



IMO
INTERNATIONAL MARITIME LAW INSTITUTE
Established under the auspices of the International Maritime Organization
A specialized agency of the United Nations



AN ACT TO INCORPORATE THE WORK IN FISHING CONVENTION, 2007 INTO THE LAWS OF THE PHILIPPINES

**A Legislation Drafting Project submitted in partial fulfillment of the
requirements for the award of the Degree of Master of Laws (LL.M.) in
International Maritime Law at the IMO International Maritime Law
Institute**

**Submitted By: ROZELIN ROCHETTE D.J. SOL
(The PHILIPPINES)**

Supervisor: MS. ELDA BELJA

Academic Year 2016-2017

AN ACT TO INCORPORATE THE WORK IN FISHING CONVENTION, 2007 INTO THE LAWS OF THE PHILIPPINES

EXPLANATORY NOTE

INTRODUCTION

Fishing is one of the major industries in the agriculture sector in the Philippines.¹ As a country composed of more than 7, 100 islands, fishing is a way of life in the Philippines.² Fishing communities can be found in most of the coastal towns and provinces within the country and various commercial fishing companies have emerged over the years. Meanwhile, compared to seafaring, which is considerably one of the most highly regulated industries in the country, work in fishing remains under-regulated as work in fishing remains to be viewed as traditional arrangements rather than actual employment³. It bears stressing that seafarers and fishers are exposed to the same hazards of working on board a vessel, particularly, danger, isolation, restriction and hard work.⁴ However, due to the varying nature of the work to be done in seafaring and in fishing, even the International Labour Organization (ILO) found it necessary to create separate rules and guidelines for the two distinct industries.⁵

Work in fishing is often very tedious. On deck, fishers are exposed to the weather and the sea, as well as the fishing gear and equipment, and to the catch itself.⁶ While

¹ Philippine Statistics authority conducts Quarterly Commercial and Municipal Inland Survey (PR-CTCO-SS-201507-02, Posted 29 July 2015) see details on: <http://nap.psa.gov.ph/pressreleases/2015/PR-CTCO-SS-201507-02_fisheries.asp> last accessed on 29 April 2017.

² FAO, Fishery and Aquaculture Country Profiles, The Republic of the Philippines, Country Brief see details on <<http://www.fao.org/fishery/facp/PHL/en>> last accessed on 29 April 2017.

³ Brenalyn A. Peji, “Gap Analysis of ILO Convention 188, Work in Fishing Convention 2007” in ILS Discussion Series 2015 see details at <<http://ilsdole.gov.ph/gap-analysis-of-ilo-convention-188-work-in-fishing-convention-2007/>> last accessed on 30 April 2017.

⁴ ILO, Work in Fishing Convention and Recommendation, 2007, Action Plan 2011-2016, (ILO Geneva, 2011) p.2.

⁵ Ibid.

⁶ ILO: *Safety and health in the fishing industry, Report for discussion at the Tripartite Meeting on Safety and Health in the Fishing Industry* (Geneva, 1999) p. 16.

below deck, they may face dangers associated with processing, and, even when not working, they are still subject to vessel motion.⁷ Further, fishers also endure dire living conditions, health and safety hazards, physical abuse and other risks brought about by piracy or other forms of violence. The risks vary with each type of fishing operation, area of operation, vessel size, equipment carried and the job of each fisher.⁸

Most of the hazards of work in fishing can be directly linked with its very nature and operation. Despite the technological developments, fishers and fisherfolk are still engaged under traditional employment arrangements, that is, most still earn their pay primarily from a share in the catch.⁹ This often leads to overfishing and illegal fishing in violation of the law.

Thus, measures should be put in place in order to promote and protect the rights of fishers and fisherfolk (will be collectively referred to as fishworkers) by providing for the minimum standards of their employment. As will be discussed in this explanatory note, the ratification and implementation of the Work in Fishing Convention, 2007 (No. 188) and subsequently enacting a domestic legislation is the best possible solution to address the plight of the fishworkers.

1. THE PHILIPPINE SITUATION.

1.1 THE PHILIPPINE FISHING INDUSTRY AND THE PLIGHT OF FISHERS AND FISHERFOLK

As the world's second-largest archipelagic State, the Philippines is among the world's major fish-producing countries.¹⁰ In 2012, the country contributed a total of 3.1 million tonnes of fish, crustaceans, mollusks and other aquatic animals, 25.4 percent of which is from aquaculture.¹¹ It is also the world's third largest producer of farmed

⁷ Ibid.

⁸ Ibid.

⁹ Ibid. p.80.

¹⁰ See note 2.

¹¹ Ibid.

seaweeds with a production of 1.8 million tonnes.¹² The industry contributed an estimated 1.8 percent, valued at 196 billion pesos, to the country's Gross Domestic Product at current prices.¹³

The fishing and aquaculture industry is comprised of about 1.6 million fisherfolk involved in municipal waters extending up to 15 km offshore, 16,500 fishers engaged in commercial fishing operations in waters beyond 15 km, 226,000 fish and shrimp farmers who are involved in various types of farming of fishes, mollusks, seaweeds and other aquatic organisms.¹⁴

However, despite the large economic contribution of the fishing industry, it cannot be denied that fisherfolk remain the 'poorest of the poor' with a poverty incidence of 39.2 percent in 2012 based on a report of the Philippine Statistics Authority on the country's official poverty statistics.¹⁵ The plight of the Filipino fishers and fisherfolk is a result of competition between commercial fishers and municipal fisherfolk, poor administration and management policies, and more importantly, pollution and climate change.¹⁶

The competition between the municipal fisherfolk and commercial fishers has stemmed from the tolerance or permission granted by some local governments to commercial fishing vessels to fish from 10.1 to 15km from the shoreline.¹⁷ Republic Act No. 8550¹⁸ better known as the Fisheries Code of 1998 granted Local Government Units (LGUs) the jurisdiction over municipal waters, allowing them to pass ordinances to

¹² Ibid.

¹³ Ibid.

¹⁴ The Republic of the Philippines Country Profile: Socio-Economic Contribution of the Fishery Sector <http://www.fao.org/fishery/facp/PHL/en#CountrySector-SectorSocioEcoContribution> accessed on 30 April 2017.

¹⁵ Fishermen, farmers and children remain the poorest basic sectors <https://psa.gov.ph/content/fishermen-farmers-and-children-remain-poorest-basic-sectors-0>> last accessed on 29 April 2017.

¹⁶ See note 2.

¹⁷ Devon Shannon, The Future of Municipal Fisheries in the Philippines: Does the Philippine Fisheries Code do enough? (Pacific Rim Law & Policy Journal Association, 2002) see details on: www.digital.law.washington.edu> last accessed on 30 April 2017

¹⁸ "An Act providing for the Development, Management and Conservation of the Fisheries and Aquatic Resources, Integrating all laws pertinent thereto, and for other purposes".

regulate fishing and manage fisheries in accordance with the national policy.¹⁹ Naturally, the large-scale fishing gear and equipment of the commercial fishing vessels put the municipal fisherfolk at a disadvantage which drove them to resort to illegal fishing practices such as dynamite fishing and muro-ami.²⁰ Furthermore, fishers and fisherfolk end up fishing in the waters of neighboring countries that would often lead to their detention for trespassing and pose more problems for the government in terms of their repatriation.²¹

Competition and illegal fishing has also led to overfishing. The Bureau of Fisheries and Aquatic Resources (BFAR) discovered overfishing in 10 out of the 13 major fishing grounds.²² In fact the European Union (EU) issued a yellow card warning to the Philippines in 2014. The then EU Commissioner for Maritime Affairs and Fisheries, Maria Damanaki, was quoted in a press conference saying, “*our thorough analysis highlights they are not acting sufficiently to fight illegal fishing. And any illegally caught fish is of great concern to me: it undermines the livelihood of fishing communities and depletes fish stocks.*”²³

Fishers and fisherfolk also have to contend with forces of nature considering that the Philippines is located in the typhoon belt making storms a common occurrence.²⁴ Such weather disturbances prevent fisherfolk to come out to sea as their vessels cannot withstand the waves and the risks are overwhelming under the circumstances. Another important denominator that adds up to the problem of the fishing industry is the pollution that causes the depletion of marine resources.²⁵ To illustrate the extent of pollution, the

¹⁹ Section 18 of Republic Act No. 8550 “An Act providing for the Development, Management and Conservation of the Fisheries and Aquatic Resources, Integrating all laws pertinent thereto, and for other purposes”.

²⁰ Porfirio M. Aliño, “An Overview of Philippine Fisheries” (The Marine Science Institute, University of the Philippines) see details at <http://innri.unuftp.is/pdf/Philippine%20Fisheries.pdf> last accessed on 30 April 2017.

²¹ See note 3.

²² Ranada, Pia, *PH Oceans in Crisis: The Sad State of Small Fisherfolk*, Rappler, 30 May 2014 <<http://www.rappler.com/science-nature/environment/59228-philippine-oceans-crisis-small-fisherfolk>> last accessed on 30 April 2017.

²³ *Fighting Illegal Fishing To Prevent Sustainability in the Western Pacific*, Brussels 10 June 2014 http://europa.eu/rapid/press-release_STATEMENT-14-187_en.htm accessed on 22 January 2017.

²⁴ See note 2.

