

**REPUBLIC ACT NO. 12021
MAGNA CARTA OF FILIPINO
SEAFARERS**

**IMPLEMENTING RULES AND
REGULATIONS**

RULE I PRELIMINARY PROVISIONS

Section 1. Title

This Rule shall be known and cited as the Implementing Rules and Regulations (IRR) of Republic Act (RA) No. 12021, entitled "An Act Providing for the Magna Carta of Filipino Seafarers", otherwise known as the "Magna Carta of Filipino Seafarers", or the "IRR".

Section 2. Purpose and Objective

This IRR is promulgated to prescribe the procedures and guidelines for the implementation of the "Magna Carta of Filipino Seafarers" or RA No. 12021 in order to facilitate compliance therewith and to achieve the objectives thereof.

Section 3. Construction

This IRR shall be liberally construed and interpreted in order to carry out the objectives and principles of the Magna Carta of Filipino Seafarers or RA No. 12021.

Section 4. Coverage

4.1 This IRR 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 IRR shall likewise include Filipino cadets in accordance with the provisions of Chapter XVIII (Education and Training of Seafarers and Cadets) of RA No. 12021.

For purposes of this IRR, the Department of Migrant Workers (DMW) shall ensure that Overseas Filipino Workers (OFW) on board foreign registered vessels and other persons similarly situated covered by Sec. 97 of RA No. 12021 are given adequate protection under the relevant provisions of these Rules and pertinent international agreements to which the Philippines is a party.

This IRR 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 DMW shall exercise regulatory supervision over overseas seafarers on board, subject to appropriate guidelines and conditions that may be issued by the Department of Transportation (DOTr), Maritime Industry Authority (MARINA), DMW, Department of Labor and Employment (DOLE) and other concerned agencies.

4.2 Limited applicability of this IRR 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 IRR:

- (a) Rights of the Seafarers (Rule III);
- (b) Duties of Seafarers (Rule IV);

- (c) Women in the Maritime Industry (Rule V);
- (d) Emergency Rescue of Domestic Seafarers (Rule XIV);
- (e) Manning Levels and Crew Competency Requirements (Rule XV);
- (f) Inspection and Enforcement (Rule XVI);
- (g) Green Lane for Overseas and Domestic Seafarers (Rule XVII);
- (h) Requirements for Philippine-Registered Ships on Shipboard Training (Rule XVIII, Section 5); and
- (i) Incentives and Awards Granted to the Maritime Industry (Rule XIX).

The MARINA shall issue the necessary guidelines regarding domestic seafarers' qualifications, training, and certification as provided in Rule V Section 5 (Training and Qualification) of this IRR 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 as provided in Rule XX Section 1 (f) (Role of Government Agencies) of this IRR.

Section 5. Declaration of Policy

The provisions of this IRR are in line with the State's policy to protect the rights and overall welfare of domestic and overseas Filipino seafarers, promote their full employment, and ensure equal opportunities in the maritime industry regardless of sex or creed, including equitable access to education, training, and development consistent with existing domestic and international laws, standards, and conventions, particularly the Maritime Labour Convention 2006 (MLC 2006), as amended, and the International Convention on Standards of Training, Certification, and Watchkeeping for Seafarers (STCW Convention, 1978, as amended).

Through this IRR, the State shall:

- (a) secure decent working and living conditions for seafarers;
- (b) standardize the terms and conditions of their employment;
- (c) promote their skills and competencies;
- (d) regulate operations of manning agencies and incentivize maritime stakeholders; and
- (e) establish and enhance mechanisms for administrative, adjudicative, and social and welfare services for the seafarers and their families.

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

The State shall likewise ensure that appropriate actions are imposed for violations of human rights at sea, effective sanctions shall be 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.

RULE II DEFINITION OF TERMS

Section 1. Definition of Terms

As used in this IRR, the following terms shall mean:

- (a) **Abandonment** refers to a situation where, in violation of the terms of the employment contract, the shipowner:
 - (1) Fails to cover the cost of the seafarer's repatriation; or
 - (2) Has left the seafarer without the necessary maintenance and support, which include adequate food, accommodation, drinking water supplies, essential fuel for survival on board the ship and necessary medical care; or
 - (3) Has otherwise unilaterally severed its ties with the seafarer, including failure to pay contractual wages for a period of at least two (2) months;
- (b) **Armed Robbery Against Ships** shall mean any illegal act of violence or detention or any act of depredation, or threat thereof, other than an act of piracy, committed for private ends and directed against a ship or against persons or property on board such a ship, within a state's internal waters, archipelagic waters and territorial sea; or any act inciting or of intentionally facilitating an act described above;
- (c) **Bond**, for purposes of this IRR, refers to the bond posted by the seafarer or the seafarer's heirs, assigns, or successors-in-interest as judgment obligee for the immediate execution, pending appeal or judicial review, of the disputed amount in the decision granting monetary award in a voluntary or mandatory arbitration or by National Labor Relations Commission (NLRC) or award on the seafarer's favor of the Labor Arbiter, the NLRC or the Voluntary Arbitrator or Panel of Voluntary Arbitrators, or other appropriate government agency;
- (d) **Bullying** is a form of harassment that includes hostile or vindictive behavior, which can cause the recipient to feel threatened or intimidated. It results in a work environment in which a group of people or an individual may become threatened or intimidated because of the negative or hostile behavior of another group of people or individual;
- (e) **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 RA No. 12021 to fulfil a maritime degree or technical course;
- (f) **Collective Bargaining Agreement (CBA)** refers to the negotiated contract between a legitimate labor organization and the shipowner or principal concerning wages, hours of work and all other terms and conditions of employment onboard the vessel or ship. It can also refer to a document which sets out standards, terms, and conditions of employment applicable to overseas seafarers negotiated and agreed between the overseas seafarer's authorized representative and the shipowner;
- (g) **Competent authority** means the minister, government department or other authority having power to issue and enforce regulations, orders or other instructions having the force of law;
- (h) **Disputed amount** refers to the amount determined by the Labor Arbiter or the NLRC or by the Voluntary Arbitrator or Panel of Voluntary Arbitrators, to be legally due the seafarer, including moral damages, exemplary damages, nominal damages, attorney's fees, and other similar awards, that is not immediately executory pending an appeal or judicial review, unless the seafarer or the seafarer's heirs, assigns, or successors-in-interest as judgment obligee posts a sufficient bond to ensure the full restitution of those amounts which shall be maintained until final resolution of the appeal or judicial review;
- (i) **Domestic seafarer** refers to a seafarer who has been engaged, employed, or works in any capacity on board a domestic ship;
- (j) **Domestic maritime degree program** refers to a degree approved by the MARINA, in coordination with CHED, for training, education and certification of domestic seafarers;

- (k) **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.
- (l) **Employment contract** refers to the agreement between a Filipino seafarer and principal/shipowner that establishes their employer-employee relationship including the terms thereof;
- (m) **Green lane** refers to a dedicated and controlled travel corridor facilitating in the shortest time possible a safe and swift entry of seafarers with a valid Seafarers' Identity Document and other relevant documents, and if appropriate, exempting seafarers from travel- or health-related movement restrictions during public health emergencies when entry is requested for:
- (1) Onboarding the ship to which they are deployed or transferring to another ship; or
 - (2) Passing in transit to join the ship to which they are deployed in another country or for repatriation; or
 - (3) Any other legitimate purpose as may be approved by relevant authorities;
- (n) **Grievance** refers to any issue or complaint raised by a seafarer concerning the interpretation or implementation of the CBA, applicable personnel policies, or any other employment-related dispute or controversy;
- (o) **Harassment** is a form of discrimination which has the purpose or effect of violating the dignity of a person and of creating an intimidating, hostile, degrading, humiliating or offensive environment;
- (p) **International Convention on Standards of Training, Certification, and Watchkeeping for Seafarers (STCW Convention, 1978, as amended)** 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;
- (q) **International Maritime Convention or International Convention** refers to any written treaty or agreement, or any protocol or amendment thereto, affecting the maritime industry, which has come into force and effect, including the Maritime Labour Convention 2006 (MLC 2006), as amended;
- (r) **International maritime degree program** refers to a degree approved by the MARINA, in coordination with the Commission on Higher Education (CHED), for training, education and certification of international seafarers;
- (s) **Judgment obligee** refers to a person or entity who is legally entitled to receive the benefit or payment of the judgment award covered under the writ of execution/restitution;
- (t) **Judgment obligor** refers to a person or entity who is legally directed in the writ of execution/restitution to satisfy the full amount and all lawful fees stated therein;
- (u) **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 IRR, 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;
- (v) **Legitimate Labor Organization of Seafarers** is any union or association of Filipino seafarers that exists in whole or in part for the purpose of collective bargaining, mutual aid, interest, cooperation, protection, or other lawful purposes, registered or reported with the DOLE in accordance with the rules and regulations of DOLE;

