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137  
138 **RULE I.**  
139 **PRELIMINARY PROVISIONS**  
140

141 **Section 1. Title.**  
142

143 These rules and regulations shall be known as the "Implementing Rules and Regulations of the Magna  
144 Carta of Filipino Seafarers", or the "IRR".  
145

146 **Section 2. Purpose.**  
147

148 This IRR is promulgated to prescribe the procedures and guidelines for the implementation of the  
149 "Magna Carta of Filipino Seafarers" or Republic Act No. 12021 in order to facilitate compliance therewith and to  
150 achieve the objectives thereof.  
151

152 **Section 3. Construction.**  
153

154 This IRR shall be liberally construed and interpreted in order to carry out the objectives and principles  
155 of the Magna Carta of Filipino Seafarers or Republic Act No. 12021.  
156

157 **Section 4. Coverage.**  
158

159 4.1 This IRR shall cover Filipino seafarers who are engaged, employed, or who work in any capacity on  
160 board a ship or vessel plying international waters, whether Philippine-registered or foreign-registered.  
161 This IRR shall likewise include Filipino cadets in accordance with the provisions of Chapter XVIII  
162 (Education and Training of Seafarers and Cadets) of R.A. 12021.  
163

164 This IRR shall not cover Filipino seafarers on board the following categories of ships:

- 165 (a) Warships and naval auxiliaries;  
166  
167 (b) Government ships not engaged in commercial operations;  
168  
169 (c) Ships of traditional build, as may be defined under existing rules and regulations; and  
170  
171 (d) Fishing vessels.  
172  
173

174 For ships or vessels plying international waters but are governed by international treaties or  
175 agreements, the same shall be observed, and the DMW shall exercise regulatory supervision over overseas  
176 seafarers on board, subject to appropriate guidelines and conditions that may be issued by the Department of  
177 Transportation (DOTr), Maritime Industry Authority (MARINA), Department of Migrant Workers (DMW),  
178 Department of Labor and Employment (DOLE) and other concerned agencies.  
179

180 4.2 Applicability of this IRR to Domestic Seafarers. - Seafarers who are engaged, employed, or who work  
181 in any capacity on board domestic ships shall be principally covered by Presidential Decree No. 442,  
182 otherwise known as the "Labor Code of the Philippines," as amended, and by other applicable laws,  
183 rules, and regulations. They shall also be covered by the following provisions of RA 12021:  
184

- 185 (a) Seafarers' Rights (Chapter III);  
186  
187 (b) Women in the Maritime Industry (Chapter IV);  
188  
189 (c) Duties of Seafarers (Chapter V);  
190  
191 (d) Emergency Rescue of Domestic Seafarers (Chapter XIV);  
192  
193 (e) Manning Levels and Crew Competency Requirements (Chapter XV);

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- (f) Inspection and Enforcement (Chapter XVI);
- (g) Green Lane for Overseas and Domestic Seafarers (Chapter XVII);
- (h) Requirements for Philippine-Registered Ships on Shipboard Training (Section 79); and
- (i) Incentives and Awards Granted to the Maritime Industry (Chapter XIX).

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

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

### **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) and the International Convention on Standards of Training, Certification, and Watchkeeping for Seafarers (STCW Convention, 1978, as amended).

1. secure decent working and living conditions for seafarers;
2. standardize the terms and conditions of their employment;
3. promote their skills and competencies;
4. regulate operations of manning agencies and incentivize maritime stakeholders; and
5. 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 6. 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

252  
253 (3) Has otherwise unilaterally severed its ties with the seafarer, including failure to pay contractual  
254 wages for a period of at least two (2) months;  
255

256 b. **Cadet** refers to a student of a maritime educational institution who is at least sixteen (16) years of age and  
257 required to undergo training on board a registered ship covered by RA 12021 to fulfil a maritime degree or  
258 technical course;  
259

260 c. **Domestic seafarer** refers to a seafarer who has been engaged, employed, or works in any capacity on  
261 board a domestic ship;  
262

263 d. **Domestic maritime degree** refers to a degree approved by the MARINA, in coordination with CHED, for  
264 training, education and certification of domestic seafarers;  
265

266 e. **Domestic ship** refers to a ship duly registered and licensed under Philippine law to engage in trade and  
267 commerce between Philippine ports and within Philippine territorial or internal waters, for hire or  
268 compensation, with general or limited clientele, whether permanent, occasional, or incidental, with or without  
269 fixed routes, and done for contractual or commercial purposes;  
270

271 f. **Employment contract** refers to the agreement between a Filipino seafarer and principal/shipowner that  
272 establishes their employer-employee relationship;  
273

274 g. **Green lane** refers to a controlled travel corridor facilitating in the shortest time possible a safe and swift  
275 entry of seafarers with a valid Seafarers' Identity Document and other relevant documents, and if  
276 appropriate, exempting seafarers from travel- or health-related movement restrictions during public health  
277 emergencies when entry is requested for:  
278

279 (1) Onboarding the ship to which they are deployed or transferring to another ship; or  
280 (2) Passing in transit to join the ship to which they are deployed in another country or for repatriation; or  
281 (3) Any other legitimate purpose as may be approved by relevant authorities;  
282

283 h. **International Convention on Standards of Training, Certification, and Watchkeeping for Seafarers**  
284 **(STCW Convention, 1978, as amended)** refers to the international convention that establishes the  
285 minimum standards relating to training, certification, and watchkeeping for seafarers, which the Philippines  
286 acceded to on May 22, 1984;  
287

288 i. **International Maritime Convention or International Convention** refers to any written treaty or agreement,  
289 or any protocol or amendment thereto, affecting the maritime industry, which has come into force and effect,  
290 including the MLC, 2006, as amended;  
291

292 j. **International maritime degree** refers to a degree approved by the MARINA, in coordination with the CHED,  
293 for training, education and certification of international seafarers;  
294

295 k. **Ladderization** refers to ladderized education, which is defined under Republic Act No. 10647, otherwise  
296 known as the "Ladderized Education Act of 2014", as the harmonization of all education and training  
297 mechanisms that allow students and workers to progress between technical-vocational and higher  
298 education programs, or vice-versa. For purposes of this IRR, it refers to a system where a maritime non-  
299 degree program may lead to a domestic or international maritime degree, or a domestic maritime degree  
300 may lead to an international maritime degree;  
301

302 l. **Manning agency** refers to a natural or juridical person duly licensed by the Secretary of the Department of  
303 Migrant Workers (DMW) to engage in the recruitment and placement of seafarers;  
304

305 m. **Maritime accident** refers to any unforeseen occurrence or physical event connected to the navigation,  
306 operations, maneuvering, or handling of ships, machinery, equipment, material, or cargo on board such  
307 ships which may result in the detention of seafarers;  
308

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

- 312  
313 o. **Maritime industry stakeholders** refer to all private sector stakeholders engaged in the business of  
314 owning, managing, chartering or operating domestic and ocean-going ship/s of Philippine or foreign  
315 registry, manning of ships, managing ports, stevedoring and arrastre services, ship brokering and  
316 chartering, shipbuilding and ship repair, providing maritime services, such as ship supplies and provisions,  
317 maritime education and training, shipping agency, and other similar activities.  
318  
319 This term shall also include bona fide maritime labor organizations, professional associations of seafarers,  
320 associations promoting seafarers' welfare, and women's maritime organizations;  
321  
322 p. **Maritime labour certificate** refers to the document, complemented by a declaration of maritime labour  
323 compliance, that constitutes prima facie evidence that the Philippine-flagged vessel plying international  
324 waters has been duly inspected and, to the extent so certified, is compliant with the requirements of the  
325 MLC, 2006, as amended, on the working and living conditions of the seafarers, and of applicable Philippine  
326 laws and regulations;  
327  
328 q. **Maritime Labour Convention 2006 (MLC, 2006)**, as amended refers to the consolidated Maritime Labour  
329 Convention approved by the International Labour Organization (ILO) in 2006 and ratified by the Philippines  
330 on August 20, 2012 and all amendments adopted and ratified thereafter;  
331  
332 r. **Maritime Education Program (MEP)** refers to any program in maritime education such as Bachelor of  
333 Science in Maritime Transportation (BSMT), Bachelor of Science in Marine Engineering (BSMarE),  
334 Technical Vocational Livelihood (TVL), and Pre-baccalaureate Maritime Specialization leading to  
335 achievement and competence under STCW."  
336  
337 s. **Maritime Training Institution (MTI)** refers to an institution offering approved training courses, and is  
338 accredited, regulated and monitored by MARINA.  
339  
340 t. **Master mariner** refers to a person having command of a ship who also acts as the shipowner's  
341 representative;  
342  
343 u. **Non-degree courses and programs on maritime education and training** refer to technical education as  
344 defined under Republic Act No. 7796, otherwise known as the TESDA Act of 1994, in consultation with  
345 MARINA and CHED. This shall not include associate degree programs in maritime education which are  
346 now under the jurisdiction of the MARINA;  
347  
348 v. **Ocean-going ship** refers to a ship other than one which navigates exclusively in inland waters or waters  
349 within, or closely adjacent to, sheltered waters or areas where port regulations apply;  
350  
351 w. **Officer** refers to a member of the crew, other than the master, who has been designated as such by national  
352 law or regulation, or, in the absence of such designation, by collective agreement or custom;  
353  
354 x. **One-stop shop center for overseas seafarers** refers to a unit in the one-stop center provided under  
355 Section 11 of Republic Act No. 11641, otherwise known as the "Department of Migrant Workers Act", that  
356 shall handle the specific concerns of seafarers, and shall, as far as practicable, be located in major crew-  
357 change ports, specifically in Metro Manila, Pangasinan, Bulacan, Cavite, Batangas, Iloilo, Cebu, Cagayan  
358 de Oro City, Davao City and other areas to be determined by the DMW, to facilitate easy access to all  
359 relevant government clearances and permits, employment documents, validation of job orders, reintegration  
360 services, seminars or training for upskilling or retooling, and all other services including legal assistance;  
361  
362 y. **Overseas seafarer or International Seafarer** refers to a seafarer who has been engaged, employed, or  
363 works in any capacity on board a ship or vessel plying international waters, whether Philippine-registered  
364 or foreign-registered;  
365  
366 For purposes of this IRR, an overseas seafarer is deemed "engaged" as such if he/she has signed a valid  
367 employment contract and is already at the point of hire for his/her departure.  
368  
369 Nothing in this IRR shall diminish the protection given to Overseas Filipino Workers (OFWs) under Republic  
370 Act No. 11641, including seafarers who are still to be engaged as such;  
371



- 372 z. **Place of domicile** refers to the home address of seafarers as declared in the standard employment contract  
 373 or contract of employment;  
 374
- 375 aa. **Point of hire** refers to the place indicated in the standard employment contract or contract of employment,  
 376 which shall be the basis for ~~is~~ determining the commencement of the contract;  
 377
- 378 bb. **Recognized organizations** refer to organizations recognized and authorized by the Department of Labor  
 379 and Employment (DOLE), as competent, independent and with the necessary expertise relevant to the MLC  
 380 2006 to carry out inspections, require rectification of identified deficiencies in the working and living  
 381 conditions of seafarers, and issue the appropriate maritime labour certificates on behalf of the DOLE on  
 382 Philippine-flagged ships;  
 383
- 384 cc. **Repatriation** refers to the process of returning a seafarer to the point of hire. In case of permanent or  
 385 temporary incapacity, which need not be permanent, or death, the seafarer, or their remains, shall be  
 386 repatriated to the point of hire or the seafarer's place of domicile at the option of the seafarer or the seafarer's  
 387 next of kin;  
 388
- 389 dd. **Seafarers** refers to a Filipino who is engaged, employed, or working in any capacity on board a ship covered  
 390 under Republic Act No. 12021.  
 391
- 392 ee. **Ship or vessel** refers to any kind, class or type of craft or artificial contrivance capable of floating in water,  
 393 whether publicly or privately owned, ordinarily engaged in commercial activities, other than one navigating  
 394 exclusively in inland waters or in waters within or closely adjacent to sheltered waters, or areas where port  
 395 regulations apply;  
 396
- 397 ff. Shipowner or principal refers to the owner of the ship employing Filipino seafarers or any other organization  
 398 or person, such as the manager, agent, or bareboat charterer, who has assumed the responsibility for the  
 399 operation and management of the ship from the shipowner and who, in assuming such responsibilities, has  
 400 agreed to take over all the attendant duties and responsibilities of a shipowner under RA No. 12021,  
 401 regardless of whether any other organization or person fulfills certain duties or responsibilities on behalf of  
 402 the shipowner; and  
 403
- 404 gg. **Standard employment contract (SEC)** refers to a government-prescribed contract containing at least the  
 405 minimum terms and conditions of employment in accordance with R.A No. 12021.  
 406
- 407 hh. **Technical education** shall refer to the education process designed at post-secondary and lower tertiary  
 408 levels, officially recognized as non-degree programs aimed at preparing technicians, para-professionals  
 409 and other categories of middle-level workers by providing them with a broad range of general education,  
 410 theoretical, scientific and technological studies and related job skills training  
 411  
 412

### RULE III. RIGHTS OF THE SEAFARERS

#### Section 7. Rights of the Seafarers.

Seafarers shall have the right to:

##### 7.1 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, as well as welfare measures and other forms of health and social protection.

