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[REPUBLIC ACT NO. 12021]

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.* – The State shall protect the rights and overall welfare of 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), as amended, 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; incentivize maritime stakeholders; establish and enhance mechanisms for administrative, adjudicative, and social and welfare services for seafarers and their families.

The State shall encourage the participation of women in the seafaring profession and their meaningful contribution to the achievement of national development goals as productive members of the community.

The State shall likewise ensure that appropriate action is imposed for violations of human rights at sea, effective sanctions are adopted in deterring future abuses, and 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.

SEC. 3. *Objectives.* – The Magna Carta of Filipino Seafarers shall have the following objectives:

(a) Codify the rights and obligations of Filipino overseas and domestic seafarers, as contained in the MLC 2006, as amended, the STCW Convention, pertinent conventions and international agreements which the Philippines has signed and ratified, and pertinent Philippine laws, rules, regulations, and jurisprudence;

(b) Implement the MLC 2006, as amended, and the STCW Convention for Filipino overseas seafarers, and identify the extent of their application to Filipino domestic seafarers;

(c) Institute comprehensive measures that will enhance the education, cadetship, training, and practice of Filipino seafarers to upgrade their qualifications and ensure their competency, competitiveness, and world-class quality;

(d) Align and institutionalize existing policies and rules of the Commission on Higher Education (CHED) on the education of maritime students and training of cadets, Maritime Industry Authority (MARINA) on the qualifications and safety of both domestic and overseas seafarers, Department of Labor and Employment (DOLE) on labor standards and protection of domestic seafarers, and of the Department of Migrant Workers (DMW) on labor standards and protection of overseas seafarers;

(e) Afford greater protection to seafarers from nefarious practices that threaten their livelihood and compromise their well-being;

(f) Promote the safety of the general public who depend on the skills and competencies of Filipino seafarers; and

(g) Identify the roles of various government agencies and key stakeholders in achieving the objectives and ensuring the effective implementation of this Act.

CHAPTER II

GENERAL PROVISIONS

SEC. 4. *Coverage.* – This Act shall cover Filipino seafarers who are engaged, employed, or who work in any capacity on board a ship or vessel plying international waters, whether Philippine-registered or foreign-registered. This Act shall likewise include Filipino cadets in accordance with the provisions of Chapter XVIII (Education and Training of Seafarers and Cadets).

This Act shall not cover Filipino 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.

For ships or vessels plying international waters but are governed by international treaties or agreements, the same shall be observed, and the pertinent agencies shall exercise regulatory supervision over the seafarers on board, subject to appropriate guidelines and conditions that may be issued by the Department of Transportation (DOTr), MARINA, DMW, DOLE and other concerned agencies.

SEC. 5. *Applicability of this Act to Domestic Seafarers.* – Seafarers who are engaged, employed, or who work in any capacity on board domestic ships shall be principally covered by Presidential Decree No. 442, otherwise known as the "Labor Code of the Philippines", as amended, and by other applicable laws, rules, and regulations. They shall also be covered by the following provisions of this Act:

(a) Seafarers' Rights (Chapter III);

(b) Women in the Maritime Industry (Chapter IV);

(c) Duties of Seafarers (Chapter V);

(d) Emergency Rescue of Domestic Seafarers (Chapter XIV);

(e) Manning Levels and Crew Competency Requirements (Chapter XV);

(f) Inspection and Enforcement (Chapter XVI);

(g) Green Lane for Overseas and Domestic Seafarers (Chapter XVII);

(h) Requirements for Philippine-Registered Ships on Shipboard Training (Section 79); and

(i) Incentives and Awards Granted to the Maritime Industry (Chapter XIX).

The MARINA shall issue the necessary guidelines regarding domestic seafarers' qualifications, training, and certification in accordance with best practices in maritime education and training.

The DOLE shall issue the necessary guidelines on the employment and working conditions of domestic seafarers.

SEC. 6. *Definition of Terms.* – As used in this Act:

(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;

(2) Has left the seafarer without necessary maintenance and support, including adequate food, accommodation, drinking water supplies, essential fuel for survival on board the ship, and necessary medical care; or

(3) Has otherwise unilaterally severed its ties with the seafarer, including failure to pay contractual wages for 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 who works in any capacity on board a domestic ship;

(d) *Domestic maritime degree* refers to a degree approved by the MARINA, in coordination with the CHED, for the training, education, and certification of domestic seafarers;

(e) *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;

(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;

(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;

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

(i) *International maritime degree* refers to a degree approved by the MARINA, in coordination with the CHED, for the training, education, and certification of international seafarers;

(j) *Ladderization* refers to ladderized education, which is defined under Republic Act No. 10647, otherwise known as the "Ladderized Education Act of 2014", as the harmonization of all education and training mechanisms that allow students and workers to progress between technical-vocational and higher education programs, or vice-versa. For purposes of this Act, it refers to a system where a maritime non-degree program may lead to a domestic or international maritime degree, or a domestic maritime degree may lead to an international maritime degree;

(k) *Manning agency* refers to a natural or juridical person duly licensed by the Secretary of the DMW to engage in the recruitment and placement of seafarers;

(l) *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;

(m) *Maritime Higher Education Institution (MHEI)* refers to any institution of higher learning which is authorized by the CHED to offer college education through four (4)- or five (5)-year courses in the maritime field leading to international or domestic maritime degrees;

