the seafarer's doctor.

(m) Social security and welfare benefits, including compulsory insurance coverage as provided under Section 37-A of Republic Act No. 8042, otherwise known as the "Migrant Workers and Overseas Filipinos Act of 1995," as amended, and Section 6(n) of Republic Act No. 11641;

(n) Stipulations on repatriation or similar undertakings;

(o) Separation pay and retirement pay, if applicable;

(p) Reference to the CBA, if applicable;

(q) Other benefits provided by law, company policy, or CBA; and

(r) Termination of the contract and the conditions thereof, including:

(1) If the contract is for an indefinite duration, the conditions entitling either party to terminate it and the period to give notice which shall not be less for the shipowner than for the seafarer;

(2) If the contract is for a definite duration, the date fixed for its expiry; and

(3) If the contract is for a voyage, the port of destination and the time which has to expire after arrival before the seafarer's discharge.

The SEC shall be in English, or translated in the language known to the seafarer, and executed in four (4) original copies before the commencement of the employment.

The shipowner and the seafarer shall each have a signed original of the agreement. In addition, a signed original shall be made available on board the ship.

The DMW shall issue an SEC containing at least the minimum standards for seafarers' employment for ocean-going Philippine or foreign-registered ships, which shall be subject to review and regularly updated to ensure its conformity with the MLC, 2006, and other existing treaties and conventions governing seafarers which the Philippines has ratified.

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SEC. 33. Hours of Work and Hours of Rest. – For purposes of this Act, the term:

(a) Hours of work refer to the time seafarers are required to do work on account of the ship;

(b) Hours of rest refer to the time spent outside work hours but do not include short breaks.

A seafarer's normal work hours shall be eight (8) hours a day with one (1) rest day per week. If the seafarer is required to work beyond eight (8) hours, the maximum hours of work shall not exceed fourteen (14) hours in any twenty-four (24)-hour period and seventy-two (72) hours in any seven (7)-day period.

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

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

Seafarers shall be entitled to reasonable periods of offshore leaves while the vessel is docked for their health and well-being, subject to proportionate and specifically adopted rules, regulations, and measures of the port state.

SEC. 34. Entitlement to Leave. – Unless higher annual leave is provided under the CBA, or by the shipowner as company practice or policy, or by the SEC, seafarers shall be paid an annual leave to be calculated on the basis of a minimum of 3.5 calendar days per month of employment, without prejudice to any future increases as may be prescribed by laws, rules, or regulations.

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SEC. 35. Wages. – Without prejudice to higher rates provided under a CBA or by the shipowner as company practice or policy, the minimum wage applicable to seafarers on board ocean-going ships of Philippine or foreign registry shall be as provided in the SEC, which shall in no case be lower than the prevailing industry standard on ocean-going seafaring wage rates for officers and other members of the ship's crew, and regularly paid in full at least once a month.

SEC. 36. Allotment and Remittances of Wages. – The seafarer is required to make an allotment which shall be payable once a month to the seafarer's designated allottee in the Philippines through any authorized Philippine bank. The employer shall provide the seafarer with facilities to do so at no expense to the seafarer. The allotment shall be at least eighty percent (80%) of the seafarer's monthly salary.

The employer may also provide facilities for the seafarer to remit any amount earned in excess of the seafarer's allotment, including backwages, if any, to the seafarer's designated allottee in the Philippines through any authorized Philippine bank without any charge.

The allotments shall be paid to the designated allottee in Philippine currency at the rate of exchange at the time of remittance indicated in the credit advice of the local authorized Philippine bank.

SEC. 37. Limitations on Wage Deductions. – Unless stipulated in the employment contract or as otherwise provided by law, deductions shall not be allowed without the seafarer's prior written consent.

SEC. 38. Personal Effects. – A seafarer may bring a reasonable number of articles on board the ship for personal use: *Provided*, That neither shall it cause inconvenience to the ship or cargo nor pose any risk onboard.

Unless the CBA provides for a higher limit, the shipowner shall reimburse the cost of any loss or damage on the seafarer's personal effects resulting from shipwreck, stranding, abandonment of the vessel, fire, flooding, collision, or piracy, following the limitations prescribed by existing rules and regulations but in no case shall it be lower than international standards.

SEC. 39. Social Welfare Benefits. – Without prejudice to the SEC, CBA, or company practice or policy, all seafarers shall be members of and entitled to receive the benefits conferred by the Overseas Workers Welfare Administration (OWWA),

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Social Security System (SSS), Employees' Compensation and State Insurance Fund (ECSIF), Philippine Health Insurance Corporation (PhilHealth), Home Development Mutual Fund (HDMF) or the Pag-IBIG Fund, and other applicable social protection laws, rules, and regulations, as may now or hereafter be created in favor of Filipino workers or Overseas Filipino Workers (OFWs) in particular.

SEC. 40. Sick Leave and Sickness Benefits During Public Health Emergencies. –

A seafarer who has contracted an illness or disease during public health emergencies, such as epidemics or pandemics, after departing the point of hire, while in transit or under quarantine shall be entitled to paid sick leave and sickness benefits until the seafarer joins the vessel.

SEC. 41. Payment of Wages to Abandoned Seafarer. – Filipino seafarers abandoned by shipowners shall be entitled to full payment of wages and other benefits provided under the SEC or the CBA.

CHAPTER VIII

ACCOMMODATION, RECREATIONAL, AND SANITATION FACILITIES, FOOD AND CATERING IN SHIPS

SEC. 42. Application. – The requirements of this chapter covering ships of Philippine registry shall be applicable to the following:

(a) All ocean-going ships and domestic ships constructed on or after the date when the MLC, 2006 came into force;

(b) All second hand ships, whether ocean-going or domestic, acquired or leased, and entered in the Philippine registry after the entry date into force of the said Convention, insofar as they can be reasonably refitted, unless provided exemption by the relevant Philippine government agency; and

(c) All ships constructed prior to the entry into force of the MLC, 2006 which have undergone major or substantial structural alterations after the entry into force of the Convention, unless provided exemption by the relevant Philippine government agency.

SEC. 43. Accommodation and Recreational Facilities. – Unless otherwise exempted herein or by appropriate regulations, all ships shall provide and maintain safe, decent and adequate accommodations, including but not limited to recreational facilities, for seafarers that meet the minimum standards set out in MLC, 2006, taking

into account the need to protect the health and well-being of seafarers working or living on board the ship, or both. There shall be a basic shipboard facility for women, such as separate sleeping rooms.