**7.2 Self-Organization and to Collective Bargaining.** – Seafarers shall have the right to form, join or assist in the formation of a labor organization of their own choosing for purposes of collective bargaining, to engage in concerted activities in accordance with law, and to participate in the deliberation of issues and in the

432 formulation of policies that affect them, including the guarantee of representation in governing boards or  
433 appointment in government instrumentalities.

434  
435 In the exercise of this right, the exemptions from taxes, duties and other assessments provided in Article 251 of  
436 Presidential Decree No. 442, otherwise known as the "Labor Code of the Philippines", as amended, shall  
437 continue to be enjoyed by legitimate labor organizations of seafarers, without need to apply for or confirm such  
438 exemptions, which may be withdrawn only by a special law expressly repealing this provision.

439  
440 **7.3 Educational Advancement and Training at Reasonable and Affordable Costs.** — Seafarers shall  
441 have access to educational advancement and training at reasonable and affordable costs. No fees or charges,  
442 other than tuition and miscellaneous fees, shall be imposed on cadets or persons similarly situated.

443  
444 Toward this end, the MARINA, in consultation with CHED and other relevant government agencies shall:

445  
446 (a) Regulate the operation of all educational and training institutions offering courses related to seafaring  
447 or maritime education;

448  
449 (b) Promote quality maritime education and training that respond to the needs of the industry and are in  
450 accordance with minimum international maritime standards of competency; and

451  
452 (c) Afford enhanced access to educational advancement and training of women in the seafaring industry.  
453 Further, the MARINA in collaboration with other relevant government agencies shall pursue grant programs,  
454 such as scholarships, subsidies, loan assistance, and other measures that will harness the skills of seafarers  
455 toward greater competitiveness given the new and evolving demands in the industry.

456  
457 The MARINA, CHED, and National Maritime Polytechnic (NMP) shall work together to mainstream gender and  
458 development in the curricula of maritime institutions and training centers.

459  
460 **7.4 Information.** — Shipowners, manning agencies, and other organizations responsible for the recruitment  
461 and placement of seafarers shall provide seafarers with relevant information, including the terms and conditions  
462 of employment, company policies affecting seafarers, and conditions and realities attending to their profession.

463  
464 In addition, overseas seafarers shall, at all times, be furnished a copy of the duly executed SEC and the results  
465 of the medical examination conducted on them. The right shall also include the right of seafarers' organizations  
466 to relevant information affecting the terms and conditions of employment of their members, subject to the  
467 provisions of Republic Act No. 10173, otherwise known as the "Data Privacy Act of 2012", and the necessary  
468 laws and regulations of countries covered by their sojourn.

469  
470 All ocean-going ships covered by this IRR shall have on board copy of the MLC 2006, as amended, the  
471 grievance procedures observed on board, duly executed Standard Employment Contract (SEC) of seafarers,  
472 and a copy of the collective bargaining agreement (CBA), if any, which shall be readily available to the seafarers.

473  
474 **7.5 Information of a Seafarer's Family or Next of Kin** — In critical incidents, such as accidents or deaths  
475 on board or offshore, piracy, abandonment of vessel, missing seafarers and other similar cases, the seafarer's  
476 family or next of kin shall be immediately informed of the incident, including investigation reports, action/s taken,  
477 and plans by the shipowner and the manning agency concerned with regard to remedies, mitigation, or  
478 repatriation.

479  
480 For overseas seafarers, the shipowner and the concerned manning agency shall report the incident to the  
481 DMW within five (5) days from being informed of the incident. For domestic seafarers, the shipowner shall report  
482 such incidents to the DOLE and MARINA within the same period. The shipowner and the manning agency shall  
483 subsequently provide the appropriate assistance to the overseas seafarers as required by applicable laws, rules  
484 and regulations.

485  
486 In addition, for overseas seafarers, the shipowner and the manning agency shall provide periodic reports of  
487 the action taken to the seafarer's family or the next of kin and the DMW as applicable until the matter is resolved.  
488 Failure to comply with the foregoing reportorial requirements shall be ground for the imposition of the appropriate  
489 penalties, as prescribed by the DMW-

490

491 **7.6 Safe Passage and Safe Travel.** – Seafarers shall be accorded the rights to safe passage and safe  
492 travel.  
493

494 Overseas seafarers shall have the right to embark and disembark in other countries when in transit, and  
495 the right to be repatriated and return home.  
496

497 **7.7 Consultation.** - Seafarers and maritime stakeholders, both on board and in the Philippines, shall be  
498 adequately consulted before the adoption of any maritime policy, executive issuances, rule or regulation, or  
499 enactment of any maritime law that may directly affect the seafarers, their families, and beneficiaries.  
500

501 **7.8 Against Discrimination.** — Seafarers shall have the right to be protected from discrimination on the  
502 basis of race, sex, gender, religion, or political opinion, taking into consideration the inherent requirements of  
503 the particular job or undertaking. Career opportunities shall be promoted, and appropriate working and living  
504 conditions shall be guaranteed equally among male and female seafarers. Shipowners and the concerned  
505 manning agencies shall adopt policies for the protection of seafarers against discrimination, both onboard and  
506 during their application for employment.  
507

508 **7.9 Protected Against All Forms of Harassment and Bullying.** — Seafarers shall be protected against  
509 all forms of harassment and bullying while on board ships or onshore. The shipowner shall adopt policies for  
510 the protection of all crew members against harassment and bullying, including but not limited to creating a  
511 culture of safe space while onboard the vessel.  
512

513 Shipowners and manning agencies shall also establish helplines and grievance mechanisms for all victims  
514 of harassment and bullying.  
515

516 For this purpose, the DMW and Overseas Workers Welfare Administration (OWWA) shall include in the  
517 Pre-Departure Orientation Seminar (PDOS) of overseas seafarers the policies, plans and accessible  
518 procedures to eliminate and address all forms of harassment and bullying on board ships and onshore.  
519

520 **7.10 Free Legal Representation.** — In cases of violations of RA No. 12021 or breach of contract and the  
521 seafarer cannot afford the services of a counsel, seafarers shall have the right to free legal assistance and  
522 protection at the expense of the government, and to the fair and speedy disposition of cases, including the  
523 expeditious settlement of money claims, subject to existing rules and regulations.  
524

525 For overseas seafarers who have cases abroad, the shipowner and/or the concerned manning agency shall  
526 have the primary obligation to provide legal assistance as appropriate. The DMW shall provide legal assistance  
527 in accordance with the guidelines provided for the use of the Agarang Kalinga at Saklolo para sa mga OFW na  
528 Nangangailangan (AKSYON) Fund.  
529

530 For domestic seafarers with cases within the jurisdiction of Philippine courts, tribunals, and/or quasi-judicial  
531 bodies, the Public Attorney's Office (PAO) shall render, free of charge, legal representation, assistance, and  
532 counseling to seafarers or their families.  
533

534 **7.11 Appropriate Grievance Mechanism.** — Seafarers shall have the right to avail of an expeditious and  
535 inexpensive grievance mechanism to address and resolve their complaints, disputes, grievances, and  
536 controversies, both onboard the vessel and/or onshore.  
537

538 **7.12 Immediate Medical Attention.** — Seafarers shall be provided immediate and adequate medical  
539 services, medicines, and medical supplies on board, and access to shore-based medical facilities, including  
540 mental health services, for the protection of their physical and mental well-being, as well as the corresponding  
541 medical or trained personnel who shall provide first aid and medical care, pursuant to the Maritime Occupational  
542 Safety and Health guidelines provided under RA No. 12021 and this IRR.  
543

544 Further, shipowners/employers shall immediately notify the next of kin and report in writing within five (5)  
545 days of such medical incident to the DMW for overseas seafarers or the DOLE for domestic seafarers.  
546

547 Should the overseas seafarer require further medical treatment after disembarkation or repatriation, the  
548 shipowner or the concerned manning agency shall continue the seafarer's medical treatment until the seafarer  
549 is declared fit to return to work or his/her disability is determined by the company designated physician.  
550

551 In accordance with local and international laws requiring the establishment of regional and provincial  
552 hospitals that operate and serve Filipino migrant workers, the Department of Health (DOH) shall issue the  
553 appropriate guidelines for the implementation of dedicated hospital ward for seafarers.

554  
555 **7.13 Access to Communication.** — Seafarers, especially during their free time or when they are not on  
556 duty, shall have reasonable access to ship-to-shore telephone communications, email and internet facilities,  
557 where available.

558  
559 Access to communication during critical incidents, such as but not limited to maritime accidents, war-like  
560 incidents, piracy, injuries, detention, and complaints on board, shall be provided by the shipowner to the  
561 seafarer.

562  
563 **7.14 Record of Employment or Certificate of Employment.** — At the expiration of the term of the  
564 employment contract of the seafarer, the seafarer shall be given a record of his/her employment on board the  
565 ship or a certificate of employment specifying the length of service, the position the seafarer occupied, an  
566 account of his/her final wages, and such other relevant information.

567  
568 In case of termination of the employment contract for reasons other than the expiration of the term of the  
569 employment contract, the shipowner and/or employer shall promptly provide the above-mentioned documents  
570 upon the request of the seafarer.

571  
572  
573 **7.15 Fair Treatment in the Event of a Maritime Accident.** — Seafarers shall be treated fairly in the event  
574 of a maritime accident pursuant to International Labor Organization (ILO) and International Maritime  
575 Organization (IMO) 2006 Guidelines on Fair Treatment of Seafarers in the Event of a Maritime Accident and its  
576 amendments.

577  
578 The Department of Transportation (DOTr), MARINA, and other relevant government agencies shall provide  
579 the necessary guidelines to implement the above ILO and IMO 2006 Guidelines and its amendments.

580  
581 **7.16 Fair Medical Assessment.** — Seafarers shall have the right to a fair medical assessment in the event  
582 of injury arising from accidents onboard. Overseas seafarers shall have the right to seek a second opinion from  
583 accredited clinics of the Department of Health (DOH) or from other competent and licensed physicians whenever  
584 there is doubt on the medical assessment of an examining physician or clinic which negatively affects the  
585 seafarer's immediate employment. If the clinic or physician selected by the seafarer disagrees with the first  
586 assessment, a third doctor, jointly selected by the employer and the seafarer, may be hired by the shipowner or  
587 manning agency to make a third medical assessment. The findings of the third doctor shall be final and binding  
588 on both parties.

589  
590 **7.17 Vote in National Elections.** — Seafarers who are qualified and registered voters may vote in national  
591 elections, as well as in all national referenda and plebiscites, in accordance with the provision of Republic Act  
592 No. 9189, otherwise known as "The Overseas Absentee Voting Act of 2013", as amended by Republic Act No.  
593 10590. As such, the Commission on Elections (COMELEC) shall provide appropriate measures or facilities for  
594 seafarers to properly exercise their right to vote.

## 595 596 **Section 8. Discrimination Against Women Seafarers.**

597  
598 Women seafarers shall be protected from gender-based discriminatory practices which include, but not  
599 limited to, the following:

- 600  
601 a. Undue regard for the distinctive needs of women and failure to promote their health, security, dignity,  
602 and general welfare;
- 603 b. Payment of a lesser compensation, including other forms of remuneration and fringe benefits, to female  
604 seafarers as against male seafarers for work of equal value; and
- 605 c. Undue advantage given to male over female seafarers with respect to promotion, training opportunities,  
606 and study and scholarship grants, solely on account of their gender.

607  
608 Maritime industry stakeholders who commit those gender-based discriminatory practices shall be  
609 appropriately sanctioned by the DMW or other relevant government agencies.

610

611 **Section 9. Gender and Development.**

612 Shipowners, manning agencies, maritime higher education institutions, maritime training institutions,  
613 assessment centers, and other maritime training providers, shall formulate and ensure that policies on gender  
614 and development are in place to promote women's rights to adequate training and opportunities, free from  
615 discrimination, harassment, and bullying.  
616

617  
618 Shipowners, manning agencies, and maritime training institutions shall formulate and ensure that  
619 policies on gender and development are in place to promote women's rights to adequate training and  
620 opportunities free from discrimination, harassment, and bullying.  
621

622 **RULE IV.**  
623 **DUTIES OF SEAFARERS**

624 **Section 10. Duties of a Seafarer. –**

625  
626 Seafarers shall have the following duties:  
627

- 628
- 629 a. To faithfully comply with and observe the terms and conditions of one's employment contract;
  - 630 b. To abide by lawful and reasonable company personnel policies and procedures and the Code of Ethics  
631 for seafarers;
  - 632 c. To follow and observe the chain of command on board the ship or while ashore, without prejudice to  
633 one's religious freedom;
  - 634 d. To be diligent in performing one's duties relating to the ship, its stores, equipment, and cargo, whether  
635 on board, in transit, or ashore;
  - 636 e. To continually improve one's professional competency by keeping up-to-date with the latest  
637 technological and scientific developments applied in various maritime fields, continuous education,  
638 keen observation of shipboard activities and continuous education and training;
  - 639 f. To conduct oneself in an orderly and respectful manner towards shipmates, passengers, shippers,  
640 stevedores, port authorities, and other persons who have official business with the ship at all times;
  - 641 g. To conduct oneself in accordance with moral, ethical and social norms;
  - 642 h. To be responsible for one's health while on board by maintaining a healthy lifestyle, complying with  
643 prescribed medical policies, and taking appropriate medications when necessary; and
  - 644 i. To perform one's duties in a responsible and sustainable manner, should one engage in various  
645 economic activities related to oceans, seas, and coasts, in compliance with maritime safety and marine  
646 environment protection standards.  
647

648 **Section 11. Minimum Age.**

649  
650 Except for cadets, the minimum age required for employment or engagement to work on board  
651 Philippine-registered ships operating domestically or internationally and on board foreign-registered ships shall  
652 be eighteen (18) years old.  
653

654 **Section 12. Pre-Employment Medical Examination (PEME).**

655  
656 All PEME of overseas seafarers shall be performed only in DOH-accredited medical facilities following  
657 the standards set by the DOH.

