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JAPAN P&I NEWS

To the Members

[Philippines Legal Update] Philippine Supreme Court Declares Key Provisions of the Magna Carta of Filipino Seafarers Unconstitutional

We have obtained a circular from Del Rosario & Del Rosario, our correspondents in Manila, regarding a Supreme Court decision promulgated on 11 November 2026 declaring key provisions of the Magna Carta of Filipino Seafarers (Republic Act No. 12021) unconstitutional.

For further details, please refer to the attached "Del Rosario & Del Rosario Circular 16 November 2026 (Issue 2026.08)". Our correspondent will continue to monitor future developments closely, and updates will be provided once further details become available. Please also refer to our previous Japan P&I News No.1298 dated 27 February 2025 with respect to the Magna Carta of Filipino Seafarers.

Yours faithfully,

The Japan Ship Owners' Mutual Protection & Indemnity Association

Attachment: Del Rosario & Del Rosario Circular 16 November 2026 (Issue 2026.08)

DELROSARIO

PHILIPPINE SHIPPING UPDATE

MANNING INDUSTRY

By: Ruben Del Rosario, President, Del Rosario Pandiphil Inc., 16 November 2026 (Issue 2026/08)

SUPREME COURT STRIKES DOWN KEY PROVISIONS OF THE MAGNA CARTA OF FILIPINO SEAFARERS

Bond requirement for execution of disputed monetary awards and statutory restrictions on legal fees and representation declared unconstitutional.

The Supreme Court En Banc has declared unconstitutional key provisions of Republic Act No. 12021, otherwise known as the Magna Carta of Filipino Seafarers, in a Decision promulgated on November 11, 2026.

Based on the press release issued by the Supreme Court, the Court struck down the requirement for seafarers to post a bond before executing disputed monetary awards pending appeal or judicial review. It also invalidated provisions imposing restrictions on legal representation, including the 10% ceiling on legal fees, and other requirements regulating the practice of law.

The Court held that these provisions violated constitutional guarantees and encroached upon the Supreme Court's exclusive authority to regulate the practice of law.

The ruling also invalidated the use of the Department of Migrant Workers' AKSYON Fund to pay bond premiums and certain implementing provisions under DOLE Department Order No. 247, Series of 2025.

While key provisions were struck down, the Court sustained the constitutionality of the law's provisions on maritime education and training and rejected challenges to the legislative process through which the Magna Carta was enacted.

We are still awaiting the full text of the Decision to be released by the Court and will report in detail once received.

Areas of Specialization: *Labour & personal injury, litigation and dispute resolution, corporate and commercial, shipping and admiralty, intellectual property, cargo claims and charter party, transport, insurance and reinsurance, arbitration and ADR, immigration.*

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*** .

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