

WHEREAS, the Philippine Constitution mandates the State to afford full protection to labor whether local or overseas;

WHEREAS, it is an internationally accepted principle that seafarers shall have the right to social security protection.

WHEREAS, in response to the needs for social security protection, it was the consensus of the seafaring unions and manning agencies to extend social security coverage to seafarers under the employ of vessel flying foreign flags;

WHEREAS, to ensure the attainment of this objective and after a series of consultations with seafaring unions and manning agencies, a Memorandum of Agreement was forged between the Department of Labor and Employment (DOLE) and the Social Security System (SSS) on March 24, 1988 requiring the DOLE to impose in the contract for overseas employment the registration for coverage of seafarers with the Social Security System;


WHEREAS, the validity of the Memorandum of Agreement has been upheld by the Supreme Court on August 21, 1995 in the case of Sta. Rita vs. Court of Appeals (G.R. No. 1198891) where it declared that the MOA recorded understanding between the SSS on the one hand and the DOLE on the other hand for the latter to include in the Standard Contract of Employment a provision requiring the SSS coverage of all overseas Filipino seafarers;

WHEREAS, the Supreme Court further stated that "the Standard Contract of Employment to be entered into between the foreign shipowners and Filipino seafarers is the instrument by which the former express their assent to the inclusion of the latter in the coverage of the Social Security Act".

WHEREFORE, the POEA Governing Board, in a meeting duly convened, resolves to direct the POEA to incorporate in the Standard Employment Contract for seafarers a provision for their coverage under the Social Security System.

Done in the City of Manila, this 6<sup>th</sup> day of September 2004.




  
PATRICIA A. STO. TOMAS  
Secretary of Labor and Employment  
And Chairperson of the Governing Board

  
GREGORIO S. OCA  
Member

  
ALEXIS P. CRUEL  
Member

ISIDRO Q. ALIGADA  
Member

  
GUILLERMINA T. GABOR  
Member

  
ROSALINDA DIMAPILIS-BALDOZ  
Administrator