²⁵ Ibid.

local government of Pasay City collected 127 ten-wheeler trucks of floating garbage from Manila Bay, which is one of the major fishing grounds, in just four days back in 2012.²⁶

In the international arena, there is also a demand for Filipino fishers to work in commercial sea-going vessels. The Philippine Overseas Employment Administration (POEA) and the Inter-Agency Council Against Trafficking (IACAT) shared that the Philippines ranks third among the sources of fishermen in Korea, after Indonesia and Vietnam.²⁷ Thus, it was recognized that Filipino fishers are vulnerable to exploitation and human trafficking on board foreign vessels. The increasing incidence rate of the trafficking of fishers led to the creation of a Technical Working Group on Seafarers and Fishers in 2016 following the conclusion of the Manila Declaration to Enhance International Cooperation in Combating Human Trafficking.²⁸ Initially, a working group on trafficking of seafarers was created. However, the parties to the declaration agreed that fishers are more vulnerable to exploitation considering the lack of laws, both international and national, regulating their employment and safeguarding their rights.

Poverty is a major root cause of human trafficking, and most often than not, Filipinos fall prey to scrupulous recruiters who provide them with false promises as to their overseas employment, causing them to contract loans to process their documents, and end up in a situation of exploitation where they can no longer leave as they have debts to pay.²⁹ In fact, the Philippine Embassy in Singapore reported that it received requests for assistance from the families of 63 fishers who have allegedly been trafficked into long-haul fishing vessels in 2010 – 2011.³⁰

The government is working to address the plight of fishworkers with existing laws that aim to alleviate fishworkers from poverty. Thus, an examination of such existing

²⁶ See Note 7.

²⁷ Highlights of the 3rd Session of the Technical Working Group on Seafarers and Fishers held on 12 December 2016 at the New World Hotel, Makati.

²⁸ The Manila Declaration is the result of the International Dialogue on Human Trafficking held on 03 June 2016 headed by IACAT in partnership with the Netherlands Embassy in the Philippines with the participation of Manila-based Embassies, international organizations, civil society and private sector representatives and the Philippine authorities.

²⁹ Sallie Yea, *Troubled Waters: Trafficking of Filipino Men into the Long Haul Fishing Industry through Singapore*, December 2012 see details on < <http://twc2.org.sg/2013/01/06/troubled-waters-trafficking-of-filipino-men-into-the-long-haul-fishing-industry-through-singapore/>> last accessed on 30 April 2017.

³⁰ Ibid.

laws and how they are applied to benefit fishworkers is necessary to ensure that any gap will be addressed by the proposed law.

1.2 THE NATIONAL POLICY ON WORK IN FISHING AND ITS IMPLEMENTING LAWS

Article II, Section 18 of the Constitution declares as a State policy that it “*affirms labor as the primary social economic force*” and “*shall protect the rights of workers and promote their welfare.*”

In relation to fishworkers, Article XIII, Section 7 of the Constitution states:

“Section 7. The State shall protect the rights of subsistence fishermen, especially of local communities, to the preferential use of the communal marine and fishing resources, both inland and offshore. It shall provide support to such fishermen through appropriate technology and research, adequate financial, production, and marketing assistance, and other services. The State shall also protect, develop, and conserve such resources. The protection shall extend to offshore fishing grounds of subsistence fishermen against foreign intrusion. Fishworkers shall receive a just share from their labor in the utilization of marine and fishing resources.”

The State protects and promotes the welfare of workers of all forms of labor, including fishers and fisherfolk. In particular, the State grants fisherfolk “preferential use of the communal marine and fishing resources’ which was stated in the Fisheries Code of 1998, as priority rights in fishing waters.

With regard to the terms and conditions of employment, the Fisheries Code of 1998, in Section 24, provided that ‘*fishworkers shall be entitled to privileges accorded to other workers under the Labor Code, Social Security System, and other benefits, and other laws or social legislation for workers.*’

The Fisheries Code effectively placed fishworkers under the mantle of protection of the Labor Code. However, Rule 25.1 of Implementing Rules and Regulations (IRR) of the Fisheries Code of 1998 provided:

Rule 25.1. Working Hours of Fishworkers. – *Fishworkers, on board any fishing vessels engaged in fishing operations, shall be classified as field personnel as defined under Section 82 of the Philippine Labor Code, as amended, and shall not be subject to the regulations on normal working hours and overtime.*

A closer scrutiny of the above provision would show that classifying fishworkers as field personnel defined in the Labor Code would operate as to remove fishworkers from coverage of the main provisions of the Labor Code on hours of work, including overtime, rest day and holiday pay.

Article 82 of the Labor Code refers to the persons who are covered by the provisions on working conditions and hours of work and exempts field personnel from the coverage of the provisions of working conditions and rest periods. Article 82 defined field personnel as *non-agricultural employees who regularly perform their duties away from the principal place of business or branch office of the employer and whose actual hours of work in the field cannot be determined with reasonable certainty*. Thus, the only logical explanation in excluding field personnel from the coverage of working conditions and rest periods is the inability of the employer to determine the actual number of hours used by the employee in the performance of his/her work.

In the case of *Mercidar Fishing Corporation vs. National Labor Relations Commission*,³¹ the Supreme Court rejected the view that fishworkers are field personnel. It held that fishworkers cannot be considered as field personnel although they are performing non-agricultural duties outside of the principal place of business. The Supreme Court stated:

“In contrast, in the case at bar, during the entire course of their fishing voyage, fishermen employed by petitioner have no choice but to remain on board its vessel. Although they perform non-agricultural work away from petitioner's business offices, the fact remains that throughout the duration of their work they are under the effective control and supervision of petitioner through the vessel's patron or master as the NLRC correctly held.”

³¹ G.R. No. 112574, 08 October 1998

It is thus apparent that the Fisheries Code of 1998 and its IRR failed to secure the rights of fishworkers. However, there was an opportunity to remedy this gap when the Government had to amend the law to comply with international standards.

The Philippines had a major wake up call when its fishing industry was subjected to international scrutiny particularly due to the prevalence of illegal unreported and unregulated (IUU) fishing. As mentioned earlier, in 2014, the EU issued a warning to the Philippines for not being able to meet their standards in the fight against IUU fishing. Considering that the EU is one of the biggest markets³² of the Philippine fishing industry, having exported 165 million Euro worth of fish products,³³ it would be detrimental to the Philippines if the EU banned exports coming from the country. In order to address the concerns of the EU, the Philippines passed Republic Act No. 10654, “An Act to Prevent Deter and Eliminate Illegal, Unreported and Unregulated Fishing, Amending The Philippine Fisheries Code of 1998” (hereinafter referred to as “the Amended Fisheries Code”) on 27 February 2015, and the rules for its implementation³⁴ (hereinafter referred to as the new IRR).

In a nutshell, the Amended Fisheries Code seeks to address IUU fishing in the Philippines by setting out prohibited acts in fishing, establishing greater penalties, and providing for fisheries management to prevent overfishing. It sets out the protection of marine resources by identifying proper fishing methods and prescribing fishing gear and equipment, designating a fishing season and an off season, and penalizing illegal fishing and the use of destructive and harmful means. Likewise, it grants adjudicatory powers to the Department of Agriculture to create a committee to impose administrative fines and penalties in relation to the Code.

However, the amending law still failed to consider the human factor in the equation. It did not consider that fishworkers are the main actors in the fishing industry

³² In the 2015 Philippine Fisheries Profile Report released by the Bureau of Fisheries and Aquatic Resources, it identified the following as major exporters of Philippine fish and fishery products: USA – 24%, Japan – 13%, Hong Kong 9%, Germany- 6%, UK – 3.6%, Spain- 3.3%, South Korea- 1.9%, Taiwan (ROC) – 3.7%, Netherlands- 2.1%, and China - 4.8%, other countries have cumulative share of 28% see details on www.bfar.da.gov.ph last accessed on 30 April 2017.

³³ Ranada, Pia, *EU extends PH warning card vs illegal fishing*, 17 February 2015
<<http://www.rappler.com/nation/84181-eu-warning-philippines-fisheries>> last accessed on 30 April 2017.

³⁴ Administrative Order No. 10 Series of 2015 on 22 September 2015 issued by the Department of Agriculture.

and the failure to protect their rights and establish the obligations of the commercial fishing operators and the vessel owners would still trigger illegal fishing and overfishing. Most fishers and fisherfolk still depend on a share in the profit of the catch³⁵ and the amending law still failed to secure their right to a fixed wage. This is apparent when the new IRR of RA. 10654 merely carried over Rule 25.1 of the previous IRR, quoted above, despite the decision of the Supreme Court. Hence, fishworkers are still left outside the scope of the Labor Code when it comes to the minimum terms and conditions of employment. The legislature and the drafters of the implementing rules focused on the problem of IUU fishing failing to fill in the gap which the proposed law now seeks to address.

The lack of coverage under the Labor Code contributes to the harsh working conditions that fishworkers are exposed to. Furthermore, fishworkers are also left unprotected in terms of their employment status and tenure. Commercial fishing operators, masters and skippers in most instances claim the absence of employer-employee relationship between them and the fishers, most often due to the absence of written agreements.³⁶ In most instances, commercial fishing vessel operators claim that fishworkers are not regular employees to avoid the full application of the Labor Code and in order to limit their liability in the payment of wages. More importantly cases filed before the court on unlawful termination of fishers show that fishing vessel operators and skippers claim that the fishworkers are merely casual or seasonal employees which excludes them from the right of security of tenure.

In the case of *Poseidon Fishing vs. NLRC*,³⁷ the Supreme Court held that:

“In fine, inasmuch as private respondent’s functions as described above are no doubt “usually necessary or desirable in the usual business or trade” of petitioner fishing company and he was hired continuously for 12 years for the same nature of tasks, we are constrained to say that he belongs to the ilk of regular employee. Being one, private respondent’s dismissal without valid cause was illegal. And, where illegal dismissal is proven, the worker is entitled to back wages and other similar benefits without deductions or conditions.