668 It is the duty of an overseas seafarer undergoing PEME to truthfully answer all questions relating to  
669 one's complete medical history: Provided, That the processing of the medical information collected shall be  
670 subject to compliance with Republic Act No. 10173, otherwise known as the Data Privacy Act of 2012.

671  
672 **Section 13. Medical Certificate.**

673  
674 As a prerequisite for employment on board a domestic or ocean-going ship, all overseas seafarers shall  
675 be required to secure a medical certificate issued by a DOH-accredited medical facility after undergoing a  
676 PEME, following the standards set by the DOH.

677  
678 The same requirement shall be complied with by domestic seafarers in accordance with the rules and  
679 regulations of the DOH.

680  
681 The certificate is a confirmation that the seafarer has met the minimum health requirements for  
682 performing duties specific to the post and is physically and mentally fit to work.

683  
684 For purposes of this section, a medical certificate issued in accordance with the requirements of the  
685 STCW Convention, 1978, as amended shall be acceptable.

686  
687 **Section 14. Training and Qualifications.**

688  
689 Only overseas seafarers certified by MARINA or other appropriate government agency in accordance  
690 with the STCW Convention, 1978, as amended, and other applicable international standards, shall be allowed  
691 to work and be employed on board a ship operating internationally.

692  
693 The MARINA shall issue the appropriate standards and guidelines for qualification, training, and  
694 certification of domestic seafarers pursuant to applicable Philippine laws, taking into account conditions of the  
695 domestic shipping industry and after due consultation with maritime domestic stakeholders: Provided, that  
696 qualified overseas seafarers are deemed qualified to be employed as domestic seafarers.

697  
698  
699 **RULE V.**  
700 **MANNING AGENCIES**

701  
702 **Section 15. Recruitment and Placement.**

703  
704 Only duly licensed manning agencies which have been properly accredited by the DMW shall be  
705 allowed to operate and engage in the recruitment and placement of seafarers following existing laws, rules, and  
706 regulations. In no event shall recruitment or placement fees and related costs, including the cost of visas, be  
707 directly or indirectly levied or collected, in whole or in part, from the seafarers or their families: Provided, That  
708 only the cost of obtaining medical certificate, seafarer's record book (SRB), and passport, or other similar travel  
709 documents, may be charged to the seafarer.

710  
711 All practices and mechanisms that tend to prevent qualified seafarers from gaining employment shall  
712 also be prohibited.

713  
714 **Section 16. Nature of Liability.**

715  
716 The concerned manning agencies of seafarers shall be jointly and severally liable with the principal or  
717 shipowner for any and all claims arising from the implementation of the employment contract involving Filipino  
718 seafarers.

719  
720 **Section 17. Duties and Responsibilities of Manning Agencies**

721  
722 The duties and responsibilities of manning agencies shall also include, but not be limited to, the following:

- 723  
724 (a) To maintain an up-to-date registry of all seafarers recruited or placed through them, to be made  
725 available for inspection by the DMW and the MARINA;

726

- 727 (b) To encode the sea service records of seafarers in the MARINA online system within the prescribed  
728 period from the date of the seafarer's disembarkation;  
729
- 730 (c) To inform seafarers of their rights and duties under their employment contracts before or in the process  
731 of engagement;  
732
- 733 (d) To allow domestic and overseas seafarers to examine their employment contracts and Standard  
734 Employment Contract (SEC), respectively, before and after signing and furnish them a copy thereof;  
735
- 736 (e) To verify, before deployment, that the seafarers recruited or placed are competent, qualified, and  
737 possess the documents necessary for the job concerned, and that their employment contracts or SEC  
738 conform with applicable laws, rules, regulations, and the Collective Bargaining Agreement (CBA) which  
739 may form part of said agreements, if any;
- 740 (f) To ensure, as far as practicable, that the shipowner has the means to protect seafarers from being  
741 stranded in a foreign port;  
742
- 743 (g) To examine and respond to any complaint concerning the agency's activities and submit a written report  
744 on all unresolved complaints to the DMW and the MARINA;  
745
- 746 (h) To establish a system of protection, by way of insurance or an equivalent mechanism, to compensate  
747 seafarers for monetary loss due to the failure of the agency or the relevant shipowner under the  
748 seafarers' employment contract to meet its obligations to them;  
749
- 750 (i) To ensure the deduction of the seafarer's contribution/premium and/or loan amortizations from his/her  
751 salary and remittance of the same to relevant social protection agencies, such as the Home  
752 Development Mutual Fund (HDMF), Social Security System (SSS), and PhilHealth for the duration of  
753 his/her contract; and  
754
- 755 (j) To ensure that the shipowner or principal provides employer counterpart contributions/ premiums for  
756 the seafarers under its employ and the remittance of the same to HDMF, SSS, and PhilHealth for the  
757 duration of the seafarer's contract.  
758  
759

760 **RULE VI.**  
761 **TERMS AND CONDITIONS OF EMPLOYMENT OF OVERSEAS SEAFARERS**

762 **Section 18. Standard Employment Contract (SEC).**  
763

764 A Standard Employment Contract between the shipowner and the overseas seafarer shall be in writing and  
765 shall include, but not be limited to, the following information and terms:  
766

- 767
- 768 a. Seafarer's full name, date of birth, age, birthplace, permanent or residential address;  
769
- 770 b. Seafarer's Record Book Number, Seafarer's Identity Document Number, Seafarer's Registration Number,  
771 and other necessary documentation as may be required by appropriate government agencies;  
772
- 773 c. Shipowner's name and address;  
774
- 775 d. Place and date of execution of the seafarer's employment contract;  
776
- 777 e. Duration of the contract;  
778
- 779 f. Point of hire;  
780
- 781 g. Capacity in which the seafarer is to be employed;  
782
- 783 h. Amount of the seafarer's salary, and the formula used for calculating the same;  
784
- 785 i. Maximum hours of work and minimum hours of rest;  
786
- 787 j. Wages and wage-related benefits, which include, but are not limited to, overtime pay, holiday pay, vacation  
788 leave pay, premium pay, paid leaves, and 13<sup>th</sup> month pay, if applicable;  
789
- 790 k. Compensation and benefits for occupational injury, sickness, or death;  
791
- 792 l. The mandatory process for the determination of the final and binding disability grading to be determined by  
793 a DOH-accredited third doctor who is an expert in the disability of the seafarer, in case of conflict between  
794 the findings of the company and the seafarer's doctor;  
795
- 796 m. Social security and welfare benefits, including compulsory insurance coverage as provided under Section  
797 37-A of Republic Act No. 8042, otherwise known as the "Migrant Workers and Overseas Filipinos Act of  
798 1995," as amended by Republic Act No. 10022, and Section 6(n) of Republic Act No. 11641;  
799

- 787 n. Stipulations on repatriation or similar undertakings;  
788 o. Separation pay and retirement pay, if applicable;  
789 p. Reference to the CBA, if applicable;  
790 q. Other benefits provided by law, company policy, or CBA; and  
791 r. Termination of the contract and the conditions thereof, including:  
792  
793 1. If the contract is for an indefinite duration, the conditions entitling either party to  
794 terminate it and the period to give notice which shall not be less for the shipowner than  
795 for the seafarer;  
796  
797 2. If the contract is for a definite duration, the date fixed for its expiry; and  
798  
799 3. If the contract is for a voyage, the port of destination and the time which has to expire  
800 after arrival before the seafarer's discharge.  
801

802 The SEC shall be in English, or translated in the language known to the seafarer, and executed in four  
803 (4) original copies before the commencement of the employment.  
804

805 Prior to the signing of the employment contract, the concerned manning agency shall inform the  
806 seafarers of their rights and obligations, and disclose the full terms and conditions of employment as stipulated  
807 in the contract, including Collective Bargaining Agreements (CBAs), if applicable. The seafarer shall be given  
808 ample opportunity to examine the contract.  
809

810 The shipowner and the seafarer shall each have a signed original of the agreement. In addition, a  
811 signed original shall be made available on board the ship.  
812

813 The DMW shall issue an SEC containing at least the minimum standards for seafarer's employment for  
814 ocean-going Philippine or foreign-registered ships, which shall be subject to review and regularly updated to  
815 ensure its conformity with the MLC 2006, as amended, and other existing treaties and conventions governing  
816 seafarers which the Philippines has ratified.  
817

#### 818 **Section 19. Freedom to Stipulate.**

819

820 Parties to overseas employment contracts are allowed to stipulate other terms and conditions, including  
821 benefits, which should be over and above the minimum requirements. Said stipulations should not be contrary  
822 to law, morals, good customs, public order or public policy.

#### 823 **Section 20. Hours of Work and Hours of Rest.**

824

825 For purposes of this IRR, the term:

- 826  
827  
828 a. **Hours of work** refer to the time seafarers are required to do work on account of the ship; and  
829 b. **Hours of rest** refer to the time spent outside work hours but do not include short breaks  
830

831 A seafarer's normal work hours shall be eight (8) hours a day with one (1) rest day per week. If the  
832 seafarer is required to work beyond eight (8) hours, the maximum hours of work shall not exceed fourteen (14)  
833 hours in any twenty-four (24)-hour period and seventy-two (72) hours in any seven (7)-day period.  
834

835 The hours of rest for every seafarer shall be at least ten (10) hours in a twenty-four (24)-hour period.  
836 The hours of rest are divisible into two (2) periods, one (1) of which shall be at least six (6) hours in length, and  
837 the interval between the two (2) periods of rest shall not exceed fourteen (14) hours.  
838

839 In exceptional cases, seafarers in watchkeeping duties may work beyond fourteen (14) hours as may  
840 be required: Provided, That the rest period shall not be less than seventy (70) hours in any seven (7)-day period:  
841 Provided, further, That such watchkeeping duties shall not be allowed for more than two (2) consecutive weeks:  
842 Provided, finally, That the intervals between the two (2) periods shall not be less than twice the duration of the  
843 watchkeeping duties in such exceptional cases.  
844



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

#### 847 **Section 21. Entitlement to Leave.**

848  
849 Unless higher annual leave is provided under the CBA, the SEC, or by the shipowner as company  
850 practice or policy, seafarers shall be paid an annual leave to be calculated on the basis of a minimum of 3.5  
851 calendar days per month of employment, without prejudice to any future increase as may be prescribed by laws,  
852 rules, or regulations.

853  
854 Towards this end, the following should not be counted as part of annual leave with pay:

- 855 (a) public and customary holidays recognized as such in the flag State, whether or not they fall during the
- 856 annual leave with pay;
- 857 (b) periods of incapacity for work resulting from illness or injury or from maternity, under conditions as
- 858 determined by the competent authority or through the appropriate machinery in each country;
- 859 (c) temporary shore leave granted to a seafarer while under an employment agreement; and
- 860 (d) compensatory leave of any kind, under conditions as determined by the competent authority or through
- 861 the appropriate machinery in each country.

#### 862 **Section 22. Wages**

863  
864 Without prejudice to higher rates provided under a CBA or by the shipowner as company practice or  
865 policy, the minimum wage applicable to seafarers on board ocean-going ships of Philippine or foreign registry  
866 shall be as provided in the SEC, which shall in no case be lower than the prevailing industry standard on ocean-  
867 going seafaring wage rates for officers and other members of the ship's crew, and shall be regularly paid in full  
868 at least once a month.

#### 869 **Section 23. Allotment and Remittances of Wages.**

870  
871 The seafarer is required to make an allotment which shall be payable once a month to the seafarer's  
872 designated allottee in the Philippines through any authorized Philippine bank. The employer shall provide the  
873 seafarer with facilities to do so at no expense to the seafarer. The allotment shall be at least eighty percent  
874 (80%) of the seafarer's monthly salary.

875  
876 The employer may also provide facilities for the seafarer to remit any amount earned in excess of the  
877 seafarer's allotment, including backwages, if any, to the seafarer's designated allottee in the Philippines through  
878 any authorized Philippine bank.

879  
880 The allotments shall be paid to the designated allottee in Philippine currency at the rate of exchange at  
881 the time of remittance indicated in the credit advice of the local authorized Philippine bank.

#### 882 **Section 24. Limitations on Wage Deductions.**

883  
884 Unless stipulated in the employment contract or SEC, or otherwise provided by law, deductions shall  
885 not be allowed without the seafarer's prior written consent.

#### 886 **Section 25. Personal Effects**

887  
888 A seafarer may bring a reasonable number of articles on board the ship for personal use: Provided,  
889 That neither shall it cause inconvenience to the ship or cargo nor pose any risk onboard.

