



DEL ROSARIO PANDIPHIL Inc.

Philippine Shipping Updates – Manning Industry

By: Ruben Del Rosario, President, Del Rosario Pandiphil Inc., February 12, 2010

This issue contains the following:

Supreme Court reiterates 120 day rule in a third decision

Update on Proposed Migrant Workers Act

Update on Required Piracy Training

Update on Pag-ibig Fund

Del Rosario personnel updates

Supreme Court reiterates 120 day rule in a third decision

Supreme Court Associate Justice Conchita Carpio Morales has again ruled against vessel interests using the 120 day rule. In December 2009, Justice Morales issued two decisions using the 120 day rule and this time, in *Quitoriano vs. Jebsens Maritime, G.R. No. 179868; First Division; January 21, 2010* she again ruled that a seafarer who is unable to work for 169 days, although eventually declared fit to work, is entitled to permanent disability benefits. The Labor Arbiter, the NLRC and the Court of Appeals had all dismissed seafarer's complaint.

This particular decision again made no reference to the Justice Brion's Vergara decision which clearly discussed and modified the 120 day rule and ruled that it should be a 240 day rule that should apply. It is the author's opinion that the decision of Justice Morales does not overturn the 240 day Vergara decision as said new 120 day rule decisions never discussed the 240 day Vergara decision.

Rizaldy Quitoriano vs. Jebsens Maritime, Inc./ Ma. Theresa Gutay and/or Atle Jebsens Management A/S; G.R. No. 179868; First Division; January 21, 2010 ; Supreme Court Associate Justice Conchita Carpio Morales, Ponente.

Update on Proposed Migrant Workers Act

The proposed bill has been transmitted to the Office of the President on 5 February 2010. The President can sign it into law or let it lapse for 30 days, after which, it automatically becomes law.

(Author's Note: A more detailed report will be made in a subsequent edition of this update when the proposed bill becomes law.)

Update on required Piracy training

On 29 January 2010, the POEA issued Memorandum Circular No. 02, series of 2010 providing amendatory guidelines as follows:

1. All manning agents shall require their seafarers to undergo training on practical measures to avoid, deter, or delay piracy attacks prior to deployment. Said training is separate and in addition to the regular Pre-Departure Orientation Seminar (PDOS). The training module and names of the authorized trainers' shall be submitted to POEA for approval. Likewise, a copy of the certificate of attendance or list of all trainees is required by the POEA each month.
2. All departing seafarers shall be required to attend said training regardless of the vessel's trade routes. Also, training shall be provided free to seafarers.
3. The training shall be conducted in-house by manning agents. If unable to do so, they may avail of training provided by other manning agents with duly approved modules.

Update on Republic Act No 9679 (Pag-ibig Fund)

Effective January 1, 2010, all seafarers and their employers are required to be registered with the Home Development Mutual Fund (Pag-ibig, REPUBLIC ACT 9679). Maximum contributions to the fund are P100 (\$2.22) for employers and P100 (\$2.22) for employees.

Del Rosario Personnel Updates

Medical Consultant

Del Rosario has hired Dr. Vedasto Lim as medical consultant. Dr. Lim is a general practitioner and specializes in Orthopedic Surgery. He graduated from UST Medicine, Class 1971. Prior to joining Del Rosario, Dr. Vedasto Lim has held several positions such as Medical Director of the Dr. Fe del Mundo Medical Center (2005-2007), Chapter President of Philippine College of Surgeons (2003), Chairman of Philippine Board of Orthopedics (1996) and President of Philippine Orthopedic Association (1990).

Promotions

Florencio Aquino and Denise Cabanos have been promoted from Senior Associates to Managing Associates.

New Associates

Ma. Karla Denise M. Frias, a 2003 Bachelor of Arts, major in Political Science graduate of De La Salle University – Manila and a 2009 Bachelor of Laws graduate of San Beda College of Law, Alabang.

Gail Stephanie C. Maderazo, a 2004 Bachelor of Arts in Interdisciplinary Studies, with Tracks in Communication Arts and Theatre Arts graduate of Ateneo de Manila University and a 2008 Juris Doctor of Law graduate of Ateneo de Manila School of Law.

Thea Gicela C. Nueve, a 2005 Bachelor of Arts and Communication Arts graduate of University of the Philippines, Tacloban and a 2009 Bachelor of Laws graduate of San Beda College of Law, Alabang.

Anthony J. Purganan, a 2000 Bachelor of Arts in Communication graduate of University of the East Manila and a 2009 Bachelor of Laws graduate of San Beda College Manila.

Richard P. Sanchez, a 2002 AB Philosophy and HR Development graduate of San Beda College Manila and a 2009 Bachelor of Laws graduate of San Beda College Manila.

*“The Philippines’ top shipping firm, **Del Rosario & Del Rosario** has a wealth of talent at its disposal.”*

from Asia-Pacific, The Legal 500, 2009-2010, p. 341

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. For further information, please email ruben.delrosario@delrosario-pandiphil.com.

This publication is sent from time to time to clients and friends. To unsubscribe, reply to this email and put “[unsubscribe](#)” in the subject.

Del Rosario Pandiphil Inc. / Del Rosario & Del Rosario

Office Address: 15th Floor, Pacific Star Building, Makati Avenue, 1200 Makati City, Philippines

Telephone: 63 2 810 1791 * **Fax:** 63 2 817 1740/ 63 2 810 3632

24/7 Emergency Mobile: (63) (917) 830-8384; mail@delrosario-pandiphil.com; www.delrosario-pandiphil.com