SEC. 44. Requirements for Sanitation. – All ships shall have sanitary facilities that meet the minimum standards for health and hygiene, which shall be accessible to seafarers on board, and sanitation standards set by Chapter XV – “Port, Airport, Vessel and Aircraft Sanitation” of the “Code on Sanitation of the Philippines” (Presidential Decree No. 856) and its implementing rules and regulations. The sanitary facilities shall be located at convenient places, allowing for easy access to work stations. Separate sanitary facilities shall also be provided for male and female crew members of the ship.

SEC. 45. Food and Catering. – All ships shall ensure protection and promotion of the health of the seafarer. Toward this end, shipowners shall ensure that ships carry on board and serve food and drinking water of appropriate quality, nutritional value and quantity that adequately covers the requirements of the ship and take into consideration the differing cultural and religious backgrounds of the seafarers on board the ship. Seafarers on board a ship shall be provided with food free of charge during the period of engagement. The food and drinks and the preparation thereof shall be in accordance with the standards of the Code on Sanitation of the Philippines and pertinent laws, rules and regulations, and/or with international standards. In all cases, the ship’s cooks shall be trained and qualified for their position.

CHAPTER IX

MEDICAL CARE AND MARITIME OCCUPATIONAL SAFETY AND HEALTH STANDARDS

SEC. 46. Medical Care on Board Ships and Ashore. – The shipowner shall provide adequate medical facility, equipment, paraphernalia and medical supplies, including medicines on board, and shall ensure access to shore medical facilities, including mental health services for seafarers, as well as corresponding medical or trained personnel who shall provide first aid and medical care.

The medicine chest and its contents, including but not limited to the common emergency and maintenance medications prescribed by licensed physicians to seafarers during PEME, the medical equipment, and the medical guide on board shall be maintained and inspected regularly to ensure that labeling, expiry dates, and

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conditions of storage of all medicines and the directions for their use are checked, and all equipment are functioning properly.

The shipowner shall ensure that seafarers have access to medical care, including assessment, counseling, psychotherapy and other forms of mental health intervention in relation to the treatment of any mental or behavioral disorder, necessary medicines, therapeutic appliances, board and lodging away from home until the seafarer has recovered, for any illness or injury, hospitalization and dental treatment until the sick or injured seafarer has recovered or until the sickness or incapacity has been declared of a permanent character. The medical care shall be at no cost to the seafarer.

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

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

SEC. 47. Protection of Seafarers from Epidemics, Pandemics, or Other Public Health Emergencies. –

(a) Seafarers on ships shall be covered by adequate measures for the protection from health emergencies, and shall have access to prompt and adequate medical care while on board, including medical advice and confidential helplines on physical and mental health by radio or satellite communication free of charge and available twenty-four (24) hours a day.

(b) Shipowners shall institute measures on health emergency prevention in accordance with flag state health regulations and World Health Organization (WHO) guidelines, including necessary disinfection, decontamination, deratting, or other measures necessary to prevent the spread of infection or contamination.

(c) Seafarers who acquire symptoms or illness shall be properly isolated and treated pursuant to established guidelines of the flag state and by the WHO.

(d) In ports of call, seafarers in need of medical care shall have access to medical facilities onshore.

(e) Seafarers who have contracted diseases of international concern or which cause global health emergency, or are otherwise in isolation, precautionary or otherwise, shall be entitled to paid sick leave or sickness benefits as long as they are

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incapacitated to work, and the expenses for medical care and board and lodging shall be borne by the shipowner.

In appropriate cases, the transit of seafarers joining ships from the Philippines shall be facilitated and shall be exempted from travel-related, health-related or movement restrictions.

SEC. 48. Financial Security System to Assist Seafarers in Case of Injury and Other Causes. – In accordance with the MLC, 2006, on financial security for vessels, the shipowner shall provide an expeditious and effective financial security system to assist seafarers in the event of their abandonment and to assure compensation for contractual claims in the event of sickness, injury, or death occurring while they are serving under a seafarer’s employment contract, or arising from their employment under such agreement.

SEC. 49. Insurance Coverage. – The provisions on compulsory insurance for agency-hired workers under Section 37-A of Republic Act No. 8042, as amended by Republic Act No. 10022, shall continue to apply, at no cost, to seafarers: *Provided,* That the minimum insurance cover stated therein shall be issued by insurance companies duly registered with the Insurance Commission to ensure and facilitate claims of seafarers based on the section’s “no contest, no fault or negligence” clause. This insurance cover is without prejudice to the insurance policy to be issued or secured by the shipowners, over and above the minimum cover, as an added protection to the seafarers in accordance with international standards and practices.

CHAPTER X

TERMINATION OF EMPLOYMENT

Sec. 50. Termination of Employment. –

(a) The employment of Filipino seafarers on board Philippine-registered ships operating internationally and on board foreign-registered ships, shall cease when all of the following occur: the seafarers complete their period of contractual service aboard the ship, sign off from the ship, and arrive at the destination as specified under this paragraph (b) of this section;

(b) The employment is also terminated effective upon arrival at the point of repatriation for any of the following reasons:

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

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

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

(4) When the seafarer is discharged for just causes in accordance with the provisions of the SEC or the applicable CBA.

SEC. 51. Extension of Employment. – In the event of the extension of the term of a seafarer’s employment contract, the seafarer shall be furnished a copy of the new or supplemental contract covering the extension of employment with adequate time to review and obtain expert advice regarding the terms and conditions of extended employment, which shall in no case be lower than the terms of original employment. In all cases, the shipowner, or a duly authorized representative of the manning agency, shall ensure that the seafarer has considered and freely accepted, the effects of such an extension to any accumulated entitlement and repatriation benefits, among others.

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

**CHAPTER XI
DISPUTE RESOLUTION**

SEC. 52. Onboard and Onshore Grievance Machinery. – All ships covered by this Act are required to have fair, effective and expeditious onboard and onshore grievance or complaint resolution mechanisms readily accessible and at no cost to the seafarer.

Any grievance or complaint shall first be referred to the appropriate grievance mechanism provided under this section. In cases where a seafarer is a member of a legitimate trade union organization and covered by a CBA, the seafarer shall be assisted by a union-designated representative in the proceedings. Any agreements

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reached at the grievance machinery level must be in writing and duly signed by the parties and shall be final and binding between them.

SEC. 53. Mandatory Conciliation-Mediation. – In the absence of an agreement or settlement at the grievance machinery level, the following rules shall apply:

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

(b) If there is no CBA, the parties shall first avail of the conciliation-mediation services provided under Republic Act No. 10396, otherwise known as "An Act Strengthening Conciliation-Mediation as a Voluntary Mode of Dispute Settlement for All Labor Cases, Amending for this Purpose Article 228 of Presidential Decree No. 442, as amended, otherwise known as the 'Labor Code of the Philippines'" and its implementing rules and regulations. Thereafter, if the matter remains unresolved, absent a settlement or agreement, the parties have the option to submit the case either to compulsory or voluntary arbitration under the Labor Code of the Philippines, as amended.