- (w) **Manning agency** refers to a natural or juridical person duly licensed by the Secretary of the Department of Migrant Workers (DMW) to engage in the recruitment and placement of seafarers;
- (x) **Maritime accident** refers to any unforeseen occurrence or physical event connected to the navigation, operations, maneuvering, or handling of ships, machinery, equipment, material, or cargo on board such ships which may result in the detention of seafarers;
- (y) **Maritime Education and Training** refers to all degree and non-degree programs or courses that are existing or to be developed intended to meet the required education and training for purposes of certification under the STCW Convention, 1978, as amended, as well as those required for service in the domestic shipping fleet;
- (z) **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 programs in the maritime field leading to the conferment of international or domestic maritime degrees;
- (aa) **Maritime industry stakeholders** refer to all private sector stakeholders engaged in the business of owning, managing, chartering or operating domestic and ocean-going ship/s 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;

- (bb) **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 Maritime Labour Convention 2006 (MLC 2006), as amended, on the working and living conditions of the seafarers, and of applicable Philippine laws and regulations;
- (cc) **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;
- (dd) **Maritime Training Institution (MTI)** refers to an institution offering approved training courses, and is accredited, regulated and monitored by MARINA;
- (ee) **Master mariner**, for purposes of this IRR, refers to the Master having command of a ship and who also acts as the shipowner's representative in accordance with international maritime conventions or agreements;
- (ff) **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;
- (gg) **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;
- (hh) **Officer** refers to a member of the crew, other than the master, who has been designated as such by national law or regulation, or in the absence of such designation, by collective agreement or custom;
- (ii) **One-stop shop center for overseas seafarers** refers to a unit in the one-stop 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 orders, reintegration services, seminars or training for upskilling or retooling, and all other services including legal assistance;

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

For purposes of this IRR, an overseas seafarer is deemed "engaged" as such if the seafarer has signed a valid employment contract and has actually departed from the point of hire.

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

- (kk) **Piracy**, for purposes of this IRR, shall consist of the following acts:

- (1) Any illegal acts of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed:
 - (i) on the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft; and
 - (ii) against a ship, aircraft, person or property in a place outside the jurisdiction of any state;
- (2) any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft; or
- (3) any act of inciting or intentionally facilitating an act described in subparagraph (1) or (2).

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

- (mm) **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 and termination of the contract.

For purposes of this IRR, commencement of a contract is upon actual departure from the Philippine airport or seaport at the point of hire. Likewise, the termination of contract is upon actual arrival in the Philippine airport or seaport at the point of hire;

- (nn) **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;

- (oo) **Relevant information** refers to the information that must be readily available, accessible and furnished to the seafarer upon proper request, in accordance with Sections 10 and 20 of RA No. 12021;

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

- (qq) **Seafarer** refers to a Filipino who is engaged, employed, or working in any capacity on board a ship covered under RA No. 12021;
- (rr) **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;
- (ss) **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 RA No. 12021, regardless of whether any other organization or person fulfills certain duties or responsibilities on behalf of the shipowner;
- (tt) **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 RA No. 12021;
- (uu) **Technical education** refers to the education process designed at post-secondary and lower tertiary levels, officially recognized as non-degree programs aimed at preparing technicians, para-professionals and other categories of middle-level workers by providing them with a broad range of general education, theoretical, scientific and technological studies and related job skills training;
- (vv) **Undisputed Amount** refers to the amount determined by the Labor Arbiter or the NLRC or by the Voluntary Arbitrator or Panel of Voluntary Arbitrators to be legally due seafarer, including unpaid salaries and wages, statutory monetary and welfare benefits, amounts admitted by the judgment obligor or determined by a third doctor in compensation claims where disability grading is contested, and other monetary awards which is immediately executory pending an appeal or judicial review;
- (ww) **Work-related illness** refers to any sickness resulting to disability or death as a result of an occupational disease listed under the SEC or CBA with the conditions set therein satisfied; and
- (xx) **Work-related injury** refers to injury(ies) resulting to disability or death arising out of and in the course of employment;

RULE III RIGHTS OF THE SEAFARERS

Section 1. Rights of the Seafarers

Seafarers shall have the right to:

1.1 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 for the duration of the contract, as well as welfare measures and other forms of health and social protection.

1.2 Self-Organization and Collective Bargaining

All Filipino seafarers who are engaged, employed, or who work in any capacity on board a ship or vessel whether Philippine-registered or foreign-registered, shall have the right to self-organization and 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 formulation of policies that affect them, including the guarantee of representation in governing boards or appointment in government instrumentalities.

To promote free and responsible exercise of the right to self- organization and collective bargaining, a simplified mechanism for the speedy registration of labor organizations of seafarers shall be established. *Provided*, That all local CBAs shall be registered with the concerned DOLE Regional Office and the shipowner shall provide the seafarer a copy of the CBA which must be readily available and accessible and, upon proper request, furnished to seafarer. *Provided, further*, That the DMW shall require shipowners, through the manning agencies, to submit a copy of any CBA executed overseas.

A legitimate labor organization of seafarers shall enjoy the exemptions from taxes, duties and other assessments provided in Article 251 of Presidential Decree No. 442, as amended, otherwise known as the Labor Code of the Philippines, without need to apply for, or confirm, such exemptions, which may be withdrawn only by a special law expressly repealing Section 8 of RA No. 12021.

The concerned government agencies, including concerned Local Government Units (LGUs), shall recognize the exemption from taxes, duties and other assessments on the income and properties of a legitimate labor organization of seafarers, under Article 251 of the Labor Code of the Philippines, including on the grants, endowments, gifts, donations, and contributions it may receive from fraternal and similar organizations, local or foreign, regardless of source, which are actually, directly and exclusively used for its lawful purposes.

In availing of the exemptions from taxes, duties and other assessments provided under this Rule, a legitimate labor organization of seafarers shall only be required to submit to the concerned government agencies and LGUs a certification from the DOLE that it is included in the register of legitimate labor organizations, within 60 days from the effectivity of this IRR. No other application for, or confirmation of, any certificate of exemption from taxes, duties and other assessments under this Rule shall be required by concerned government agencies and LGUs. However, this shall be without prejudice to the conduct of post-audit investigation or verification by the Bureau of Internal Revenue (BIR).

1.3 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, the MARINA, in consultation with other relevant government agencies shall:

- (a) Regulate the operation of all educational and training institutions offering courses related to seafaring or maritime education;
- (b) 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
- (c) Afford enhanced access to educational advancement and training of women in the seafaring industry.

Further, the MARINA in collaboration with other relevant government agencies shall 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.

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.

1.4 Information

- (a) All domestic and overseas seafarers shall be provided by the shipowners, manning agencies, and other organizations responsible for the recruitment and placement of seafarers with the following information:
 - (1) Terms and conditions of their employment;
 - (2) Company policies affecting them;
 - (3) Conditions and realities attending to their profession;
- (b) In addition to 1.4 (a), 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;
- (c) The shipowner and the seafarer shall each have a signed original of the agreement at the time of the execution of the contract. In addition, a signed original shall be made available on board the ship;
- (d) Seafarers' organizations shall have the right to be informed of the terms and conditions of employment of their seafarer-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; and
- (e) All ocean-going ships covered by RA No. 12021 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.

The onboard grievance procedure shall include the contact information of the DMW, OWWA, and the competent authority of the flag state of the vessel. It shall also identify the name of a person or persons onboard the ship who can, on a confidential basis, provide seafarers with impartial advice on their complaint and otherwise assist them in following the procedure available to them onboard the ship.

1.5 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, missing seafarers and other similar cases, the seafarer's family or next of kin shall be immediately informed of the incident, including any investigation conducted, and shall be furnished with copies of any reports, action/s taken, and plans by the shipowner and the manning agency concerned with regard to remedies, mitigation, or repatriation.

For overseas seafarers, the shipowner and the concerned manning agency shall report the critical incident to the DMW within five (5) days from being informed of the critical incident. For domestic seafarers, the shipowner shall report such incidents to the DOLE within the same period. The shipowner and the manning agency shall subsequently provide the appropriate assistance to the overseas seafarers as required by applicable laws, rules and regulations.

In addition, for overseas seafarers, the shipowner and the manning agency shall provide periodic bi-monthly reports of the action taken to the seafarer's family or the next of kin and the DMW as applicable until the matter is resolved. Failure to comply with the foregoing reportorial requirements shall be ground for the imposition of the appropriate penalties, as prescribed by the DMW.

1.6 Safe Passage and Safe Travel

Seafarers shall be accorded the rights to safe passage and safe travel.

To this end, the shipowner shall:

- (a) Inform the seafarer about the possible hazards of the voyage and the ports of call;
- (b) Advise about the precautions to be taken; and
- (c) Issue the necessary documents.