(n) *Maritime industry stakeholders* refer to all private sector stakeholders engaged in the business of owning, managing, chartering, or operating domestic and ocean-going ships of Philippine or foreign registry, manning ships, managing 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;

(o) *Maritime labour certificate* refers to the document, complemented by a declaration of maritime labour compliance,

that constitutes *prima facie* evidence that the Philippine-flagged vessel plying international waters has been duly inspected and, to the extent so certified, is compliant with the requirements of the MLC 2006, as amended, on the working and living conditions of the seafarers, and of applicable Philippine laws and regulations;

(p) *Maritime Labour Convention 2006 (MLC 2006), as amended* 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, and all amendments adopted and ratified thereafter;

(q) *Master mariner* refers to a person having command of a ship who also acts as the shipowner's representative;

(r) *Non-degree courses and programs on maritime education and training* refer to technical education as defined under Republic Act No. 7796, otherwise known as the "TESDA Act of 1994", in consultation with MARINA and CHED. This shall not include associate degree programs in maritime education which are now under the jurisdiction of the MARINA;

(s) *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;

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

(u) *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 the 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;

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

For purposes of this Act, an overseas seafarer is deemed "engaged" as such if he/she has signed a valid employment contract and is already at the point of hire for his/her departure.

Nothing in this Act shall diminish the protection given to Overseas Filipino Workers (OFWs) under Republic Act No. 11641, including seafarers who are still to be engaged as such;

(w) *Place of domicile* refers to the home address of seafarers as declared in the standard employment contract or contract of employment;

(x) *Point of hire* refers to the place indicated in the standard employment contract or contract of employment, which shall be the basis for determining the commencement of the contract;

(y) *Recognized organizations* refer to organizations recognized and authorized by the DOLE as competent, independent, and with the necessary expertise relevant to the MLC 2006, as amended, 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;

(z) *Repatriation* refers to the process of returning a seafarer to the point of hire. In case of permanent or temporary incapacity or death, the seafarer or his/her 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;

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

(bb) *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 navigating exclusively in inland waters or in waters within or closely adjacent to sheltered waters, or areas where port regulations apply;

(cc) *Shipowner* or *principal* refers to the owner of the ship employing Filipino seafarers or any other organization or person, such as the manager, agent, or bareboat charterer, who has assumed the responsibility for the 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 person fulfills certain duties or responsibilities on behalf of the shipowner; and

(dd) *Standard employment contract (SEC)* refers to a government prescribed contract containing at least the minimum terms and conditions of employment for overseas seafarers in accordance with this Act.

CHAPTER III

SEAFARER'S RIGHTS

SEC. 7. *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, for both overseas and domestic seafarers, additional confirmatory diagnostic tests for

overseas seafarers, as well as welfare measures and other forms of health and social protection.

SEC. 8. *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 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, 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. 9. *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 charges, other than tuition and miscellaneous fees, shall be imposed on cadets or 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 are 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 MARINA, CHED, and National Maritime Polytechnic (NMP) shall work together to mainstream gender and development in the curricula of maritime institutions and training centers.

SEC. 10. *Right to Information.* – Shipowners, manning agencies, and other organizations responsible for the recruitment and placement of seafarers shall provide seafarers with relevant information, including the terms and conditions of employment, company policies affecting seafarers, and conditions and realities attending to their profession.

In addition, overseas seafarers shall, at all times, be furnished a copy of the duly executed SEC and the results of the medical examination conducted on them. 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", and the necessary laws and regulations of countries covered by their sojourn.

All ocean-going ships covered by this Act shall have on board a copy of the MLC 2006, as amended, the grievance procedures observed on board, duly executed SEC of seafarers, and a copy of the collective bargaining agreement (CBA), if any, which shall be readily available to the seafarers.

SEC. 11. *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, actions taken, and plans by the shipowner, as well as the concerned manning agency for the overseas seafarer, on the remedies, mitigation, or repatriation.

For overseas seafarers, the shipowner and the concerned manning agency shall report the incident to the DMW within five (5) days from being informed of the incident. For domestic seafarers, the shipowner shall report such incidents to the DOLE within the same period.

SEC. 12. *Right to Safe Passage and Safe Travel.* – Seafarers shall be accorded the rights to safe passage and safe travel.

Overseas seafarers shall have the right to embark and disembark in other countries when in transit, and the right to be repatriated and return home.

SEC. 13. *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, rule or regulation, or enactment of any maritime law that may directly affect the seafarers, their families, and beneficiaries.

SEC. 14. *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 and appropriate working and living conditions shall be guaranteed equally among male and female seafarers.

SEC. 15. *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. Shipowners shall adopt policies for the protection of all crew members from harassment and bullying.

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

For this purpose, the Pre-Departure Orientation Seminar (PDOS) of overseas 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. 16. *Right to Free Legal Representation.* – In cases of violations of this Act or breach of contract and the seafarer cannot afford the services of a counsel, 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 cases, including the expeditious settlement of money claims, subject to existing rules and regulations.

SEC. 17. *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. 18. *Right to Immediate Medical Attention.* – Seafarers shall be provided immediate and adequate medical services, medicines, and medical supplies on board; 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 Standards provided under this Act.

SEC. 19. *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. 20. *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. 21. *Right to a Fair Treatment in the Event of a Maritime Accident.* – Seafarers shall be treated fairly in the event of a maritime accident pursuant to ILO and International Maritime Organization (IMO) 2006 Guidelines on Fair Treatment of Seafarers in the Event of a Maritime Accident and its amendments.