890  
891 Unless the CBA provides for a higher limit, the shipowner shall reimburse the cost of any loss or damage  
892 on the seafarer's personal effects resulting from shipwreck, stranding, abandonment of the vessel, fire, flooding,  
893 collision, or piracy, following the limitations prescribed by existing rules and regulations which shall in no case  
894 be lower than international standards.

#### 895 **Section 26. Social Welfare Benefits.**

896  
897  
898  
899  
900  
901  
902  
903

904 Without prejudice to the SEC, CBA, or company practice or policy, all seafarers shall be members of  
905 and entitled to receive the benefits conferred by the Overseas Workers Welfare Administration (OWWA), Social  
906 Security System (SSS), Employees' Compensation and State Insurance Fund (ECSIF), Philippine Health  
907 Insurance Corporation (PhilHealth), Home Development Mutual Fund (HDMF) or the Pag-IBIG Fund and other  
908 applicable social protection laws, rules and regulations, as may now or hereafter be created in favor of Overseas  
909 Filipino Workers (OFWs).

910  
911 **Section 27. Sick Leave and Sickness Benefits**

912  
913 A seafarer who has contracted a disease or illness after departing the point of hire, while in transit or  
914 under quarantine, shall be entitled to paid sick leave or sickness benefits as long as they are incapacitated to  
915 work until the seafarer joins the vessel.

916  
917 **Section 28. Payment of Wages to Abandoned Seafarer.**

918  
919 Filipino seafarers abandoned by shipowners shall be entitled to full payment of wages and other benefits  
920 provided under the SEC or the CBA.

921  
922 **Section 29. Periodic Review of SEC**

923  
924 The DMW shall conduct periodic review of the SEC to align with the prevailing maritime industry standards.

925  
926  
927 **RULE VII.**  
928 **ACCOMMODATION, RECREATIONAL, AND SANITATION FACILITIES, FOOD AND CATERING IN**  
929 **OCEAN-GOING SHIPS**

930  
931 **Section 30. Application.**

932  
933 The requirements of this Rule covering ocean-going ships of Philippine registry shall be applicable to  
934 the following:

- 935  
936 a. All ocean-going ships constructed on or after the date that the MLC 2006, as amended, came into force;  
937  
938 b. All second-hand ocean-going ships, acquired or leased, and entered in the Philippine registry after the entry  
939 into force of the MLC 2006, as amended, insofar as they can be reasonably refitted, unless exempted by  
940 the relevant Philippine government agency; and  
941  
942 c. All ocean-going ships constructed prior to the entry into force of the MLC 2006, as amended, which have  
943 undergone major or substantial structural alterations after the entry into force of the Convention, unless  
944 exempted by the relevant Philippine government agency.

945  
946 **Section 31. Accommodation and Recreational Facilities.**

947  
948 Unless otherwise exempted herein or by appropriate regulations, all ocean-going ships shall provide  
949 and maintain safe, decent, and adequate accommodations, including but not limited to recreational facilities, for  
950 overseas seafarers that meet the minimum standards set out in MLC 2006, as amended, taking into account  
951 the need to protect the health and well-being of seafarers working or living on board the ship, or both. There  
952 shall be a basic shipboard facility for women, such as separate sleeping rooms.

953  
954 **Section 32. Requirements for Sanitation.**

955  
956 All ocean-going ships shall have sanitary facilities that meet the minimum standards for health and  
957 hygiene, which shall be accessible to overseas seafarers on board, and sanitation standards set by Chapter XV  
958 - "Port, Airport, Vessel and Aircraft Sanitation" of Presidential Decree No. 856, otherwise known as the "Code  
959 on Sanitation of the Philippines", and its implementing rules and regulations (IRR). The sanitary facilities shall  
960 be located in convenient places, allowing easy access to work stations.

961  
962 Separate sanitary facilities shall also be provided for male and female crew members of the ship.

963

964 **Section 33. Food and Catering.**

965 All ocean-going ships shall ensure the protection and promotion of the health of the overseas seafarers.  
966 Shipowners shall ensure that their ocean-going ships carry on board and serve food and drinking water of  
967 appropriate quality, nutritional value, and quantity that adequately cover the requirements of the ship and take  
968 into consideration the differing cultural and religious backgrounds of the seafarers on board the ship. Seafarers  
969 on board a ship shall be provided with food free of charge during the period of engagement. The food, drinks,  
970 and the preparation thereof shall be in accordance with the standards of Presidential Decree No. 856, pertinent  
971 laws, rules, regulations, and international standards. In all cases, the ship's cooks shall be trained and qualified  
972 for their position.  
973

974  
975 **RULE VIII.**  
976 **MEDICAL CARE AND MARITIME OCCUPATIONAL SAFETY AND HEALTH STANDARDS**

977 **Section 34. Medical Care on Board Ships and Ashore.**

978  
979 The shipowner shall provide adequate medical facility, equipment, paraphernalia, and medical supplies,  
980 including medicines on board, and shall ensure access to shore medical facilities, including mental health  
981 services for seafarers, as well as corresponding medical or trained personnel who shall provide first aid, and  
982 medical care.  
983

984  
985 The medicine chest and its contents, including, but not limited to, the common emergency and  
986 maintenance medications prescribed by licensed physicians to seafarers during PEME, the medical equipment,  
987 and the medical guide on board shall be maintained and inspected regularly to ensure that labelling, expiry  
988 dates, and conditions of storage of all medicines and the directions for their use are checked, and all equipment  
989 are functioning properly.  
990

991  
992 Aside from maintenance and inspection, the shipowner shall closely monitor the medicine chest, and  
993 any medications taken therefrom must be duly recorded.  
994

995 The shipowner shall ensure that seafarers have access to medical care, including assessment,  
996 counselling, psychotherapy and other forms of mental health intervention in relation to the treatment of any  
997 mental or behavioral disorder; necessary medicines; therapeutic appliances; board and lodging away from  
998 home until the seafarer has recovered, for any illness or injury, hospitalization, and dental treatment until the  
999 sick or injured seafarer has recovered or until the sickness or incapacity has been declared of a permanent  
1000 character. The medical care shall be at no cost to the seafarer.  
1001

1002 A seafarer shall have the right to consult a qualified physician or dentist without delay in ports of call,  
1003 where practicable.  
1004

1005 The health protection and medical care under this section shall be provided at no cost to the seafarer,  
1006 in accordance with rules and regulations issued for this purpose.  
1007

1008 **Section 35. Protection of Seafarers from Epidemics, Pandemics, or Other Public Health**  
1009 **Emergencies.**

- 1010  
1011 a. Seafarers shall be covered by adequate insurance for protection from health emergencies and shall have  
1012 access to prompt and adequate medical care while on board, including medical advice and confidential  
1013 helplines on physical and mental health by radio or satellite communications, free of charge and available  
1014 twenty-four (24) hours a day.  
1015  
1016 b. Shipowners shall institute measures on health emergency prevention in accordance with flag state health  
1017 regulations and World Health Organizations (WHO) guidelines, including necessary disinfection,  
1018 decontamination, deratting, or other measures necessary to prevent the spread of infection or  
1019 contamination, which may include, but not limited to, the conduct of disease surveillance activity.  
1020  
1021 c. Seafarers who exhibit symptoms or contract illness shall be properly isolated and treated pursuant to  
1022 established guidelines of the flag state and by the WHO.  
1023

- 1024 d. In ports of call, seafarers in need of medical care shall have access to medical facilities onshore.  
1025  
1026 e. Seafarers who have contracted diseases of international concern or which cause global health emergency  
1027 or are otherwise in isolation, precautionary or otherwise, shall be entitled to paid sick leave or sickness  
1028 benefits as long as they are incapacitated to work, and the expense for medical care and board and lodging  
1029 shall be borne by the shipowner.  
1030

1031 In appropriate cases, the transit of seafarers joining ships from the Philippines shall be facilitated and  
1032 exempted from travel-related, health-related, or movement restrictions.  
1033

1034 **Section 36. Financial Security System to Assist Seafarers in Case of Injury and Other Causes.**  
1035

1036 In accordance with the MLC 2006, as amended on financial security for vessels, the shipowner shall  
1037 provide an expeditious and effective financial security system to assist seafarers in the event of their  
1038 abandonment and to assure compensation for contractual claims in the event of sickness, injury, or death  
1039 occurring while they are serving under a seafarer's employment contract, or arising from their employment under  
1040 such agreement.  
1041

1042 Towards this end, the DMW shall issue the appropriate guidelines to implement this section.  
1043

1044 **Section 37. Insurance Coverage.**  
1045

1046 The provisions on compulsory insurance for agency-hired workers under Section 37-A of Republic Act  
1047 No. 8042, otherwise known as the "Migrant Workers and Overseas Filipinos Act of 1995," as amended by  
1048 Republic Act No. 10022, shall continue to apply, at no cost, to seafarers: Provided, That the minimum insurance  
1049 cover stated therein shall be issued by insurance companies duly registered with the Insurance Commission to  
1050 ensure and facilitate claims of seafarers based on the section's "no contest, no fault or negligence" clause. This  
1051 insurance cover is without prejudice to the insurance policy to be issued or secured by the shipowners, over  
1052 and above the minimum cover, as an added protection to the seafarers in accordance with international  
1053 standards and practices.  
1054

1055 Provided, further, seafarers sailing through areas declared by the DMW as high-risk zones or war-risk  
1056 areas shall be entitled to premium pay or its equivalent and war risk insurance coverage, the form of which shall  
1057 be determined by the DMW.  
1058

1059 **RULE IX.**  
1060 **TERMINATION OF EMPLOYMENT**  
1061

1062 **Section 38. Termination of Employment.**  
1063

- 1064 (a) The employment of Filipino seafarers on board Philippine-registered ships operating internationally and on  
1065 board foreign-registered ships shall cease when all of the following occur:  
1066  
1067 (1) The seafarers complete their period of contractual service aboard the ship;  
1068 (2) The seafarers sign off from the ship; and  
1069 (3) The seafarers arrive at the point of hire.  
1070  
1071 (b) The employment is also terminated upon arrival at the point of repatriation for any of the following reasons:  
1072  
1073 (1) When the seafarer signs off and is disembarked for medical reasons in the event that the seafarer is  
1074 declared: (i) fit for repatriation; or (ii) when after an illness, the seafarer is declared fit to work, but an  
1075 employer is unable to find employment for the seafarer on board the ship originally boarded or on  
1076 another ship of the shipowner;  
1077  
1078 (2) When the seafarer signs off due to the sale of the ship, lay-up of the ship, discontinuance of voyage or  
1079 change of ship principal, shipwreck, grounding, or unseaworthiness;  
1080  
1081

1082 (3) When the seafarer voluntarily resigns in writing and signs off prior to the expiration of the contract. The  
1083 seafarer shall serve a written notice to the employer at least one (1) month prior to the intended date of  
1084 resignation, subject to exemptions provided by law.

1085  
1086 (4) When the seafarer is discharged for just cause/s in accordance with the provisions of the SEC or the  
1087 applicable CBA.  
1088

1089 **Section 39. Extension of Employment.**  
1090

1091 In the event of the extension of the term of a seafarer's employment contract, the seafarer shall be  
1092 furnished a copy of the new or supplemental contract covering the extension of employment with adequate time  
1093 to review and obtain expert advice regarding the terms and conditions of extended employment, which shall in  
1094 no case be lower than the terms of original employment. In all cases, the shipowner, or a duly authorized  
1095 representative of the manning agency, shall ensure that the seafarer has considered and freely accepted the  
1096 effects of such an extension to any accumulated entitlement and repatriation benefits, among others.  
1097

1098 Manning agencies and shipowners shall submit **periodic** reports to the DMW on the welfare and well-  
1099 being of seafarers subject of such contract extensions.  
1100

1101  
1102 **RULE X.**  
1103 **DISPUTE RESOLUTION FOR OVERSEAS SEAFARERS**  
1104

1105 **Section 40. Onboard and Onshore Grievance Machinery.**  
1106

1107 All ocean-going ships covered by Republic Act No. 12021 are required to have fair, effective, and  
1108 expeditious onboard and onshore grievance or complaint resolution mechanisms readily accessible and at no  
1109 cost to the seafarer.  
1110

1111 Any grievance or complaint shall first be referred to the appropriate grievance mechanism provided  
1112 under this section. In cases where a seafarer is a member of a legitimate trade union organization and covered  
1113 by a CBA, the seafarer shall be assisted by a union-designated representative in the proceedings. Any  
1114 agreement reached at the grievance machinery level must be in writing and duly signed by the parties and shall  
1115 be final and binding between them.  
1116

1117 **Section 41. Mandatory Conciliation-Mediation.**  
1118

1119 In the absence of an agreement or settlement at the grievance machinery level, the following rules shall  
1120 apply:  
1121

- 1122 a. If there is a CBA, the matter shall be submitted for voluntary arbitration in accordance with existing laws,  
1123 rules, and regulations;  
1124  
1125 b. If there is no CBA, the parties shall first avail of the conciliation-mediation services provided under Republic  
1126 Act No. 10396, otherwise known as "An Act Strengthening Conciliation-Mediation as a Voluntary Mode of  
1127 Dispute Settlement for All Labor Cases, amending for this Purpose Article 228 of Presidential Decree No.  
1128 442, as amended, otherwise known as the 'Labor Code of the Philippines' and its IRR. Thereafter, if the  
1129 matter remains unresolved, absent a settlement or agreement, the parties have the option to submit the  
1130 case either to compulsory or voluntary arbitration under the Labor Code of the Philippines, as amended.  
1131

1132 **Section 42. Maritime Industry Labor Conciliator-Mediators and Arbitrators.**  
1133

1134 The Secretaries of the DMW and the DOLE and heads of relevant government agencies shall establish  
1135 a pool of trained maritime industry conciliator-mediators, labor arbiters and accredited maritime industry  
1136 voluntary arbitrators. They shall handle the mediation, conciliation or arbitration of all issues relating to the  
1137 employment of seafarers. They shall have expertise, appropriate competence, integrity, and knowledge of the  
1138 Philippine and global maritime industry practices and standards, MLC 2006, as amended, and related  
1139 Philippine-ratified conventions and treaties. For this purpose, the DMW, the National Labor Relations  
1140 Commission (NLRC), and the National Conciliation and Mediation Board (NCMB) may form a specialized

1141 maritime unit in their respective labor dispute settlement structures, as well as issue the appropriate maritime  
1142 industry dispute settlement rules of procedure to implement the provisions of RA No. 12021.