Overseas seafarers shall have the right to embark and disembark in other countries when in transit, and the right to be repatriated from a safe and convenient port and return to the point of hire.

1.7 Consultation

Seafarers and maritime industry stakeholders, including women seafarers, both on board and in the Philippines, shall be adequately consulted before the adoption of any maritime policy, executive issuances, rule or regulation, or enactment of any maritime law that may directly affect the seafarers, their families, and beneficiaries.

For purposes of consultation, the Maritime Industry Tripartite Council (MITC) under Section 13 of Republic Act No. 11641 shall be convened by the DMW no later than 45 days before any proposed maritime policy, issuance, rule or regulation affecting seafarers, their families and beneficiaries may be promulgated.

1.8 Against Discrimination

In accordance with ILO Convention No. 111, seafarers shall have the right to be protected from discrimination on the basis of race, sex, gender, religion, political opinion, or place of birth, taking into consideration the inherent requirements of the particular job or undertaking. Career opportunities shall be promoted, and appropriate working and living conditions shall be guaranteed equally among male and female seafarers. Shipowners and the concerned manning agencies shall adopt policies for the protection of seafarers against discrimination, both onboard and during their application for employment, which shall include policies for the conduct of continuous awareness programs on gender sensitivity and anti-discrimination for seafarers.

MARINA, in coordination with Technical Education and Skills Development Authority (TESDA), NMP, Philippine Commission on Women (PCW), Philippine Merchant Marine Academy (PMMA), and other concerned government agencies, upon consultation with concerned maritime industry stakeholders, shall develop training modules that promote gender equality and equip seafarers with the skills to combat discrimination and harassment.

1.9 Protected Against All Forms of Harassment and Bullying

In accordance with ILO Convention No. 190, seafarers shall be protected against all forms of harassment and bullying while on board ships or onshore. The shipowner shall adopt policies for the protection of all crew members against harassment and bullying, including but not limited to creating a culture of safe space while onboard the vessel. Additionally, there should be clear procedures for reporting and addressing complaints, with assurances of confidentiality and protection against retaliation, including continuous awareness programs against bullying and harassment.

Shipowners and manning agencies shall also establish helplines and grievance mechanisms for all victims of harassment and bullying, as well as procedures for the prevention of, reporting of cases of, response to, corrective action for, and documentation of, harassment and bullying, subject to Republic Act No. 10173.

For this purpose, the DMW and Overseas Workers Welfare Administration (OWWA) shall include in the Pre-Departure Orientation Seminar (PDOS) of overseas seafarers the policies, plans and accessible procedures to eliminate and address all forms of harassment and bullying on board ships and onshore, including victim care and protection against retaliation.

1.10 Free Legal Representation

In cases of violations of RA No. 12021 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. The DMW shall provide legal assistance in accordance with the guidelines provided for the use of the *Agarang Kalinga at Saklolo para sa mga OFW na Nangangailangan (AKSYON) Fund*.

For overseas seafarers who have cases abroad, the shipowner and/or concerned manning agency shall have the primary obligation to inform the DMW of the nature of the case to enable said government agency to provide legal assistance in accordance with the guidelines provided for the use of the AKSYON Fund.

For seafarers with cases within the jurisdiction of Philippine courts, tribunals, and/or quasi-judicial bodies, the Public Attorney's Office (PAO) shall render, free of charge, legal representation, assistance, and counseling to seafarers or their families.

1.11 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, both onboard the vessel and/or onshore.

For this purpose, the parties to a CBA shall establish a grievance machinery procedure for the expeditious and inexpensive resolution of any onboard complaints, disputes, grievances, and controversies and those onshore arising from the interpretation or implementation of the CBA and those arising from the interpretation, or enforcement of company personnel policies.

In the absence of a CBA, the shipowner or principal shall establish an onboard grievance procedure or any machinery, otherwise, the onboard grievance machinery procedure as provided in the SEC shall be observed.

Further, in the absence of a CBA, the manning agency shall have an established grievance mechanism to resolve issues, complaints, disputes, grievances and controversies by seafarers while onshore, *Provided, further*, That if the grievance mechanism is unavailable, the seafarer may choose to submit the grievance to the NLRC or to Voluntary Arbitration.

1.12 Immediate Medical Attention

Seafarers shall be provided immediate and adequate medical services, medicines, and medical supplies on board, and access to shore-based medical facilities, including mental health services, for the protection of their physical and mental well-being, as well as the corresponding medical or trained personnel who shall provide first aid and medical care, pursuant to the Maritime Occupational Safety and Health Standards provided under RA No. 12021 and this IRR.

Further, shipowners or concerned manning agency shall immediately notify the next of kin and report in writing within five (5) days of such medical incident to the DMW for overseas seafarers. Similarly, shipowners shall report to the DOLE within the same period for the domestic seafarers.

Records of medical services and medical procedures undertaken during employment on board the ship shall also be provided to the seafarer in addition to the employment record for purposes of filing claims under Presidential Decree No. 626.

Every shipowner of Philippine-registered vessel shall submit its reports in accordance with the Maritime Occupational Safety and Health Standards, and shall:

- (a) Submit to the DOLE through its Regional Office the Report on Safety and Health Organization and the Shipowners Work Accident and Illness Report that records the number of accidents, instances of occupational disease, and other hazardous occurrences of which the shipowner is aware that have affected any seafarer in the course of employment as the accident occurs.

For fatal accidents or permanent total disability cases, the report must be submitted 24 hours after the occurrence of the contingency; otherwise, all other accidents should be reported before the 20th day of the month following the date of occurrence.

- (b) Have a copy of the report of the ship safety and health officer regarding any accident, occupational disease, or other hazardous occurrence that may result in the following:
 - (1) Death of a person;
 - (2) Missing seafarer/person;
 - (3) Disabling injury/illness;
 - (4) Loss of consciousness of a seafarer as a result of an electric shock, a toxic atmosphere, or an oxygen-deficient atmosphere;

- (5) Loss of a body member or a part of one or the complete loss of the usefulness of a body member or a part of one;
 - (6) Permanent impairment of a seafarer's body function;
 - (7) Fire or an explosion;
 - (8) Damage to a boiler or pressure vessel that results in fire or the rupture of the boiler or pressure vessel; or
 - (9) Workplace violence.
- (c) Keep a record of each minor injury that affects a seafarer in the course of employment. Such record shall contain:
- (1) Date, time, and location of the occurrence that resulted in the minor injury;
 - (2) Name of the affected seafarer; Brief description of the minor injury;
 - (3) Cause/s of the minor injury; and
 - (4) Description of the first aid or medical treatment given to the seafarer, if applicable.

The seafarer has the right to be furnished a copy of all pertinent medical reports or any records at no cost to the seafarer.

Should the overseas seafarer require further medical treatment for work-related illness or injury, unless otherwise provided in the CBA, after disembarkation or repatriation, the shipowner or the concerned manning agency shall continue the seafarer's medical treatment until the seafarer is declared fit to return to work or his/her disability is determined by the company designated physician.

1.13 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.

Access to communication during critical incidents, such as but not limited to maritime accidents, war-like incidents, piracy, injuries, detention, and complaints on board, shall be provided by the shipowner to the seafarer, as may be practicable.

1.14 Record of Employment or Certificate of Employment

At the expiration of the term 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 that would facilitate the acquisition of further work or to satisfy the sea service requirements for upgrading or promotion.

In case of termination of the employment contract for reasons other than the expiration of the term of the employment contract, the shipowner and/or employer shall promptly provide the above-mentioned documents, including the documents enumerated under Rule III Section 1.12 (Immediate Medical Attention), paragraph 3, of this IRR, if applicable for purposes of filing claims under Presidential Decree No. 626, upon the request of the seafarer. The employer shall issue a certificate of employment within three (3) working days from the time of the request by the seafarer.

1.15 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 IMO 2006 Guidelines on Fair Treatment of Seafarers in the Event of a Maritime Accident and its amendments.

The Department of Transportation (DOTr), MARINA, DOLE, DMW, and other relevant government agencies shall provide the necessary guidelines to implement the above ILO and IMO 2006 Guidelines and its amendments within a reasonable time after the effectivity of this IRR.

1.16 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 competent and licensed physicians whenever there is doubt on the medical assessment of an examining physician or clinic which negatively affects the seafarer's immediate employment. If the clinic or physician selected by the seafarer disagrees with the first assessment, a third doctor, jointly selected by the employer and the seafarer, may be hired by the shipowner or manning agency to make a third medical assessment consistent with the provisions of Rule XI Section 5 (Determination of Disability Grading or Fitness to Work) of this IRR. The findings of the third doctor shall be final and binding on both parties.

1.17 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 provision of Republic Act No. 9189, otherwise known as "The Overseas Absentee Voting Act of 2003", as amended by Republic Act No. 10590, otherwise known as "The Overseas Voting Act of 2013". As such, the Commission on Elections (COMELEC) shall provide appropriate measures or facilities for seafarers to properly exercise their right to vote.

