

SIXTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



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SENATE
S.B. No. 350

RECEIVED BY: *[Signature]*

Introduced by Senator LOREN LEGARDA

EXPLANATORY NOTE

This bill seeks the establishment of the National Seafarers Commission, which shall develop, organize, maintain, operate, integrate and streamline the policies and programs related to the Philippine seafaring profession.

Despite their considerable contribution to the country's economy, Filipino seafarers are given inadequate attention. Seafarers have to go to different agencies to secure the necessary documentation for them to practice their profession locally and internationally. They have to secure their Seafarers Identification and Record Book (SIRB) and Certificate of Competency from the Maritime Industry Authority (MARINA) and their Seafarer's Registration Certificate (SRC) from the Philippine Overseas Employment Administration (POEA). Other trainings, seminars and documents have to be secured from different other agencies and organizations such as the National Telecommunications Commission, Philippine Coast Guard and the Boards of Marine Deck and Engineer Officers of the Professional Regulation Commission.

There is a need for legislation to create a one-stop shop to attend to all the requirements of seafarers and focus on the unique demands and conditions of the seafaring profession.

This measure seeks to create a National Seafarers Commission (NSC) which shall serve as a centralized government agency that will provide the necessary services, supervision, regulation and guidance the Filipino seafarer needs in order to develop as a globalized profession. Training programs, seminars, certifications and other documents needed by the seafarer will be readily made available under one agency.

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


LOREN LEGARDA
Senator



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SENATE
S.B. No. 350

RECEIVED BY: *[Signature]*

Introduced by Senator LOREN LEGARDA

AN ACT
CREATING A NATIONAL SEAFARERS COMMISSION, PRESCRIBING ITS
POWERS AND FUNCTIONS AND APPROPRIATING FUNDS THEREFORE,
AND FOR OTHER PURPOSES

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

1 SECTION 1. *Title.* This Act shall be known as the "National Seafarers
2 Commission Act of 2013."
3

4 SECTION 2. *Declaration of Policy.* It is hereby declared the policy of the
5 State to free the people from poverty through the policies that provide social
6 services, and promote full and equal employment for all.
7

8 Towards this end, it shall institutionalize and redirect existing government
9 efforts in affecting meaningful programs on the development, training, certification
10 and welfare system of local and overseas seafarers integrated under one agency.
11

12 SECTION 3. *Creation of the National Seafarers Commission.* There is hereby
13 created a National Seafarers Commission, hereinafter referred to as the Commission,
14 which shall be organized within sixty (60) days from the date of the approval of this
15 Act.
16

17 The Commission shall be under the direct supervision of the Office of the
18 President.
19

20 SECTION 4. *Objectives.* The Commission shall have the following objectives:
21

- 22 a) To develop, organize, maintain, operate, integrate and streamline the
manpower development system that shall undertake the education, training,

1 certification and qualification of Filipino seafarers in accordance with the
2 International Convention of Standards of Training, Certification and
3 Watchkeeping for Seafarers, 1978 as amended and other International
4 Maritime Organization (IMO) regulations, directed towards safer ships and
5 cleaner oceans;

6
7 b) To establish and maintain a centralized government agency that shall attend
8 to the needs of Filipino seafarers, providing them the necessary services,
9 supervision, regulation and guidance in the pursuit of their career without
10 saddling them with unnecessary bureaucratic and documentary
11 requirements; and

12
13 c) To upgrade the knowledge and skills of Filipino seafarers in modern ship
14 technologies so as to meet increasing demand of domestic and foreign
15 shipping companies for competent seafarers.

16
17 **SECTION 5. *The Governing Board and Its Composition.*** The Commission
18 shall have a tripartite governing board hereinafter referred to as the Board
19 composed of the Chairman, and four (4) Commissioners. They shall be appointed by
20 the President of the Philippines upon recommendation of the manning sector for a
21 term of three (3) years.

22
23 **SECTION 6. *Powers and Functions of the Board.*** The Board shall be the
24 highest policy-making body of the Commission. It shall exercise overall
25 administrative supervision over the Commission to ensure the efficient
26 implementation of policies and programs. The Board shall have the following
27 functions:

28
29 a) Formulate policies in the education, training and certification of seafarers for
30 local and overseas deployment;

31
32 b) Regulate private sector participation in the recruitment and placement of
33 domestic and overseas seafarers through effective licensing, regulation and
34 monitoring system;

- 1 c) Maintain a proactive system of monitoring and addressing welfare concern of
2 the seafarers and their families;
3
4 d) Promote the marketability and competitive edge of Filipino seafarers;
5
6 e) Secure the best terms and conditions of employment of Filipino seafarers and
7 ensure compliance therewith; and
8
9 f) Establish bilateral and/or multilateral arrangement with various flag states
10 hiring Filipino seafarers on issues affecting their employment opportunities,
11 welfare and development.
12