1143  
1144 **Section 43. Regulatory and Quasi-judicial Powers of the DMW**

1145  
1146 In the exercise of its regulatory and quasi-judicial powers, the Department of Migrant Workers shall  
1147 exercise its jurisdiction, as provided under Republic Act No. 11641 and its Implementing Rules and Regulations,  
1148 to hear and decide all cases which are administrative in character involving or arising out of: 1) violation of  
1149 recruitment rules and regulations including refund of fees collected from OFWs and any violation of the  
1150 conditions for the issuance of the license to recruit OFWs; and 2) disciplinary action cases that are  
1151 administrative in character, excluding money claims.

1152  
1153 **Section 44. Determination of Disability Grading or Fitness to Work.**

1154  
1155 When the seafarer suffers work-related injury or illness occurring between the date of commencing duty  
1156 and the date upon which they are deemed duly repatriated, or arising from their employment between those  
1157 dates and still requires medical attention upon repatriation, the seafarer must undergo a post-employment  
1158 medical examination by a company-designated physician for treatment until the seafarer is declared fit to work  
1159 or assessed disability grading.

1160  
1161 A seafarer who disagrees with the company-designated physician's final assessment may seek its re-  
1162 evaluation by a physician of choice who specializes in the illness or injury. If the seafarer's doctor issues a  
1163 disability grading that is different or contrary to the medical findings of the company-designated physician, the  
1164 seafarer must file, within thirty (30) days from receipt of the findings of the seafarer's doctor, a written request  
1165 with the DMW to refer the conflicting medical grading to a third doctor. The third doctor shall be mutually selected  
1166 by the employer and seafarer from a pool of DOH-accredited medical specialists relevant to the injury or illness  
1167 of the seafarer. The third doctor should be duly trained in the determination of maritime disability grading. In  
1168 case there is no agreement between the parties on the appointment of third doctor from the pool of DOH-  
1169 accredited third doctors, the DMW shall appoint the third doctor from the same pool.

1170  
1171 With all the medical documents considered and issued by the company doctor and the seafarer's doctor,  
1172 the third doctor shall determine the final disability grading which shall be binding upon the seafarer and the  
1173 employer. This process shall be mandatory before any dispute settlement, arbitration proceeding, or case may  
1174 be filed, when the issue is the disability grading, fitness to work, or the illness or injury of the seafarer.

1175  
1176 The third doctor's assessment shall strictly adhere to the Schedule of Disabilities as provided in the  
1177 SEC or the applicable CBA, as warranted.

1178  
1179 The DMW and the DOH, in consultation with concerned government agencies and maritime industry  
1180 stakeholders, shall develop joint guidelines for the implementation of this section, including the selection,  
1181 training, maintenance, and review of the pool of accredited third doctors.

1182  
1183 **Section 45. Period to Settle Claims.**

1184  
1185 In the event a seafarer, or the seafarer's successors-in-interest, files for a claim for unpaid salaries and  
1186 other statutory monetary benefits, or those arising from disability or death, the employer or the manning agency  
1187 shall have fifteen (15) days from the submission of the claim, proof, or complete documents, as the case may  
1188 be, to determine the validity of the claim. The results of the validation by the employer or manning agency shall  
1189 be communicated to the seafarer within the aforesaid fifteen (15)-day period. The employer or manning agency  
1190 shall, within fifteen (15) days from the time it has communicated to the seafarer its findings, settle its obligations  
1191 to the seafarer, if any.

1192  
1193 The 15-day period shall be reckoned from the receipt by the manning agency of the written claim  
1194 submitted by the seafarer.

1195  
1196 This provision also applies to the claims of a seafarer, or the seafarer's successors-in-interest, arising  
1197 from accidental death, natural death, or permanent disability benefits under Section 37-A of Republic Act No.  
1198 8042, as amended.

1199  
1200 **Section 46. Execution of Judgment and Monetary Awards.**

1201  
1202 The Department of Labor and Employment (DOLE), National Labor Relations Commission (NLRC), and  
1203 National Conciliation Mediation Bureau (NCMB), in consultation with the Maritime Industry Tripartite Council  
1204 (MITC) of the DMW, shall promulgate the necessary rules and procedures to ensure the fair, speedy, equitable,  
1205 and just disposition and execution of decisions granting monetary awards for the salaries, wages, statutory  
1206 benefits, and the death and disability claims of seafarers.

1207  
1208 Such rules and procedures shall institute mechanisms for the prevention of ambulance chasing and the  
1209 motu proprio prosecution or disbarment of ambulance chasers, as provided under Republic Act No. 10706,  
1210 otherwise known as "Seafarers Protection Act," Presidential Decree No. 442, as amended, and under applicable  
1211 rules and professional codes of conduct.

1212  
1213 To ensure the full and timely restitution of the monetary award, the following mechanisms are instituted,  
1214 without prejudice to such rules as the Supreme Court may issue or promulgate.

1215  
1216 The decision granting a monetary award in a voluntary or mandatory arbitration, or by the NLRC, must  
1217 state the specific amounts for the payment of the following:

- 1218  
1219 (a) Any salary or wage;  
1220 (b) Any statutory monetary and welfare benefits;  
1221 (c) Any undisputed amount, which is admitted by a party to be legally due to the other party;  
1222 (d) Any disputed amount determined to be legally due the seafarer; and  
1223 (e) Damages, including moral damages, exemplary damages, nominal damages, attorney's fees, and other  
1224 similar awards.

1225  
1226 The portion of the decision awarding items (a), (b), or (c) above shall be immediately executory even  
1227 pending appeal or judicial review.

1228  
1229 Pending an appeal or judicial review, a writ of execution on items (d) and/or (e) shall only be issued if  
1230 the judgment obligee posts a sufficient bond to ensure the full restitution of those amounts and the bond shall  
1231 be maintained by the obligee until final resolution of the appeal or judicial review: Provided, That in the event of  
1232 the seafarer ultimately prevails on appeal or judicial review, the losing party shall immediately reimburse the  
1233 total amount paid by the seafarer for the cost of the bond. However, if the seafarer loses, no such reimbursement  
1234 shall be made.

1235  
1236 The DMW, through the *Agarang Kalinga at Saklolo Para sa mga OFW na Nangangailangan (AKSYON*  
1237 *Fund)*, may provide financial assistance to the seafarer depending on the final determination of maritime  
1238 disability grading under Section 57 of RA 12021 for the payment of premiums of the bond either in full or in part.  
1239 Pertinent guidelines for assistance in the payment of premiums, including the availment process, amount, or  
1240 length of validity shall be issued by DMW, after consultation with stakeholders, including the DOLE, NLRC,  
1241 seafarers unions, manning agencies, shipowners, or their representatives.

#### 1242 **Section 47. Prohibition on Appearances and Fees.**

1243  
1244 Non-lawyers may not act as legal representatives of seafarers or appear on their behalf at any stage or  
1245 in any proceedings before labor tribunals including the NLRC, Labor Arbiter, conciliation, and mediation in the  
1246 NCMB or voluntary arbitration, DMW, and other quasi-judicial bodies unless they represent themselves, their  
1247 organization, or the members thereof.

1248  
1249 A stipulation on fees shall not exceed ten percent (10%) of the compensation or benefit which may be  
1250 received by or awarded to the seafarer or to his successors-in-interest pursuant to Republic Act No. 10706,  
1251 otherwise known as the "Seafarers Protection Act". Any contract, agreement, or arrangement of any sort to the  
1252 contrary shall be null and void.

1253  
1254 Legal representatives of seafarers shall submit an Entry of Appearance, with attached notarized  
1255 certification and Affidavit of Undertaking with the following averments:

- 1256  
1257  
1258 a. They shall not charge the seafarer for a fee contingent of more than ten percent (10%) of the compensation  
1259 which may be awarded to the seafarer; and

- 1261 b. They shall not lend or borrow money from the seafarers, or participate in usurious lending practices, and  
1262 shall not recommend, endorse, or facilitate loans, with lending individuals or companies connected to  
1263 seafarers, directly or indirectly.  
1264

1265 Any amount in excess of ten percent (10%) received or collected by the legal representative of the  
1266 seafarer shall be held in trust for the seafarer.  
1267

1268 **RULE XI.**  
1269 **REPATRIATION FOR OVERSEAS SEAFARERS**  
1270

1271 **Section 48. Seafarers' Repatriation.**  
1272

1273 In all cases of repatriation, the affected seafarer shall be repatriated to the point of hire: Provided, That  
1274 in case of permanent or temporary incapacity or death, the seafarer or his/her remains shall be repatriated  
1275 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  
1276 costs related to the repatriation and transport of the personal effects and remains of seafarers, including the  
1277 provision of financial security in case of abandonment of seafarers, shall be borne by the shipowner or manning  
1278 agency concerned. The shipowner or manning agency shall expedite the repatriation without prior determination  
1279 of the cause of repatriation or termination of the seafarer's employment.  
1280

1281 **48.1 Emergency Repatriation.** The DMW, in coordination with Overseas Workers Welfare Administration  
1282 (OWWA) and Department of Foreign Affairs (DFA), and in appropriate situations, with all relevant  
1283 stakeholders, shall undertake the emergency repatriation of seafarer in cases of war, epidemic,  
1284 disasters or calamities, natural or man-made, and other similar events, without prejudice to  
1285 reimbursement by the responsible shipowner/principal or licensed manning agency within sixty (60)  
1286 days from notice. In such cases, the Undersecretary for Foreign Employment and Welfare Services of  
1287 the DMW shall simultaneously identify and give notice to the licensed manning agencies concerned,  
1288 copy furnished the corresponding insurance companies when applicable.  
1289

1290 **48.2 Mandatory Repatriation of Underage Overseas Filipino Seafarer.** Upon receipt of verifiable  
1291 information on the presence of a seafarer whose actual age falls below the minimum age requirement  
1292 for overseas deployment, the responsible officers in the DMW Migrant Workers Office (MWO) shall,  
1293 without delay, repatriate the said underage seafarer and advise the DFA, through the fastest means of  
1294 communication available, of such information.  
1295

1296 **48.3 Medical Evaluation and Repatriation.** In case of medical repatriation, all costs related to repatriation,  
1297 including transport through medical evacuation, with medical or non-medical escorts, until transport to  
1298 repatriation destination at the option of the seafarer, shall be shouldered by the shipowner or manning  
1299 agency concerned.  
1300

1301 In case of repatriation due to death including suicide, all costs attendant to repatriation, including  
1302 transport of remains and personal belongings, and cremation/funeral services upon arrival at the point of hire  
1303 or place of domicile of the seafarer, at the option of the seafarer's family or next of kin, shall likewise be borne  
1304 by the shipowner/manning agency.  
1305

1306 **48.4 Department's 24/7 Emergency Response and Action Center Unit.** The DMW shall maintain One  
1307 Repatriation Command Center (ORCC) that facilitates, monitors, and documents the repatriation of  
1308 seafarers in distress, regardless of status in the host country, in coordination with relevant government  
1309 agencies, the private sector, and other stakeholders.  
1310

1311 **Section 49. Repatriation Expenses; Advance and Recovery.**  
1312

1313 **49.1.** The repatriation expenses that shall be borne by the shipowner or the manning agency concerned shall  
1314 include:

- 1315
- 1316 a. Basic pay and allowances from the moment the seafarers leave the ship until they reach the repatriation  
1317 destination;
  - 1318 b. Accommodation and food from the moment the seafarers leave the ship until they reach the repatriation  
1319 destination;
  - 1320 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.

**49.2. Repatriation Costs in Case of Failure to Repatriate.** When those primarily responsible for the repatriation fail to fulfill their obligations, the DMW will shoulder the repatriation cost using the AKSYON Fund, subject to reimbursement from those primarily responsible for the repatriation. This is without prejudice to the imposition of appropriate administrative sanctions against those primarily responsible.