RULE IV WOMEN IN THE MARITIME INDUSTRY

Section 1. Discrimination Against Women Seafarers

Women seafarers shall be protected from gender-based discriminatory practices which include, but 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.

Section 2. Gender and Development

Shipowners, manning agencies, maritime higher education institutions, maritime training institutions, assessment centers, and other maritime training providers, 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. In addition, shipowners and manning agencies shall create specific mechanisms for reporting and addressing instances of gender-based discrimination, such as a dedicated hotline number or other programs to attend to and address gender-related issues.

RULE V DUTIES OF SEAFARERS

Section 1. Duties of a Seafarer

Seafarers shall have the following duties:

- (a) To faithfully comply with and observe the terms and conditions of one's employment contract;
- (b) To abide by lawful and reasonable company personnel policies and procedures and the Code of Ethics for seafarers;
- (c) To follow and observe the chain of command on board the ship or while ashore, without prejudice to one's religious freedom;

- (d) To be diligent in performing one's duties relating to the ship, its stores, equipment, and cargo, whether on board, in transit, or ashore;
- (e) To continually improve one's professional competency by keeping up-to-date with the latest technological and scientific developments applied in various maritime fields, continuous education, keen observation of shipboard activities and continuous education and training;
- (f) To conduct oneself in an orderly and respectful manner towards shipmates, passengers, shippers, stevedores, port authorities, and other persons who have official business with the ship at all times;
- (g) To conduct oneself in accordance with moral, ethical and social norms;
- (h) To be responsible for one's health while on board by maintaining a healthy lifestyle, complying with prescribed medical policies, and taking appropriate medications when necessary; which includes the duty to disclose a pre-existing illness or condition in the Pre-Employment Medical Examination (PEME); and
- (i) To perform one's duties in a responsible and sustainable manner, should one engage in various economic activities related to oceans, seas, and coasts, in compliance with maritime safety and marine environment protection standards.

Section 2. 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.

Section 3. 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, otherwise known as the Data Privacy Act of 2012.

Section 4. 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, following the standards set by the DOH.

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, 1978, as amended, and MLC 2006, as amended, shall be acceptable.

Section 5. Training and Qualifications

Only overseas seafarers certified by MARINA or other appropriate government agency in accordance with the STCW Convention, 1978, as amended, and other applicable international standards, shall be allowed to work and be employed on board a ship operating internationally.

Within a reasonable period after this IRR takes effect, 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 to be employed as domestic seafarers.

RULE VI MANNING AGENCIES

Section 1. Recruitment and Placement

Only duly licensed manning agencies by the DMW 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 and related costs, including the cost of visas, 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 medical certificate, seafarer's record book (SRB), and passport, or other similar travel documents, may be charged to the seafarer.

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

Section 2. 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 Filipino seafarers.

Section 3. Duties and Responsibilities of Manning Agencies

The duties and responsibilities of manning agencies shall also 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 Standard Employment Contract (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 Collective Bargaining Agreement (CBA) which may form part of said agreements, if any;
- (e) To ensure, as far as practicable, by way of insurance coverage or an equivalent mechanism, that the shipowner has the means to protect seafarers from being stranded in a foreign port;
- (f) To examine and respond to any complaint concerning the agency's activities and submit a written report on all unresolved complaints to the DMW and the MARINA within 30 days from receipt of such complaint; 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. This shall mean monetary claims arising from the seafarer's employment on board.

RULE VII TERMS AND CONDITIONS OF EMPLOYMENT OF OVERSEAS SEAFARERS

Section 1. Standard Employment Contract (SEC)

A Standard Employment Contract between the shipowner and the overseas seafarer shall be in writing and shall include, but not be limited to, the following information and terms subject to RA No. 10173, otherwise known as the Data Privacy Act of 2012:

- (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) Licensed Manning Agency's name and address;
- (e) Place and date of execution of the seafarer's employment contract;
- (f) Duration of the contract;
- (g) Point of hire;
- (h) Capacity in which the seafarer is to be employed;
- (i) Amount of the seafarer's salary, and the formula used for calculating the same;
- (j) Maximum hours of work and minimum hours of rest;
- (k) 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;
- (l) Compensation and benefits for occupational injury, sickness, or death;
- (m) The mandatory process for the determination of the final and binding disability grading to be determined by a DOH-accredited third doctor who is an expert in the disability of the seafarer, in case of conflict between the findings of the company and the seafarer's doctor;
- (n) 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;
- (o) Stipulations on repatriation or similar undertakings;
- (p) Separation pay and retirement pay, if applicable;
- (q) Reference to the CBA, or other similar instruments, if applicable;
- (r) Other benefits provided by law, company policy, or CBA; and
- (s) 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.

Prior to the signing of the employment contract, the concerned manning agency shall inform the seafarers of their rights and obligations, and disclose the full terms and conditions of employment as stipulated in the contract, including Collective Bargaining Agreements (CBAs), if applicable. The seafarer shall be given ample opportunity to examine the contract.

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.

Noting the urgency of the full implementation of this IRR, in consultation with the MITC, the DMW shall, within a reasonable period of time, issue an SEC containing at least the minimum standards for seafarer's 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.

Section 2. Freedom to Stipulate

Parties to the standard employment contract may stipulate other terms and conditions, including benefits, which should be over and above the minimum requirements. Said stipulations should not be contrary to law, morals, good customs, public order or public policy.

Section 3. Hours of Work and Hours of Rest

For purposes of this IRR, 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

In accordance with the MLC 2006, as amended, the limits on hours of work or rest shall be as follows:

- (a) 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; or
- (b) The hours of rest for every seafarer shall be at least ten (10) hours in any twenty-four (24)-hour period and seventy-seven (77) hours in any seven (7) day 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.

Section 4. 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 on the basis of a minimum of 3.5 calendar days per month of employment, without prejudice to any future increase as may be prescribed by laws, rules, or regulations.

Towards this end, the following should not be counted as part of annual leave with pay:

- (a) periods of incapacity for work resulting from illness or injury or from maternity, under conditions as determined by the competent authority or through the appropriate machinery in each country;
- (b) temporary shore leave granted to a seafarer while under an employment agreement; and
- (c) compensatory leave of any kind, under conditions as determined by the competent authority or through the appropriate machinery in each country.

Section 5. 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.

Section 6. 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 for the seafarer's designated allottee/s at no expense to the seafarer. The allotment shall be at least eighty percent (80%) of the seafarer's monthly salary.

The employer may also provide facilities for the seafarer to remit any amount earned in excess of the seafarer's allotment, including backwages, if any, to the seafarer's designated allottee/s in the Philippines through any authorized Philippine bank.

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

Where a seafarer is held captive on or off the ship as a result of acts of piracy or armed robbery against ships, the wages and other entitlements under the seafarer's employment agreement, SEC or relevant CBA, including the remittance of any allotments as provided by this IRR, shall continue to be paid during the entire period of captivity and until the seafarer is released and duly repatriated, or where the seafarer dies while in captivity, until the date of death as determined under Philippine law.

Section 7. 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.

Section 8. Personal Effects

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

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

Section 9. 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 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.

For this provision, OWWA shall provide guidelines to ensure seafarers can maintain membership continuously while on board, taking into consideration the contract duration and the two-year validity of OWWA, membership and adopting digital technology for access to renewal.

Section 10. Sick Leave and Sickness Benefits While in Transit or Quarantine After Departing Point of Hire

A seafarer who has contracted a disease or illness after departing 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 or until the seafarer returns to the point of hire.

Section 11. 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.

Section 12. Periodic Review of SEC

Upon the promulgation of this IRR, the DMW shall conduct periodic review of the SEC every ten years, or sooner as may be deemed necessary, in consultation with the MITC, to align with the prevailing maritime industry standards.

RULE VIII ACCOMMODATION, RECREATIONAL, AND SANITATION FACILITIES, FOOD AND CATERING IN OCEAN-GOING SHIPS

Section 1. Application

The requirements of this Rule 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.

Section 2. 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.

Section 3. 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.

Section 4. 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.

RULE IX MEDICAL CARE AND MARITIME OCCUPATIONAL SAFETY AND HEALTH STANDARDS FOR OVERSEAS SEAFARERS

Section 1. Medical Care on Board Ships and Ashore

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

The medicine chest and its contents, including, but not limited to, the common emergency and maintenance medications prescribed by licensed physicians to seafarers during PEME, the medical equipment, and the medical guide on board shall be maintained and inspected regularly to ensure that labelling, expiry dates, and conditions of storage of all medicines and the directions for their use are checked, and all equipment are functioning properly. This provision shall not, in any way, diminish the personal responsibility of the seafarer for the seafarer's health while onboard by practicing a healthy lifestyle which includes bringing onboard sufficient number of the seafarer's maintenance medications and lifestyle changes as prescribed by the duly-licensed doctor.