³⁵ See note 3.

³⁶ Ibid.

³⁷ G.R. No. 168052, 20 February 2016.

Indeed, it behooves this Court to be ever vigilant in checking the unscrupulous efforts of some of our entrepreneurs, primarily aimed at maximizing their return on investments at the expense of the lowly workingman.”

It is also worthy to note that the Department of Labor and Employment (DOLE) passed Department Order No. 156-16 which provides for the rules and regulations governing the working and living conditions of fishers on board fishing vessels engaged in commercial fishing operations.³⁸ The Department Order is issued pursuant to the authority of the Secretary of Labor and Employment to promulgate necessary rules and regulations.³⁹ However, these regulations are only applicable to fishing vessel owners, fishers and captains or masters on board Philippine-registered fishing vessels engaged in commercial fishing operations in Philippine or international waters.⁴⁰ Thus, it excludes from its coverage fishers engaged in municipal fishing which shall be governed by labor, fishery, maritime, and local government laws, rules and regulations.⁴¹ It also excludes fishers employed in foreign-registered fishing vessels which shall be regulated by the standards set forth by the Philippine Overseas Employment Agency.⁴² Furthermore, the existence of employer-employee relationship under the Department Order is not definite as it provided the four-fold test established by jurisprudence.⁴³ Although fishers shall not be considered under the Department Order, it provides for exceptions as follows: a) when they regularly perform duties away from the principal of business or branch office of the fishing vessel owner; and b) their actual hours of work in the sea cannot be determined with reasonable certainty.⁴⁴

It is thus in the best interest of the fishers and fisherfolk if the Philippines will ratify and implement the Work in Fishing Convention, 2007, which will be discussed in detail below. An enacting legislation of the Convention would provide the DOLE guidance and parameters within which to issue a department order. The government has expressed *a firm commitment to safer, more just, and decent working environment for*

³⁸ DOLE, Baldoz issues order protecting fishermen’s rights, ensuring benefits for those employed in commercial fishing vessels, Posted on 27 June 2016 see details at: <https://www.dole.gov.ph/news/view/3174> last accessed on 01 May 2017.

³⁹ Article 5 and 168 of the Labor Code of the Philippines

⁴⁰ Rule I, Section 2, D.O. 156-16.

⁴¹ Rule I, Section 2(b), D.O. 156-16.

⁴² Rule I Section 2(a), D.O. 156-16

⁴³ Rule I, Section 4, D.O. 156-16.

⁴⁴ Rule VI, Section 1, D.O. 156-16

fishers during the International Labour Conference in Geneva in June 2007⁴⁵ although it is not yet a party to the Convention. However, there is an apprehension on how the Convention will apply to small-scale fishing operations and traditional arrangements that are prevalent in the country. It should be noted that most ILO instruments allow State-parties a wide leeway as to application and implementation of conventions which can be addressed through domestic legislation.

Thus, such apprehension should not hinder the Philippines in prioritizing the protection and promotion of the rights of its fishworkers by ratifying the Convention. In fact, securing such rights and granting protection to fishworkers is another solution to the decline of illegal fishing and overfishing. It will also contribute to the conservation and management of fisheries in the country.

Ratifying the Convention will thus lead to better protection of Filipino fishermen onboard foreign fishing vessels and reduce the risk of human trafficking. This is ensured by the guidelines on inspection on living and working conditions on board fishing vessels by both the flag State and the port State, which is a welcome development since most sea-going fishing vessels do not undergo mandatory inspection. In fact, The Work in Fishing Convention 2007 will be able to address both the country's local and international woes as the Convention not only provides for the minimum standards of employment of fishworkers but also a safety net for Filipino fishers employed in foreign fishing vessels.

2. WHAT IS THE WORK IN FISHING CONVENTION, 2007 (NO. 188) AND RECOMMENDATION NO. 199?

2.1 INTRODUCTION

At the 96th International Labour Conference in Geneva on 14 June 2007, the General Conference adopted the Work in Fishing Convention, 2007 "to ensure the that fishers have decent conditions of work on board fishing vessels with regard to minimum requirements for work on board; conditions of service; accommodation and food;

⁴⁵ Provisional Record, Report of the Committee on the Fishing Sector paragraph 16.

occupational safety and health protection; and medical care and social security.”⁴⁶ The Convention codified and updated four International Conventions concerning the fishing sector, namely: the Minimum Age (Fishermen) Convention, 1959 (No.112), the Medical Examination (Fishermen) Convention, 1959 (No. 113), the Fishermen’s Articles of Agreement Convention, 1959 (No.114), and the Accommodation of Crews (Fishermen) Convention, 1966 (No. 126).⁴⁷

The Convention having been recently ratified by Lithuania, as the 10th State Party, on 16 November 2016, will enter into force in November of this year. ILO considers this as a milestone for the fishing industry. ILO Director General Guy Ryder stated “The Standards of the Convention can also play a preventive role in addressing unacceptable forms of work in the sector, including forced labour and child labour.”⁴⁸ Apart from ensuring minimum labour standards, the Convention may further contribute to the prevention of human trafficking and exploitation of migrant workers in the fishing industry.

The International Transport Workers Federation (ITF) is lobbying for the ratification and implementation of Convention No. 188 as it sets international standards for the safety on board fishing vessels; food, accommodation and medical care at sea; and employment practices, insurance and liability.⁴⁹ The Convention is broad enough to cover workers in all commercial fishing vessels, with the flexibility to cover the largest and smallest boats.⁵⁰

2.2 SALIENT FEATURES OF THE CONVENTION

The Work in Fishing Convention, 2007 is divided into 9 parts with 54 articles as follows:

Part I: Definitions and Scope

⁴⁶ Preamble, Work in Fishing Convention, 2007

⁴⁷ Ibid.

⁴⁸ *ILO Work in Fishing Convention No. 188 (2007) to enter into force*, 16 November 2016
http://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_535063/lang--en/index.htm

⁴⁹ *ILO Work in Fishing Convention No. 188: Setting International Standards for Fisheries*
<<http://www.itfglobal.org/en/transport-sectors/fisheries/in-focus/ilo-work-in-fishing-convention/>> last accessed on 1 May 2017

⁵⁰ See Note 10.

- Part II: General Principles
- Part III: Minimum requirements for work on board fishing vessels
- Part IV: Conditions of Service
- Part V: Accommodation and Food
- Part VI: Medical care, health protection and social security
- Part VII: Compliance and enforcement
- Part VIII: Amendment of Annexes I, II and III
 - Annex I: Equivalence in Measurement
 - Annex II: Fish Workers' Agreement
 - Annex III: Fishing Vessels Accommodation
- Part IX: Final Provisions

One of the major safeguards of the Work in Fishing Convention, 2007 is that it established the responsibility of fishing vessel owners and skippers for the safety of fishers. Article 8(1) of the Convention gives the fishing vessel owner the “overall responsibility to ensure that the skipper is provided with the necessary resources and facilities to comply with the obligations of the Convention.” Such obligation is primarily to ensure the safety of fishers on board and the safe operation of the fishing vessel. However, the Convention also provides that fishers should comply with the lawful orders of the skipper and applicable safety and health measures.⁵¹

With regard to the provisions setting the minimum terms and conditions of employment, the Convention makes it mandatory for a State Party to enact a legislation that would establish the labor standards for fishworkers in terms of the minimum age,⁵² manning complement of a fishing vessel,⁵³ competency and training,⁵⁴ hours of rest, food and accommodation,⁵⁵ medical care⁵⁶ and social security,⁵⁷ as well as wages.⁵⁸

The Convention establishes 16 years old as the minimum age of fishers with a proviso that young persons shall not engage in night work or in hazardous activities that may endanger their health and safety due to their youth. Furthermore, it also allows the employment of 15 year-olds provided that he/she is no longer required to attend

⁵¹ Work in Fishing Convention 2007, Article 8(4)

⁵² Ibid., Article 9

⁵³ Ibid., Articles 13 -14

⁵⁴ Recommendation No. 199, No. 11

⁵⁵ Work in Fishing Convention 2007, Articles 25 - 27

⁵⁶ Ibid., Articles 29 - 33

⁵⁷ Ibid., Articles 34-37

⁵⁸ Ibid., Articles 23 - 24

compulsory education and is undergoing vocational training in fishing. This may prove beneficial to the Philippines considering that fishing as a livelihood is passed on to younger generations in rural fishing communities.

On the issue of medical care, it is one of the basic rights that should be granted to fishers considering the very nature of their work and the various risks that they are exposed to in the performance of their functions. Thus, the least that the fishing vessel owners and skippers could do is to provide fishers with medical supplies and equipment in case of emergency and be able to administer first aid on board the vessel.

Meanwhile, social security has always proven to be a problem area, especially for foreign employers. Oftentimes, foreign workers are not granted social security by the flag State since such service is usually reserved for their nationals. However, under the Convention, fishers are entitled to benefit from social security protection in the same manner applicable to other kinds of workers irrespective of their nationality and residence in accordance with national laws, regulations, or practice as well as through bilateral or multilateral agreements between the parties.

More importantly, Work in Fishing Convention, 2007 requires the execution of a worker's agreement to ensure that the fishworkers are aware of the terms and conditions of their employment and to make fishing vessel owners and skippers accountable in case of non-compliance with the Convention or the enacting law. This is important considering that oftentimes, fishers are not recognized as regular employees and the existence of a work agreement between the fishing vessel owner and the fisher would be a prima facie evidence of the existence of an employer-employee relationship.