SEC. 22. *Right to a Fair Medical Assessment.* – Seafarers shall have the right to a fair medical assessment in the event of injury arising from accidents onboard. Overseas seafarers shall have the right to seek a second opinion from 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 overseas seafarer's immediate employment. If the clinic or physician selected by the overseas

seafarer disagrees with the first assessment, a third doctor (from any DOH-accredited clinic or a DOH regional or provincial hospital), jointly selected by the employer and the seafarer, may be hired by the shipowner or manning agency to make a third medical assessment at no expense to the seafarer. The findings of the third doctor shall be final and binding on both parties.

SEC. 23. *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. 9189, otherwise known as "The Overseas Absentee Voting Act of 2013", as amended by Republic Act No. 10590.

CHAPTER IV

WOMEN IN THE MARITIME INDUSTRY

SEC. 24. *Discrimination Against Women Seafarers.* – Women seafarers shall be protected from gender-based discriminatory practices, which include, but are not 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 over female seafarers with respect to promotion, training opportunities, and study and scholarship grants, solely on account of their gender.

SEC. 25. *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. 26. *Duties of a Seafarer.* – Seafarers shall have the duty to:

(a) Faithfully comply with and observe the terms and conditions of one's employment contract;

(b) Abide by lawful and reasonable company personnel policies and procedures and the Code of Ethics for seafarers;

(c) Follow and observe the chain of command on board the ship or while ashore, without prejudice to one's religious freedom;

(d) Be diligent in performing one's duties relating to the ship, its stores, equipment, and cargo, whether on board, in transit, or ashore;

(e) Continually improve one's professional competency by keeping up-to-date with the latest technological and scientific developments applied in various maritime fields, keen observation of shipboard activities, continuous education, and training;

(f) 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) Conduct oneself in accordance with moral, ethical and social norms;

(h) Be responsible for one's health while on board by maintaining a healthy lifestyle, complying with prescribed medical policies, and taking appropriate medications when necessary; and

(i) Perform one's duties in a responsible and sustainable manner, should one engage in various economic activities related to oceans, seas and coasts.

SEC. 27. *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. 28. *Pre-Employment Medical Examination (PEME).* – All PEME of overseas seafarers shall be performed only in DOH-accredited medical facilities following the standards set by the DOH.

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

SEC. 29. *Medical Certificate.* – As a prerequisite for employment on board an ocean-going ship, all overseas seafarers shall be required to secure a medical certificate issued by a DOH-accredited medical facility after undergoing a PEME. The same requirement shall be complied with by domestic seafarers in accordance with the rules and regulations of the DOH. The certificate is a confirmation 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 to overseas seafarers in accordance with the requirements of the STCW Convention shall be acceptable.

SEC. 30. *Training and Qualifications.* – Only overseas seafarers certified by appropriate government agencies in accordance with the STCW Convention and other applicable international standards, and who are equally qualified as domestic seafarers, shall be allowed to work and be employed on board a ship operating internationally.

The MARINA shall issue the appropriate standards and guidelines for qualification, training, and certification of domestic seafarers pursuant to applicable Philippine laws, taking into account conditions of the domestic shipping industry and after due consultation with maritime domestic

stakeholders: *Provided,* That qualified overseas seafarers are deemed qualified as domestic seafarers.

CHAPTER VI

MANNING AGENCIES FOR OVERSEAS SEAFARERS

SEC. 31. *Recruitment and Placement.* – Only duly licensed manning agencies shall be allowed to operate and engage in the recruitment and placement of seafarers, pursuant to existing laws, rules, and regulations. In no event shall recruitment or placement fees, visa and other related costs 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 a medical certificate, seafarer's record book, 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 be prohibited.

SEC. 32. *Nature of Liability.* – The concerned manning agencies of seafarers shall be jointly and severally liable with the principal or shipowner for any and all claims arising from the implementation of the employment contract involving seafarers.

SEC. 33. *Duties and Responsibilities.* – The duties and responsibilities of manning agencies shall include, but not be limited to, the following:

(a) To maintain an up-to-date registry 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 domestic and overseas seafarers to examine their employment contracts and SEC, respectively, 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 that their employment contracts or SEC conform with applicable laws, rules, 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 the 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. 34. *Standard Employment Contract.* – An SEC between the shipowner and the 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 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 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 by Republic Act No. 10022, 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, as amended, and other existing treaties and conventions governing seafarers which the Philippines has ratified.

SEC. 35. *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; and

(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 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 (1) of which shall be at least six (6) hours in length, and the interval between the two (2) 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 two (2) consecutive weeks: *Provided, finally,* That the intervals between the two (2) periods shall not be less than twice the duration of the watchkeeping duties in such exceptional cases.

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

SEC. 36. *Entitlement to Leave.* – Unless higher annual leave is provided under the CBA, the SEC, or by the shipowner as company practice or policy, seafarers shall be paid an annual leave to be calculated based on a minimum of 3.5 calendar days per month of employment, without prejudice to any future increase prescribed by laws, rules, or regulations.

SEC. 37. *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 shall be regularly paid in full at least once a month.

SEC. 38. *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, without any charge, 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.

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

SEC. 40. *Personal Effects.* – A seafarer may bring a reasonable number of articles on board the ship for personal use: *Provided,* That it shall neither 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 to 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, which shall in no case be lower than international standards.