Sec. 54. Maritime Industry Labor Conciliator-Mediators and Arbitrators. – The Secretaries of DMW and DOLE and heads of relevant government agencies shall establish a pool of trained maritime industry conciliator-mediators, labor arbiters and accredited maritime industry voluntary arbitrators. They shall handle the mediation, conciliation or arbitration of all issues relating to the employment of seafarers. They shall have expertise, appropriate competence, integrity, and knowledge of the Philippine and global maritime industry practices and standards, MLC, 2006, and related Philippine-ratified conventions and treaties. For this purpose, the DMW, the National Labor Relations Commission (NLRC), and the National Conciliation and Mediation Board (NCMB) may form a specialized maritime unit in their respective labor dispute settlement structure, as well as issue the appropriate maritime industry dispute settlement rules of procedure to implement the provisions of this Act.

SEC. 55. Determination of Disability Grading. – When the seafarer suffers work-related injury or illness occurring between the date of commencing duty and the date upon which they are deemed duly repatriated, or arising from their employment between those dates and still requires medical attention upon repatriation, the seafarer must undergo a post-employment medical examination by a company-

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designated physician for treatment until the seafarer is declared fit to work or a disability grading is given.

A seafarer, who disagrees with the company-designated physician's final assessment, may seek its reevaluation by a physician of choice who must specialize in the illness or injury. If the seafarer's doctor issues a different disability grading, the seafarer must file, within a reasonable period of time from receipt of the findings of the seafarer's doctor, a written request with the DMW to refer the conflicting medical grading to a third doctor. The third doctor shall be selected from a pool of DOH-accredited medical specialists relevant to the injury or illness of the seafarer. The third doctor should be duly trained in the determination of maritime disability grading.

With all the medical documents considered and issued by the company doctor and seafarer's doctor, the third doctor shall determine the final disability grading of the seafarer which shall be binding upon the seafarer and the employer. This process shall be mandatory before any dispute settlement, arbitration proceedings or case may be filed where the issue is the disability grading of the seafarer's illness or injury.

The DMW and DOH shall develop joint guidelines for the implementation of this section, including the selection, training, maintenance, and review of the pool of accredited third doctors.

SEC. 56. *Period to Settle Claims.* – In the event a seafarer, or the seafarer's successor-in-interest, files for a claim for unpaid salaries and other statutory monetary benefits, or those arising from disability or death, the employer or the manning agency shall have fifteen (15) days from the submission of the claim, proof or complete documents, as the case may be, to determine the validity of the claim. The results of the validation by the employer or manning agency shall be communicated to the seafarer within the aforesaid fifteen (15)-day period. The employer or manning agency shall, within fifteen (15) days from the time it has communicated to the seafarer its findings, settle its obligations to the seafarer, if any.

This provision also applies to the claims of a seafarer, or the seafarer's successors-in-interest, arising from accidental death, natural death, or permanent disability benefits under Section 37-A of Republic Act No. 8042, as amended.

SEC. 57. *Execution of Judgment and Monetary Awards-*

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The DOLE, NLRC and NCMB, in consultation with the Maritime Industry Tripartite Council (MITC) of the DMW, shall promulgate the necessary rules and procedures to ensure the fair, speedy, equitable and just disposition and execution of decisions granting monetary awards for the salaries and wages of seafarers, for their death and disability claims, and for all their other statutory benefits.

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The DOLE and its attached agencies above shall likewise promulgate rules and regulations to prevent ambulance chasing, subject to the provisions of Republic Act No. 10706, otherwise known as the "Seafarers Protection Act", and of the Labor Code, as amended, to ensure the timely and full restitution of the monetary award, in case the decision is reversed on appeal or judicial review. For this purpose, the following mechanisms are instituted, without prejudice to such rules as the Supreme Court may issue or promulgate.

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The decision granting a monetary award in a voluntary or mandatory arbitration, or by the NLRC must state the specific amounts for the payment of the following:

- a) any salary or wage;
- b) any statutory monetary and welfare benefits;
- c) any undisputed amount, which is admitted by a party to be legally due to the other party;
- d) any disputed amount; and
- e) damages, including moral damages, exemplary damages, nominal damages, attorney's fees, and other similar awards.

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The portion of the decision awarding items (a), (b) or (c) above shall be immediately executory even pending appeal or judicial review.

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Items (d) and (e) above, as specified in the final and executory decision of a voluntary or mandatory arbitrator, or by the NLRC, shall be awarded to the final prevailing party in the event that said decision is totally or partially reversed, or is annulled on appeal, or if it is set aside following a judicial review.

Pending such an appeal or judicial review, a writ of execution on items (d) and/or (e) shall only be issued if the judgment obligee posts a sufficient bond to ensure the full restitution of those amounts and the bond shall be maintained by the obligee until final resolution of the appeal or judicial review; *Provided, That*, in the event that the seafarer ultimately prevails on appeal or judicial review, the losing party shall

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immediately reimburse the total amount paid by the seafarer for the cost of the bond. However, if the seafarer loses, no such reimbursement shall be made.

For purposes of this section, the undisputed amount in item (c) refers to the uncontested or unchallenged part of the monetary award which the judgment obligor previously admitted or acknowledged in arbitration proceedings to be payable to the judgment obligee. The disputed amount in item (d) means the part of the monetary award which the judgment obligor previously opposed or challenged during arbitration proceedings to be not due to the judgment obligee.

SEC. 58. Prohibition on Appearances and Fees. – Non-lawyers may not act as legal representatives of seafarers or appear on their behalf at any stage or in any proceedings before labor tribunals including the NLRC, Labor Arbiter, conciliation and mediation in the NCMB or voluntary arbitration, DMW and other quasi-judicial bodies unless they represent themselves or they represent their organization or members thereof.

Any stipulation on fees shall not exceed ten percent (10%) of the compensation or benefit which may be received by or awarded to the seafarer or to his successors-in-interest pursuant to Republic Act No. 10706. Any contract, agreement or arrangement of any sort to the contrary shall be null and void.

Legal representatives of seafarers shall submit an Entry of Appearance, with attached notarized certification and Affidavit of Undertaking with the following averments:

- a) They shall not charge the seafarer for a fee contingent of more than ten percent (10%) of the compensation which may be awarded to the seafarer; and
- b) They shall not lend or borrow money from the seafarers, or participate in usurious lending practices, and shall not recommend, endorse, or facilitate loans, with lending individuals or companies connected to seafarers, directly or indirectly.