It should also be noted that the Convention addresses the issue on recruitment and placement of fishers for foreign employment. It provides for a standardized recruitment system or licensing or certification of private recruitment agencies in order to regulate the deployment of fishers and to establish accountability of private recruitment agencies. An important criterion in this regard is that the Convention prohibits private recruitment agencies to directly or indirectly charge recruitment or placement fees to the fisher.

Furthermore, Article 21 of the Work in Fishing Convention, 2007 provides for the repatriation of fishers in case of termination of the agreement or the inability of the fisher to perform his duties. The fishing vessel owner shall bear the cost of repatriation except if the fisher is in serious default of his/her obligation in accordance with national laws, regulations or other measures.

With regard to the scope of application, Article 2 of the Convention states that it applies to all fishers and all fishing vessels engaged in commercial fishing operations. However, a State Party may extend the scope of the protection to fishers working in small fishing vessels. It also allows the State to exclude or include certain types of fishers and limit the category of fishing vessels that will fall under the scope of the Convention.

Recommendation No. 199 supplements the Work in Fishing Convention, 2007 and provides guidance on the implementation of the Convention.⁵⁹ It identifies areas which are not mandatory but should be taken into consideration in the enactment of a legislation implementing the Convention.

In order to afford full protection to fishers, the Philippines should ratify the Work in Fishing Convention, 2007 and enact a legislation implementing such Convention in compliance with international obligations. Since the Philippines is yet to ratify the Work in Fishing Convention, 2007, it is best to understand how ratification will be made and how the convention will be adopted and implemented under national law.

3. THE RATIFICATION AND DOMESTICATION OF THE WORK IN FISHING CONVENTION, 2007

3.1 Ratification of Work in Fishing Convention, 2007

International Labour Standards are legal instruments drawn up by the ILO constituents (government, employers and workers) setting out the basic principles and

⁵⁹ *Decent Working Conditions, Safety and Social Protection – Work in Fishing Convention No. 188 and Recommendation No. 199* 01 December 2007 http://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---sector/documents/publication/wcms_161209.pdf

rights at work.⁶⁰ Such instruments can take the form of a Convention or a recommendation. States are bound by the terms of the Conventions they ratify while recommendations are not binding but provide guidelines for government action, either of a legislative or of a practical nature.⁶¹

ILO Conventions are usually adopted during an International Labor Conference upon two-thirds vote of all delegates present. As in this case, Convention No. 188 was adopted during the 96th International Labor Conference in Geneva. After the adoption of the instrument, ILO will communicate the Convention to the Member States for ratification. Even before ratifying, ILO Member States have an obligation to bring the Convention “before the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action.”⁶² This process ensures that the authorities are made aware of the instrument and take action on the matter. The Members then need to report to ILO on their submissions and the decision of the authorities so that ILO’s supervisory body can verify if they are complying with their obligations. On the other hand, States that do not ratify the Convention will also have to submit a report at the request of the ILO Governing Body. The reports must indicate the impediments of ratification, the difficulties encountered in the implementation of the instrument, the measures already taken and those planned to that effect.⁶³

Ratification is an act of the State agreeing to be bound by the provisions of the Convention and undertake necessary steps to implement and enforce them. However, the adoption of most ILO conventions does not require the signature of the Member States but ratification constitutes the agreement to implement the instrument.⁶⁴ Article 19(5)(d) of the ILO Constitution provides:

(d) if the Member obtains the consent of the authority or authorities within whose competence the matter lies, it will communicate the formal ratification of the Convention to the Director-General and will take such action as may be necessary to make effective the provisions of such Convention.

⁶⁰ Conventions and Recommendations <http://ilo.org/global/standards/introduction-to-international-labour-standards/conventions-and-recommendations/lang--en/index.htm>

⁶¹ Servais, Jean-Michael; International Labour Organization, 2011 Kluwer Law International, BV, Netherlands

⁶² Ibid.

⁶³ Servais, Jean-Michel, International Labour Law, Kluwer Law International 2005

⁶⁴ Ibid. p.73

The final provisions of ILO conventions usually provide that they enter into force twelve months after the ratifications of two Member States have been registered by the Director-General.⁶⁵ However, in the case of ILO Conventions on maritime labor, they require a specific number of ratifications from countries with a merchant marine of a certain tonnage or some other qualification, as in the case of the Work in Fishing Convention, 2007 that required the ratifications of ten Member, eight of which are coastal States.⁶⁶

Thus, in order to avail of the rights under the Work in Fishing Convention, 2007 ratification by the President is required. Although the President is the sole authority to negotiate and enter into agreements, the Constitution requires the concurrence of two thirds of the Senate⁶⁷ so that the ratification will be binding.

Although the Philippines is a monist country as it “adopts generally accepted principles of international law as part of the law of the land,”⁶⁸ there is a need to enact a legislation to implement the provisions of the Work in Fishing Convention, 2007. Non-self-executing conventions, as in this case, can only be implemented through the enactment of a law. Article 6(1) of the Work in Fishing Convention, 2007 provides that:

“Each Member shall implement and enforce laws, regulations or other measures that it has adopted to fulfill its commitments under this Convention with respect to fishers and fishing vessels under its jurisdiction. Other measures may include collective agreements, court decisions, arbitration awards, or other means consistent with national law and practice.”

3.2 Domestication of the Work in Fishing Convention, 2007

In implementing the Work in Fishing Convention, 2007, there shall be a separate act from the Labor Code and the Fisheries Code in view of the nature of the work in fishing and in order to specifically address the needs of fishworkers. Furthermore,

⁶⁵ Ibid. p. 69

⁶⁶ Article 48, Work in Fishing Convention 2007

⁶⁷ Section 21, Article VII of the 1987 Constitution

⁶⁸ Section 1, Article II of the 1987 Constitution

although the Fisheries Code was recently amended to include provisions on conservation, management and protection of the fisheries, it is more prudent to enact a separate law on the promotion and protection of the rights of the fishworkers.

The guidelines under Recommendation No. 199 were likewise taken into consideration in drafting the law. Though not mandatory, Recommendation No. 199 provides guidance on how to effectively implement the Work in Fishing Convention 2007.

Apart from the Convention and the Recommendation, Chapters II, IV and V were patterned from bills entitled Magna Carta for Seafarers implementing the Maritime Labour Convention, 2006. These bills are pending before the Senate Committee on Labor, Employment and Human Resource Development and the House of Representatives' Committee on Overseas Workers Affairs at the 17th Session of Congress. It is worthy to note that Chapter II sets out specific rights granted to fishworkers in order to ensure that such rights are safeguarded. These rights include the right to humane conditions of work, access to education and training, access to relevant information, and right to legal representation.

Furthermore, as a labour-supplying country, it is necessary that the placement and recruitment of fishers are regulated in order to avoid abuse and exploitation. Thus, Chapter VI lays down specific provisions involving procedures for recruitment and placement, persons and entities who are prohibited from engaging in recruitment activities, duties of manning and crewing agencies and restrictions on deployment.

Considering that the law deals with the rights of fishworkers, the DOLE is granted the power to enact implementing rules and regulations to address the more technical provisions which may be required in the enforcement of the law. Sufficient safeguards are found in the legislation in order to prevent an abuse of discretion in the implementing rules as well as to ensure that the rights of fishworkers are prioritized and protected.

Hence, Chapter IX on the role of government agencies specifies the institutions that will play a vital role in the implementation of the proposed law. Furthermore, these

institutions shall collaborate in the formulation of the implementing rules and regulations of the law. However, these agencies are not exclusively listed and the participation of other stakeholders may also be involved in the drafting of the implementing rules in order to achieve a holistic approach in the protection and promotion of the rights of fisherfolk. As it is common practice, a working group headed by the DOLE as the lead agency shall be created to draft and enact the implementing rules and regulations to thresh out technical provisions. The implementing rules shall make specific regulations on general provisions under the Act.

CONCLUSION

Social justice dictates that those who have less in life shall have more in law.⁶⁹ No less than the Constitution enshrines this principle, which is highlighted by the fact that it has devoted an entire Article on Social Justice and Human Rights. Section 1 of Article XIII obliges the Congress to “*give highest priority to the enactment of measures that protect and enhance the right of all the people to human dignity, reduce social, economic, and political inequalities, and remove cultural inequities by equitably diffusing wealth and political power for the common good.*” Thus, in order to promote and protect the rights of fishworkers and more importantly, improve their standard of living, it is in the best interest of the Philippines to ratify Convention No. 188 and enact this legislation to implement the convention.

