

## Philippine Shipping Update

In this Issue: Compliance on Reportorial Requirements under MCoFS

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### **Reportorial Requirements on the Company Under the Magna Carta of Seafarers In Critical/Medical Incidents**

The **Magna Carta of Filipino Seafarers** (Republic Act No. 12021) imposes obligations on shipowners and manning agencies to ensure transparency and protect seafarers' rights. One key obligation is the **reportorial requirement**, which mandates timely reporting of incidents affecting seafarers.

#### **Legal Basis**

Under **Section 11 of the Magna Carta**, companies must promptly inform the seafarer's family or next of kin in cases of **critical incidents** such as accidents, death, piracy, abandonment, or other emergencies. Reports must include investigation findings, actions taken, and plans for remedies or repatriation. It should be noted that as long as the incident is deemed to be on the scope of "emergency", the reporting requirement must be followed.

The Implementing Rules and Regulations (IRR) of the law (Rule III, Section 1.12) further requires reporting of **all medical incidents onboard**, even those not resulting in disembarkation or repatriation. Compliance timelines are:

- **Critical incidents:** Report to the Department of Migrant Workers (DMW) **within five (5) days from knowledge of the incident.**
- **Other medical incidents:** Report **within five (5) days from the date of occurrence.**

#### **Reporting Mechanism**

All reports **must be submitted through the manning agency using the OFW Monitoring Welfare System (OWMS)**, the official platform designated by the DMW. This ensures proper documentation, monitoring, and compliance with the requirement of the law.

## Scope and Coverage

The requirement applies to:

- **Shipowners and manning agencies** employing overseas Filipino seafarers on ships.
- **Incidents involving health, safety, and welfare**, including injuries, illnesses, and such other emergencies.

## Penalties for Non-Compliance

Failure to comply may result in **administrative sanctions such as suspension of license and payment of a fine**, as provided under regulations and the IRR. On a related note, and in accordance with its regulations, the DMW has been strict on failure or delay in reporting and imposed sanctions on concerned manning agents / principals for failure to report passage into the Red Sea and other warlike zones or incidents happening during the ship's passage in said areas.

## Purpose and Impact

This measure strengthens accountability and ensures that seafarers and their families receive timely information and assistance. It also aligns Philippine maritime practices with international standards, and it is highly recommended that steps be taken to ensure compliance to avoid issues with the DMW.

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This publication aims to provide commentary on issues affecting the manning industry, analysis of recent cases and updates on legislation. It is meant to be brief and is not intended to be legal advice. To subscribe or for further information, please email [ruben.delrosario@delrosario-pandiphil.com](mailto:ruben.delrosario@delrosario-pandiphil.com).

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