



LEGISLATIVE RESEARCH SERVICE
KEY POINTS OF PLENARY PROCEEDINGS
Second Regular Session, 19th Congress

Session No. 17
Monday, 4 September 2023

1. Senate Bill No. 2221 under Committee Report No. 69

An Act Providing for the Magna Carta of Filipino Seafarers

Sponsor : **Sen. Raffy T. Tulfo**
Interpellator : **Sen. Risa Hontiveros**

Interpellation of Senator Hontiveros

Asked about the exclusion of the escrow account provision, Senator Tulfo stated that it was excluded because the Magna Carta of Filipino Seafarers is pro-seafarers and pro-labor. Further, he said the exclusion was agreed upon by the stakeholders, which include the National Labor Relations Commissions (NLRC), unions, Associated Marine Officers and Seafarers Unions of the Philippines (AMOSUP), and the Department of Migrant Workers (DMW), among others. Senator Tulfo added that they would still go after the ambulance chasers as they are the reasons the seafarers encounter problems regarding claims related to disability or sickness.

Senator Hontiveros concurred that the Magna Carta of Seafarers should exclude the escrow account as the seafarers do not benefit from it. She enumerated the stakeholders that are against the inclusion of the escrow account: Commission on Human Rights (CHR), NLRC, Center for Migrant Advocacy Philippines, Seafarers Empowerment Advocates Network (SEANetwork), National Seafarers' Day Committee, Lawyers Beyond Borders, Alliance of Seafarers in Need, Migrante International and Philippines, Concerned Seafarers of the Philippines, International Pro Bono Alliance, Association of Marine Officers and Ratings (AMOR), National Union of Peoples' Lawyers, Seafarer's Wives Association of Visayas (SWAV), and the Federation of Free Workers, among others.

As regards ambulance chasing, Senator Tulfo stated that while it is already part of RA 10706, or the Seafarers Protection Act, a provision on ambulance chasing is still included in the proposed measure as the provision in the current law has no teeth. Senator Tulfo further said that during the period of amendments, he would introduce provisions containing severe punishments to deter ambulance chasing that scams the seafarers as well as the manning agencies.

Senator Hontiveros sought clarification on the seafarer's cases being dominated by frivolous cases involving ambulance chasers. Senator Tulfo stated that ambulance chasers come into the picture once the seafarer returns to the

Philippines, declares himself injured, and reports it to the manning agency. The latter offers “help” to seafarers by advancing money while the case is ongoing.

Thereafter, the injured seafarer would be evaluated by the manning agency’s accredited doctor based on a grading system. Senator Tulfo cited that after the seafarer is evaluated, for example, as Grade 5, the seafarer would go to the ambulance chaser, who would then raise the grade from Grade 5 to Grade 1. Given the prospect of claiming more money, the seafarer would accept the ambulance chaser’s offer, not knowing that money to be paid for claims would end up in the pockets of lawyers.

Senator Hontiveros refuted the need to include escrow accounts by showing the affirmation rate of voluntary arbitration decisions favorable to seafarers in the Court of Appeals and the Supreme Court. Data from the DMW showed that from 2002 to 2022, around 5,985 maritime cases availed the voluntary arbitration process before the National Conciliation and Mediation Board. The NLRC even reported that the affirmation rate of decisions appealed at the CA was 92%.

Asked whether the escrow account is fair and equitable, Senator Tulfo stated that it is not fair and not equitable, thus, the exclusion from the proposed measure.

Senator Hontiveros also brought up the unconstitutional nature of the escrow account, stating that it violates the constitutional guarantee of equal protection. It undermines the constitutional mandate to protect the rights of overseas Filipino workers.

2. Motion of Senator Villanueva to transfer the privilege speech of Sen. Risa Hontiveros on the West Philippine Sea, delivered on August 23, 2023, from the Special Committee on Philippine Maritime and Admiralty Zones to the Committee on National Defense and Security, Peace, Unification and Reconciliation

3. Composition of the Select Oversight Committee on Intelligence and Confidential Funds, Programs and Activities

(To review the intelligence and confidential funds of the different agencies)

- a. Sen. Juan Miguel “Migz” Zubiri
- b. Sen. Joel Villanueva
- c. Sen. Aquilino “Koko” Pimentel
- d. Sen. Ronald “Bato” Dela Rosa
- e. Sen. Sonny Angara

The session was adjourned at 6:47 p.m.