Any excess from the ten percent (10%) received or collected by the legal representative of the seafarer shall be held in trust in favor of the seafarer.

CHAPTER XII

REPATRIATION

SEC. 59. Seafarers' Repatriation. – In all cases of repatriation, the affected seafarer shall be repatriated to the point of hire: provided that, in case of incapacity,

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which need not be permanent, or death, the seafarer, or their remains, shall be repatriated to the point of hire or the seafarer's place of domicile at the option of the seafarer or the seafarer's next-of-kin. All costs related to the repatriation, transport of the personal effects and remains of seafarers, including the provision on financial security in case of abandonment of seafarers, shall be borne by the shipowner or the manning agency concerned. The shipowner or the manning agency shall expedite the repatriation without prior determination of the cause of repatriation or termination of the seafarer's employment.

SEC. 60. Repatriation Expenses; Advance and Recovery. – The repatriation expenses that shall be borne by the shipowner or the manning agency concerned shall include:

- (a) Basic pay and allowances from the moment the seafarers leave the ship until they reach the repatriation destination;
- (b) Accommodation and food from the moment the seafarers leave the ship until they reach the repatriation destination;
- (c) Transportation charges, wherein the normal mode of transport should be by air;
- (d) Deployment cost of the shipowner; and
- (e) Immigration fees, fines, and penalties.

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

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

SEC. 61. Quarantine and Medical Expenses in Repatriation Due to Epidemic or Pandemic. – In cases of epidemic or pandemic as declared by the WHO, the shipowner or manning agency shall be responsible for the expenses of medical care and board and lodging for periods spent by seafarers in self-isolation or quarantine, whether or not the seafarers have symptoms, have been exposed or are quarantined as a safety precaution for the community, until the seafarers have been duly repatriated to the point of hire.

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Upon arrival at the point of hire, up to the seafarer's return to the place of domicile, the Philippine government shall bear the cost of medical care and quarantine expenses, following the whole-of-government approach in the management of epidemics and pandemics.

SEC. 62. Restrictions on Waiver. – A waiver of entitlement to repatriation shall be valid only if it is written, and made freely and voluntarily, with full knowledge of its consequences.

When a seafarer is abandoned, held captive on or off the ship as a result of acts of piracy or armed robbery against the ship, or is incapable of traveling due to illness, injury or incapacity, or other causes that affect the seafarer's safety and security, no waiver shall be allowed or presumed.

CHAPTER XIII

REINTEGRATION

SEC. 63. Reintegration. – In accordance with Section 17 of Republic Act No. 11641, there shall be developed and implemented a full-cycle and comprehensive national reintegration program for seafarers, which shall be embedded in all stages of migration for work beginning from pre-deployment, on-site during employment, and upon return, whether voluntary or involuntary. The reintegration program shall cover the different dimensions of support needed by seafarers, such as economic, social, psychosocial, and cultural, including skills certification and recognition of equivalency for effective employment services, and shall ensure contribution of skilled or professional seafarers to national development through investments and transfer of technology.

CHAPTER XIV

DOMESTIC FILIPINO SEAFARERS

SEC. 64. Wages, Holiday Pay, Service Incentive Leave, and Other Statutory Benefits. – The minimum wage rate of domestic seafarers shall be determined by the Regional Tripartite Wages and Productivity Boards (RTWPBs), taking into account the peculiarities of the employment arrangement of domestic seafarers and the criteria for wage-fixing pursuant to Republic Act No. 6727, otherwise known as the "Wage Rationalization Act": *Provided*, That wages for actual work hours and days shall not be lower than the applicable minimum wage rates in the place where the ship is

registered. Wages of domestic seafarers shall be paid in full and regularly at least twice a month, at intervals not greater than sixteen (16) days as provided in the Labor Code of the Philippines, as amended.

In addition, the provisions of the Labor Code of the Philippines, as amended, on "Prohibitions Regarding Wages," "Wage Studies, Wage Agreements, and Wage Determination," "Administration and Enforcement," "Holidays," "Service Incentive Leaves and Service Charges" shall continue to apply, unless higher annual leave is already provided under the CBA or by the shipowner as company practice or policy or domestic seafarers' employment agreement. In addition, domestic seafarers shall also be entitled to:

- (a) 13th-month pay pursuant to Presidential Decree No. 851, as amended;
- (b) Paid maternity leave under Republic Act No. 11210, otherwise known as the "105-Day Expanded Maternity Leave Law";
- (c) Paid paternity leave under Republic Act No. 8187, otherwise known as the "Paternity Leave Act of 1996;"
- (d) Paid parental leave for solo parents under Republic Act No. 8972, otherwise known as the "Solo Parents' Welfare Act of 2000;"
- (e) Paid leave for victims of violence against women and their children under Republic Act No. 9262, otherwise known as the "Anti-Violence Against Women and Their Children Act of 2004;"
- (f) Paid special leave due to surgery for any gynecological disorder, under Republic Act No. 9710, otherwise known as the "Magna Carta of Women;" and
- (g) Retirement pay, pursuant to Republic Act No. 7641.

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

SEC. 65. Employment Contract. – There shall be an agreement, in writing, between the shipowner and the domestic seafarer, following the SEC prescribed under Section 32 of this Act.

The employment contract shall be executed by and between the shipowner and the domestic seafarer before the commencement of employment in English or

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translated in the language known to both parties. The shipowner shall provide the domestic seafarer with the signed original copy of the contract and a certified true copy shall be made available on board the ship.

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

SEC. 66. Hours of Work and Hours of Rest. – The provision of Section 33 shall also apply to domestic seafarers. In addition, waiting time shall not be considered as compensable working time if the domestic seafarer is completely relieved from duty and can use the time effectively for one’s own purpose.

SEC. 67. Termination of Employment of Domestic Seafarers. – The termination of employment of a domestic seafarer on board domestic ships shall be governed by the provisions of the Labor Code of the Philippines, as amended, and applicable rules and regulations issued by DOLE. In case the termination of employment is initiated by the shipowner, the substantial and procedural aspects of due process shall be observed.

SEC. 68. Rescue of Domestic Seafarers On Board Domestic Ships. – Domestic seafarers on board domestic ships shall be entitled to emergency rescues in cases of war, epidemics, abandonment, disasters or calamities, whether natural or man-made, and other similar events. All costs related to the rescue, including, transport of the seafarer’s remains and personal effects, and the provision of financial security in case of abandonment, as may be applicable to domestic seafarers, shall be borne by the shipowner. The Philippine Coast Guard (PCG) and the MARINA shall undertake and assist in the rescue of domestic seafarers on board domestic ships.