13 **SECTION 7. *Executive Office of the Commission.*** The Commission shall be
14 headed by the Chairman, who shall also act as Chief Executive Officer, to be assisted
15 by the Assistant Chairman. The Assistant Chairman must hold the rank of a Master
16 Mariner who has proved his tract record and versatility in the seafaring sector.
17

18 The Commission shall be composed of the Manpower Development Office;
19 the Licensing, Accreditation and Placement Office; the Welfare Office; the Research,
20 Standard and Marketing Development Office; and the Administrative Office, all of
21 which shall be headed by career officials.
22

23 **SECTION 8. *Functions of Executive Offices.*** For proper coordination and
24 effective implementation of the purpose and objectives of the Commission, each
25 executive office shall perform the following functions:
26

27 a) *The Manpower Development Office.* The Manpower Development Office shall
28 implement policies and guidelines toward promotion of skills and
29 professional competence of seafarers, and in furtherance thereof, the official
30 shall:

- 31
32 1) Develop and establish education and training standards of Filipino
33 seafarers;
34
35 2) In coordination with concerned government agencies, accredit, regulate
36 and supervise maritime schools and training centers;

- 1 3) Close down maritime schools and training centers or cancel the permit to
2 conduct maritime programs on grounds of sub-standard operation and/or
3 major system nonconformity/ies;
4
- 5 4) Issue Seafarers Identity Document in accordance with International Labor
6 Organization (ILO) Convention No. 108;
7
- 8 5) Establish and maintain a centralized registry of competent and certificated
9 seafarers for domestic and overseas trade;
10
- 11 6) Conduct examination and issue of certificates of competency and
12 endorsement to marine officers in accordance with the STCW Convention
13 as amended; and
14
- 15 7) Perform such other functions as may be directed by the Chairman.
16

17 b) *The Licensing Accreditation and Placement Office.* The Licensing, Accreditation
18 and Placement Office shall undertake a systematic program of implementing
19 the Commission's policies of promoting, regulating and monitoring the
20 employment of seafarers as well as the operation of private manning
21 agencies. Pursuant thereto, the office shall:
22

- 23 1) Establish, operate and maintain a licensing and accreditation system to
24 regulate the recruitment and the monitoring the employment of seafarers
25 in accordance with pertinent ILO conventions;
26
- 27 2) Process the application for licenses or authority to operate private
28 manning agencies and shall supervise and regulate the operations of the
29 said agencies;
30
- 31 3) Prepare and implement an inspection program for effective supervision
32 and evaluation of the activities of private manning or shipping agencies;
33
- 34 4) Process all shipboard contracts and/or shipping articles, and secure the
35 best possible terms and conditions of employment for the seafarer.;
36

1 5) Hear cases involving violations of rules and regulations on the
2 recruitment and placement, violations of rules and regulations on the
3 recruitment and placement, violations of the condition of licenses or
4 authority including complaints for suspension and cancellation or
5 revocation thereof; and recommended to the Chairman appropriate
6 actions as deemed necessary; and

7
8 6) Perform such other functions as may be directed by the Chairman.

9
10 c) *The Welfare Office.* The Welfare Office shall undertake measures towards
11 industrial peace and provide the necessary services to enhance the well-being
12 of seafarers. In this regard it shall perform the following functions:

13
14 1) Establish and maintain speedy and efficient conciliation machinery. The
15 resolution of which shall be made in every case within thirty (30) days
16 from submission thereof;

17
18 2) Develop an effective system of monitoring and gathering welfare concerns
19 through a pool of dedicated personnel for purposes of determining future
20 welfare programs, monitoring existing welfare activities and addressing
21 current welfare issues prioritized according to their urgency;

22
23 3) Conduct pre-departure orientation seminars or briefing to departing
24 seafarers' scheduled employment. It shall also undertake studies and
25 development materials for use in pre-departure orientation seminar of
26 seafarers and other related activities;

27
28 4) Accredit, regulate and supervise pre-departure orientation seminars or
29 briefing of authorized manning or shipping industries;

30
31 5) Formulate and undertake programs and projects for the effective and
32 efficient utilization of seafarers' welfare funds;

33
34 6) Provide services to assist the seafarers and their immediate dependents
35 and families; and

1 7) Perform such other duties as may be directed by the Chairman.

2
3 d) *The Research, Standard and Marketing Development Office.* The Research,
4 Standard and Marketing Development Office shall formulate, develop and
5 implement a comprehensive maritime manpower export development
6 strategy and market promotion geared towards enhancement of seafarers'
7 employment opportunities in domestic and overseas markets. In furtherance
8 thereto, it shall perform the following functions:

9
10 1) Conduct researchers, studies and statistics on the trend and other data on
11 both domestic and overseas shipping and manning industries for use as
12 materials in policy formulation, market promotion/strategies and
13 manpower development programs;

14
15 2) Provide support service and materials for the reproduction and
16 publication of all printed materials of the Commission;

17
18 3) Develop, establish and maintain a public information system and such
19 facilities that would educate and orient seafarers regarding the
20 Commission's policies; and

21
22 4) Perform such other information as may be directed by the Chairman.

