

DOLE Chief Approves Rules Protecting Seamen from Ambulance Chasing

Labor and Employment Secretary Rosalinda Dimapilis-Baldoz issued on 19 April 2016 the Department Order No. 153, Series of 2016, otherwise known as “Implementing Rules and Regulations (IRR) of Republic Act No. 10706, entitled “An Act Protecting Seafarers against Ambulance Chasing and Imposition of Excessive Fees, and Providing Penalties Therefor”.

The IRR specifically enumerates the elements of the offense of ambulance chasing, collusion in the commission of ambulance chasing and imposition of excessive fees.

It also mandates the NLRC or any labor arbiter, NCMB, POEA, DOLE or its Regional Offices or other quasi-judicial bodies handling labor disputes to clearly indicate in their decisions, orders, judgments or awards that the total compensation for the person who appears for or represents seafarer or his/her heirs shall not exceed 10% of the compensation or benefit awarded to the seafarers or his/her heirs.

Other key features of the IRR include provisions on criminal, civil and administrative actions that may be filed arising out of ambulance chasing and imposition of excessive fees, as well as criminal, civil and administrative liabilities.

The IRR also stipulates the establishment of an oversight committee to monitor, verify and review the implementation and industry compliance as well as the establishment of action desks at the NLRC, NCMB, POEA, DOLE or its Regional Offices or other quasi-judicial bodies handling labor disputes to receive report of incidence of ambulance chasing and imposition of excessive fees.

Series of tripartite consultations were conducted for the drafting of the IRR through a Technical Working Group (TWG) comprised of representatives from labor, employer and government sectors in the maritime industry. The draft IRR was presented to the Maritime Industry Tripartite Council (MITC), a tripartite advisory and consultative body on labor and employment policy-making in the maritime industry, and was adopted in

principle by the MITC members on 08 March 2016. The Department of Justice (DOJ) also contributed inputs in the finalization of the IRR.

DOLE D.O. 153 takes effect fifteen (15) days after completion of its publication in at least two (2) newspapers of general circulation.

The promulgation of D.O. 153 is a significant milestone for the maritime industry towards protecting the seafarers from unscrupulous individuals who charge exorbitant fees and push seafarer/s to file labor cases against their employers for the purpose of claiming monetary benefits arising from accident, illness or death.

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