SEC. 69. Contracting or Subcontracting of Services. – The contracting or subcontracting of domestic seafarers for work on board domestic ships shall be governed by existing rules and regulations by the DOLE.

Sec. 70. Domestic Seafarer Compensation for the Ship’s Loss or Foundering. – Domestic seafarers shall be entitled to adequate compensation in the case of injury, loss or unemployment arising from the ship’s loss or foundering, in accordance with the employment contract or the CBA.

**CHAPTER XV
MANNING LEVELS AND CREW COMPETENCY REQUIREMENTS**

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SEC. 71. Manning Levels. – All ships of Philippine registry shall have the required minimum manning levels as prescribed by the MARINA. They shall, at all times, be manned by a crew that is adequate in terms of size and qualifications taking into account the need to operate the vessel safely and efficiently.

SEC. 72. Crew Competence. – Every member of the crew of a ship of Philippine registry shall possess, in addition to the required medical certificate, the appropriate certificate of competency issued by the relevant government agencies setting forth one's competence to serve in the capacity, and perform the functions involved at the level of responsibility, for the position held, for the type, tonnage, power, means of propulsion, and trading patterns of the ships concerned.

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

SEC. 73. Compliance and Certification. – The shipowner and master shall ensure the ship's compliance with this Act and its implementing rules and regulations at all times. In case of any violation thereof, they shall be principally liable.

For this purpose, a Maritime Labour Certificate or a certificate of compliance, when applicable, shall be issued following the implementing rules and regulations of this Act.

CHAPTER XVI

INSPECTION AND ENFORCEMENT

SEC. 74. Inspection and Enforcement. –

(a) The Secretary of the DOLE, in coordination with the Secretary of the DMW and other relevant government agencies, shall have authority over all Philippine-registered vessels, and shall:

(1) Inspect to ensure compliance with general labor and occupational safety and health standards as provided under this Act;

(2) Have the power to order immediate correction of, and impose fines for, violations of the relevant provisions of this Act.

When the violation or deficiency constitutes a serious breach of the requirement of this Act and its implementing rules and regulations, or poses an imminent danger to the ship, life, or limbs of seafarers, the Secretary of the DOLE or his/her duly

authorized representative shall coordinate with the PCG to order the immediate detention of the ship until the violation or deficiency is corrected, or until a plan of action to rectify the non-conformities is shown to be implemented expeditiously.

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

The conduct of port state controls shall be in accordance with international conventions and instruments ratified.

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

Upon the order of the Secretary of the DOLE, the PCG shall prohibit a ship from leaving port in case of finding that the conditions on board are clearly hazardous to the safety, health or security of seafarers, or non-compliance with any of the provisions of this Act, the MLC, 2006 and its amendments. In all cases, the prohibition to leave the port shall be in place until the same have been rectified or until a plan of action to rectify the non-conformities is shown to be implemented in an expeditious manner, and cleared by the Secretary of the DMW or the DOLE.

SEC. 75. Maritime Occupational Safety and Health Standards. – The DOLE, in consultation with the DMW and the maritime industry stakeholders, shall formulate the Maritime Occupational Safety and Health Standards (MOSHS) according to the provisions of Republic Act No. 11058, otherwise known as the "Occupational Safety and Health Law", and applicable maritime conventions and treaties ratified by the Philippines, and shall ensure compliance with such standards.

SEC. 76. Inter-Governmental Coordination and Cooperation Council (IGC3) on Maritime Labor and OSHS Enforcement. – The Secretary of DOLE shall convene a Maritime Labor and OSHS Enforcement Inter-Governmental Coordination and Cooperation Council (IGC3) to ensure efficiency, coherence and coordination with

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regard to the implementation of Republic Act No. 11058. The IGC3 shall include the DMW, MARINA, PCG, Bureau of Fisheries and Aquatic Resources (BFAR) and other relevant government agencies.

SEC. 77. *Recognized Organizations.* – Recognized organizations may be authorized by the Secretary of the DOLE to conduct inspection and issue certifications in accordance with the provisions of this Act and its implementing rules and regulations.

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

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

CHAPTER XVII

GREEN LANE

SEC. 78. *Green Lane for Seafarers.* – When the circumstances warrant, the DMW, DOH, Department of Foreign Affairs (DFA), DOLE, Department of Justice (DOJ), Department of the Interior and Local Government (DILG), Department of Transportation (DOTr), and other relevant agencies shall activate a green lane.

SEC. 79. *Green Lane Protocols.* – The DMW and the relevant government agencies shall issue the necessary green lane protocols for seafarers, licensed manning agencies or shipping principals and their agents. The protocols shall include, but not be limited to, the following:

(a) The seafarer, licensed manning agency or shipping principal or their agents shall ensure compliance with all the embarkation and disembarkation guidelines issued by the DMW and relevant government agencies.

(b) The licensed manning agency or shipping principal or their agents shall be responsible for the following:

(1) Ensuring that all the necessary documents and clearances (such as letter from the principal, declaration signifying seafarer's knowledge and understanding of risks involved, employment contract, overseas employment certificate or OFW Pass, passport, Seafarer Identity Document and/or seafarer record book, seafarer

certificates, medical clearance, and other required pre-departure and travel documents) are complete and submitting the same within twenty-four (24) hours prior to the deadline or intended date of arrival or disembarkation, as the case may be;

(2) Coordinating with the concerned government agencies and local government units;

(3) Providing the seafarers appropriate medical testing, as well as meals, accommodation, and transportation from the point of hire to intended destination, as conditions require: *Provided*, That in the case of inbound and repatriated Filipino seafarers, the cost of the medical testing shall be charged to the PhilHealth;

(4) Providing for medical testing to outbound Filipino seafarers, as required;

(5) Coordinating with the relevant medical facility for the provision of appropriate treatment to seafarers who may test positive of a communicable disease;

(6) Providing for emergency medical equipment in the seaport or airport upon arrival or departure of the seafarer, regardless of nationality, in emergency situations; and

(7) Providing appropriate briefings to their seafarers about communicable diseases and various precautionary measures and health-related protocols mandated by the Philippine government.

(c) All seafarers and maritime personnel involved in crew change and repatriation, regardless of nationality, shall observe proper hygiene and health protocols issued by the Philippine government.

SEC. 80. Information Sharing. – Nothing in this Act shall prevent any private shipping owner, licensed manning agency, or their agents, and all other similar entities from sharing any information to the Philippine government which may be deemed necessary for the efficient implementation of this chapter, or to ensure the health and safety of all seafarers.