SEC. 41. *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), 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 OFWs.

SEC. 42. *Sick Leave and Sickness Benefits.* – Seafarers who have contracted a disease or illness after departing from the point of hire, while in transit, or under quarantine, shall be entitled to paid sick leave or sickness benefits as long as

they are incapacitated to work until the seafarer joins the vessel.

SEC. 43. *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 OCEAN-GOING SHIPS

SEC. 44. *Application.* – The requirements of this chapter covering ocean-going ships of Philippine registry shall be applicable to the following:

(a) All ocean-going ships constructed on or after the date that the MLC 2006, as amended, came into force;

(b) All second hand ocean-going ships, acquired or leased, and entered in the Philippine registry after the entry into force of the MLC 2006, as amended, insofar as they can be reasonably refitted, unless exempted by the relevant Philippine government agency; and

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

SEC. 45. *Accommodation and Recreational Facilities.* – Unless otherwise exempted herein or by appropriate regulations, all ocean-going ships shall provide and maintain safe, decent, and adequate accommodations, including but not limited to, recreational facilities for overseas seafarers that meet the minimum standards set out in MLC 2006, as amended, 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. 46. *Requirements for Sanitation.* – All ocean-going ships shall have sanitary facilities that meet the minimum standards for health and hygiene, which shall be accessible to overseas seafarers on board, and sanitation standards set by Chapter XV – "Port, Airport, Vessel and Aircraft Sanitation" of Presidential Decree No. 856, otherwise known as the "Code on Sanitation of the Philippines", and its implementing rules and regulations (IRR). The sanitary facilities shall be located in convenient places, allowing easy access to work stations.

Separate sanitary facilities shall also be provided for male and female crew members of the ship.

SEC. 47. *Food and Catering.* – All ocean-going ships shall ensure the protection and promotion of the health of the overseas seafarers. Shipowners shall ensure that their ocean-going ships carry on board and serve food and drinking water of appropriate quality, nutritional value, and quantity that adequately cover 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, drinks, and the preparation thereof shall be in accordance with the standards of Presidential Decree No. 856, pertinent laws, rules, regulations, and 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 FOR OVERSEAS SEAFARERS

SEC. 48. *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, common emergency and maintenance medications prescribed by licensed physicians to seafarers during PEME,

medical equipment, and the medical guide on board shall be maintained and inspected regularly to ensure that labeling, expiry dates, and 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 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. 49. *Protection of Seafarers from Epidemics, Pandemics, or Other Public Health Emergencies.* –

(a) Seafarers shall be covered by adequate insurance for 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 exhibit symptoms or contract 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 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 exempted from travel-related, health-related, or movement restrictions.

SEC. 50. *Financial Security System to Assist Seafarers in Case of Injury and Other Causes.* – In accordance with the MLC 2006, as amended 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. 51. *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 coverage 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 coverage is without prejudice to the insurance policy issued or secured by the shipowners, over and above the minimum coverage, as an added protection to seafarers in accordance with international standards and practices.

CHAPTER X

TERMINATION OF EMPLOYMENT OF OVERSEAS SEAFARERS

SEC. 52. *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:

(1) The seafarers complete their period of contractual service aboard the ship;

(2) The seafarers sign off from the ship; and

(3) The seafarers arrive at the point of hire.

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

(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 the 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 the contract within a reasonable period as may be prescribed in the IRR of this Act; or

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

SEC. 53. *Extension of Employment.* – In the event of 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 the seafarers subject of such contract extensions.

CHAPTER XI

DISPUTE RESOLUTION FOR OVERSEAS SEAFARERS

SEC. 54. *Onboard and Onshore Grievance Machinery.* – All ocean-going ships covered by this Act are required to have fair, effective, and expeditious onboard and onshore grievance or complaint resolution mechanisms readily accessible, 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 agreement reached at the grievance machinery level must be in writing, duly signed by the parties, and shall be final and binding between them.

SEC. 55. *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 IRR. 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 Presidential Decree No. 442, as amended.

SEC. 56. *Maritime Industry Labor Conciliator-Mediators and Arbitrators.* – The Secretaries of the DMW and the DOLE, together with the 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, as amended, 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 structures, as well as issue the appropriate maritime industry dispute settlement rules of procedure to implement the provisions of this Act.

SEC. 57. *Determination of Disability Grading or Fitness to Work.* – 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-designated physician for treatment until the seafarer is declared fit to work or given a disability grading.

A seafarer who disagrees with the company-designated physician's final assessment may seek its re-evaluation by a physician of choice who specializes in the illness or injury. If the seafarer's doctor issues a disability grading that is different or contrary to the medical findings of the company-designated physician, the seafarer must file, within thirty (30) days 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 mutually selected by the employer and seafarer 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 the seafarer's doctor, the third doctor shall determine the final disability grading which shall be binding upon the seafarer and the employer. This process shall be mandatory before any dispute settlement, arbitration proceeding, or case may be filed, when the issue is the disability grading, fitness to work, or the illness or injury of the seafarer.

The third doctor's assessment shall strictly adhere to the Schedule of Disabilities as provided in the SEC or the applicable CBA, as warranted.