⁶⁹ Magsaysay, Ramon, *Magsaysay Credo*, as published in <http://www.rmaf.org.ph/Ramon-Magsaysay/credo.htm> accessed on 9 February 2017

RESOLUTION CONCURRING IN THE RATIFICATION OF THE WORK IN FISHING CONVENTION, 2007 (NO. 188)

WHEREAS, Section 21 of Article VII of the Constitution states, “no treaty or international agreement shall be valid unless concurred in by at least two-thirds of all the members of the Senate”;

WHEREAS, the International Labor Organization adopted the Work in Fishing Convention, 2007 (No. 188) on 14 June 2007 and will enter into force in November 2017 after meeting the requirement of 10 ratifications;

WHEREAS, the objective of the Convention is to ensure that fishers have decent working conditions on board fishing vessels with regard to minimum requirements for work on board; conditions of service; accommodation and food; occupational safety and health protection; medical care and social protection;

WHEREAS, Section 18 of Article II of the Constitution states that “The State affirms labor as a primary social economic force. It shall protect the rights of workers and promote their welfare”;

WHEREAS, there is a need to protect the rights of fishers as the most marginalized sector of the community in order to alleviate from poverty and uplift the socio-economic well-being of their families;

WHEREAS, there is a need to ensure fair terms of employment and safe working conditions, develop sustainable alternative livelihood during off season, and promote the welfare of fish workers in the implementation of policies and programs affecting them, particularly fisheries conservation and management under Republic Act No. 8550, as amended;

WHEREAS, the Convention provides the minimum labor standards of work in fishing taking into account the minimum age, medical examination, fishermen’s articles of agreement, and accommodation of crews of fishing vessels which is in necessary to be adopted and enforced in the Philippines;

WHEREAS, Article 48 of the Convention states that “it shall come into force 12 months after the date on which the ratification of 10 Member States, eight of which are coastal States, have been registered with the Director-General of the ILO.” Thereafter

“the Convention shall come into force for any Member 12 months after the date on which its ratification is registered with the Director-General”;

WHEREAS, the President of the Philippines ratified the Protocol on _____ and has accordingly submitted it to the Senate for concurrence in accordance with the Constitution;

WHEREAS, in the hearings conducted by the Senate Committee on Foreign Relations on _____, the following government agencies have endorsed the concurrence in the ratification of the Convention:

- 1) _____;
- 2) _____;
- 3) _____;
- 4) _____: and
- 5) _____:

Now, therefore, be it

RESOLVED, That the Senate of the Philippines concur, as it hereby concurs, in the ratification of the Work in Fishing Convention, 2007 (No. 188).

Adopted,

President of the Senate

This Resolution was adopted by the Senate on _____.

Secretary of the Senate

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

Senate Bill No. _____

**AN ACT TO INCORPORATE THE WORK IN FISHING CONVENTION, 2007
INTO THE LAWS OF THE PHILIPPINES**

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

**CHAPTER I
GENERAL PROVISIONS**

Section 1. Title. – This Act shall be known as the “**Fishers’ Protection Act.**”

Section 2. Declaration of Policy. – It is hereby declared that:

- a. The State strongly affirms labor as a primary social force and is committed to respect, promote, protect and realize the fundamental principles and rights at work including, but not limited to, abolition of child labor, elimination of all forms of forced labor, discrimination in employment and occupation, and trafficking in persons, especially women and children;

- b. The State adheres to internationally accepted working conditions for workers in general, and establishes labor standards for fish workers in particular, towards decent employment and income, enhanced coverage of social protection, respect for human rights and strengthened social dialogue. Towards this end, this Act adopts and implements the Work in Fishing Convention, 2007(No. 188) ensuring decent working conditions for fishers on board fishing vessels with regard to minimum requirements for work on board, conditions of service, accommodation and food, occupational safety and health protection, medical care and social security;
- c. The State recognizes the need to protect the right of fish workers as the most marginalized sector of the community and alleviate them from poverty as well as to uplift the socio-economic well-being of their families; and
- d. The State, recognizing the vulnerability of fish workers, shall ensure fair terms of employment and safe working conditions, develop sustainable alternative livelihood during off season, and promote the welfare of fish workers in the implementation of policies and programs affecting them, particularly fisheries conservation and management under Republic Act No. 8550, as amended.

Section 3. Applicability. – This Act shall apply to all fishers and all fishing vessels engaged in commercial fishing operations unless otherwise provided herein. Fisherfolk engaged in municipal fishing shall also be covered under this Act insofar as its provisions shall not prejudice their livelihood.

Section 4. Definition of Terms. – For purposes of this Act, the following terms shall mean as follows:

- a. Commercial Fishing means the taking of fishery species by passive or active gear for trade, business or profit beyond subsistence or sports fishing to be further classified as:
 - i. Small scale commercial fishing means fishing with passive or active gear utilizing fishing vessels of 3.1 gross tons (GT) up to twenty (20) GT; ^[L]_{SEP}

- ii. Medium scale commercial fishing means fishing utilizing active gears and vessels of 20.1 GT; up to one hundred fifty (150) GT; and
 - iii. Large scale commercial fishing means fishing utilizing active gears and vessels of more than one hundred fifty (150) GT.
- b. DFA means Department of Foreign Affairs
 - c. DOH means Department of Health
 - d. DOLE means Department of Labor and Employment
 - e. Fisher means every person employed or engaged in any capacity or carrying out an occupation on board any fishing vessel, including persons working on board who are paid on the basis of a share of the catch but excluding pilots, naval personnel, other persons in the permanent service of a government, shore-based persons carrying out work aboard a fishing vessel and fisheries observers;
 - f. Fisherfolk means persons who are directly or indirectly engaged in municipal fishing and other related fishing activities such as the taking and/or culturing and processing fishery and/or aquatic resources.
 - g. Fisheries means all activities relating to the act or business of fishing, culturing preserving processing marketing, developing, conserving and managing aquatic resources and the fishery areas, including the privilege to fish or take aquatic resource thereof.
 - h. Fisher's work agreement means a contract of employment, articles of agreement or other similar arrangements, or any other contract governing a fisher's living and working conditions on board a vessel;
 - i. Fishworker means a person regularly or not regularly employed in commercial fishing and related industries, whose income is either in wage, profit-sharing or stratified sharing basis, including those working in fishpens, fish cages, fish corrals/traps, fishponds prawn farms sea farms, salt beds, fish ports, fishing boat or trawlers, or fish processing and/or packing plants Excluded than this category are administrators, security guards and overseers.
 - j. Fishing means the taking of fishery species from their wild state or habitat, with or without the use of fishing vessels.

k. Fishing gear means any instrument or device and its accessories utilized in taking fish and other fishery species.

l. Fishing vessel means any boat, ship or other watercraft equipped to be used for taking of fishery species or aiding or assisting one (1) or more vessels in the performance of any activity relating to fishing, including, but not limited to, preservation, supply, storage, refrigeration, transportation and/or processing.

m. Fishing vessel owner means the owner of the fishing vessel or any other organization or person, such as the manager, agent or bareboat charterer, who has assumed the responsibility for the operation of the vessel from the owner and who, on assuming such responsibility, has agreed to take over the duties and responsibilities imposed on fishing vessel owners in accordance with this Act, regardless of whether any other organization or person fulfills certain of the duties or responsibilities on behalf of the fishing vessel owner;

n. Gross tonnage means the gross tonnage calculated in accordance with the tonnage measurement regulations contained in Annex I of the International Convention on Tonnage Measurement of Ships 1969, or any instrument amending or replacing it.

o. Length (L) shall be taken as 96 percent of the total length on a waterline at 86 percent of the least moulded depth measured from the keel line, or as the length from the foreside of the stem to the axis of the rudder stock on that waterline, if that be greater. In vessels designed with rake of keel, the waterline on which this length is measured shall be parallel to the designed waterline.

p. Municipal fishing means fishing within municipal waters using fishing vessels of three (3) gross tons or less, or fishing not requiring the use of fishing vessels.

q. Municipal waters include not only streams, lakes, inland bodies of water and tidal waters within the municipality which are not included within the protected areas as defined under Republic Act No. 7586 (The NIPAS Law), public forest, timber lands, forest reserves or fishery reserves, but also marine waters included between two (2) lines drawn perpendicular to the general coastline from points where the boundary line of the municipality touch the sea at low tide and a third line parallel with the general coastline

including offshore islands and fifteen (15) kilometers from such coastline. Where two (2) municipalities are so situated on opposite shores that there is less than thirty (30) kilometers of marine waters between them, the third line shall be equally distant from the opposite shore of the respective municipalities.

r. OWWA means Overseas Workers Welfare Administration

s. PCG means Philippine Coast Guard

t. POEA means Philippine Overseas Employment Administration

u. Point of hire means the place where the contract of employment was executed;

v. Recruitment and placement service means any person, company, institution, agency or other organization, in the public or the private sector, which is engaged in recruiting fishers on behalf of, or placing fishers with, fishing vessel owners;

x. Repatriation means the process of returning a fisher to the point of hire

y. Skipper means the fisher having command of a fishing vessel.

z. TESDA means Technical Education and Skills Development Authority

CHAPTER II

RIGHTS OF FISHERS, FISHWORKERS AND FISHERFOLKS

Section 5. Right to Humane Conditions of Work and Right to Just Compensation. - The State shall guarantee the right to humane conditions of work and the right to standard salary or compensatory to the hours of work and other relevant basis for wage computation, minimum number of working hour, rest day, vacation pay, and "end-of-contract" pay in accordance with the agreement of the parties concerned and with existing domestic and international law.

Section 6. Access to Education and Training - The State shall ensure Filipino fishers, whether plying the domestic or international waters, have access to educational advancement and training at reasonable and affordable costs

Section 7. Access to Relevant Information. - The State shall ensure that private recruitment agencies shall provide Filipino fishers with adequate and relevant information to make them understand their rights, benefits obligations, conditions and realities attending to their work onboard foreign fishing vessels, and laws and regulations of countries covered by their sojourn.

Toward this end, private recruitment agencies, and other organizations responsible for the recruitment and employment of Filipino fishers, whether plying domestic or international waters, shall be mandated to make fisher's work agreement, the computation and manner by which salaries are remitted to their allottees, and the specific privileges and benefits available in the fisher's work agreement accessible to their recruits or clientele.