CHAPTER XVIII

SHIPBOARD TRAINING OF CADETS

SEC. 81. Applicability. – The provisions of Chapters III (Seafarer's Rights), IV (Women in the Maritime Industry), VIII (Accommodation, Recreational and Sanitation Facilities, Food and Catering in Ships), IX (Medical Care and Maritime Occupational

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Safety and Health Standards), XI (Dispute Resolution), and XII (Repatriation) shall apply with respect to the training of cadets.

SEC. 82. Shipboard Training. – Shipboard training is a mandatory requirement and component of the BSMT, BSMarE and other maritime degree programs, as may be approved by CHED, that pertains to the seagoing service as provided under the STCW Convention. This requirement aims to ensure that every student or cadet shall have the opportunity to undergo approved seagoing service of not less than 12 months, which may include workshop skills training and other equivalency arrangements in accordance with IMO standards.

SEC. 83. Shipboard Training Agreement for Cadets. – There shall be a written agreement between the shipowner, the cadet and the maritime institution or school which shall embody the following information, terms and conditions:

- (a) Cadet's full name, date of birth, birthplace and age, which should be at least sixteen (16) years old;
- (b) Name and address of the maritime institution or school;
- (c) Name and address of the shipowner and its manning and placement agency, if applicable;
- (d) Place and date when the agreement is entered into;
- (e) Capacity in which the cadet is to be trained;
- (f) The amount of the cadet's allowance or stipend, if applicable;
- (g) Required number of hours of training and rest which shall not be less than the prescribed hours of rest in Sections 33 and 66 of this Act;
- (h) Duties and responsibilities of the sponsoring company, Maritime Higher Education Institutions (MHEIs), and cadets, as may be provided under the Standard Cadet Training Agreement on Ships Engaged in International Voyage; and
- (i) Other benefits in accordance with existing laws, company policy or agreements.

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

The foregoing agreement shall be in a language familiar to and understood by all parties in English, executed in four (4) original copies before the commencement of the shipboard training. The shipowner, cadet and the maritime institution/school

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shall each have a signed original of the agreement and an electronic copy thereof shall be submitted to the DOLE through the Bureau of Working Conditions (BWC) for domestic ships, or the DMW for ocean-going ships. A signed original copy shall also be made available on board the ship.

SEC. 84. Requirements for Maritime Higher Education Institutions (MHEIs). – All MHEIs offering BSMT, BSMarE and other maritime degree programs, as may be approved by MARINA in consultation with CHED, shall be required to have their own training ships, simulators or other similar technologies, or shall directly enter into agreements with local or international shipping companies, ship-owners, or manning agencies with respect to the shipboard training program of their students or cadets. In this regard, they shall enroll or admit only the number of students equivalent to not more than one hundred and fifty percent (150%) of the training slots on their own training ships, simulators or other similar technologies, or the number of training slots that can be accommodated by the shipping companies, ship-owners, or manning agencies based on the agreements the concerned MHEI with said shipping companies, ship-owners, or manning agencies: *Provided*, That upon passage of this Act, MHEIs shall give priority for shipboard training to students who have finished the academic requirements of their BSMT or BSMarE programs and signified their intent to avail of the shipboard training: *Provided further*, That MHEIs shall accommodate all previous students who have finished the academic requirements of their BSMT or BSMarE programs who signify their intention to avail of the shipboard training: *Provided finally*, That the MHEIs shall not charge the students any tuition or matriculation fees for the shipboard training unless the shipboard training is conducted in the MHEIs' own training ship.

SEC. 85. Requirements for Philippine-registered Ships on Shipboard Training. – All Philippine-registered ships operating domestically are mandated to enter into agreement with any of the MHEIs for the shipboard training of the latter's cadets. Passenger ships shall be required to accommodate cadets equivalent to not less than thirty percent (30%) of the total number of their crew-complement, while cargo ships shall be required to accommodate cadets equivalent to not less than twenty percent (20%) of the total number of their crew-complement.

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

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

The MARINA, in consultation with CHED, shall issue the appropriate guidelines for the implementation of this Section.

SEC. 86. Compliance Period and Penalty for Violation -

The MHEIs shall comply with the provisions of Sections 84 and 85 within three (3) years from the implementation of this Act.

In no case shall MHEIs enter into an agreement with any other MHEIs to comply with the requirements of these sections. Furthermore, and subject to the provisions of Republic Act 6713, otherwise known as the "Code of Conduct and Ethical Standards of Public Officials and Employees", no MARINA, CHED or TESDA officials or employees or their spouses or any of their relatives up to the fourth civil degree of consanguinity or affinity shall own or have substantial interest in an MHEI or training center.

Failure to comply with this provision shall be a ground for either suspension or closure of the concerned MHEI.

For purposes of this Act, MARINA, in consultation with CHED, shall be the primary agency in charge of monitoring and ensuring that the training programs are compliant with the established shipboard training curriculum. All curriculum shall comply with standards set forth in the STCW and all other applicable international maritime and labor conventions.

SEC. 87. Incentive Programs for MHEIs. - MARINA, in consultation with CHED, shall establish programs to incentivize MHEIs to have their own training ships, simulators and equivalent technology and adapt to the changing needs of the maritime industry. For this purpose, an amount necessary for the implementation of this incentive program may be included in the General Appropriations Act.

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SEC. 88. Non-discrimination in Shipboard Training. – Cadets shall be accorded equal access to training and shall not be discriminated against for shipboard training. Discrimination on the basis of race, sex, gender, religion, and political opinion, taking into consideration the inherent requirements of the job or undertaking, shall be prohibited.

SEC. 89. Curriculum Committee. – A Curriculum Committee shall be formed to periodically assess the curriculum of the Bachelor of Science in Marine Transportation (BSMT) and Bachelor of Science in Marine Engineering (BSMarE) to ensure their consistency with the IMO model courses on marine or maritime education. Except for mandatory subjects required by CHED leading to a degree, subjects which are not consistent with the IMO model courses shall be removed. The Committee shall be chaired by MARINA, with CHED as vice-chair, and the following as members: DMW, DFA, MHEIs, training institutions, academe, shipowners and manning agencies.

SEC. 90. Regulation of Training Programs and Fees. – The Maritime Industry Board created under Presidential Decree No. 474, otherwise known as the Maritime Industry Decree of 1974, shall be authorized under this Act to regulate the fees imposed by MARINA-accredited maritime training institutions for maritime courses and programs required under the STCW Convention, as amended. The MARINA Board shall ensure that the fees charged for these training courses are reasonable. For this purpose, the Secretary of the DMW shall be the vice-chair of the MARINA Board to ensure the protection of the rights and welfare of seafarers on board ships operating internationally.

The power to regulate does not extend to non-mandatory training or courses. In this regard, the MARINA shall regularly publish the mandatory training or courses required by the STCW Convention.