The DMW and the 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. 58. *Period to Settle Claims.* – In the event a seafarer or the seafarer's successors-in-interest file a claim for unpaid salaries and other statutory monetary benefits, or a claim 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 overseas employer or manning agency shall be communicated to the seafarer within the aforesaid fifteen (15)-day period. The employer or manning agency shall settle its obligations to the seafarer, if any, within fifteen (15) days from the time it has communicated its findings to the seafarer.

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. 59. *Execution of Judgment and Monetary Awards.* – 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, wages, statutory benefits, and the death and disability claims of seafarers.

Such rules and procedures shall institute mechanisms for the prevention of ambulance chasing and the *motu proprio* prosecution or disbarment of ambulance chasers, as provided under Republic Act No. 10706, Presidential Decree No. 442, as amended, and under applicable rules and professional codes of conduct.

To ensure the full and timely restitution of the monetary award, the following mechanisms are instituted, without prejudice to such rules as the Supreme Court may issue or promulgate.

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 determined to be legally due the seafarer; and

(e) Damages, including moral damages, exemplary damages, nominal damages, attorney's fees, and other similar awards.

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

Pending 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 the seafarer ultimately prevails on appeal or judicial review, the losing party shall 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.

The DMW, through the *Agarang Kalinga at Saklolo Para sa mga OFW na Nangangailangan* (AKSYON Fund), may provide financial assistance to the seafarer depending on the final determination of maritime disability grading under Section 57 of this Act for the payment of premiums of the bond either in full or in part. Pertinent guidelines for

assistance in the payment of premiums, including the availment process, amount, or length of validity shall be issued by DMW, after consultation with stakeholders, including the DOLE, NLRC, seafarers unions, manning agencies, shipowners, or their representatives.

SEC. 60. *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 proceeding 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, their organization, or the members thereof.

A 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 his successors-in-interest pursuant to Republic Act No. 10706, otherwise known as the "Seafarers Protection Act". Any contract, agreement or arrangement 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 containing the following averments:

(a) They shall not charge the seafarer a contingent fee 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 directly or indirectly recommend, endorse, or facilitate loans with lending individuals or companies connected to seafarers.

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

CHAPTER XII

REPATRIATION FOR OVERSEAS SEAFARERS

SEC. 61. *Seafarers' Repatriation.* – In all cases of repatriation, the affected seafarer shall be repatriated to the point of hire: *Provided,* That in case of permanent or temporary incapacity or death, the seafarer or his/her 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 and transport of the personal effects and remains of seafarers, including the provision of financial security in case of abandonment of seafarers, shall be borne by the shipowner or the manning agency concerned. The shipowner or manning agency shall expedite the repatriation without prior determination of the cause of repatriation or termination of the seafarer's employment.

SEC. 62. *Repatriation Expenses; Advance and Recovery.* – The repatriation expenses that shall be borne by the concerned shipowner or manning agency 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 default 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 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. 63. *Quarantine and Medical Expenses in Repatriation Due to Epidemic or Pandemic.* – In case of an epidemic or pandemic declared by the WHO, the shipowner or manning agency shall be responsible for medical care expenses 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.

Upon arrival at the point of hire until 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. 64. *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 FOR OVERSEAS SEAFARERS

SEC. 65. *Reintegration.* – In accordance with Section 17 of Republic Act No. 11641, a full-cycle and comprehensive national reintegration program for seafarers shall be developed and implemented, which shall be embedded in all stages of migration for work beginning from pre-deployment, to on-site during employment, until voluntary or involuntary return. 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 the contribution of skilled or professional seafarers to national development through investments and transfer of technology.

CHAPTER XIV

EMERGENCY RESCUE OF DOMESTIC SEAFARERS

SEC. 66. *Emergency Rescue of Domestic Seafarers.* – Domestic seafarers on board domestic ships shall be entitled to emergency rescue in cases of war, epidemic, abandonment, disasters, natural or man-made calamities, 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.

CHAPTER XV

MANNING LEVELS AND CREW COMPETENCY REQUIREMENTS

SEC. 67. *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. 68. *Crew Competence.* – Every crew member of a ship of Philippine registry shall possess, in addition to the required medical certificate, the appropriate certificate of competency issued by the MARINA, setting forth one's competence to serve in the capacity and perform the functions involved at the level of responsibility for the position held, and 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 competence for the position held.

SEC. 69. *Compliance and Certification.* – The shipowner and master mariner shall ensure the ship's compliance with the applicable provisions of this Act and its IRR at all times. In case of any violation thereof, they shall be principally liable.

For this purpose, a Maritime Labour Certificate for ocean-going ships or a certificate of compliance for domestic ships shall be issued to the shipowner, following guidelines which may be prescribed by the DOLE.

CHAPTER XVI

INSPECTION AND ENFORCEMENT

SEC. 70. *Inspection and Enforcement.* –

(a) Philippine-registered ships operating internationally. – The Secretary of the DOLE, in coordination with the Secretary of the DMW, MARINA, and other relevant government agencies, shall have the power over all Philippine-registered vessels operating internationally to:

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

(2) Order immediate correction of, and impose fines for, violations of the relevant provisions of this Act.

When there is a serious violation of working conditions of seafarers, or the violation 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 MARINA and the PCG to determine the necessity of preventing the departure of a Philippine-registered ship operating internationally from a port until the violation is corrected or until a plan of action to rectify the violations is shown to be implemented expeditiously.