**Section 50. 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. This is without prejudice to imposition of appropriate administrative sanctions against said 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 51. 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 XII.  
REINTEGRATION**

**Section 52. Reintegration**

The Department of Migrant Workers 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 XIII.  
EMERGENCY RESCUE OF DOMESTIC SEAFARERS**

**Section 53. Emergency Rescue of Domestic Seafarers.**

1381  
1382 Domestic seafarers on board domestic ships shall be entitled to emergency rescue in cases of war,  
1383 epidemics, abandonment, disasters, natural or man-made calamities, and other similar events. All costs related  
1384 to the rescue, including, transport of the seafarer's remains and personal effects, and the provision of financial  
1385 security in case of abandonment, as may be applicable to domestic seafarers, shall be borne by the shipowner.  
1386 The Philippine Coast Guard (PCG) shall undertake the conduct of emergency rescue of domestic seafarers on  
1387 board domestic ships. On the other hand, the MARINA shall provide the necessary assistance as may be  
1388 requested by the PCG during the conduct of the emergency rescue.  
1389  
1390

1391 **RULE XIV.**  
1392 **MANNING LEVELS AND CREW COMPETENCY REQUIREMENTS**  
1393  
1394

**Section 54. Manning Levels.**

1395 All ships of Philippine registry shall have the required minimum manning levels as prescribed by the  
1396 MARINA. They shall, at all times, be manned by a competent crew that is adequate in terms of size and  
1397 qualifications, taking into account the need to operate the vessel safely and efficiently.  
1398

1399 **Section 55. Crew Competence.**  
1400

1401 Every crew member of a ship of Philippine registry shall possess, in addition to the required medical  
1402 certificate, the appropriate certificate of competency and/or certificate of proficiency issued by the MARINA,  
1403 setting forth one's competence to serve in the capacity and perform the functions involved at the level of  
1404 responsibility for the position held, and for the type, tonnage, power, means of propulsion, and trading patterns  
1405 of the ships concerned.  
1406

1407 The appropriate certificate of competency and/or certificate of proficiency shall attest that the seafarer to whom  
1408 it is issued meets the requirements for service, age, qualification, and competence for the position held.  
1409

1410 **Section 56. Compliance and Certification.**  
1411

1412 The shipowner and master mariner shall ensure the ship's compliance with RA 12021 and this IRR at  
1413 all times. In case of any violation thereof, they shall be principally liable.  
1414

1415 For this purpose, a Maritime Labour Certificate for ocean-going ships or a certificate of compliance for  
1416 domestic ships shall be issued to the shipowner, following guidelines which may be prescribed by DOLE.  
1417  
1418

1419 **RULE XV.**  
1420 **INSPECTION AND ENFORCEMENT**  
1421

1422 **Section 57. Inspection and Enforcement.**  
1423

1424 a. Philippine-registered ships operating internationally. - The Secretary of the DOLE, in coordination with the  
1425 Secretary of the DMW, MARINA, and other relevant government agencies, shall have the power over all  
1426 Philippine-registered vessels operating internationally to:  
1427

- 1428 (1) Inspect to ensure compliance with general labor and occupational safety and health standards as  
1429 provided under RA 12021 and this IRR; and  
1430
- 1431 (2) Order immediate correction of, and impose fines for, violations of the relevant provisions of RA 12021  
1432 and this IRR.  
1433

1434 When there is a serious violation of working conditions of seafarers, or the violation poses an imminent  
1435 danger to the ship, life, or limb of seafarers, the Secretary of the DOLE or his/her duly authorized representative  
1436 shall coordinate with the MARINA and the Philippine Coast Guard (PCG) to determine the necessity of  
1437 preventing the departure of a Philippine-registered ship operating internationally from a port until the violation  
1438 is corrected or until a plan of action to rectify the violations is shown to be implemented expeditiously.  
1439

1440 Upon the order of the Secretary of the DOLE, the PCG shall prohibit a Philippine-registered ship  
1441 operating internationally from leaving port in case of finding that the conditions on board are clearly hazardous  
1442 to the safety, health or security of seafarers, or are not compliant with any of the provisions of RA 12021, this  
1443 IRR and the MLC 2006, as amended. In all cases, the prohibition to leave port shall be in place until the same  
1444 has been rectified or until a plan of action to rectify the nonconformity is shown to be implemented in an  
1445 expeditious manner and cleared by the Secretary of the DOLE.  
1446

1447 b. Foreign-flagged vessels. - The PCG shall have the authority to conduct the port state control inspections of  
1448 vessels, including all foreign-flagged vessels calling at any port of the Philippines, for the promotion of safety  
1449 of life and property at sea, control and prevention of maritime pollution, and verification of compliance with  
1450 the minimum standards of training and social condition of officers and crew on board the ships. The PCG  
1451 shall assist relevant agencies in the enforcement of the provisions of RA 12021 and this IRR, as well as the  
1452 MLC 2006, as amended, for ocean-going vessels.  
1453

1454 The conduct of port state controls shall be in accordance with international conventions and ratified  
1455 instruments.  
1456

1457 The PCG Commandant or his/her duly authorized representative shall have the power to order  
1458 immediate correction of, and impose fines for, violations of the relevant provisions of RA No. 12021.  
1459

1460 c. Philippine-registered ships operating domestically. - For Philippine-registered ships operating domestically,  
1461 PCG and MARINA shall ensure that the relevant provisions of Republic Act No. 9993, otherwise known as  
1462 the "Philippines Coast Guard Law of 2009," and relevant MARINA issuances shall apply.  
1463

#### 1464 **Section 58. Maritime Occupational Safety and Health Standards (MOSHS).**

1465  
1466 The DOLE, in consultation with the DMW and the maritime industry stakeholders, shall formulate and  
1467 issue the MOSHS according to the provisions of Republic Act No. 11058, otherwise known as "An Act  
1468 Strengthening Compliance with Occupational Safety and Health Standards and Providing Penalties for  
1469 Violations Thereof", applicable maritime conventions, and treaties ratified by the Philippines, and shall ensure  
1470 compliance with such standards.  
1471

#### 1472 **Section 59. Inter-Governmental Coordination and Cooperation Council (IGC3) on Maritime Labor 1473 and Occupational Safety and Health Standards (OSHS) Enforcement.**

1474  
1475 The Secretary of the DOLE shall convene a Maritime Labor and OSHS Enforcement IGC3 to ensure  
1476 efficiency, coherence, and coordination with regard to the implementation of Republic Act No. 11058. The IGC3  
1477 shall include the DMW, MARINA, PCG, Bureau of Fisheries and Aquatic Resources (BFAR) and other relevant  
1478 government agencies.  
1479

#### 1480 **Section 60. Recognized Organizations.**

1481  
1482 The Secretary of DOLE may authorize recognized organizations such as the members of the  
1483 international association of classification of societies and other reputable organizations presently performing  
1484 classification of ships in the international trade to conduct inspection of ships and to issue the maritime labor  
1485 certificate.  
1486

1487 A recognized organization shall have the necessary knowledge of the requirements of RA 12021 and  
1488 this IRR, the MLC 2006, and other relevant international treaties or conventions.  
1489

1490 A recognized organization shall also have the necessary and qualified professional, technical, and  
1491 support expertise to carry out the conduct of inspection and issuance of certification.  
1492

### 1493 **RULE XVI.**

#### 1494 **GREEN LANE FOR OVERSEAS AND DOMESTIC SEAFARERS**

#### 1495 **Section 61. Green Lane for Seafarers**

1499 During public emergencies, pandemics or epidemics, or when circumstances warrant, the MARINA, in  
1500 coordination with the DMW, the DOLE, the DOH, Department of Foreign Affairs (DFA), Department of Justice  
1501 (DOJ), Department of the Interior and Local Government (DILG), Department of Transportation (DOTr), Bureau  
1502 of Immigration (BI), or other relevant agencies, shall activate a green lane to facilitate the speedy and safe travel  
1503 of seafarers.

1504 The MARINA, in consultation with the above-mentioned government agencies, shall issue the  
1505 necessary guidelines to implement this provision.  
1506  
1507

1508 **RULE XVII.**  
1509 **EDUCATION AND TRAINING OF SEAFARERS AND CADETS**  
1510

1511 **Section 62. Jurisdiction over Maritime Education. –**  
1512

1513 Consistent with Republic Act No. 10635, otherwise known as "An Act Establishing the Maritime Industry  
1514 Authority (MARINA) as the Single Maritime Administration Responsible for the Implementation and Enforcement  
1515 of the 1978 International Convention on Standards of Training, Certification and Watchkeeping for Seafarers,  
1516 as Amended, and International Agreements or Covenants Related Thereto", MARINA shall have jurisdiction  
1517 over maritime education. In consultation with the Commission on Higher Education (CHED) and/or other  
1518 relevant government agencies, as applicable, MARINA shall:  
1519

1520 (a) Ensure the quality, standard, and competence of maritime students and graduate.  
1521

1522 (b) Adopt and implement appropriate academic and training standards, including required learning facilities.  
1523

1524 For this purpose, CHED will turnover the records of academic credentials of students;  
1525

1526 (c) Accredite, regulate, and monitor maritime education institutions offering maritime degree programs or  
1527 technical courses.  
1528

1529 For this purpose, CHED shall turnover the records of recognition or authority issued by CHED pertaining to  
1530 the maritime degree programs;  
1531

1532 (d) Approve maritime degree program  
1533

1534 Towards this end, MARINA will partner with CHED so that maritime degree courses will be recognized under  
1535 the Credit Transfer System, under Philippine Qualifications Framework (PQF), subject to approval of the  
1536 Philippine Qualifications Council.  
1537

1538 (e) Close, phase-out, or revoke the license or accreditation of substandard maritime education institutions, or  
1539 specific degree programs, courses, or training;  
1540

1541 (f) Enhance the capacity of (Maritime Higher Education and Institutions) MHEIs to develop both international  
1542 and domestic maritime degree programs;  
1543

1544 (g) Ensure that the curriculum of the MHEIs offering international maritime degrees comply with standards set  
1545 forth in the STCW Convention, 1978, as amended, and all other applicable maritime and labor conventions,  
1546 taking into accounts the International Maritime Organization (IMO) model courses;  
1547

1548 (h) Accredite, regulate, and monitor maritime training institutions;  
1549

1550 (i) Approve non-degree maritime courses developed by maritime education or training institutions or the  
1551 Technical Education and Skills Development Authority (TESDA).  
1552

1553 (j) Create a mechanism for the ladderization of both international and domestic maritime degree programs,  
1554 and non-degree maritime courses developed by the TESDA;  
1555

1556 (k) Regulate the fees charged by maritime educational institutions, and consistent with Section 83 of RA 12021,  
1557 regulate the fees charged by maritime training institutions.  
1558

1559  
1560 The Maritime Industry Board shall be authorized to regulate the fees charged by Maritime Educational  
1561 Institutions, maritime training institutions, assessment centers, and other maritime training providers.  
1562

1563 (l) Ensure that all maritime education, including the curricula and training programs, are structured and  
1564 delivered in accordance with the policies, standards, and guidelines as approved by the Maritime Industry  
1565 Board; and

1566  
1567 (m) Ensure that all HEIs, including state universities and colleges (SUCs), local universities and colleges  
1568 (LUCs), and autonomous and deregulated HEIs, intending to offer BSMT and BSMarE programs, and all  
1569 maritime education institutions that will offer domestic maritime degree programs or non-degree courses  
1570 and programs on maritime education and training shall secure prior approval from the MARINA before  
1571 offering and conducting said programs or non-degree courses.

1572  
1573 For these purposes, the MARINA shall formulate, review, and approve all policies, standards, and guidelines  
1574 for maritime degree and non-degree programs, training courses, and competency assessment per level of  
1575 responsibility.

1576  
1577 **Section 63. Conduct of Surveillance. –**  
1578

1579 The MARINA, upon receipt of a verified complaint or through its own initiative, shall conduct surveillance of  
1580 any MHEI offering Maritime Education and Training Programs or any other maritime education institutions  
1581 offering domestic maritime degree program or non-degree courses or Maritime Training Institutions offering  
1582 mandatory training courses or Assessment Centers conducting assessment of competence for each level of  
1583 responsibility to further ensure that such programs or non-degree courses or mandatory training courses are  
1584 implemented and conducted in accordance with the existing applicable laws, international conventions, and  
1585 policies, standards and guidelines issued by the MARINA.

1586  
1587 **Section 64. Shipboard Training.**  
1588

1589 Consistent with the STCW Convention, 1978, as amended, shipboard training shall be a requirement  
1590 for international maritime degree programs. MARINA shall determine the applicability of shipboard training,  
1591 including its duration, for domestic maritime degree programs or non-degree programs, in accordance with best  
1592 practices in maritime education and training.

1593  
1594 The MARINA shall issue the applicable guidelines on shipboard training for overseas and domestic  
1595 ships, including allowable tonnage, duration, qualifications of training officers, maximum number of cadets, and  
1596 mechanisms to address harassment and bullying of cadets.