Section 8. Right to Legal Representation. – Filipino fishers who are victims of illegal recruitment, illegal dismissal or suspension and other forms of violation of contract shall have the right to free legal assistance and protection at government expense. Courts administrative agencies and other tribunals should ensure a speedy and impartial disposition of their cases.

Every fisher accused of committing any offense in violating of any provision of his or her contract has the right to due process, an impartial tribunal and administrative body, and an expeditious payment of damages and liability in cases where the judgment is favorable to the Filipino fisher.

Section 9. Priority rights of municipal fisherfolk – In accordance with the Republic Act No. 8550, as amended, all fishery related activities in municipal waters shall be utilized by municipal fisherfolk and their cooperatives/organizations listed in the registry of municipal fisherfolk. The municipal or city government, however, may, through its local chief executive and acting pursuant to an appropriate ordinance, authorize or permit shall and medium commercial fishing vessels to operate within the then point one (10.1) to fifteen (15) kilometer area from the shoreline in municipal waters provided it complies with the requirements of Republic Act No. 8550, as amended.

CHAPTER III

MANDATORY REQUIREMENTS FOR WORK ON BOARD FISHING VESSELS

Section 10. Minimum Age – No person below 18 years old shall be engaged in work on board a fishing vessel except in cases of municipal fishing wherein he/she works under the supervision of his/her parents or immediate family member. However, in no case shall a fisher be younger than 16 years old.

Fishers below the age of 18 years old shall not be allowed to work at night and in activities on board the fishing vessel that in their nature poses a risk to his/her health and safety.

Section 11. Medical Examination - No fisher shall work on board a fishing vessel without a valid medical certificate attesting his/her fitness to perform his/her duties.

The fisher shall hold a valid medical certificate issued by a medical facility duly accredited by the Department of Health (DOH) in accordance with its existing rules and regulations.

The medical certificate shall certify that the person is expected to meet the minimum requirements for performing the duty specific to his/her post at sea safely and effectively during the period of validity of the certificate. It shall be valid for a maximum period of two years unless the fisher is under the age of 18, in which case the maximum period of validity shall be one year. If a medical certificate expires within the course of a voyage, it shall remain valid until the end of the voyage.

For Commercial fishers on board a fishing vessel of 24 meters in length and over, or on a vessel which normally remains at sea for more than three days, shall be required to secure a medical certificate stating that he he/she is not suffering from any medical condition likely to be aggravated by service at sea or to render the fisher unfit for such service or endanger the safety or health of other persons on board.

The Secretary of the Department of Labor and Employment may grant exemptions from medical examination taking into account the safety and health of fishers, size of the vessel, availability of medical assistance and evacuation, duration of the voyage, area of operation, and type of fishing operation.

Section 12. Education and Training. – Commercial fishers shall be required to undergo vocational training to ensure competence and safety in handling fishing vessel equipment. Filipino fishers employed in foreign fishing vessels shall comply with international training standards and competencies.

Fishers shall be provided with adequate specific instructions and applicable basic safety and health training.

Section 13. Fisher's Work Agreement. –

(1) Every fisher shall be employed under a fisher's work agreement which shall contain the following:

- a. The fisher's identification and particulars such as fisher's full name, age, date of birth and birthplace;
- b. The place at which and the date on which the agreement was concluded;
- c. The name of the fishing vessel or vessels and the registration number of the vessel or vessels on board which the fisher undertakes to work;
- d. The name of the employer, or fishing vessel owner, or other party to the agreement with the fisher;
- e. The voyage or voyages to be undertaken, if this can be determined at the time of making the agreement;
- f. The capacity in which the fisher is to be employed or engaged;
- g. If possible, the place at which and date on which the fisher is required to report on board for service;
- h. The provisions to be supplied to the fisher;

- i. The amount of wages, or the amount of the share and the method of calculating such share if remuneration is to be on a share basis, or the amount of the wage and share and the method of calculating the latter if remuneration is to be on a combined basis, and any agreed minimum wage;
- j. The termination of the agreement and the conditions thereof, namely:
 - (i) If the agreement has been made for a definite period, the date fixed for its expiry;
 - (ii) If the agreement has been made for a voyage, the port of destination and the time which has to expire after arrival before the fisher shall be discharged;
 - (iii) If the agreement has been made for an indefinite period, the conditions which shall entitle either party to rescind it, as well as the required period of notice for rescission, provided that such period shall not be less for the employer, or fishing vessel owner or other party to the agreement with the fisher;
- k. The protection that will cover the fisher in the event of sickness, injury or death in connection with service;
- l. The health and social security coverage and benefits to be provided to the fisher by the employer, fishing vessel owner, or other party or parties to the fisher's work agreement, as applicable;
- m. The fisher's entitlement to repatriation;
- n. A reference to the collective bargaining agreement, where applicable;
- o. The hours of work and provisions on rest periods

(2) The fisher's work agreement shall be drawn in a manner and in a language understood by the fisher. It shall be signed by both the fisher and the fishing vessel owner or his/her authorized representative. The fisher's work agreement shall be submitted to the Department of Labor and Employment but the fisher shall be provided with a copy of the agreement, and another copy shall be carried on board.

(3) A fisher's work agreement shall not be required in case of small-scale commercial fishing and municipal fishing.

CHAPTER IV RECRUITMENT AND PLACEMENT

Section 14. Private Sector Participation in the Recruitment and Placement of Filipino Fishers. - Pursuant to national development objectives and in order to harness and maximize the use of private sector resources and initiative in the development and implementation of a comprehensive employment program, the private sector shall participate in the recruitment and placement of Filipino fishers locally and overseas: Provided, That such recruitment and placement procedures are consistent with the provisions stipulated under this Act and such other guidelines, rules and regulations as may be promulgated by DOLE and POEA.

Section 15. Capitalization in the Recruitment and Placement Industry. -Individuals or corporations, partnership or entities applying for a license or authority or renewal thereof shall be required a minimum capitalization and such other requirements as may be prescribed by DOLE. The same shall be obliged to pay such escrow deposits and surety bonds, in an amount and conditions as may be prescribed by the DOLE to guarantee compliance with all terms and conditions of the contract of employment and applicable laws. Individuals or corporations, partnerships or entities applying for license or authority or renewal thereof shall be required to pay the filing and registration fees as may be prescribed by DOLE.

Section 16. Non-Transferability of License. - No license or authority shall be used directly or indirectly by any person other than the one in whose favor it was issued or at any place other than that stated in the license, nor may such license or authority be transferred, conveyed or assigned to any person or entity except under such guidelines as may be prescribed by the DOLE.

Any transfer of business address, appointment or designation of any agent or representative, including the establishment of additional offices anywhere shall acquire prior approval from the Secretary of the DOLE.

Section 17. Suspension and/or Cancellation of License or Authority. – The Secretary of DOLE shall have the power to suspend or cancel and in both instance impose fine any license or authority of this act or of other applicable provisions of laws rules and regulations.

Section 18. Persons and Entities Prohibited from Engaging in Recruitment and Placement Industry. - The following are prohibited from engaging directly or indirectly, in the recruitment and placement industry:

- a. Any official or employees of DOLE, DFA and their attached agencies or other government agencies involved in the implementation of this Act, or their relatives within the fourth civil degree of consanguinity or affinity;
- b. Persons and entities engaged in the business of travel agency or engaged in business as sales agent or airline and/ or shipping companies, or their offices, directors or partners.

Section 19. Recruitment and Placement Policies. - Manning or crewing agencies engaged in private recruitment and placement service shall:

- a. Make certain that placement fees or another charges for recruitment or for providing employment to fisher shall not be borne directly or indirectly, in whole or in part, by the fishers other than those authorized by law.
- b. For this purpose, the costs of the personal travel documents shall not be deemed as "fees and other charges for recruitment,"

- c. Cause the reimbursement of any expenses incurred by the fisher in connection with his/her documentation and processing for purposes of development, in the event where non-deployment is not the fisher's fault;
- d. Ensure that the Filipino fishers well-being and right shall be the primary consideration in the recruitment and placement of fishers;
- e. Guarantee that recruitment, placement and deployment of Filipino fishers shall not be made in jobs that are deemed inimical to their interest and to the Republic of the Philippines;
- f. Specify, with due regard to the right to privacy and the need to protect confidentially, the conditions under which the personal data of Filipino fishers are processed by the private recruitment agency including the collection, storage combination and communication of such data to third parties;
- g. Cease from furnishing or publishing any false notice or information or document in relations to recruitment and employment, including or attempting to induce a fisher already employed to quit his/her employment and offering another employment or influencing or attempting to influence whether deliberately or unintentionally, any person or entity not to employ any fisher or the enforcement of a waiver of quit claims to any fisher before during and after employment, which act shall be deemed unlawful;
- h. Cease from substituting or altering to the prejudice of the fisher the employment contract approved and processed by the DOLE and withholding or denying travel or employment documents from applicant fisher considerations other than those authorized under this Act the implementing rules and regulations promulgated pursuant to this Act; and
- i. Refrain from using means or mechanisms intended to prevent or deter fishers from gaining employment.