Aside from maintenance and inspection, the shipowner shall closely monitor the medicine chest onboard the vessel, and any medications taken therefrom must be duly recorded.

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

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

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

Section 2. 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 communications, 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 Organizations (WHO) guidelines, including necessary disinfection, decontamination, deratting, or other measures necessary to prevent the spread of infection or contamination, which may include, but not limited to, the conduct of disease surveillance activity.
- (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 expense 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.

Section 3. 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.

The certificate or other documentary evidence of financial security cover shall contain the following information¹:

- (a) Name of the ship;
- (b) Port of registry of the ship;
- (c) Call sign of the ship;
- (d) IMO number of the ship;
- (e) Name and address of the provider or providers of the financial security;
- (f) Contact details of the persons or entity responsible for handling seafarers' request for relief;
- (g) Name of the shipowner;
- (h) Period of validity of the financial security; and,
- (i) An attestation from the financial security provider that the financial security meets the requirements of the MLC 2006, as amended.

Towards this end, the DMW shall issue the appropriate guidelines to implement this section.

Section 4. Insurance Coverage

The provisions on compulsory insurance for agency-hired workers 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, shall continue to apply, at no cost, to seafarers: *Provided*, That the minimum insurance cover stated therein shall be issued by insurance companies duly registered with the Insurance Commission to

¹ From Appendix A2-I of MLC 2006, as amended

ensure and facilitate claims of seafarers based on the section's "no contest, no fault or negligence" clause. This insurance cover is without prejudice to the insurance policy to be issued or secured by the shipowners, over and above the minimum cover, as an added protection to the seafarers in accordance with international standards and practices. In the case of seafarers, manning agencies whose seafarers will be deployed onboard vessels with policies issued by foreign insurance companies, including entities providing indemnity coverage to the vessel, shall submit a certificate or other proofs of cover from recruitment/manning agencies: *Provided*, That the minimum coverage under sub-paragraphs (a) to (i) of Section 37-A. of Republic Act No. 10022 are included therein.

RULE X TERMINATION OF EMPLOYMENT

Section 1. 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 an 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. The seafarer shall serve a written notice to the employer at least one (1) month prior to the intended date of resignation, subject to exemptions provided by law.
 - (4) When the seafarer is discharged for just cause/s in accordance with the provisions of the SEC or the applicable CBA.

Section 2. Extension of Employment

If the term of the seafarer's employment is extended, the seafarer shall be:

- (b) Furnished with a copy of the new or supplemental contract covering the extension; and
- (c) Given adequate time to review and obtain expert advice on the terms and conditions of the extension of his/her employment.

The original contract duration including any extension of the term shall not exceed 12 months.

The terms and conditions of the extension shall not be lower than the terms of the original employment.

Shipowners and manning agencies shall:

- (a) Ensure that the seafarer has carefully studied and voluntarily accepted the effects of the extension to any accumulated entitlement, repatriation benefits and other entitlements; and

- (b) Submit periodic reports to the DMW on the welfare and well-being of the seafarers subject of the contract extensions.

RULE XI DISPUTE RESOLUTION FOR OVERSEAS SEAFARERS

Section 1. Onboard and Onshore Grievance Machinery

All ocean-going ships covered by Republic Act No. 12021 are required to have fair, effective, and expeditious onboard and onshore grievance or complaint resolution mechanisms readily accessible and at no cost to the seafarer.

Any grievance or complaint shall first be referred to the appropriate on-shore grievance mechanism provided under this section. In cases where a seafarer is a member of a legitimate labor organization of seafarers 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 and duly signed by the parties and shall be final and binding between them.

The parties to a CBA shall establish a machinery onboard and onshore for the expeditious resolution of grievances arising from the interpretation or implementation of the CBA and those arising from the interpretation, or enforcement of company personnel policies. The seafarer shall be assisted by a union-designated representative in the proceedings.

In the absence of a specific provision in the CBA or existing on-board machinery or company practice prescribing for the procedures in handling a grievance, the following shall apply:

- (a) The seafarer shall present his or her grievance as follows:
 - (1) The seafarer shall first approach and explain his or her grievance to the head of the Department in which he or she is assigned within 3 to 5 days following the cause of the grievance.
 - (2) The seafarer shall present the grievance in writing and in an orderly manner and shall choose a time when the grievance can be properly heard.
 - (3) The seafarer shall have the right to be accompanied, assisted, or represented by any seafarer of his or her choice onboard the ship.
 - (4) The Department head shall handle the grievance personally and shall:
 - i. Ensure that the grievance is settled or resolved within 3 to 5 days from the receipt of the grievance.
 - ii. Endeavor to settle the grievance promptly, mutually and amicably at his or her level.
 - iii. Ensure proper documentation of the process, by the head of the Department as the case may be and its settlement or resolution, which shall be signed by him/her and the grievant, copy furnished the grievant. Settlement or resolution of the grievance to the satisfaction of both parties shall be final and binding.
 - iv. If the grievance is not settled or resolved satisfactorily within the period stated in Item (a)(4) above, refer the grievance to the Master.
- (b) In case the grievance is elevated to the Master, the latter shall handle the case personally and shall:
 - (1) Ensure that the grievance is settled or resolved within 3 to 5 days from the receipt of the grievance.

- (2) Ensure proper documentation of the process by the Master as the case may be, and its settlement or resolution, which shall be signed by him/her and the grievant, copy furnished the grievant. Settlement or resolution of the grievance to the satisfaction of both parties shall be final and binding.
 - (3) If the grievance is not settled or resolved within the period stated in Item (b)(1) above, or if the grievant is not satisfied with the resolution, inform the grievant that he or she may appeal onshore to the management of the Company, if such exists. The Master shall afford such facilities necessary to enable the grievant seafarer to transmit his or her appeal.
- (c) In case the grievance is referred to the onshore machinery of the Company, the latter shall:
- (1) Ensure that the grievance is settled or resolved within 3 to 5 days from the receipt of the grievance.
 - (2) Ensure the availability of online access or other means of communication to enable the seafarer, including any person accompanying, assisting or representing him or her, to participate in the proceedings.
 - (3) Ensure proper documentation of the process, and its settlement or resolution, which shall be signed by the seafarer, the authorized Company representative handling the case, copy furnished the grievant. Settlement or resolution of the grievance to the satisfaction of both parties shall be final and binding.
 - (4) If the grievance is not settled or resolved within the period stated in Item (c)(1) above, or if the grievant is not satisfied with the resolution, certify that the grievance process has been completed and terminated without a satisfactory settlement or resolution of the issue submitted to grievance. When availed of by the seafarer, the grievance procedure and all actions or decisions agreed upon shall be properly documented for the protection and interest of both parties.

The DMW, DOLE, NCMB, and NLRC in coordination with other concerned agencies shall issue the appropriate guidelines to capacitate seafarers in handling onboard and onshore grievance procedures.

Noncompliance with the foregoing procedure, without fault or at no fault of the seafarer shall be without prejudice to other modes of voluntary settlement of disputes and to the jurisdiction of the Labor Arbiter or Voluntary Arbitrator over any unresolved grievances or complaints arising out of shipboard employment that shall be brought before it by the seafarer.

No wage deductions may be made, and no direct or indirect retaliatory action may be taken against a seafarer on account of having brought up a grievance or having participated in any grievance proceeding.

Any claim or dispute not settled or resolved through the grievance machinery, whether onboard or onshore, shall first be resolved through conciliation-mediation in accordance with Article 234 of the Labor Code of the Philippines, as renumbered and amended by Republic Act No. 10396 and its implementing rules and regulations.

Section 2. Mandatory Conciliation-Mediation

If no agreement is reached by the parties at the grievance machinery level, the following rules shall apply:

- (a) If there is a CBA, either party may serve notice upon the other of its decision to submit the issue to voluntary arbitration. The notice shall state the issue or issues to be arbitrated, copy furnished the Regional Branch of the NCMB or the Voluntary Arbitrator or Panel of Voluntary Arbitrators named or designated in the CBA.

If the party upon whom the notice is served fails or refuses to respond favorably within seven (7) days from receipt thereof, the Voluntary Arbitrator or Panel of Voluntary Arbitrators designated in the CBA shall commence voluntary arbitration proceedings.

Where the CBA does not so designate, the Regional Branch of the NCMB shall call the parties for them to agree on whether to submit the matter to a sole Voluntary Arbitrator or to a Panel of Voluntary Arbitrators. In case there is no agreement, the matter shall be submitted to a sole arbitrator.

The parties shall agree on their choice of a Voluntary Arbitrator or Panel of Voluntary Arbitrators. Where there is no agreement, the Regional Branch of the NCMB shall designate the Voluntary Arbitrator or Panel of Voluntary Arbitrators.