1597  
1598 **Section 65. Shipboard Training Agreement for Cadets.**  
1599

1600 There shall be a written agreement between the shipowner, cadet, and the maritime institution or school,  
1601 which shall embody the information, terms and conditions of the cadetship program. The MARINA shall issue  
1602 the necessary guidelines for the effective implementation of this cadetship program, taking into account the  
1603 nature of the maritime degree.  
1604

1605 **Section 66. Requirements for Maritime Higher Education Institutions.**  
1606

1607 Consistent with Republic Act No. 844, otherwise known as "An Act Requiring Nautical or Maritime  
1608 Schools To Have At Least One Training Ship Each", all MHEIs offering international maritime degree programs  
1609 shall be required to have their own training ships, simulators, or other similar technologies, or shall directly enter  
1610 into agreements with local or international shipping companies, shipowners, or manning agencies for the  
1611 shipboard training program of their students or cadets.  
1612

1613 MHEIs offering international maritime degree programs shall enroll or admit a sufficient number of  
1614 students or cadets proportionate to the number of training slots in their own training ships, simulators, or other  
1615 similar technologies, or the number of training slots that can be accommodated by the shipping companies,  
1616 shipowners, or manning agencies based on their agreements with the concerned MHEIs: Provided, That upon

1617 passage of RA 12021, MHEIs shall give priority for shipboard training to students who have finished the  
1618 academic requirements of their programs and signified their intent to avail of the shipboard training: Provided,  
1619 further, That MHEIs shall accommodate all previous students who have finished the academic requirements of  
1620 their programs who signify their intention to avail of the shipboard training: Provided, finally, That the MHEIs  
1621 shall not charge the students any tuition or matriculation fees for the shipboard training, unless conducted in the  
1622 MHEIs' own training ships.

#### 1623 **Section 67. Requirements for Philippine-registered Ships on Shipboard Training.**

1624 All Philippine-registered ships operating domestically are mandated to enter into agreement with any  
1625 of the MHEIs for the shipboard training of the latter's cadets for domestic maritime degree or non-degree  
1626 programs. The number of cadets required to be accommodated shall be in accordance with rules and  
1627 regulations issued by the MARINA.

1628 Philippine-registered ships operating internationally shall also enter into agreement with any of the  
1629 MHEIs for the shipboard training of the latter's cadets. They shall be required to accommodate cadets in  
1630 accordance with the STCW Convention, 1978, as amended, and the guidelines issued by the MARINA.

1631 For this purpose, all Philippine-registered ships, whether operating domestically or internationally,  
1632 conducting shipboard training shall appoint or employ a training officer who shall ensure that the training  
1633 programs are compliant with the established shipboard training curriculum. Shipowners may charge reasonable  
1634 fees for the training of cadets. MARINA shall issue guidelines on the amount of fees that may be charged by  
1635 shipowners on the training of cadets.

1636 The MARINA shall provide incentives to owners of commercially-operating domestic ships reconfigured  
1637 for use in the shipboard training of a substantial number of cadets. MARINA shall also issue the appropriate  
1638 guidelines for the grant of such incentives, after consultation with the relevant stakeholders.

#### 1639 **Section 68. Compliance Period and Penalty for Violation.**

1640 The MHEIs shall comply with the provisions of Section 78 of RA 12021 within three (3) years from the  
1641 implementation of RA 12021.

1642 In no case shall MHEIs enter into an agreement with any other MHEI to comply with the requirements  
1643 of the preceding sections.

1644 Failure to comply with the provision of Section 78 of RA 12021 within three (3) years shall result in the  
1645 cancellation of the MHEI's government license or recognition.

1646 Furthermore, and subject to the provisions of Republic Act No. 6713, otherwise known as the "Code of  
1647 Conduct and Ethical Standards for Public Official and Employees", no MARINA, CHED, or TESDA official or  
1648 employee, or their spouse or relative up to the fourth civil degree of consanguinity or affinity shall own or have  
1649 substantial interest in an MHEI or training institution.

#### 1650 **Section 69. Non-discrimination in Shipboard Training.**

1651 Cadets shall be accorded equal access to training and shall not be discriminated against for shipboard  
1652 training. Discrimination on the basis of race, sex, gender, religion, and political opinion, taking into consideration  
1653 the inherent requirements of the job or undertaking, shall be prohibited.

#### 1654 **Section 70. Incentive Programs for MHEIs.**

1655 The MARINA, in consultation with the CHED, may establish programs to incentivize MHEIs to have  
1656 their own training ships, simulators, and equivalent technology and adapt to the changing needs of the maritime  
1657 industry. Once established, the amount necessary for the implementation of the incentive program shall be  
1658 included in the General Appropriations Act (GAA).

#### 1659 **Section 71. Regulation of Training Programs and Fees.**

1676 The Maritime Industry Board (MARINA Board) created under Presidential Decree No. 474, otherwise  
1677 known as the Maritime Industry Decree of 1974, shall be authorized under RA 12021 to regulate the fees  
1678 imposed by MARINA-accredited maritime training institutions for maritime courses and programs required under  
1679 the STCW Convention, 1978, as amended. The MARINA Board shall ensure that the fees charged for these  
1680 training courses are reasonable. For this purpose, the Secretary of DMW shall be a regular and voting member  
1681 of the MARINA Board to ensure the protection of the rights and welfare of seafarers on board ships operating  
1682 internationally.

1683  
1684 The power to regulate does not extend to non-mandatory training or courses. In this regard, the MARINA  
1685 shall regularly publish the mandatory training or courses required by the SCTW Convention.

1686  
1687 The Maritime Industry Board shall also be authorized to regulate the fees charged by Maritime  
1688 Educational Institutions.

#### 1689 **Section 72. Non-Degree Courses for Seafarers.**

1690  
1691 Subject to the approval of the MARINA, the TESDA, in consultation with the CHED, as applicable, may  
1692 develop and establish non-degree courses on maritime education and training consistent with its mandate under  
1693 Republic Act No. 7796, otherwise known as the TESDA Act of 1994. Non-degree holder seafarers may be  
1694 required to undergo shipboard training, for purposes of employment in the domestic maritime industry, in vessels  
1695 below the minimum gross tonnage and horsepower required under the guidelines of the MARINA in compliance  
1696 with international standards: Provided, That such non-degree programs may serve as a preparatory course, or  
1697 may be considered as an "associate degree", leading to full international or domestic maritime degree programs  
1698 through a ladderized system of education and training, consistent with Republic Act No. 10647, otherwise known  
1699 as the "Ladderized Education Act of 2014" and Republic Act No. 10968, otherwise known as the "Philippine  
1700 Qualifications Framework (PQF) Act."

#### 1701 **Section 73. Authority to Formulate Implementing Guidelines.**

1702  
1703 The CHED, MARINA, DMW, TESDA and other concerned government agencies, in consultation with  
1704 the maritime industry stakeholders, are hereby authorized to formulate the implementing guidelines for this Rule  
1705 on education and training of seafarers.

### 1706 **RULE XVIII.**

#### 1707 **INCENTIVES AND AWARDS GRANTED TO THE MARITIME INDUSTRY**

#### 1708 **Section 74. Incentives and Awards.**

1709  
1710 In consultation with the Maritime Industry Tripartite Council (MITC), the DMW, MARINA, or other  
1711 concerned government agencies shall establish and administer an incentive and awards system for maritime  
1712 industry stakeholders and provide the necessary guidelines and criteria to implement the same.

1713  
1714 Deserving shipowners, seafarers, manning agencies, and other organizations or entities shall be  
1715 commended or awarded for their outstanding performance in upholding seafarers' rights and compliance with  
1716 RA 12021 and this IRR.

1717  
1718 The educational background and expertise of a seafarer on board vessels and previous sea-service shall be  
1719 given due consideration should they opt to join the Philippine Navy Reserve Force.

### 1720 **RULE XIX.**

#### 1721 **ROLE OF GOVERNMENT AGENCIES**

#### 1722 **Section 75. Role of Government Agencies.**

1723  
1724 In addition to the roles and functions specified in the provisions of RA 12021, the following government  
1725 agencies shall perform the following functions to promote the welfare and protect the rights of Filipino  
1726 seafarers:

- 1736 (a) CHED. - The CHED shall assist upon the request of MARINA in setting the standards and monitoring  
1737 the performance of maritime education programs and MHEIs, ensuring the quality maritime  
1738 education, including curricula, and training programs, are structured and delivered in accordance with  
1739 the written programs, methods, and media of delivery, procedures, and course materials. Further, it  
1740 shall assist MARINA in ensuring that international maritime degree programs are compliant with  
1741 international standards prescribed under the STCW Convention and its amendments.  
1742
- 1743 (b) DFA. - The DFA, through its consular officer of foreign service posts, in coordination with the  
1744 appropriate government agency, shall take priority action or make representation with the foreign  
1745 authority concerned to protect the rights of overseas seafarers and extend immediate assistance. It  
1746 shall provide a priority lane to expeditiously process the application of new passports or renewal of  
1747 expiring passports of overseas seafarers.  
1748

1749 For purposes of these Rules and in relation to R.A. 11983, otherwise known as the New Philippine  
1750 Passport Law, the term "priority lane" as used in R.A. 12021 shall be construed as equivalent to and having  
1751 the same meaning as the term "special lane" under R.A. 11983.  
1752

- 1753
- 1754 (c) DMW. - The DMW shall ensure that the standard working and living conditions of overseas seafarers  
1755 of ocean-going ships of Philippine or foreign registry are met. It shall likewise ensure that the  
1756 standards set forth under RA 12021, the MLC 2006, as amended, and other international treaties and  
1757 conventions to which the Philippines is a signatory are faithfully complied with and fairly applied to  
1758 overseas seafarers. To this end, the DMW shall establish an effective system for inspection,  
1759 accreditation, and licensing of manning agencies to ensure that the rights, benefits, working and living  
1760 conditions of seafarers are met.  
1761

1762 It shall strengthen its research capability to provide studies/resources for evidenced-based policy  
1763 decision-making and program development and continuously address gaps in the protection and welfare of  
1764 overseas seafarers. The DMW shall ensure a fast and efficient way of processing employment contracts,  
1765 renewal of manning licenses, accreditation of principals, and enrolment of vessels to promote the marketability  
1766 and employment of overseas seafarers.  
1767

1768 It shall also continue to develop, enhance, and increase the accessibility of its gender and women  
1769 empowerment training courses for seafarers in the maritime industry, which shall be made available in any  
1770 format. including digital and e-learning format.  
1771

1772 It shall extend immediate assistance to overseas seafarers, their families, or next of kin, including the  
1773 repatriation of distressed seafarers, and any other analogous assistance or intervention.  
1774

- 1775 (d) DOH. - The DOH shall regulate the activities and operations of all clinics which conduct physical,  
1776 optical, dental, psychological, and other similar examinations, hereinafter referred to as health  
1777 examinations on overseas seafarers. In accordance with the provisions of Section 57 of RA 12021,  
1778 the DOH shall likewise formulate and implement guidelines, in coordination with the DMW, on the  
1779 selection, training, maintenance, and review of the pool of accredited third doctors for the disability  
1780 grading of overseas seafarer's claims.  
1781

1782 The DOH shall determine and prescribe the nature of the medical examination required of an overseas  
1783 seafarer, ensuring that such examination will genuinely determine the seafarer's state of health, considering  
1784 the duties that the seafarer shall be required to perform on board. The DOH shall likewise prescribe the  
1785 contents of the medical certificate to ensure that such certification will genuinely reflect the overseas seafarer's  
1786 state of health.  
1787

1788 The DOH shall likewise fulfill its role under Section 23(c) of Republic Act No. 8042, as amended by  
1789 Republic Act No. 10022.  
1790

- 1791 (e) DOLE. - The DOLE shall ensure that the standards set forth under RA 12021, Presidential Decree  
1792 No. 442, as amended, other domestic laws, and other applicable international treaties and  
1793 conventions to which the Philippines is a signatory, are faithfully complied with and fairly applied to  
1794 Filipino seafarers of domestic ships. To this end, the DOLE shall establish an effective system for



1795 inspection and certification to ensure that the standard working and living conditions of domestic  
1796 seafarers are met.

- 1797  
1798 (f) MARINA. - The MARINA shall ensure that the examination, licensing, and certification system for  
1799 overseas seafarers is in accordance with the requirements prescribed under the STCW Convention,  
1800 1978, as amended, international agreements, other conventions relevant thereto, and other  
1801 applicable laws, rules and regulations.

1802  
1803 It shall likewise adopt and implement appropriate standards for domestic seafarers, taking into account  
1804 prevalent domestic, shipping conditions and after due consultation with domestic maritime stakeholders.

1805  
1806 For these purposes, there shall be an Office of the Deputy Administrator for Education, Training and  
1807 Certification created under RA 12021, hereinafter referred to as the Office of the Deputy Administrator for  
1808 Human Element (ODAHE), which is separate from the STCW Office under Republic Act 10635 and its  
1809 Implementing Rules and Regulations.

1810  
1811 The ODAHE and the supporting offices, in order to give full and complete effect on the implementation  
1812 of RA 12021 on maritime education and training, shall be immediately prepared and organized by MARINA.  
1813 The MARINA shall prepare the organizational structure and staffing pattern of ODAHE for submission to, and  
1814 approval by, the Department of Budget and Management (DBM).

- 1815  
1816 (g) NCMB. - The NCMB shall, pursuant to Executive Order No. 126, series of 1987, as amended by  
1817 Executive Order No. 251, series of 1987, as amended by Executive Order No. 251, series of 1987,  
1818 and other relevant issuances of the DOLE, perform mediation and conciliation functions in the  
1819 settlement of maritime labor disputes involving overseas and domestic seafarers, covered by a CBA  
1820 or any similar agreement mandating submission to voluntary arbitration. It shall likewise promote  
1821 voluntary approaches and alternatives in the prevention and settlement of maritime labor disputes  
1822 consistent with its mandate.