Section 20. Duties of Manning and Crewing Agencies. - It shall be incumbent upon private recruitment agencies to ensure that:

- a. Any fisher recruited or placed by them is qualified and is in possession of the documents necessary for the job concerned;
- b. The contract of employment and articles of agreement are in accordance with the standard terms and conditions governing the employment of the fisher on board ocean-going vessel as prescribed by the concerned agency of the DOLE;
- c. The fisher is informed of his/her rights and duties under the fisher's work agreement prior to and in the process of engagement;
- d. Proper arrangements and opportunities are given for the Filipino fisher to examine his/her fisher's work agreement before and after he/ she signed such pertinent documents and for him/her to receive a copy of the duly-signed agreement;
- e. Adequate information about the conditions attending to the situations on board the vessel and overseas, as well as local and international laws and regulations which apply to the Filipino fisher in the course of his/her employment or sojourn shall be provided; and
- f. A registry of all fisher recruited or placed through them shall be put in place and shall be available for inspection by the POEA.

Section 21. Selective Deployment of Filipino Fishers. - Deployment of Filipino fishers shall be allowed only in countries where the rights of the Filipino fisher are observed and protected. Any of the following legal instruments shall be recognized as guarantee on the part of the receiving country for the protection of the rights of Filipino fishers:

- a. The receiving country has existing labor and social laws protecting the rights of overseas fisher;

- b. It is a signatory to a multi-lateral convention, declaration or resolution relating to the protection of fishers;
- c. It has a bilateral agreement or arrangement with the Philippine government protecting the rights of fishers; or
- d. It is taking positive concrete measures to protect the rights of fishers;

Section 22. Ban or Restrictions on Deployment. - Notwithstanding the provisions of the immediately preceding section, the DOLE, in pursuit of national interest or when public welfare so requires, may, at any time, terminate or impose such restricts or ban on the deployment of Filipino fishers abroad.

Section 23. Prohibitions against Indiscriminate Deployment of Filipino Fishers. - The indiscriminate deployment of the following Filipino fishers shall be deemed prohibited:

- a. Those below eighteen (18) years old or such minimum age requirements as may be determined by the DOLE;
- b. Those medically diagnosed to be unfit to work for the job being applied;
- c. Those who are not qualified for overseas employment;
- d. Those whose employment contract was not processed and approved by the POEA; and
- e. Any other factor that the DOLE may deemed prohibited.

Section 24. Illegal Recruitment – For purposes of this Act, Illegal Recruitment of fishers shall be punished under the Migrant Workers and Overseas Filipinos Act of 1995, as amended.

CHAPTER V

CONDITIONS OF EMPLOYMENT

Section 25. Responsibilities of the fishing vessel owner and skipper. – It is the responsibility of the fishing vessel owner to ensure that the skipper is provided with the necessary resources and facilities to comply with obligations under this Act. The fishing vessel owner shall ensure that:

- a. Fishing is undertaken in accordance with existing law, rules and regulations, and international agreements;
- b. The fishing vessel is seaworthy;
- c. The fishing vessel possesses licenses, permits and registrations from appropriate government to undergo commercial fishing; and
- d. A fishing vessel crew list shall be provided to the Philippine Coast Guard prior to its departure;

The skipper has the responsibility for the safety of the fishers on board and the safe operation of the vessel, including but not limited to:

- a. Providing such supervision as will ensure that, as far as possible, fishers perform their work in the best conditions of safety and health;
- b. Managing the fishers in a manner which respects safety and health, including prevention of fatigue;
- c. Facilitating on-board occupational safety and health awareness training; and
- d. Ensuring compliance with safety of navigation, watchkeeping and associated good seamanship standards.

The skipper shall not be constrained by the fishing vessel owner from taking any decision which, in the professional judgment of the skipper, is necessary for the safety of the vessel and its safe navigation and safe operation, or the safety of the fishers on board. Fishers shall comply with the lawful orders of the skipper and applicable safety and health measures.

Section 26. Manning of a fishing vessel. It shall be the duty of fishing vessel owners to ensure that their fishing vessel is sufficiently and safely manned for the safe navigation and operation of the vessel under the control of a competent skipper.

Section 27. Rest Periods. – A fisher shall be allowed reasonable rest periods in accordance with International standards and the Labor Code. He/ she shall be entitled to adequate time for rest and sleep.

The period of rest shall during any 24-hour period, amount to not less than 10 hours, provided that fishers may be required to perform any hours of work necessary for the immediate safety of the vessel, the persons on board or the catch, or for the purpose of giving assistance to other boats or ships or persons in distress at sea.

Accordingly, the skipper may suspend the schedule of hours of rest and require a fisher to perform any hours of work necessary until the normal situation has been restored.

Section 28. Crew List. - Every fishing vessel shall carry a crew list, a copy of which shall be provided to authorized persons ashore prior to departure of the vessel, or communicated ashore immediately after departure of the vessel.

Section 29. Wages – Fishers shall receive minimum wages. Productivity-improvement measures shall be introduced to ensure decent working standard for fishers and decent living standards for their families.

Upon the effectivity of this Act, the Regional Tripartite Wages and Productivity Board shall set the minimum wage rates of fishers on board commercial fishing vessels engaged in domestic shipping, taking into account the peculiarities of the employment arrangement of fishers and the criteria as determined pursuant to Republic Act No. 6727

otherwise known as the “Wage Rationalization Act”; provided that the wages for actual work hours shall not be lower than the applicable minimum wage rates in the domicile or head office of the fishing vessel owner or operator. Wages shall be paid at least once every 2 weeks or twice a month at intervals not exceeding 16 days.

A deduction from the fisher's wages shall not be made without his/her written consent, unless the deduction is provided for in the contract of employment and is authorized by law.

Section 30. Food – The fishing vessel owner shall ensure protection and promotion of the health of fishers. They shall be provided with a well-balanced diet of a sufficient nutritional value in quality and in quantity taking into consideration their differing cultural religious backgrounds with potable water at no additional cost to the fishers.

Section 31. Accommodation - Fishers shall also be provided with decent and adequate accommodation taking into account the need to protect their health and safety in accordance with the requirements prescribed by the Work in Fishing Convention, 2007.

Section 32. Sanitation – Fishing vessels shall have sanitation facilities that meet the minimum standards for health and hygiene which shall be accessible to all fishers on board. The sanitation facilities shall be located at convenient places, allowing for easy access to work stations. Separate sanitary facilities should be provided for men and women.

Section 33. Recreational Facilities – Unless otherwise exempted herein or by appropriate regulations, fishing vessels shall have recreational facilities and amenities that are appropriate and accessible to fishers.

Fishing vessels on short voyages, which allow crew to go home or to have access and make use of comparable facilities on land, shall be exempted from this requirement.

Section 34. Prevention of Health Hazards. – Work on board the fishing vessel must be organized and executed in such a manner that the fisher’s life and limb is well looked

after. When a fisher is assigned to work, due regard shall be paid to his qualification to undertake the work on a safe and sound basis. Provisions shall be made to ensure that the fisher is well-informed of the hazards inherent in the work and that he is given and proper guidance and adequate practice necessary to avoid such hazards.

Section 35. Medical Care On-Board Ships and Ashore – The fishing vessel owner shall ensure that the vessel carries medical equipment and medical supplies for the service of the vessel, taking into consideration the number of fishers on board, the area of operation, and the length of the voyage. The skipper shall ensure that at least one fisher on board is qualified or trained in first aid and other forms of medical care and who has the necessary knowledge to use the medical equipment and supplies for the vessel concerned.

Medical equipment and supplies carried on board shall be accompanied by instructions or other information in a language understood by the fisher or fishers referred to in the preceding paragraph.

Fishing vessels shall be equipped for radio or satellite communication with persons or services ashore that can provide medical advice, taking into account the area of operation and the length of the voyage.

Fishers shall have the right to medical treatment ashore and the right to be taken ashore in a timely manner for treatment in the event of serious injury or illness.

CHAPTER VI

SOCIAL WELFARE AND DISABILITY BENEFITS

Section 36. Social Welfare Benefits – Without prejudice to established policy, collective bargaining agreement or other applicable social agreement, all fishers shall be covered by the Social Security System, Employees' Compensation and State Insurance Fund, Philhealth, Pag-IBIG Fund and other applicable laws.

Section 37. Disability. - In case of work-related total or partial disability of the fisher during the term of his/her employment cause by either injury or illness, the fisher shall be compensated in accordance with the schedule of the benefits prescribed by the law. Computation of his/her benefits arising from an illness or disease shall be governed by the rates and the rules of compensation applicable at the time the illness or disease was contracted.

No compensation shall be payable in respect of any injury, incapacity, disability or death of the fisher resulting from his/her willful or criminal act; provided however, that the employer can prove that such injury, incapacity, disability or death is directly attributable to the fisher. When requested, the fishing vessel owner shall furnish the fisher a copy of all pertinent medical reports or records at no cost to the fisher.

Section 38. Employer's Liability in Case of Death. - When the fisher dies as a result of injury or illness during the term of employment, the fishing vessel owner shall pay the beneficiary/ies of the fisher all outstanding obligations due the fisher under his/her employment contract; the employer is also mandated to notify the next of kin and make arrangement for burial, return or repatriation of the remains. If the death occurs in a foreign territory, the skipper shall also inform the nearest Philippine Embassy or Foreign Service Office of said death. The remains and personal effects of the fisher shall be transported to the fishing vessel owner's expense except if the death occurred in the port where local government laws or regulations do not permit the transport of such remains.

In case death occurs at sea, arrangements for the handling of the remains shall be drawn up and proposed by the shipmaster to the deceased next of kin. In all cases, the fishing vessel owner and the skipper through the private recruitment agency, shall communicate with the next of kin of the deceased and secure the next of kin's concurrence as regards the proposed arrangements covering the handling of the fisher's remains.