Upon the order of the Secretary of the DOLE, the PCG shall prohibit a Philippine-registered ship operating internationally from leaving port in case of finding that the conditions on board are clearly hazardous to the safety, health, or security of seafarers, or are not compliant with any of the provisions of this Act and the MLC 2006, as amended. In all cases, the prohibition to leave port shall be in place until the same has been rectified or until a plan of action to rectify the nonconformity is shown to be implemented in an expeditious manner and cleared by the Secretary of the DOLE.

(b) Foreign-flagged vessels. – 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 IRR, as well as the MLC 2006, as amended, for ocean-going vessels.

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

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.

(c) Philippine-registered ships operating domestically. – For Philippine-registered ships operating domestically, the MARINA, in coordination with the PCG, shall ensure that the relevant provisions of Republic Act No. 9993, otherwise known as the "Philippines Coast Guard Law of 2009", and relevant MARINA issuances shall apply.

SEC. 71. *Maritime Occupational Safety and Health Standards (MOSHS).* – The DOLE, in consultation with the DMW and the maritime industry stakeholders, shall formulate the MOSHS according to the provisions of Republic Act No. 11058, otherwise known as "An Act Strengthening

Compliance with Occupational Safety and Health Standards and Providing Penalties for Violations Thereof", applicable maritime conventions, and treaties ratified by the Philippines, and shall ensure compliance with such standards.

SEC. 72. *Inter-Governmental Coordination and Cooperation Council (IGC3) on Maritime Labor and Occupational Safety and Health Standards (OSHS) Enforcement.* – The Secretary of the DOLE shall convene a Maritime Labor and OSHS Enforcement IGC3 to ensure efficiency, coherence, and coordination on 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. 73. *Recognized Organizations.* – Recognized organizations may be authorized by the Secretary of the DOLE to conduct inspection of and issue certifications to Philippine-registered ships operating internationally, in accordance with the relevant provisions of this Act and its IRR.

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

A recognized organization shall likewise 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 FOR OVERSEAS AND DOMESTIC SEAFARERS

SEC. 74. *Green Lane for Seafarers.* – During public emergencies, pandemics or epidemics, or when circumstances warrant, the MARINA, in coordination with the DMW, the DOLE, the DOH, Department of Foreign Affairs (DFA), Department of Justice (DOJ), Department of the Interior and Local Government (DILG), DOTr, Bureau of Immigration (BI), or other relevant agencies, shall activate a green lane to facilitate the speedy and safe travel of seafarers.

The MARINA, in consultation with the above-mentioned government agencies, shall issue the necessary guidelines to implement this provision.

CHAPTER XVIII

EDUCATION AND TRAINING OF SEAFARERS AND CADETS

SEC. 75. *Jurisdiction over Maritime Education.* – Consistent with Republic Act No. 10635, otherwise known as "An Act Establishing the Maritime Industry Authority (MARINA) as the Single Maritime Administration Responsible for the Implementation and Enforcement of the 1978 International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, as Amended, and International Agreements or Covenants Related Thereto", MARINA shall have jurisdiction over maritime education. In consultation with the CHED, it shall:

(a) Ensure the quality, standard, and competence of maritime students and graduates;

(b) Adopt and implement appropriate academic and training standards, including required learning facilities;

(c) Accredit, regulate, and monitor maritime education institutions offering maritime degree programs or technical courses;

(d) Close, phase-out, or revoke the license or accreditation of substandard maritime education institutions, or specific degree programs, courses, or training;

(e) Enhance the capacity of MHEIs to develop both international and domestic maritime degree programs;

(f) Ensure that the curriculum of the MHEIs offering international maritime degrees comply with standards set forth in the STCW Convention and all other applicable maritime and labor conventions, taking into account the IMO model courses;

(g) Accredit, regulate, and monitor maritime training institutions;

(h) Approve non-degree maritime courses developed by maritime education or training institutions or the TESDA;

(i) Create a mechanism for the ladderization of both international and domestic maritime degree programs, and non-degree maritime courses developed by the TESDA; and

(j) Regulate the fees charged by maritime educational institutions, and consistent with Section 83 of this Act, regulate the fees charged by maritime training institutions.

SEC. 76. *Shipboard Training.* – Consistent with the STCW Convention, as amended, shipboard training shall be a requirement for international maritime degree programs. MARINA shall determine the applicability of shipboard training, including its duration, for domestic maritime degree programs or non-degree programs, in accordance with best practices in maritime education and training.

The MARINA shall issue the applicable guidelines on shipboard training for overseas and domestic ships, including allowable tonnage, duration, quahfications of training officers, maximum number of cadets, and mechanisms to address harassment and bullying of cadets.

SEC. 77. *Shipboard Training Agreement for Cadets.* – There shall be a written agreement between the shipowner, cadet, and the maritime institution or school, which shall embody the information, terms and conditions of the cadetship program. The MARINA shall issue the necessary guidelines for the effective implementation of this cadetship program, taking into account the nature of the maritime degree.

SEC. 78. *Requirements for Maritime Higher Education Institutions.* – Consistent with Republic Act No. 844, otherwise known as "An Act Requiring Nautical or Maritime Schools To Have At Least One Training Ship Each", all MHEIs offering international maritime degree programs 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, shipowners, or manning agencies for the shipboard training program of their students or cadets.

MHEIs offering international maritime degree programs shall enroll or admit a sufficient number of students or cadets proportionate to the number of training slots in their own training ships, simulators, or other similar technologies, or the number of training slots that can be accommodated by the shipping companies, shipowners, or manning agencies based on their agreements with the concerned MHEIs: *Provided,* That upon passage of this Act, MHEIs shall give priority for shipboard training to students who have finished the academic requirements of their 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 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 conducted in the MHEIs' own training ships.