SEC. 91. Non-Degree Courses for Seafarers. – Subject to the approval of MARINA, TESDA shall, in consultation with CHED, develop and establish non-degree courses on maritime education and training consistent with its mandate under Republic Act No. 7796. Non-degree holder seafarers shall be allowed to undergo shipboard training, for purposes of employment in the domestic maritime industry, in vessels below the minimum gross tonnage and required horsepower as provided under the guidelines of MARINA in compliance with international standards: *Provided, That*

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such non-degree programs may serve as a preparatory course, or may be considered as an "associate degree," leading to the full degree of BSMT, BSMarE, and other maritime degree programs through a ladderized system of education and training consistent with Republic Act No. 10647, otherwise known as the "Ladderized Education Act of 2014" and Republic Act No. 10968, otherwise known as the "Philippine Qualifications Framework Act".

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SEC. 92. *Implementing Guidelines.* – The CHED, MARINA, DMW, TESDA and other concerned government agencies, in consultation with the stakeholders, are hereby authorized to formulate the implementing guidelines for this chapter on education and training of seafarers.

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CHAPTER XIX

INCENTIVES AND AWARDS GRANTED TO THE MARITIME INDUSTRY

SEC. 93. *Incentives and Awards.* – In consultation with the Maritime Industry Tripartite Council (MITC), the concerned government agency shall establish and administer an incentive and awards system for the maritime industry stakeholders.

Deserving shipowners, seafarers, manning, and other organizations or entities shall be commended or awarded for their outstanding performance in upholding seafarers' rights and compliance with this Act and its implementing rules and regulations.

The educational background and experience of a seafarer on board vessels and previous sea-service shall be given due consideration should they opt to join the Philippine Navy Reserve Force.

CHAPTER XX

ROLE OF GOVERNMENT AGENCIES

SEC. 94. *Role of Government Agencies.* – The following government agencies shall perform the following functions to promote the welfare and protect the rights of Filipino seafarers:

(a) CHED. – The CHED shall, subject to the approval of MARINA, set the standards and monitor the performance of maritime education programs and MHEIs, ensuring that quality maritime education, including curricula and training programs, are structured and delivered in accordance with the written programs, methods, and

media of delivery, procedures, and course materials compliant with international standards prescribed under the STCW Convention and its amendments.

(b) DOLE. – The DOLE shall ensure that the standards set forth under this Act, the Labor Code of the Philippines, as amended, and other domestic laws, the MLC, 2006 and other international treaties and conventions to which the Philippines is a signatory are faithfully complied with and fairly applied to Filipino seafarers of domestic ships.

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

(c) DFA. – The DFA shall, through its consular offices or foreign service posts, in coordination with the appropriate government agency, take priority action or make representation with the foreign authority concerned to protect the rights of seafarers and extend immediate assistance. Considering that the seafarers are essential workers, the DFA shall provide a priority lane to expeditiously process the application of new passports or renewal of expiring passports.

(d) DOH. – The DOH shall regulate the activities and operations of all clinics which conduct physical, optical, dental, psychological and other similar examinations, hereinafter referred to as health examinations, on Filipino seafarers. In accordance with the provisions of Section 53 of this Act, the DOH shall likewise formulate and implement guidelines, in coordination with the DMW, in the selection, training, maintenance, and review of the pool of accredited third doctors for the disability grading of seafarer's claims.

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

(e) DMW. – The DMW shall review and improve on the working conditions and terms of employment of the officers and crew of vessels of ocean-going ships of Philippine or foreign registry covered under this Act. It shall likewise ensure that the

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standards set forth under this Act, the MLC, 2006, and other international treaties and conventions to which the Philippines is a signatory are faithfully complied with and fairly applied to seafarers. To this end, the DMW shall establish an effective system for inspection, accreditation and licensing of manning agencies to ensure that the rights, benefits, working and living conditions of seafarers are met and continue to be met pursuant to the MLC, 2006.

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It shall strengthen its research capability to provide studies/resources for evidenced-based policy decision-making and program development, and continuously address gaps in the protection and welfare of the seafarers. The DMW shall ensure fast and efficient way of processing employment contracts, renewal of manning license, accreditation of principals and enrollment of vessels in order to promote the marketability and employment of Filipino seafarers.

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

It shall extend immediate assistance to seafarers, or their families or next-of-kin, including the repatriation of distressed seafarers, and any other analogous help or intervention.

(f) OWWA. – The OWWA shall, through its welfare officer or, in his absence, the coordinating officer, provide the seafarers and his/her family all the assistance they may need in the enforcement of contractual obligations by agencies and/or by their principals.

The OWWA shall likewise formulate and implement welfare programs for overseas Filipino seafarers and their families while they are abroad and upon their return. It shall ensure the awareness by the overseas Filipino seafarers and their families of these programs and other related governmental programs.

(g) MARINA. – The MARINA shall ensure that the examination, licensing, and certification system for seafarers are in accordance with the requirements prescribed under the STCW Convention, international agreements, other conventions relevant thereto, and other applicable laws, rules and regulations.

(h) NMP. – The NMP shall:

(1) Provide skills enhancement trainings mandated and recommended by international maritime conventions and other capability building interventions that measure up to quality standards and respond to the needs of seafarers; and

(2) Conduct strategic studies and research in support of the decent employment, protection of rights, and promotion of the welfare of seafarers, including the empowerment of women seafarers, among others.

The NMP shall likewise develop and maintain a resource center for Filipino seafarers that includes a database of seafarers and related statistics and information to aid in evidence-based policy making and program development, and that will provide the seafarers with real-time updated information on matters affecting their employment and helpline support.

(i) PCG. – The PCG shall undertake port state control inspections of vessels calling at any port of the Philippines, in accordance with international conventions and standards, for the promotion of safety of life and property at sea, control and prevention of maritime pollution, and verification of compliance with the minimum standards of training and social condition of officers and crew on board the ships.

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

(j) NLRC. – The NLRC shall, consistent with its mandate and jurisdiction under the Labor Code of the Philippines, as amended, and other labor laws, adjudicate labor and management disputes involving seafarers through compulsory arbitration or alternative modes of dispute resolution.

(j) Public Attorney's Office (PAO) – The PAO shall render, free of charge, legal representation, assistance, and counselling to seafarers or their families in criminal, civil, labor, administrative and other quasi-judicial cases. The PAO may issue appropriate guidelines to ensure the effective legal representation to seafarers.

(k) Technical Education and Skills Development Authority (TESDA) – The TESDA shall, in consultation with CHED and subject to the approval of MARINA, develop, establish, and implement non-degree courses and programs on maritime education

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and other quality technical education and training programs for seafarers who may want to learn new skills or enhance their existing skills.