Within ten (10) days from receipt of notice of their selection or designation, the Voluntary Arbitrator or Panel of Voluntary Arbitrators shall commence arbitration proceedings.

- (b) If there is no CBA, the parties shall first avail of the conciliation-mediation services under Republic Act No. 10396. If the matter remains unresolved, the same may be filed as a complaint with the Labor Arbiter of the NLRC or, upon agreement of the parties, referred to a Voluntary Arbitrator or Panel of Voluntary Arbitrators. In the latter, the selection or appointment of the Voluntary Arbitrator or Panel of Voluntary Arbitrators shall be as provided under Letter a above.
- (c) The arbitration proceedings shall be governed by the existing rules and procedures on compulsory and voluntary arbitration.

Section 3. Maritime Industry Labor Conciliator-Mediators and Arbitrators

Noting the urgency of the full implementation of this IRR, the Secretaries of the DMW and the DOLE and heads of relevant government agencies shall establish a pool of trained maritime industry conciliator-mediators, labor arbiters and accredited maritime industry voluntary arbitrators. They shall handle the mediation, conciliation or arbitration of all issues relating to the employment of seafarers. They shall have expertise, appropriate competence, integrity, and knowledge of the Philippine and global maritime industry practices and standards, MLC 2006, as amended, and related Philippine-ratified conventions and treaties. For this purpose, the DMW, the 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 RA No. 12021.

Pending the establishment of a specialized pool of maritime industry labor conciliator-mediators and arbitrators and without prejudice to the jurisdiction and authority of concerned agencies as provided for in existing laws, rules and regulations, the Conciliator-Mediators of the NCMB, Single Entry Assistance Desk Officers (SEADOs), Labor Arbiters and Commissioners of the NLRC, and Voluntary Arbitrators accredited by the NCMB shall continue to conciliate and mediate as well as adjudicate maritime cases involving seafarers. The DOLE, DMW, NLRC, NCMB, and other concerned government agencies shall continuously ensure that all Conciliators-Mediators and Arbitrators are provided with regular updates and trainings relevant to the maritime industry.

Section 4. Regulatory and Quasi-judicial Powers of the DMW

In the exercise of its regulatory and quasi-judicial powers, the Department of Migrant Workers shall exercise its jurisdiction, as provided under Republic Act No. 11641 and its Implementing Rules and Regulations, to hear and decide all cases which are administrative in character involving or arising out of: 1) violation of recruitment rules and regulations including refund of fees collected from OFWs and any violation of the conditions for the issuance of the license to recruit OFWs; and 2) disciplinary action cases that are administrative in character, excluding money claims.

Section 5. 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 assessed 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. In case there is no agreement between the parties on the appointment of third doctor from the pool of DOH-accredited third doctors, the DMW shall facilitate the appointment of the third doctor from the same pool.

The DOH-accredited medical specialist, for purposes of the implementation of this IRR, refers to the medical practitioners who are *bona fide* members of their respective specialty societies duly recognized by an Accredited Professional Organization in accordance with their existing rules and regulations.

Subject to the requirements of R.A. No. 10173, all of the medical documents considered and issued by the company doctor and the seafarer's doctor, shall be provided to the third doctor who 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 medical assessment of the company designated physician, seafarer's doctor, and the third doctor shall strictly adhere to the Schedule of Disabilities as provided in the SEC or the applicable CBA, as warranted.

Noting the urgency of the full implementation of this IRR, the DMW and the DOH, in consultation with relevant stakeholders, within a reasonable period of time, shall develop joint guidelines for the implementation of this section, including the selection, training, maintenance, and review of the pool of accredited third doctors.

A seafarer shall undergo a post-employment medical examination by a company-designated physician under the following circumstances:

- (a) the work-related injury or illness occurred within the period from which he or she commenced duty up to the time he or she is deemed duly repatriated, or
- (b) such work-related injury or illness arose from employment within the period above and such injury or illness still requires medical attention upon repatriation.

The seafarer shall undergo treatment until he or she is declared fit to work or given a disability grading.

Whenever the seafarer disagrees with the final assessment of the company-designated physician, he or she may seek re-evaluation by a physician:

- (a) of his or her choice; and
- (b) whose specialization is on such illness or injury

Referral to a third doctor initiated by the seafarer shall be proper when the following requirements concur:

- (a) the seafarer's physician issued a disability grading different from that of the company-designated physician; and
- (b) the seafarer files a written request with the DMW within 30 days from receipt of the disability grading of the seafarer's physician.

After due consideration of all the medical documents issued by the company- and seafarer-designated physicians, and strict adherence to the Schedule of Disabilities as provided in the SEC or the applicable CBA,

as warranted, the third doctor shall issue a final disability grading which shall be binding upon the seafarer and the employer.

In the absence of a disability grading from a third doctor, the NLRC, Voluntary Arbitrators/Panel of Voluntary Arbitrators shall issue an Order suspending the proceedings and ordering the parties to seek the opinion of a third doctor within 15 days from receipt of the Order, which shall thereafter be submitted to NLRC, Voluntary Arbitrators/Panel of Voluntary Arbitrators. Failure to seek and submit as provided herein without fault or negligence from either parties shall cause the NLRC, Voluntary Arbitrators/Panel of Voluntary Arbitrators to resume proceedings and decide based on the evidence presented. The DMW and DOH shall be furnished with a copy of the Order.

When requested, the employer shall furnish the seafarer a copy of all pertinent medical reports or any records at no cost to the seafarer.

Section 6. Period to Settle Claims

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

The 15-day period shall be reckoned from the receipt by the manning agency of the written claim and sufficient documents in support of the claim submitted by 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.

Section 7. Execution of Judgment and Monetary Awards

Noting the urgency of the full implementation of this IRR, the DOLE, NLRC, and National Conciliation Mediation Board (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, otherwise known as "Seafarers Protection Act", 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 of 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 RA No. 12021 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, NCMB, seafarers' unions, manning agencies, shipowners, or their representatives, within a reasonable period of time after the effectivity of this IRR.

Section 8. Prohibition on Appearances and Fees

Non-lawyers may not act as legal representatives of seafarers or appear on their behalf at any stage or in any proceedings before labor tribunals including the NLRC, Labor Arbiter, conciliation, and mediation in the NCMB or voluntary arbitration, DMW, and other quasi-judicial bodies unless they represent themselves, 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 to his successors-in-interest pursuant to Republic Act No. 10706, otherwise known as the "Seafarers Protection Act". Any contract, agreement, or arrangement of any sort to the contrary shall be null and void.

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

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

Any 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.

RULE XII REPATRIATION FOR OVERSEAS SEAFARERS

Section 1. Seafarers' Repatriation

In all cases of repatriation, the affected seafarer shall be repatriated to the point of hire based on the travel itinerary arranged by the employer: *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 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.

The DMW and the Overseas Workers Welfare Administration (OWWA), in coordination with the Department of Foreign Affairs (DFA), and in appropriate situations, with all relevant stakeholders, shall undertake the emergency repatriation of seafarer in cases of war, epidemic, disasters or calamities, natural or man-made, and other similar events, without prejudice to reimbursement by the responsible shipowner/principal or licensed manning agency within sixty (60) days from notice. In such cases, the Office of the Undersecretary for Foreign Employment and Welfare Services of the DMW shall simultaneously identify and give notice to the licensed manning agencies concerned, copy furnished the corresponding insurance companies when applicable.

Section 2. Repatriation Expenses, Advance and Recovery

2.1 Repatriation Expenses

The repatriation expenses that shall be borne by the shipowner or the manning agency concerned shall include:

- (a) Basic pay and allowances from the moment the seafarers leave the ship until they reach the repatriation destination;
- (b) Accommodation and food from the moment the seafarers leave the ship until they reach the repatriation destination;
- (c) Transportation charges, wherein the 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, voluntary resignation or upon the request of the seafarer, the cost of repatriation shall be for the account of the seafarer in accordance with the employment agreement.

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

2.2 Repatriation Costs in Case of Failure to Repatriate

When those primarily responsible for the repatriation fail to fulfill their obligations, the DMW and OWWA will shoulder the repatriation cost through the AKSYON Fund and/or Emergency Repatriation Fund respectively, subject to reimbursement from those primarily responsible for the repatriation. This is without prejudice to the imposition of appropriate administrative sanctions by the DMW against those primarily responsible.

Section 3. 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. When the shipowner or manning agency primarily responsible for the above medical and quarantine expenses fail to fulfill their obligations, the DMW shall shoulder the said expenses using the AKSYON Fund, subject to reimbursement from the responsible shipowner or manning agency.

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.

Section 4. 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.

RULE XIII REINTEGRATION

Section 1. Reintegration

Within a reasonable period of time after the effectivity of this IRR, the DMW, through the National Reintegration Center for OFWs, in coordination with concerned government agencies and relevant stakeholders, shall develop a full-cycle and comprehensive reintegration program for seafarers, 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.