Section 39 Death Benefits. - In case of work-related death of the fisher during the term of his contract, the employer shall pay his beneficiaries the corresponding death benefits. The benefits shall be separate and distinct from and shall be in addition to whatever benefits shall be payable in case of death resulting from a willful act by the Filipino

fisher. In connection thereto, the fishing vessel owner can prove that such death is directly attributable to the fisher.

Section 40. Payment of Benefits. - The fishing vessel owner shall ensure expeditious arrangement for the payment of death or personal injury benefits provided under this Act. The fishing vessel owner shall likewise arrange for adequate insurance coverage.

Section 41. Illness or Injury. - In case of illness or injury during the term of employment, the skipper shall arrange for the fisher to receive proper care on board or ashore. The sick or injured fisher shall continue to receive his wage during the time he is under contract.

If the work-related injury or illness requires medical and/ or dental treatment in a foreign port, the fishing vessel owner shall be liable for the full cost of such medical, serious dental, surgical and hospital treatment as well as board and lodging until the fisher is declared fit to work or to be repatriated.

Section 42. Occupational Safety and Accident Prevention. – It shall be the duty of the Fishing vessel owner to:

- a. Ensure that every fisher on board is provided with appropriate personal protective clothing and equipment;
- b. Ensure that every fisher on board has received basic safety training approved by the competent authority:
- c. Ensure that fishers are sufficiently and reasonably familiarized with equipment and its methods of operation, including relevant safety measures, prior to using the equipment or participating in the operations concerned.

CHAPTER VII

POST EMPLOYMENT

Section 43. Termination of Employment. - The employment of the overseas fisher shall cease when he/ she:

- a. Completes his/her period of contractual service aboard the vessel, signs off from the vessel and arrives at the point of hire;
- b. Arrives at the point of hire for any of the following reasons:
 - i. Voluntarily resigns for just cause and signs off prior to expiration of contract;
 - ii. Signs off and disembarks for health reasons;
 - iii. Signs off due to shipwreck, lay-up of vessel, change of vessel or discontinuance of voyage; and
 - iv. Is discharged for just cause.

Section 44. Termination by Fisher. - A fisher may terminate the employer-employees relationship based on either:

- a. The ship is not seaworthy;
- b. The principal changes;
- c. The vessel is sold;
- d. The vessel is shipwrecked;
- e. The fisher has been ill-treated on board and the skipper has failed to protect him when requested to do so;

- f. The voyage is discontinued or substantially altered;
- g. After the fishers start on board, it appears that the ship is at risk of being seized by a belligerent power or exposed to war damage, or that such risk is imminent or has increased considerably; and
- h. After the fishers start on board, it appears that a violent epidemic disease has broken out in the port for which the ship is bound.

In the cases mentioned in subparagraphs f - h hereof, the fisher may take his/her departure with immediate effect if the voyage has not commenced, or otherwise at the ship's first port of call after he has become aware of the situation.

Section 45. Prohibition against Transfer of Station. - A fisher shall not be transferred at any port to any vessel owned or operated, manned or managed by the same fishing vessel owner without the fisher's consent. In the event that the fisher concerned consents with such transfer, the position of the fisher and the rate of his/her wages and terms of services shall, in no way, be lower or inferior and the total period of employment shall not exceed that original agreed upon. Any form of transfer shall be documented and reported by the private recruitment agency to the POEA.

CHAPTER VIII REPATRIATION

Section 46. Repatriation. - All costs related to the repatriation and / or transport of the personal effects of a fisher shall be borne by or charged to the private recruitment agency concerned and/ or its principal. The expenses of repatriation shall include the transportation charges, the accommodation and the food of the fisher during the journey. However, in cases where the termination of employment is due solely to the fault of the fisher, the fishing vessel owner or private recruitment agency shall not in any manner be responsible for the repatriation of the former and/ or his/her personal effects.

SECTION 43. Mandatory Repatriation of Underage Fishers. – Upon discovery or information of a Filipino fisher whose actual age falls below eighteen (18) years of age, the nearest Philippine consulate office shall, without delay, repatriate the said fisher and advise the DFA and DOLE as soon as possible of such recovery and other relevant information.

Section 47. Emergency Repatriation. - The DOLE, in coordination with the OWWA and the DFA shall undertake the repatriation of fishers in cases of war, epidemics, disasters or calamities, natural or man-made, and other similar events without prejudice to reimbursement by the responsible fishing vessel owner or private recruitment agency.

CHAPTER IX

ROLE OF GOVERNMENT AGENCIES

Section 48. Role of Government Agencies – The following government agencies shall perform the following functions to promote the welfare and protect the rights of fishers:

- a. DOLE – The Department of Labor and Employment shall ensure that the standards set forth under Presidential Decree No. 442, as amended, and other laws, the Work in Fishing Convention, 2007 and other international treaties and conventions to which the Philippines is a signatory are faithfully complied with and fairly applied to Filipino fishers.

To this end, the DOLE shall be the primary agency responsible for the implementation of this Act. It shall establish an effective system for the inspection and certification to ensure decent working and living conditions for Filipino fishers pursuant to the Work in Fishing Convention, 2007.

- b. DFA – The Department of Foreign Affairs, through its home office, regional consular offices, or foreign posts, shall take priority action or make representations with foreign authorities concerned to protect the rights of Filipino fishers and extend immediate assistance, including repatriation of distressed Filipino fishers abroad.
- c. DOH – The Department of Health shall regulate the activities and operations of all clinics which conduct medical, physical, optical, dental psychological and other similar examinations of Filipino fishers.

The DOH shall determine and prescribe the nature of the medical examination that shall be required of a fisher, ensuring that such examination will genuinely determine the fisher's state of health, considering the duties he/she shall be required to perform on board. The DOH shall likewise prescribe the contents of the medical certificate to ensure that such certification will genuinely reflect the seafarer's state of health.

- d. OWWA – The Overseas Workers Welfare Administration, through its welfare officers or coordinating officers, shall provide Filipino fishers and their families' assistance in the enforcement of contractual obligations by private recruitment agencies and their principals.
- e. PCG – The Philippine Coast Guard, in line with its functions to assist in the enforcement of applicable laws within the maritime jurisdiction of the Philippines, shall assist DOLE in the enforcement of Department Orders and other issuances implementing the Work in Fishing Convention, 2007
- f. POEA – The Philippine Overseas Employment Administration shall look into and improve on the working conditions and terms of employment of the fishers. It shall regulate private recruitment agencies on the recruitment and placement of Filipino fishers for foreign employment.

- g. TESDA – The Technical Education and Skills Development Authority shall develop vocational and skills training program for fishers.

CHAPTER X

ENFORCEMENT AND COMPLIANCE

Section 49. Compliance and Certification – All Philippine fishing vessels shall comply with the provisions of this Act. The fishing vessel owner or skipper shall ensure the compliance of the fishing vessel with this Act and its implementing rules and regulations.

The fishing vessel owner and skipper, acting as the fishing vessel owner's representative, shall be made principally liable for any violation of the provisions of this Act and its implementing rules and regulations.

Section 50. Competent documents for fishing vessels – Fishing vessels remaining at sea for more than three days which are 24 meters in length or over or normally navigating at a distance exceeding 200 nautical miles from the coastline of the Philippines or beyond the outer edge of its continental shelf, whichever distance from the coastline is greater, shall carry a valid document issued by the DOLE that the vessel has been inspected for compliance with the provisions of this Act concerning working and living conditions.

Section 51. Inspection and Enforcement – For purposes of this Act, the Secretary of Labor and Employment or his/her duly authorized representative, shall have the sole exclusive authority to inspect fishing vessels to ensure compliance with this Act.

The Secretary of Labor and Employment may authorize other government agencies to conduct inspections and issue certifications in accordance with the provisions of this Act and the implementing rules and regulations.

Unless directly exercised by the Secretary of Labor and Employment, the duly authorized representative shall have the power to board ships and carry out examination, test or

inquiry, which they may consider necessary in order to satisfy themselves that the standards are strictly observed.

The Secretary of Labor and Employment or his/her duly authorized representative shall have the power to order the immediate correction of, and impose fine for violations of the provisions of this Act.

In case a report of a violation of the provisions of this Act by a foreign fishing vessel, the Secretary of Labor and Employment or his/her authorized representative shall prepare a report to the Flag State of said fishing vessel, with a copy addressed to the Director General of the International Labour Office, and may take measures necessary to rectify any conditions on board which are clearly hazardous to safety or health. However, in no case shall such fishing vessel be unreasonably detained or delayed.

Section 52. Administrative Fines and Penalties. – Any fishing vessel owner or skipper or other person who violates this Act shall be subjected to administrative fines and penalties in accordance with the Implementing Rules and Regulations (IRR).

CHAPTER XI

TRANSITORY PROVISIONS

Section 53. Implementing Rules and Regulations. - The DOLE, in coordination with DOH, DFA, PCG, POEA, TESDA and other agencies, shall formulate the rules and regulations of this Act concerned and within ninety (90) days after its effectivity.

Section 54. Separability Clause. If any provision of this Act is declared unconstitutional, the remaining provisions shall continue in force.

Section 55. Repealing Clause. All laws, presidential decrees, issuances, executive orders, letters of instruction, rules or regulations inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

Section 56. Effectivity Clause. This Act shall take effect fifteen (15) days after its publication in two newspapers of national circulation.

Speaker of the House of the Representatives

President of the Senate

This Act which is a consolidation of Senate Bill No. ____ and House Bill No. ____ was passed by the Senate and the House of Representatives on _____ and _____, respectively.

Secretary General
House of Representatives

Secretary of the Senate

Approved on: _____

President of the Philippines