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

SEC. 95. Establishment of Seafarer Welfare Centers. – The OWWA shall establish seafarer welfare facilities or centers in major crew-change ports, specifically in Metro Manila, Pangasinan, Bulacan, Cavite, Batangas, Iloilo, Cebu, Cagayan de Oro City, Davao City and other areas to be determined by OWWA which have higher concentration of seafarers. The facility or center shall offer services which promote the welfare of, and cater to the recreational, cultural, religious, communication, and legal needs of, all seafarers, regardless of whether they are actively engaged, employed, or NOT working due to expiration of contract, or are transitioning in between contracts, or awaiting recall for deployment.

The PAO shall, in coordination with OWWA, appoint at least one public attorney who shall be posted in the seafarer welfare centers and shall render free of charge legal assistance and counseling to seafarers or their families in criminal, civil, labor, administrative and other quasi-judicial cases.

The OWWA shall, in consultation with relevant government agencies and stakeholders, review and develop annually the welfare facilities and services to ensure that they are appropriate in the light of changes in the needs of seafarers resulting from technical, operational and other developments in the shipping industry.

The TESDA and the NMP shall offer non-degree courses and programs on maritime education and training, especially to the seafarers who are at the welfare centers and who are not otherwise actively engaged as such, or are in transition in between contract, or are awaiting deployment to ensure that they keep abreast with the technical and operational changes and other developments in the maritime industry.

One-Stop Shop Centers for Seafarers, shall also be established in these welfare centers for the convenience of the seafarers and to maximize the services being offered to them.

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SEC. 96. Transition Assistance or Support Program. – The DMW, DOLE, TESDA, OWWA, NMP, MARINA and the SSS shall establish a transition assistance or support program for seafarers who are not actively engaged, employed, or not working due to expiration of contract, or are transitioning in between contracts, or are awaiting recall for deployment. The program shall include access to unemployment benefits, training and livelihood programs, and entrepreneurship training and financing.

SEC. 97. Registry of Seafarers. – The DMW, for ocean-going ships of foreign registry, and MARINA, for domestic and ocean-going vessels of Philippine registry, shall maintain a registry of all seafarers in the Philippines: *Provided*, That the registry of seafarers aboard ocean-going ships shall be integrated into the management information system established under Republic Act No. 10022.

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

The DMW and MARINA shall ensure compliance with Republic Act No. 10173, and its implementing rules and regulations in handling seafarers' relevant information or data in their respective registries.

CHAPTER XXI

FINAL PROVISIONS

SEC. 98. Penalties. – Upon finding of the DMW or DOLE that a person or an entity, whether public or private, has violated any provision of this Act and its implementing rules and regulations, the sanctions under administrative, civil, criminal, or other relevant laws shall be recommended to the appropriate government agency exercising quasi-judicial or judicial functions. If the violation is committed by a private entity or individual, the person directly responsible for the violation shall be liable to pay damages.

SEC. 99. Administrative Fines and Penalties. – Any shipowner, master, or their representative who fails or refuses to present employment records, such as payrolls, daily time records, payslip or other documents, such as medical records, when required by the individual seafarer, the Secretary of DMW or DOLE or their respective duly authorized representative, or the duly authorized representative of a recognized

organization, shall be subject to administrative fines ranging from One hundred thousand pesos (P100,000.00) to One million pesos (P1,000,000.00).

SEC. 100. *Penalty for Violation of Section 73 (Compliance and Certification).* – Any shipowner, master, or their representative who operates without, or fails to present, a valid Maritime Labour Certificate, or its equivalent, shall be punished with fines ranging from One hundred thousand pesos (P100,000.00) to One million pesos (P1,000,000.00), in accordance with the implementing rules and regulations of this Act.

SEC. 101. *Penalty for Violations of Section 74 (Inspection and Enforcement).* – Any person who, without proper authorization, exercises the authority granted to the Secretary of DMW or DOLE under Section 74 of this Act shall be punished with a fine of not less than Two hundred thousand pesos (P200,000.00) but not more than Two million pesos (P2,000,000.00), or imprisonment of not less than one (1) year nor more than four (4) years, or both, at the discretion of the court. The foregoing offense shall be prescribed after five (5) years from its discovery.

SEC. 102. *Transitory Provision.* – All rights, privileges, and benefits previously enjoyed by Filipino seafarers before the effectivity of this Act, including those set forth in the Labor Code of the Philippines, as amended, and Republic Act No. 8042, as amended, shall continue to be recognized and shall not be diminished after the effectivity of this Act.

The transition period provided under Section 23 of Republic Act No. 11641 shall likewise be taken into consideration.

SEC. 103. *Appropriations.* – The amount necessary to carry out the provisions of this Act including, but not limited to, the funding of Seafarer Welfare Centers, One-Stop-Shop Centers for Seafarers and scholarship programs for seafarers, the establishment of the curriculum committee, the purchase of training ships, simulators and other similar technologies by MARINA, the development, improvement and enhancement of maritime educational and training institutes, incentives and awards system for the MHEIs, seafarers and maritime stakeholders, and the reintegration, transition assistance and support programs, shall be charged against the current year's appropriations of the departments and agencies concerned. Thereafter, such amount shall be included in the annual General Appropriations Act.

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SEC. 104. *Implementing Rules and Regulations.* – The DMW shall, in coordination with the DOLE, DFA, DOH, Department of Finance (DOF), OWWA, CHED, MARINA, PCG, TESDA, PAO, Bureau of Internal Revenue (BIR), and other concerned agencies, and upon consultation with representatives from maritime industry stakeholders, recognized organizations, academe and training institutes, nongovernment organizations (NGOs), civil society groups, and all relevant sectors, promulgate the necessary rules and regulations to implement the provisions of this Act within ninety (90) days after its effectivity.

The DMW shall ensure that the relevant provisions of this Act are applied to seafarers on board foreign-registered commercial fishing vessels or vessels fishing in distant waters, those serving as cruise ship personnel or as yacht crew, those stationed on mobile offshore and drilling units in the high seas, and other persons similarly situated.

SEC. 105. *Separability Clause.* – If any provision of this Act is held to be illegal, invalid, or unconstitutional, the remainder thereof not otherwise affected shall remain in full force and effect.

SEC. 106. *Repealing Clause.* – All laws, presidential decrees, issuances, executive orders, letters of instructions, and proclamations or administrative regulations inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 107. *Effectivity.* – This Act shall take effect fifteen (15) days following the completion of its publication either in the *Official Gazette* or in a newspaper of general circulation.

Approved,

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