RULE XIV EMERGENCY RESCUE OF DOMESTIC SEAFARERS

Section 1. Emergency Rescue of Domestic Seafarers

Domestic seafarers on board domestic ships shall be entitled to emergency rescue in cases of war, epidemics, 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) shall undertake the conduct of emergency rescue of domestic seafarers on board domestic ships in coordination with the concerned government agencies, as needed. On the other hand, the MARINA shall provide the necessary assistance as may be requested by the PCG during the conduct of the emergency rescue.

RULE XV MANNING LEVELS AND CREW COMPETENCY REQUIREMENTS

Section 1. 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 competent crew that is adequate in terms of size and qualifications, taking into account the need to operate the vessel safely and efficiently.

Section 2. 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 and/or certificate of proficiency 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 appropriate certificate of competency and/or certificate of proficiency shall attest that the seafarer to whom it is issued meets the requirements for service, age, qualification, and competence for the position held.

Section 3. Compliance and Certification

The shipowner and master mariner shall ensure the ship's compliance with RA No. 12021 and this 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 applicable for domestic ships shall be issued to the shipowner, following guidelines as prescribed by the DOLE.

RULE XVI INSPECTION AND ENFORCEMENT

Section 1. 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 RA No. 12021 and this IRR; and
- (2) Order immediate correction of, and impose fines for, violations of the relevant provisions of RA No. 12021 and this IRR.

When there is a serious violation of working conditions of seafarers, or the violation poses an imminent danger to the ship, life, or limb of seafarers, the Secretary of the DOLE or his/her duly authorized representative shall coordinate with the MARINA and the Philippine Coast Guard (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 RA No. 12021, this IRR 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 RA No. 12021 and this 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 RA No. 12021.

(c) Philippine-registered ships operating domestically

For Philippine-registered ships operating domestically, PCG and MARINA shall ensure that the relevant provisions of Republic Act No. 9993, otherwise known as the "Philippines Coast Guard Law of 2009", including any amendments thereto, and relevant MARINA issuances shall apply.

Section 2. Maritime Occupational Safety and Health Standards (MOSHS)

The DOLE, in consultation with the DMW and the maritime industry stakeholders, shall formulate and update 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.

Section 3. 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 with regard to the implementation of Republic Act No. 11058. The IGC3 shall include the DMW, MARINA, PCG, Bureau of Fisheries and Aquatic Resources (BFAR) and other relevant government agencies.

Section 4. Recognized Organizations

The Secretary of DOLE may authorize recognized organizations such as the members of the International Association of Classification of Societies and other reputable organizations presently performing classification of ships in the international trade to conduct inspection of ships and to issue the Maritime Labor Certificate to Philippine-registered ships operating internationally.

A recognized organization shall have the necessary knowledge of the requirements of RA No. 12021 and this IRR, the MLC 2006, as amended, and other relevant international treaties or conventions.

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

RULE XVII GREEN LANE FOR OVERSEAS AND DOMESTIC SEAFARERS

Section 1. 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), Department of Transportation (DOTr), Bureau of Immigration (BI), or other relevant agencies, shall activate a green lane to facilitate the speedy and safe travel of seafarers.

Noting the urgency of the full implementation of this IRR, the MARINA, in consultation with the above-mentioned government agencies, shall issue the necessary guidelines to implement this provision.

RULE XVIII EDUCATION AND TRAINING OF SEAFARERS AND CADETS

Section 1. 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 Commission on Higher Education (CHED), MARINA 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) Accredite, 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 Maritime Higher Education and Institutions (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, 1978, as amended, and all other applicable maritime and labor conventions, taking into account the International Maritime Organization (IMO) model courses;
- (g) Accredite, 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 RA No. 12021, regulate the fees charged by maritime training institutions.

Section 2. Shipboard Training

Consistent with the STCW Convention, 1978, 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.

Noting the urgency of the full implementation of this IRR, the MARINA shall issue the applicable guidelines on shipboard training for overseas and domestic ships, including allowable tonnage, duration, qualifications of training officers, maximum number of cadets, and mechanisms to address harassment and bullying of cadets.

Section 3. 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.

Section 4. 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 the effectivity of this IRR, 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.

Noting the urgency of the full implementation of this IRR, the MARINA shall issue the appropriate implementing guidelines.

Section 5. 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, 1978, as amended, 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. Noting the urgency of the full implementation of this IRR, the 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.

Section 6. Compliance Period and Penalty for Violation

The MHEIs shall comply with the provisions of Section 78 of RA No. 12021 within three (3) years from the effectivity of the IRR of RA No. 12021.

In no case shall MHEIs enter into an agreement with any other MHEI to comply with the requirements of the preceding sections.

Failure to comply with the provision of Section 78 of RA No. 12021 within three (3) years shall result in the cancellation of the MHEI's government license or recognition.

Furthermore, and subject to the provisions of Republic Act No. 6713, otherwise known as the "Code of Conduct and Ethical Standards for Public Official 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.

Section 7. 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.

Section 8. 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). Provided that the MARINA shall review the existing rules and regulations to allow optimum use of simulators owned by the MHEIs subject to Rule XVIII Section 6 (Compliance Period and Penalty for Violation) of this IRR.

Section 9. Regulation of Training Programs and Fees

The Maritime Industry Board (MARINA Board) created under Presidential Decree No. 474, otherwise known as the Maritime Industry Decree of 1974, shall be authorized under RA No. 12021 to regulate the fees imposed by MARINA-accredited maritime training institutions for maritime courses and programs required under the STCW Convention, 1978, as amended. The Maritime Industry Board shall ensure that the fees charged for these training courses are reasonable. For this purpose, the Secretary of DMW shall be a regular and voting member of the Maritime Industry 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, 1978, as amended.

The Maritime Industry Board shall also be authorized to regulate the fees charged by Maritime Educational Institutions.

Section 10. 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, otherwise known as the TESDA Act of 1994. 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 programs 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, otherwise known as the “Ladderized Education Act of 2014” and Republic Act No. 10968, otherwise known as the “Philippine Qualifications Framework (PQF) Act.”

RULE XIX INCENTIVES AND AWARDS GRANTED TO THE MARITIME INDUSTRY

Section 1. Incentives and Awards

In consultation with the Maritime Industry Tripartite Council (MITC), the DMW, MARINA, or other concerned government agencies shall establish and administer an incentive and awards system for maritime industry stakeholders and provide the necessary guidelines and criteria to implement the same within reasonable period of time after the effectivity of this IRR.

Deserving shipowners, seafarers, manning agencies, and other organizations or entities shall be commended or awarded for their outstanding performance in upholding seafarers' rights and compliance with RA No. 12021 and this IRR.

The educational background and expertise 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 and Philippine Coast Guard Auxiliary.

RULE XX ROLE OF GOVERNMENT AGENCIES

Section 1. Role of Government Agencies

In addition to the roles and functions specified in the provisions of RA No. 12021, the following government agencies shall perform the following functions to promote the welfare and protect the rights of Filipino seafarers:

(a) Commission on Higher Education (CHED)

The CHED shall assist upon the request of MARINA in setting the standards and monitoring the performance of maritime education programs and MHEIs, ensuring the 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) Department of Foreign Affairs (DFA)

The DFA, through its consular officer of 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.

For purposes of these Rules and in relation to RA No. 11983, otherwise known as the New Philippine Passport Law, the term "priority lane" as used in RA No. 12021 shall be construed as equivalent to and having the same meaning as the term "special lane" under R.A. 11983.

(c) Department of Migrant Workers (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 RA No. 12021, 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 the repatriation of distressed seafarers, and any other analogous assistance or intervention.

(d) Department of Health (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 RA No. 12021, 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) Department of Information and Communications Technology (DICT)

The DICT shall provide technical assistance and guidance in ensuring the establishment of the registry or database of seafarers and interoperability of the systems of the concerned government agencies.

(f) Department of Labor and Employment (DOLE)

The DOLE shall ensure that the standards set forth under RA No. 12021, 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.

(g) Home Development Mutual Fund (HDMF)

The HDMF shall ensure mandatory coverage of Filipino seafarers, as well as manning agencies and shipowners who are considered jointly and severally liable as the employers of said seafarers, consistent with RA 9679, or the Home Development Mutual Fund Law of 2009, and its implementing rules and regulations. It shall also administer the provident fund contributions collected from said parties. HDMF shall formulate policies and mechanisms for the seafarers' full utilization and benefit.

(h) Maritime Industry Authority (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, 1978, as amended, 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 RA No. 12021, hereinafter referred to as the Office of the Deputy Administrator for Human Element (ODAHE), which is separate from the STCW Office under Republic Act 10635 and its Implementing Rules and Regulations.