- 1823  
1824 (h) NLRC. - The NLRC shall, consistent with its mandate and jurisdiction under Presidential Decree No.  
1825 442, as amended, and other labor laws, adjudicate labor and management disputes involving  
1826 overseas and domestic seafarers, through compulsory arbitration or alternative modes of dispute  
1827 resolution.

- 1828  
1829 (i) National Maritime Polytechnic (NMP). - The NMP shall:

- 1830  
1831 (1) Provide skills enhancement trainings mandated and recommended by international maritime  
1832 conventions and other capability-building interventions that measure up to quality standards and  
1833 respond to the needs of seafarers; and  
1834  
1835 (2) Conduct strategic studies and research in support of decent employment, protection of rights, and  
1836 promotion of the welfare of seafarers, including the empowerment of women seafarers, among  
1837 others.

1838  
1839 The NMP shall likewise develop and maintain a resource center for Filipino seafarers that includes a  
1840 database of seafarers and related statistics and information to aid in evidence-based policy making and  
1841 program development, and to provide the seafarers with real-time updated information on matters affecting  
1842 their employment and helpline support.

- 1843  
1844 (j) Overseas Workers Welfare Administration (OWWA). - The OWWA shall, through its welfare officer or,  
1845 in his/her absence, the coordinating officer, provide the overseas seafarers and their families all the  
1846 assistance needed in the enforcement of contractual obligations by agencies and/or their principals.

1847  
1848 The OWWA shall likewise formulate and implement welfare programs for overseas Filipino seafarers and  
1849 their families while they are abroad and upon their return, including the grant of free legal assistance to its  
1850 member-seafarers. It shall ensure awareness by the overseas Filipino seafarers and their families of these  
1851 programs and other related governmental programs.

- 1852  
1853 (k) Philippine Coast Guard (PCG). - The PCG shall undertake port state control inspections of vessels  
1854 calling at any port of the Philippines, in accordance with international conventions and standards, for

1855 the promotion of safety of life and property at sea, control and prevention of marine pollution, and  
1856 verification of compliance with the minimum standards of training and social condition of officers and  
1857 crew on board the ships.

1858  
1859 The PCG shall, in line with its function to assist in the enforcement of applicable laws within the  
1860 maritime jurisdiction of the Philippines, assist the DMW and/or the DOLE in the enforcement of rules and  
1861 regulations issued for the purpose of implementing the MLC 2006, as amended, including orders to detain  
1862 vessels found in gross violation of pertinent laws, rules, and regulations.

1863  
1864 (l) Public Attorney's Office (PAO). - The PAO shall render, free of charge, legal representation,  
1865 assistance, and counseling to seafarers or their families in criminal, civil, labor, administrative, and  
1866 other quasi-judicial cases. The PAO may issue appropriate guidelines to ensure effective legal  
1867 representation to seafarers.

1868  
1869 (m) TESDA. - The TESDA shall, in consultation with the CHED, as applicable, and subject to the approval  
1870 of the MARINA, develop, establish, and implement non-degree courses and programs on maritime  
1871 education and other quality technical education and training programs for seafarers who may want to  
1872 learn new skills or enhance their existing skills.

1873  
1874 Unless otherwise provided in RA 12021, the mandate, power, and function of all existing departments,  
1875 agencies, or instrumentalities of the government, including government-owned and -controlled corporations,  
1876 shall remain and continue to be recognized in accordance with the law or order creating them.

#### 1877 1878 **Section 76. Establishment of Seafarer Welfare Centers.**

1879  
1880 The OWWA shall establish seafarer welfare facilities or centers in major crew-change ports, specifically  
1881 in Metro Manila, Pangasinan, Bulacan, Cavite, Batangas, Iloilo, Cebu, Cagayan de Oro City, Davao City, and  
1882 other areas to be determined by the OWWA which have higher concentration of seafarers. The facility or center  
1883 shall offer services which promote the welfare of, and cater to the recreational, cultural, religious,  
1884 communication, and legal needs of, all seafarers, regardless of whether they are actively engaged, employed,  
1885 or not working due to expiration of contract, or are transitioning in between contracts, or awaiting recall for  
1886 deployment.

1887  
1888 The PAO shall, in coordination with the OWWA, appoint at least one (1) public attorney who shall be  
1889 posted in the seafarer welfare centers and shall render free of charge legal assistance and counseling to  
1890 seafarers or their families in criminal, civil, labor, administrative, and other quasi-judicial cases.

1891  
1892 The OWWA shall, in consultation with relevant government agencies and stakeholders, annually review  
1893 and develop the welfare facilities and services to ensure that they are appropriate in light of the changes in the  
1894 needs of seafarers resulting from technical, operational, and other developments in the shipping industry.

1895  
1896 One-Stop Shop Centers for Seafarers shall also be established in these welfare centers for the  
1897 convenience of the seafarers and to maximize the services being offered to them.

1898  
1899 The TESDA shall offer non-degree courses and programs relevant to maritime education and training, while  
1900 the NMP shall offer specialization and upgrading courses. The programs shall be available to seafarers who  
1901 are at the welfare centers and who are not otherwise actively engaged as such, are transitioning between  
1902 contracts, or are awaiting deployment, to ensure that they keep abreast with the technical and operational  
1903 changes and other developments in the maritime industry.

#### 1904 1905 **Section 77. Transition Assistance or Support Program.**

1906  
1907 The DMW, DOLE, TESDA, OWWA, NMP, MARINA, and the SSS shall establish a transition assistance  
1908 or support program for seafarers who are not actively engaged, employed, or not working due to expiration of  
1909 contract, or are transitioning in between contracts, or are awaiting recall for deployment. The program shall  
1910 include access to unemployment benefits, training and livelihood programs, and entrepreneurship training and  
1911 financing.

1912  
1913 For this purpose, the concerned agency/agencies shall issue the appropriate guidelines on transition  
1914 assistance or support program to implement this provision.

1915  
1916 **Section 78. Registry of Seafarers.**  
1917

1918 The DMW, for ocean-going ships of foreign registry, and the MARINA, for domestic and ocean-going  
1919 vessels of Philippine registry, shall maintain a registry of all Filipino seafarers: Provided, That the registry of  
1920 seafarers aboard ocean-going ships, whether foreign registered or Philippine registered, shall be integrated into  
1921 the shared government information system for migration established under Republic Act No. 8042, as amended  
1922 by Republic Act No. 10022. The DMW, MARINA and other concerned government agencies shall provide the  
1923 necessary guidelines to implement the shared government information system.  
1924

1925 The registry shall contain updated and relevant information or data to promote employment  
1926 opportunities for seafarers, whether on board or ashore, or to provide a list of available training and education  
1927 to support skills and development and competencies of seafarers, as well as a digitized copy of the duly  
1928 executed contract.  
1929

1930 The DMW and the MARINA shall ensure compliance with Republic Act No. 10173, otherwise known as  
1931 the "Data Privacy Act of 2012" and its IRR in handling seafarer's relevant information or data in their respective  
1932 registries.  
1933

1934  
1935 **RULE XX.**  
1936 **PENALTIES**  
1937

1938 **Section 79. Penalties.**  
1939

1940 The DMW or the DOLE, upon finding that a person or entity, whether public or private, has committed  
1941 a violation of RA 12021 and this IRR, shall refer the matter to the appropriate government agency having  
1942 jurisdiction for appropriate action.  
1943

1944 Any violation of RA 12021 and this IRR shall be meted with the appropriate sanctions, including  
1945 damages, as applicable, whether criminal, civil, or administrative, by the appropriate government agency which  
1946 has jurisdiction over the matter.  
1947

1948 **Section 80. Administrative Fines and Penalties.**  
1949

1950 Any shipowner, master mariner, or their representative who fails or refuses to present employment  
1951 records, such as payroll and daily time records, pay slips, or other documents, such as medical records, when  
1952 required by the individual seafarer, the Secretary of the DMW, the Secretary of the DOLE, their duly authorized  
1953 representatives, or by the duly authorized representative of a recognized organization, shall be subject to  
1954 administrative fine ranging from One hundred thousand pesos (P100,000.00) to One million pesos  
1955 (P1,000,000.00).  
1956

1957 The DMW, DOLE, and other concerned government agencies shall issue the appropriate guidelines to  
1958 implement this section.  
1959

1960 **Section 81. Penalty for Violation of Section 69 of RA 12021 (Compliance and Certification).**  
1961

1962 Any shipowner, master mariner, or their representative who operates without, or fails to present when  
1963 required, a valid Maritime Labour Certificate or its equivalent, shall be punished with a fine ranging from One  
1964 hundred thousand pesos (P100,000.00) to One million pesos (P1,000,000.00), in accordance with this IRR.  
1965

1966 The DOLE shall issue the appropriate guidelines to implement this section.  
1967

1968 **Section 82. Penalty for Violations of Section 70 of RA 12021 (Inspection and Enforcement).**  
1969

1970 Any person who, without proper authorization, exercises the authority granted to the Secretary of the DOLE,  
1971 PCG, MARINA, and other relevant government agencies under Section 70 of RA 12021 shall be punished  
1972 with a fine of not less than Two hundred thousand pesos (P200,000.00) but not more than Two million pesos  
1973 (P2,000,000.00), or imprisonment of not less than one (1) year nor more than four (4) years, or both, at the  
1974 discretion of the court. The foregoing offense shall prescribe after five (5) years from its discovery.

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**RULE XXI.**  
**MISCELLANEOUS PROVISIONS**

**Section 83. Transitory Provision.**

All rights, privileges, and benefits previously enjoyed by Filipino seafarers before the effectivity of RA 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 12021 provided that it does not conflict with the provisions of RA 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 maritime higher education institutions and maritime education programs:

1. All rights, privileges, and benefits previously enjoyed by Baccalaureate Degree under CHED shall continue to be recognized and shall not be diminished after the effectivity of the Act and its IRR.
2. All existing policies, standards, and guidelines (PSGs) on maritime education and training shall remain in effect until such time that revised PSGs are revised and approved.
3. All applications for government authority to operate the BSMT and BSMarE programs shall be acted upon by the MARINA.
4. All pending Motions for Reconsideration or appeals filed against the decision of the CHED's Commission en banc (CEB) shall be resolved by the CHED.
5. CHED shall continue to issue Certification, Authentication and Verification (CAV) of student's academic records and issue Special Orders (SOs) authorizing the graduation of students of private higher education institutions until 31 December 2025. With respect to graduation of students from state universities and colleges (SUCs) and local universities and colleges (LUCs), their respective governing boards shall continue issuing CAVs and SOs to graduate their students and provide lists of those students issued with CAVs and SOs to MARINA. (CAV). Thereafter, the MARINA shall issue the SO and the CAV to students.
6. MARINA and CHED shall issue the necessary guidelines for the amendment of any circular that is inconsistent with RA 12021 and this IRR.

All relevant administrative agencies whose functions are affected by the issuance of RA 12021 and this IRR shall turn over to the concerned government agency all the records, information, and other relevant documents, in an electronic form, within six (6) months from the effectivity of this IRR. The concerned agency responsible for the turnover of all the records, information, and other relevant documents to the other concerned agency shall submit a report containing proof of turnover to the Office of the President within one (1) month after the transmittal.

Administrative agencies may issue guidelines, circulars, and other relevant issuances deemed necessary for the effective implementation of the various provisions of RA 12021 and its IRR.

**Section 84. 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 12021 and this IRR.

In the event that, during the implementation of RA 12021 and this IRR, the DMW, MARINA, DOLE, and other concerned government agencies determine that there is a need to create additional plantilla positions, the concerned government agency shall be allowed to propose the creation of additional plantilla positions to the DBM, for its evaluation and approval, without amending this IRR.

2035  
2036 **Section 85. Appropriations.**  
2037

2038 The initial amount necessary to carry out the provisions of RA 12021 including, but not limited to, the  
2039 funding of Seafarer Welfare Centers; One-Stop Shop Center for Seafarers; scholarship programs for seafarers;  
2040 the development, improvement and enhancement of maritime educational and training institutes; incentives and  
2041 awards system for the MHEIs, seafarers, and maritime stakeholders; and the reintegration, transition  
2042 assistance, creation of offices and hiring of appropriate personnel, and support programs shall be charged  
2043 against the current year's appropriations of the DMW, MARINA, DOLE, DOTr, OWWA, TESDA, NLRC, NCMB,  
2044 DOH, and other agencies concerned. Thereafter, such amount shall be included in the annual General  
2045 Appropriations Act (GAA), subject to the usual budget preparation process.  
2046

2047 **Section 86. Separability Clause**  
2048

2049 If any provision of this IRR is declared to be unconstitutional, the remainder thereof not otherwise  
2050 affected shall remain in full force and effect.  
2051

2052 **Section 87. Repealing Clause.**  
2053

2054 All laws, presidential decrees, issuances, executive orders, letters of instructions, and proclamations or  
2055 administrative regulations inconsistent with the provisions of RA 12021 or this IRR are hereby repealed,  
2056 amended or modified accordingly.  
2057

2058 **Section 88. Effectivity.**  
2059

2060 This IRR shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper  
2061 of general circulation and from filing with the Office of the National Administrative Registry of the University of  
2062 the Philippines Law Center.  
2063