23
24 e) *The Administrative Office.* The Administrative Office shall be responsible for
25 providing the Commission with services relating to personnel information,
26 records, supplies equipment collection and disbursements, security and
27 custodial works. It shall provide the Commission with staff, advice and
28 assistance on budgetary, financial and management matters.

29
30 **SECTION 9. Staffing Pattern.** The organizational framework and staffing
31 pattern of the Commission shall be prescribed and approved by the Executive
32 Secretary within sixty (60) days after the approval of this Act.

33
34 With regard to appointments to the positions in the approved staffing
35 pattern, optimum consideration shall be made conforming to the objective of setting

1 up and maintaining in the Commission the highest standards of integrity, efficiency
2 and competence.

3
4 In addition to other form of incentives that may be granted by the Board, all
5 personnel of the Commission shall be accorded to government employees.

6
7 **SECTION 10. *Transitory Provisions.*** The Maritime Training Council and all
8 offices, departments, branches, divisions or sections of the Commission on Higher
9 Education, Philippine Overseas Employment Administration, the Maritime Industry
10 Authority, the Overseas Workers Welfare Administration, the Bureau of Local
11 Employment, the Technical Education and Skills Development Authority, the
12 National Telecommunications Commission, the Philippine Coast Guard, and the
13 Boards of Marine Deck and Engineer Officers of the Professional Regulation
14 Commission and other government agencies, and instrumentalities performing any
15 of the functions provided for under this Act are thereby transferred with their
16 personnel, records, files, supplies, vehicles, equipment, furniture, funds and other
17 properties to the National Seafarers Commission.

18
19 For the purpose of effecting a smooth, orderly and expeditious organizational
20 and functional transition period, the following shall, among other govern such
21 undertakings:

- 22
- 23 a) The Commission shall coordinate with agencies and instrumentalities
24 mentioned in this Section in order to minimize disruption of the usual
25 services being rendered to public clientele;
 - 26
27 b) Officials and employees of all agencies concerned are not deprived of
28 reemployment to the Commission nor shall be reduced of their ranks or
29 diminution of their salaries, unless a contrary existing law so provides; and
 - 30
31 c) That employees affected by the creation of the Commission shall be given
32 preference for appointment in the Commission on the basis of merit and
33 fitness: *Provided*, That those who may be laid off for cause or by option of
34 voluntary phase out, shall be given gratuity equivalent to one (1) month's
35 salary for every year of service, in addition to all benefits to which they are
36 entitled under existing rules and regulations.

1 **SECTION 11. *Penal Provisions.*** Any person, association, corporation or
2 entity who violates any provisions of this Act, or the rules and regulations made
3 thereof shall upon conviction, be punished or fined according to the degree of
4 offenses as the court or adjudicating administration may impose in accordance with
5 existing civil or penal laws of the Philippine: *Provided*, That in case the violation is
6 committed by an association, corporation or entity, the penalty that may be
7 prescribed shall be imposed on the responsible officers, directors, and/or owners of
8 the said entities: *Provided, finally*, that nothing in this Act shall prevent the National
9 Seafarers Commission from instituting administrative penalties for violation of any
10 regulation that it may promulgate.

11
12 **SECTION 12. *Appropriations.*** The amount necessary for the implementation
13 of this Act shall be taken from funds of all offices, departments, branches, divisions
14 or sections of the government agencies mentioned under Section 10 of this Act and
15 other agencies and instrumentalities performing any of the functions and operation
16 and maintenance of the Commission shall be included in the annual General
17 Appropriations Act.

18
19 **SECTION 13. *Repealing Clause.*** Republic Act No. 8544 and Presidential
20 Decree No. 97, Republic Act No. 7722, Presidential Decree Nos. 474 and 223,
21 Republic Act No. 5137, Presidential Decree No. 601, Executive Order Nos. 396,546,
22 125, 125-1 and 126, and Letter of Issuance No. 538 and 1404, and all laws and
23 ordinances, rules and regulations, and other issuances or p[arts thereof which are
24 inconsistent with this Act, are hereby modified, amended or repealed accordingly.

25
26 **SECTION 14. *Separability Clause.*** If for any reason, any section or provision
27 of this Act is declared unconstitutional or invalid the other sections or provisions
28 thereof, shall not be affected thereby.

29
30 **SECTION 15. *Effectivity.*** This Act shall take effect after its publication in at
31 least two (2) newspapers of general circulation.

32
33 Approved,