The ODAHE and the supporting offices, in order to give full and complete effect on the implementation of RA No. 12021 on maritime education and training, shall be immediately prepared and organized by MARINA. The MARINA shall prepare the organizational structure and staffing pattern of ODAHE for submission to, and approval by, the Department of Budget and Management (DBM).

(i) National Conciliation and Mediation Board (NCMB)

The NCMB shall, pursuant to Executive Order No. 126, series of 1987, as amended by Executive Order No. 251, 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.

(j) National Labor Relations Commission (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.

(k) National Maritime Polytechnic (NMP)

The NMP, under the direct control and supervision of the DMW, 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.

(l) Overseas Workers Welfare Administration (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, through the Integrated Bar of the Philippines (IBP) or the Public Attorney's Office (PAO). It shall ensure awareness by the overseas Filipino seafarers and their families of these programs and other related governmental programs.

(m) Philippine Coast Guard (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 marine 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, through the guidelines on the working conditions of domestic seafarers issued by DOLE, including orders to detain vessels found in gross violation of pertinent laws, rules, and regulations.

(n) 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.

PAO may request support from IBP's free legal assistance. The PAO may issue appropriate guidelines to ensure effective legal representation to seafarers.

(o) **Technical Education and Skills Development Authority (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.

(p) **Social Security System (SSS)**

The SSS shall ensure the compulsory coverage of seafarers and provide meaningful social security protection, through its programs and services, consistent with Republic Act No. 11199 or the Social Security Act of 2018.

Unless otherwise provided in RA No. 12021, 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.

Section 2. 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 higher concentration of seafarers. The facility or center shall offer services which promote the welfare of, and cater to the recreational, cultural, religious, communication, internet connectivity and legal needs of, all seafarers, regardless of whether they are actively engaged, employed, or not working due to expiration of contract, or are transitioning in between contracts, or awaiting recall for deployment.

The PAO shall, in coordination with the OWWA, appoint at least one (1) public attorney who shall be posted in the seafarer welfare centers and shall render free of charge legal assistance and counseling to seafarers or their families in criminal, civil, labor, administrative, and other quasi-judicial cases. The OWWA may request support from Integrated Bar of the Philippines' (IBP) free legal assistance to overseas seafarers.

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 the changes in the needs of overseas seafarers resulting from technical, operational, and other developments in the shipping industry.

Further, the OWWA shall, in consultation with relevant government agencies and concerned stakeholders, issue the appropriate guidelines to ensure easy access to seafarer welfare centers.

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.

The TESDA shall offer non-degree courses and programs relevant to maritime education and training, while the NMP shall offer specialization and upgrading courses. The programs shall be available to seafarers who are at the welfare centers and who are not otherwise actively engaged as such, are transitioning between contracts, or are awaiting deployment, to ensure that they keep abreast with the technical and operational changes and other developments in the maritime industry.

Section 3. 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.

For this purpose, the concerned agencies shall issue the appropriate guidelines on transition assistance or support program to implement this provision within a reasonable period of time after the effectivity of this IRR.

Section 4. 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, whether foreign registered or Philippine registered, 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 DMW, MARINA and other concerned government agencies shall provide the necessary guidelines to implement the shared government information system.

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 programs to support the skills development and improve on the competencies of seafarers, as well as provide a digitized copy of the duly executed contract.

The DMW and the MARINA shall ensure compliance with Republic Act No. 10173, otherwise known as the “Data Privacy Act of 2012” and its IRR in handling seafarer’s relevant information or data in their respective registries.

RULE XXI PENALTIES

Section 1. Penalties

Upon finding of the DMW or the DOLE that a person or an entity, whether public or private, has violated any provision of RA No. 12021 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.

Section 2. 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, 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).

Noting the urgency of the full implementation of this IRR, the DMW, DOLE, and other concerned government agencies shall issue the appropriate guidelines to implement this section.

Section 3. Penalty for Violation of Section 69 of RA No. 12021 or Rule XV Section 3 (Compliance and Certification) of this IRR

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 this IRR.

Noting the urgency of the full implementation of this IRR, the DOLE shall issue the appropriate guidelines to implement this section.

Section 4. Penalty for Violations of Section 70 of RA No. 12021 or Rule XVI Section 1 (Inspection and Enforcement) of this IRR

Any person who, without proper authorization, exercises the authority granted to the Secretary of the DOLE, PCG, MARINA, and other relevant government agencies under Section 70 of RA No. 12021 shall be punished with a fine of not less than Two hundred thousand pesos (P200,000.00) but not more than Two million pesos (P2,000,000.00), or imprisonment of not less than one (1) year nor more than four (4) years, or both, at the discretion of the court. The foregoing offense shall be prescribed after five (5) years from its discovery.

RULE XXII MISCELLANEOUS PROVISIONS

Section 1. Transitory Provision

All rights, privileges, and benefits previously enjoyed by Filipino seafarers before the effectivity of RA No. 12021, including those set forth in the Presidential Decree 442, as amended, otherwise known as “Labor Code of the Philippines”, and Republic Act No. 8042, as amended, shall continue to be recognized and shall not be diminished after the effectivity of RA No. 12021.

The transition period provided under Section 23 of Republic Act No. 11641, otherwise known as the “Department of Migrant Workers Act”, shall likewise be taken into consideration.

With respect to the maritime higher education institutions and maritime education programs, MARINA and CHED shall establish a transition plan within a reasonable period of time after the effectivity of this IRR.

Section 59 of RA No. 12021 shall only apply to monetary awards, including but not limited to, the salaries, wages, statutory benefits, death and disability claims, claims for damages and other similar awards of seafarers arising from contracts of employment executed or signed from the effectivity of the law. Contracts executed prior to this date shall be governed by the laws, rules, and regulations, prevailing as of the date of their execution.

In compliance with Rule XI Section 5 (Determination of Disability Grading or Fitness to Work) of this IRR, pending the establishment of a pool of DOH-accredited medical specialists, existing laws, regulations and jurisprudence in the designation of a third doctor shall apply.

Section 2. 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 RA No. 12021 and this IRR.

Subject to the approval of the DBM, the DMW, MARINA, DOLE, and other concerned agencies shall determine their respective organizational structures and create positions as they may deem necessary, and shall appoint officers and employees in accordance with the civil service law, rules, and regulations.

Section 3. Appropriations

The initial amount necessary to carry out the provisions of RA No. 12021 including, but not limited to, the funding of Seafarer Welfare Centers; One-Stop Shop Center 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, creation of offices and hiring of appropriate personnel, 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 General Appropriations Act (GAA), subject to the usual budget preparation process.

Section 4. Separability Clause

If any provision of this IRR is declared to be unconstitutional, the remainder thereof not otherwise affected shall remain in full force and effect.

Section 5. Repealing Clause

All laws, presidential decrees, issuances, executive orders, letters of instructions, and proclamations or administrative regulations inconsistent with the provisions of RA No. 12021 or this IRR are hereby repealed, amended or modified accordingly.

Section 6. Effectivity

This IRR shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation and from filing with the Office of the National Administrative Registry of the University of the Philippines Law Center.

Approved, this _____ of January 2025, in the City of Manila, National Capital Region.

Signed by:

Chairperson:

Secretary
Department of Migrant Workers (DMW)

Vice-Chairperson:

Administrator
Maritime Industry Authority (MARINA)

In coordination with and witnessed by:

Administrator
Overseas Workers Welfare Administration (OWWA)

Executive Director
National Maritime Polytechnic (NMP)

Secretary
Department of Labor and Employment (DOLE)

Director General
Technical Education and Skills Development
Authority (TESDA)

Chairperson
National Labor Relations Commission (NLRC)

Director
National Conciliation and Mediation Board (NCMB)

Commandant
Philippine Coast Guard (PCG)

General Manager
Philippine Ports Authority (PPA)

Secretary
Department of Foreign Affairs (DFA)

Chairperson
Commission on Higher Education (CHED)

Commissioner
Bureau of Internal Revenue (BIR)

Secretary
Department of Health (DOH)

Chief
Public Attorney's Office (PAO)

Commissioner
Bureau of Immigration (BI)

President
Social Security System (SSS)

Secretary
Department of Interior and Local Government
(DILG)

Director
Bureau of Fisheries and Aquatic Resources (BFAR)

Secretary
Department of Transportation
(DOTr)

Commissioner
Insurance Commission
(IC)

Secretary
Department of Information and Communications
Technology
(DICT)

Secretary
Department of Justice
(DOJ)

Secretary
Department of Finance
(DOF)

Secretary
Department of Budget and Management
(DBM)

Chief Executive Officer
Home Development Mutual Fund
(Pag-IBIG Fund)

President and Chief Executive Officer
Philippine Health Insurance Corporation
(PhilHealth)

Executive Director
Employees' Compensation Commission (ECC)

Executive Director
National Wages and Productivity Commission
(NWPC)

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