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REGISTRATION UNIT BILLS AND INDEX SERVICE

Introduced by HONORABLE BELLAFLOR J. ANGARA-CASTILLO

EXPLANATORY NOTE

With the entry into force of the Maritime Labour Convention, 2006, on 20 August 2013, the Philippines as the 30th Member State to ratify the Convention, is working on the country's compliance in ensuring all Filipino seafarers' international labor standards. Affording protection to our seafarers through a national law, regulations and other measures is a compliance-imperative for the Philippines because as a labour-supplying country, it is a major source of seafarers around the world.

According to the International Labor Organization, there are more than 1.2 million seafarers worldwide and Filipino seafarers make up 30 per cent of the seafarers on the global shipping fleet. Likewise, archipelagic as it is, with more than 1,107 islands, the Philippines is also home to thousands of local seafarers manning domestic ships navigating the Philippine waters for purposes of commerce and trade.

In view of these considerations, enacting a *Magna Carta for Seafarers* that promotes the welfare and protect the rights of Filipino seafarers becomes a matter of course. The bill seeks to ensure protection of the rights and welfare of Filipino seafarers. Specifically, it seeks to recognize the rights of Filipino seafarers, institute mechanisms for the enforcement and protection thereof, provide for compulsory benefits, and implement standards set by the MLC, 2006.

In view of the foregoing, the passage of this bill is earnestly sought.


BELLAFLOR J. ANGARA-CASTILLO
Representative
Lone District, Province of Aurora

Introduced by HONORABLE BELLAFLOR J. ANGARA-CASTILLO

**AN ACT INSTITUTING THE MAGNA CARTA OF FILIPINO SEAFARERS, AND FOR
OTHER PURPOSES**

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

CHAPTER I – General Provisions

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

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

- a. To recognize the rights, contributions and unique role of Filipino seafarers as maritime professionals as well as their vulnerabilities, and afford them full protection before, during and after their employment;
- b. To maintain and progressively develop a pool of competent and world-class seafarers through a system of education, training, accreditation and licensing;
- c. To establish mechanisms for the enhancement of administrative, adjudicative, social as well as welfare services for them and their families;
- d. To enact laws that adopt, and implement the standards set by international conventions and agreements on working and living conditions, and occupational safety and health, among others, for seafarers particularly the Maritime Labour Convention, 2006; and
- e. To recognize shipowners, manning and recruitment entities as vital partners in promoting the skills and competencies of Filipino seafarers.

Toward these ends, the State shall endeavor to improve the Filipino seafarers’ working conditions, terms of employment, career prospects and provide them opportunities to harness their potentials to the fullest. The State shall further work to uplift the socio-economic well-being of the Filipino seafarers’ families.

SEC. 3. Applicability. – This Act shall cover Filipino seafarers engaged, employed, or working in any capacity on board Philippine registered ships operating domestically or internationally as well as those on-board foreign registered ships.

This Act shall not cover the following categories of ships:

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

1
2 **SEC. 4. Definition of Terms. –**
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- 4 a. **“Cadet”** refers to the student of maritime educational institutions who is required to
5 undergo training on-board registered international ships or domestic ships to fulfil a
6 maritime academic course;
7
- 8 b. **“Domestic Shipping”** refers to the transport of passenger or cargo or both by ships
9 duly registered and licensed under Philippine law to engage in trade and commerce
10 between Philippine ports and within Philippine territorial or internal waters for hire or
11 compensation with general or limited clientele whether permanent, occasional or
12 incidental with or without fixed routes and done for contractual or commercial
13 purposes;
14
- 15 c. **“International Maritime Convention”** or **“International Convention”** refers to any
16 written treaty or agreement, or any protocol or amendment thereto, affecting the
17 maritime industry which has come into force and effect, including the Maritime
18 Labour Convention, 2006;
19
- 20 d. **“License”** refers to the document issued by the Department of Labor and
21 Employment (DOLE) authorizing any person or entity to engage in the recruitment
22 and placement of seafarers;
23
- 24 e. **“Manning/Recruitment and Placement Agency”** refers to any Filipino person,
25 corporation, partnership, company, etc. who is engaged in the canvassing, enlisting,
26 contracting, transporting, utilizing, hiring or procuring whether for profit or not, of
27 seafarers whether domestic or international;
28
- 29 f. **“Maritime Industry Stakeholders”** shall refer to all private sector stakeholders,
30 engaged in the business of owning, managing, chartering and/or operating domestic
31 and international ship(s) of Philippine or foreign registry, manning of ships,
32 management of ports, stevedoring and arrastre services, ship brokering and
33 chartering, ship-building and ship repair, providing maritime services such as ship
34 supplies and provisions, maritime education and training, shipping agency, and other
35 similar activities;
36
- 37 This term shall also include *bona fide* maritime labor organizations and professional
38 associations of seafarers;
39
- 40 g. **“Master”** is a person having command of a ship;
41
- 42 h. **“Maritime Labour Certificate”** shall refer to the document that certifies that the
43 working and living conditions of the seafarers on the ship have been inspected and
44 meet the requirements of Philippine laws and regulations;
45
- 46 i. **“Officer”** means a member of the crew other than the master who has been
47 designated as such national law or regulation or in the absence of such designation
48 by collective agreement or custom;
49
- 50 j. **“Deck Officer”** means an officer qualified in accordance with the provisions of the
51 International Convention on the Standards of Training, Certification and
52 Watchkeeping for Seafarers (STCW) 1978 as amended (Chapter II);
53
- 54 k. **“Engine Officer”** means an officer qualified in accordance with the provisions of the
55 International Convention on the Standards of Training, Certification and
56 Watchkeeping for Seafarers (STCW) 1978 as amended (Chapter III);
57

- 1 l. **“Philippine National”** shall refer to any individual who is a citizen of the Philippines,
2 or a commercial partnership or corporation organized under the laws of the
3 Philippines, at least 60% of the capital of which is owned by citizens of the
4 Philippines;
5
- 6 m. **“Philippine Seafarers’ One Stop Processing Center (PSOC)”** shall refer to the
7 facility center which houses multiple offices/agencies involved in providing services
8 to seafarers in one roof;
9
- 10 n. **“Point of Hire”** refers to the place where the contract of employment was executed;
11
- 12 o. **“Recognized Organizations”** refer to organizations recognized by the DOLE to
13 carry out inspections and/or issue the Maritime Labour Certificate in accordance with
14 the scope of activities covered by their authorizations;
15
- 16 p. **“Repatriation”** refers to the process of returning a seafarer to the point of hire;
17
- 18 q. **“Seafarer”** shall refer to all persons who are employed or are engaged or work in
19 any capacity on board a ship to which the Act applies;
20
- 21 r. **“Ship”** or **“Vessel”** shall refer to any kind, class or type of craft or artificial
22 contrivance capable of floating in water, whether publicly or privately owned,
23 ordinarily engaged in commercial activities and offshore operations, except fixed
24 platform;
25
- 26 s. **“Sea Going Ship”** refers to a ship other than those which navigate exclusively
27 inland water or in water within or closely adjacent to sheltered water or areas where
28 port regulations apply;
29
- 30 t. **“Shipowner”** refers to the owner of the ship hiring Filipino seafarers to work on
31 board domestic ships and ships engaged in international trade, or any other
32 organization or person, such as the manager, agent or bareboat charterer, who has
33 assumed the responsibility for operation and management of the ship, and who, on
34 assuming such responsibilities, has agreed to take over all the attendant duties and
35 responsibilities of a shipowner under this Act, regardless of whether any other
36 organization or persons fulfil certain of the duties or responsibilities on behalf of the
37 shipowner.
38
39

40 Chapter II. Seafarer’s Rights 41

42 **SEC. 5. Right to Just Terms and Conditions of Work.** – Seafarers shall have the right to:
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- 44 a. Safe and secure workplace that complies with safety standards;
45 b. Decent working and living conditions on-board ship;
46 c. Medical care, welfare measures and other forms of health and social protection; and
47 d. Fair terms and conditions of employment including salary commensurate to their
48 rank, hours of work, and other relevant basis for wage computation, minimum
49 number of working hours, rest period consistent with Philippine laws or international
50 maritime conventions, when applicable.
51

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