



Republic of the Philippines
DEPARTMENT OF LABOR AND EMPLOYMENT
Intramuros, Manila



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LABOR ADVISORY NO. 12
Series of 2024

ON THE APPLICATION OF REPUBLIC ACT NO. 12021, OTHERWISE KNOWN AS MAGNA CARTA OF FILIPINO SEAFARERS, ON CASES FILED WITH THE NATIONAL LABOR RELATIONS COMMISSION (NLRC) AND WITH VOLUNTARY ARBITRATORS UNDER THE ADMINISTRATION OF THE NATIONAL CONCILIATION AND MEDIATION BOARD (NCMB)

This Advisory is being issued to clarify the application of existing rules, regulations and procedures in the conduct of proceedings, resolution of cases and execution of decisions of the NLRC and of Voluntary Arbitrators under the voluntary arbitration program being administered by the NCMB relative to the enactment of Republic Act No. 12021, otherwise known as the *Magna Carta* of Seafarers.

1. Sections 54 to 60, Chapter XI of the *Magna Carta* provides for the resolution of labor disputes involving overseas seafarers, particularly on the use of onboard and onshore grievance machinery; mandatory conciliation-mediation; setting up of a pool of maritime industry labor conciliator-mediators and arbitrators; determination of disability grading or fitness to work including for the DMW and the Department of Health (DOH) to set up a pool of accredited third doctors; period to settle claims; execution of judgements and monetary awards; and prohibition on appearances and fees.
2. Section 86, Chapter XX of the *Magna Carta* further provides for the role of government agencies, among others:

"Section 86. *Role of Government Agencies.* x x x.

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

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

"x x x."

3. Under Section 97, Chapter XXI of the *Magna Carta*, "[t]he DMW and MARINA, as Chair and Vice-Chair respectively, in coordination with the DOLE, DOTr,

CHED, DFA, DOH, Department of Finance (DOF), OWWA, PCG, BI, TESDA, PAO, Bureau of Internal Revenue (BIR), and other concerned agencies, and upon consultation with representatives from maritime industry stakeholders, recognized organizations, academe and training institutions, nongovernmental organizations (NGOs), civil society groups, and all relevant sectors, shall promulgate the necessary rules and regulations to implement the provisions of this Act within ninety (90) days after its effectivity." Following its publication in the Official Gazette on 24 September 2024, the *Magna Carta* took effect on 11 October 2024.

4. In the meantime that the Implementing Rules and Regulations of the *Magna Carta* is being formulated, issues have been raised by concerned parties on the effect of the law, particularly Chapter XI thereof, on the disposition of cases involving overseas Filipino seafarers filed with both the NLRC and the Voluntary Arbitrators under the administration of the NCMB.
5. To respond to these issues, the NLRC passed *En Banc* Resolution No. 07-24, dated 13 November 2024, requesting "the Secretary of the Department of Labor and Employment for the issuance of a Labor Advisory directing the *status quo ante* treatment of all cases until such time that the Implementing Rules and Regulations of R. A. No. 12021 shall have taken effect."
6. Under Executive Order No. 126, series of 1987, as amended by Executive Order No. 251, series of 1987, and the Labor Code, as amended, the NCMB and the NLRC are attached agencies of the Department of Labor and Employment (DOLE) for purposes of policy and program coordination. Further, the *Magna Carta* provides that "the mandate, power, and function of all existing departments, agencies, or instrumentalities of the government, including government-owned and -controlled corporations, shall remain and continue to be recognized in accordance with the law or order creating them" (Section 86, last paragraph), and that "all rights, privileges, and benefits previously enjoyed by Filipino seafarers before the effectivity of this Act, including those set forth in Presidential Decree No. 442, as amended, and Republic Act No. 8042, as amended, shall continue to be recognized and shall not be diminished after the effectivity of this Act" (Section 94).

In furtherance of the foregoing, and to ensure the uninterrupted management and disposition of cases, concerned parties are hereby advised that all pertinent existing rules, regulations and procedures in the conduct of proceedings, resolution of cases and execution of decisions within the jurisdiction of the NLRC and of the Voluntary Arbitrators under the voluntary arbitration program being administered by the NCMB shall continue to be applied to all cases involving overseas seafarers, until otherwise modified or superseded by the Implementing Rules and Regulations of the *Magna Carta* of Seafarers to be issued by the DMW and MARINA or by other relevant issuances from competent authorities.

This Advisory has immediate effect.

Be guided accordingly.


BIENVENIDO E. LAGUESMA
Secretary

15 November 2024.