SEC. 79. *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 for domestic maritime degree or non-degree programs. The number of cadets required to be accommodated shall be in accordance with rules and regulations issued by the MARINA.

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 the guidelines issued by the 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. Shipowners may charge reasonable fees for the training of cadets. MARINA shall issue guidelines on the amount of fees that may be charged by shipowners on the training of cadets.

The MARINA shall provide incentives to owners of commercially-operating domestic ships reconfigured for use in the shipboard training of a substantial number of cadets.

MARINA shall also issue the appropriate guidelines for the grant of such incentives, after consultation with the relevant stakeholders.

SEC. 80. *Compliance Period and Penalty for Violation.* – The MHEIs shall comply with the provisions of Section 78 within three (3) years from the implementation of this Act.

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

Failure to comply with this provision within three (3) years shall result in the cancellation of the MHEI's government license or recognition.

SEC. 81. *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. 82. *Incentive Programs for MHEIs.* – The MARINA, in consultation with the CHED, may 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. Once established, the amount necessary for the implementation of the incentive program shall be included in the General Appropriations Act (GAA).

SEC. 83. *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 a regular and voting member 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. 84. *Non-Degree Courses for Seafarers.* – Subject to the approval of the MARINA, the TESDA, in consultation with the CHED, may develop and establish non-degree courses on maritime education and training consistent with its mandate under Republic Act No. 7796. Non-degree holder seafarers may be required to undergo shipboard training, for purposes of employment in the domestic maritime industry, in vessels below the minimum gross tonnage and horsepower required under the guidelines of the MARINA in compliance with international standards: *Provided,* That such non-degree program may serve as a preparatory course, or may be considered as an "associate degree", leading to full international or domestic maritime degree programs through a ladderized system of education and training, consistent with Republic Act No. 10647 and Republic Act No. 10968, otherwise known as the "PQF Act".

CHAPTER XIX

INCENTIVES AND AWARDS GRANTED TO THE MARITIME INDUSTRY

SEC. 85. *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 maritime industry stakeholders.

Deserving shipowners, seafarers, manning agencies, and other organizations or entities shall be commended or awarded for their outstanding performance in upholding seafarers' rights and complying with this Act and its IRR.

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. 86. *Role of Government Agencies.* – In addition to the roles and functions specified in the provisions of this Act, 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 assist MARINA in setting the standards and monitoring 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. Further, it shall assist MARINA in ensuring that international maritime degree programs are compliant with international standards prescribed under the STCW Convention and its amendments.

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

(c) DMW. – The DMW shall ensure that the standard working and living conditions of overseas seafarers of ocean-going ships of Philippine or foreign registry are met. It shall likewise ensure that the standards set forth under this Act, the MLC 2006, as amended, and other international treaties and conventions to which the Philippines is a signatory are faithfully complied with and fairly applied to overseas 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.

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 overseas seafarers. The DMW shall ensure a fast and efficient way of processing employment contracts, renewal of manning licenses, accreditation of principals, and enrolment of vessels to promote the marketability and employment of overseas seafarers.

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

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

(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 overseas seafarers. In accordance with the provisions of Section 57 of this Act, the DOH shall likewise formulate and implement guidelines, in coordination with the DMW, on the selection, training, maintenance, and review of the pool of accredited third doctors for the disability grading of overseas seafarer's claims.

The DOH shall determine and prescribe the nature of the medical examination required of an overseas 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 overseas seafarer's state of health.

The DOH shall likewise fulfill its role under Section 23(c) of Republic Act No. 8042, as amended by Republic Act No. 10022.

(e) DOLE. – The DOLE shall ensure that the standards set forth under this Act, Presidential Decree No. 442, as amended, other domestic laws, and other applicable 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 inspection and certification to ensure that the standard working and living conditions of domestic seafarers are met.

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

It shall likewise adopt and implement appropriate standards for domestic seafarers, taking into account prevalent domestic shipping conditions and after due consultation with domestic maritime stakeholders.

For these purposes, there shall be an Office of the Deputy Administrator for Education, Training, and Certification created under this Act. Such office shall be immediately prepared and organized by MARINA for submission to and approval by the Department of Budget and Management (DBM).

(g) NCMB. – The NCMB shall, pursuant to Executive Order No. 126, series of 1987, as amended by Executive Order No. 251, series of 1987, and other relevant issuances of the DOLE, perform mediation and conciliation functions in the settlement of maritime labor disputes involving overseas and domestic seafarers, covered by a CBA or any similar agreement mandating submission to voluntary arbitration. It shall likewise promote voluntary approaches and alternatives in the prevention and settlement of maritime labor disputes consistent with its mandate.

(h) NLRC. – The NLRC shall, consistent with its mandate and jurisdiction under Presidential Decree No. 442, as amended, and other labor laws, adjudicate labor and management disputes involving overseas and domestic seafarers, through compulsory arbitration or alternative modes of dispute resolution.

(i) 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 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 to provide the seafarers with real-time updated information on matters affecting their employment and helpline support.

(j) OWWA. – The OWWA shall, through its welfare officer or, in his/her absence, the coordinating officer, provide the overseas seafarers and their families all the assistance needed in the enforcement of contractual obligations by agencies and/or 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, including the grant of free legal assistance to its member-seafarers. It shall ensure awareness by the overseas Filipino seafarers and their families of these programs and other related governmental programs.

(k) 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 the DOLE in the

enforcement of rules and regulations issued for the purpose of implementing the MLC 2006, as amended, including orders to detain vessels found in gross violation of pertinent laws, rules, and regulations.

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

(m) TESDA. – The TESDA shall, in consultation with the CHED and subject to the approval of the MARINA, develop, establish, and implement non-degree courses and programs on maritime education 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. 87. *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 the OWWA which have a 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 the expiration of contract, are transitioning in between contracts, or awaiting recall for deployment.

The PAO shall, in coordination with the OWWA, appoint at least one (1) public attorney who shall be posted in 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, annually review and develop the welfare facilities and services to ensure that they are appropriate in 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 seafarers who are at the welfare centers and are not otherwise actively engaged as such, or are in transition in between contracts, or are awaiting deployment, to ensure that they keep abreast with 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.

SEC. 88. *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. 89. *Registry of Seafarers.* – The DMW, for ocean-going ships of foreign registry, and the MARINA, for domestic and ocean-going vessels of Philippine registry, shall maintain a registry of all Filipino seafarers: *Provided,* That the registry of seafarers aboard ocean-going ships shall be integrated into the shared government information system for migration established under Republic Act No. 8042, as amended by 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 the MARINA shall ensure compliance with Republic Act No. 10173 and its IRR in handling seafarers' relevant information or data in their respective registries.

CHAPTER XXI

FINAL PROVISIONS

SEC. 90. *Penalties.* – Upon finding of the DMW or the DOLE that a person or entity, whether public or private, has violated any provision of this Act or its IRR, 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. 91. *Administrative Fines and Penalties.* – Any shipowner, master mariner, or their representative who fails or refuses to present employment records, such as payroll and daily time records, pay slips, or other documents, such as medical records, when required by the individual seafarer, by the Secretary of the DMW, the Secretary of the DOLE, their duly authorized representatives, or by the duly authorized representative of a recognized organization, shall be subject to administrative fine ranging from One hundred thousand pesos (P100,000.00) to One million pesos (P1,000,000.00).

SEC. 92. *Penalty for Violation of Section 69 (Compliance and Certification).* – Any shipowner, master mariner, or their representative who operates without, or fails to present when required, a valid Maritime Labour Certificate or its equivalent, shall be punished with a fine ranging from One hundred thousand pesos (P100,000.00) to One million pesos (P1,000,000.00), in accordance with the IRR of this Act.

SEC. 93. *Penalty for Violations of Section 70 (Inspection and Enforcement).* – Any person who, without proper authorization, exercises the authority granted to the Secretary of the DOLE, PCG, and MARINA under Section 70 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 prescribe after five (5) years from its discovery.

SEC. 94. *Transitory Provision.* – All rights, privileges, and benefits previously enjoyed by Filipino seafarers before the effectivity of this Act, including those set forth in Presidential Decree No. 442, 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. 95. *Creating Offices and Hiring Appropriate Personnel.* – The DMW, MARINA, DOLE, and other concerned government agencies, upon consultation with and approval of the DBM, shall create the necessary offices and hire appropriate personnel to ensure the effective implementation of this Act.

SEC. 96. *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; scholarship programs for seafarers; 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 DMW, MARINA, DOLE, DOTr, OWWA, TESDA, and other agencies concerned. Thereafter, such amount shall be included in the annual GAA.

SEC. 97. *Implementing Rules and Regulations.* – The DMW and MARINA, as Chair and Vice-Chair respectively, in coordination with the DOLE, DOTr, CHED, DFA, DOH, Department of Finance (DOF), OWWA, PCG, BI, 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 institutions, nongovernmental

organizations (NGOs), civil society groups, and all relevant sectors, shall promulgate the necessary rules and regulations to implement the provisions of this Act within ninety (90) days after its effectivity.

The DMW, pursuant to Section 3, paragraph (j) of Republic Act No. 11641, and Chapter II, Section 6, paragraph (v) of this Act, shall ensure that OFWs on board foreign registered commercial fishing vessels or vessels fishing in distant waters, serving as cruise ship personnel or as yacht crew, stationed on mobile offshore and drilling units in the high seas, and other persons similarly situated are given adequate protection under the relevant provisions of this Act and pertinent international agreements to which the Philippines is a party.

SEC. 98. *Separability Clause.* – If any provision of this Act is declared to be unconstitutional, the remainder thereof not otherwise affected shall remain in full force and effect.

SEC. 99. *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, amended, or modified accordingly.

SEC. 100. *Effectivity.* – This Act shall take effect after fifteen (15) days following the completion of its publication either in the *Official Gazette* or in a newspaper of general circulation.

Approved,

FERDINAND MARTIN G. ROMUALDEZ
Speaker of the House of Representatives

FRANCIS "CHIZ" G. ESCUDERO
President of the Senate

This Act, which is a consolidation of Senate Bill No. 2221 and House Bill No. 7325, was passed by the Senate of the Philippines and the House of Representatives on July 31, 2024.

REGINALD S. VELASCO
Secretary General
House of Representatives

RENATO N. BANTUG JR.
Secretary of the Senate

Approved: SEP 2 9 2024

FERDINAND ROMUALDEZ MARCOS JR.
President of the Philippines

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