

MARINO WORLD

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- QUO VADIS, MARINA?
- COORDINATE THE PANIC
- AMOSUP UPFRONT
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DAY OF THE
SEAFARER
— 25 JUNE —

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Photo: courtesy of PTC



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ABOUT THE COVER

The importance of merchant mariners in the global logistic chain is beyond question. But unanswered is the plea to protect seafarers from the pandemic and other problems collateral therefrom.

Photo: courtesy of PTC



PUBLISHER NOTE

ON EQUAL FOOTING

It is a truism might is right; often criticized but largely practiced. Slot in the pecking order is determined by clout, not by need. Just as in life, just as in our work as journalists.

Case in point: government agencies habitually prioritize scoops and advisories to the major networks. Minor publications must elbow their way inside “exclusive media briefings.”

An example is DOLE’s Information and Publication Service’s habit of handpicking preferences for slots in the V-Cafe @DOLE virtual zoom. *Marino World* has to bang doors, again and again, to finally be allowed to join the chosen few.

MARINA OIC Management Information Systems Service seems infected, too, with this “matapobre” virus. Puny publications are basically ignored

and must fend with their own resources to mine news from the MARINA. The last laugh is on us for the MARINA Info System had to post our interviews of Administrator Empedrad and MARINA-STCW Deputy Director Solon.

Much is to be desired on the professionalism of regulators. MARINA promo guys are ecstatic its “Tiktok Dance Challenge for Seafarers On-Board” breached the million mark, competitions part of nationwide celebrations of the Day of the Filipino Seafarers, 25 June 2021.

The project is **totally** against safety protocols. It is mandated by laws and trainings that no part of any vessel should be photographed; seafarers must not do anything other than their tasks when on duty. Of course, of course, *katuwaan lang* (just merriment).

However, we truly understand the bias on small outfits against privileges of the major ones. Fact is, the barriers sharpen our instinct for the newsworthy. With grit and risk-taking, we are able to bring out the news to the public --- out of the box and of fresher perspective.

But it is hard to sustain our advocacy to make the public aware and updated on what are genuine concerns, unmasking the blahs and the blubbers, against phalanx of paid trolls and vested interest.

In moments of our insecurities, we are reenergized by the words of those who believe in us, like OSM Borillio: “Pls continue to do what you’re doing ...”

And many more, in both major domestic and international sectors.



Plea For Government Action **FAIR FUTURE FOR SEAFARERS**

by Coca H. Strobar

Seafarers in the front line of the logistics chain continue to hack out over wind and waters, over difficult working conditions, with uncertainties on port access, re-supply, crew changeovers, repatriation, to name the major ones.

The 2021 Day of the Seafarer campaign will continue to encourage governments to support seafarers amid the pandemic but will expand its message, calling for a fair future for seafarers.

After the COVID -19 pandemic, concerns will be pushed like fair treatment of seafarers, fair working conditions in line with ILO's Maritime Labour Convention.

Intervention.

Intl Maritime Organization (IMO) Sec-General Kitack Lim has called

on IMO Member States to work together towards a fair global distribution, beyond fulfilling their national needs.

Lim underscores "No seafarers should be left behind or forced to forgo their careers because of limited resources in their home country."

He insists, the health of the world's seafarers and the safety of their workplaces has to remain one of the main priorities and can only be guaranteed if industry and Member

States continue to provide all necessary measures such as testing, appropriate PPE, access to medical care and sanitation facilities.

Most States are prioritizing essential workers in their national COVID-19 vaccination programs, with the World Health Organization Strategic Advisory Group of Experts or SAGE Roadmap.

To date only 58 of IMO 174 Members have notified they have done so.



Photos: courtesy: PTC

#ShoutOutForSeafarers

The Intl Chamber of Shipping (ICS), along with industry and social partners, are encouraging ships in ports to sound their horns at 12 noon local time on 25th June, in honour of the IMO ‘Day of the Seafarer’ to remind on the urgent need to vaccinate all seafarers.

ICS Sec-Gen Guy Platten said, “We know just how important last year’s Heroes at Sea Shoutout was in raising the attention about the crew change crisis. Unfortunately, with the new variants and the dreadful outbreaks in India, seafarers are once again being forgotten.”

Some countries, like the United States and the Netherlands, have begun seafarer inoculation

programmes utilising their ports as vaccine hubs. Vitally they are vaccinating both native and non-native seafarers that enter their ports.

But many countries are shutting off their borders to travellers due to fears of emerging variants and the threat they will pose to domestic vaccination efforts.

Joint lobby.

Without shipping, life would be different as around 90% of world trade is transported by ship. Around 1.7 million seafarers make it possible every day, using over 61,000 ships.

In the Philippines, MARINA Administrator Robert Empedrad,

IATF Carlito Galvez Jr and Sen. Christopher Go push that seafarers be on A4 category of the government vaccination program.

The move was complemented by Chairperson Raymond Democrito C. Mendoza, of the TUCP Partylist.

JMG Director Jose Albar Kato called the concern, “an emergency situation” debilitating a sector that remits some \$6.5billions to the local economy.

ALMA spokesman Julius Yano thinks, “there will be less preference for Filipino seafarers if compared with other nationals that have already received vaccinations such as the Russians, Singaporeans, Chinese or Indians.”

with

Secretary Arthur P. Tugade

Department of Transportation
Honor

CONDOTEL FOR SEAFARERS

by Coca H. Strobar

Filipino seafarers will enjoy the luxury of a condominium-hotel (condotel) once they are offshore or waiting for deployment in Manila.

The condotel will soon be constructed based on a Memorandum of Understanding (MOU) signed between Secretary Arthur Tugade, for the Dept. of Transportation; Congressman Sandro Gonzales, for the MARINO Partylist; and Pres. Conrado Oca, for the Associated Marine Officers' and Seamen's Union of the Phil (AMOSUP).

The event highlights the 47th Anniversary of the Maritime Industry Authority (MARINA) last Thursday, June 14.

MARINA Administrator Robert Empedrad and GM Jay Daniel Santiago of the Phil Ports Authority (PPA) witnessed the MOU signing.

Under the agreement, PPA donates

the 1,100-sqm site for the condotel. MARINO and AMOSUP shall jointly underwrite costs of the project.

Significance.

The project is a signal recognition Filipino seafarers play in the growth of the Philippine economy with their local employment taxes, foreign remittances and other economic activities.

The site is well-considered since Filipino seafarers come from the different islands in the country. Also, most shipping and manning employers are based in the National Capital Region (NCR) and seafarers need decent temporary living quarters while waiting to be deployed, returning from deployment, and those

employed in inter-island shipping.

All hyped.

Sec. Tugade sees the project as a milestone in the partnership of allied sectors, and presents a very bright future for the maritime industry.

Dr. Oca continues the leadership of AMOSUP in granting seafarers family perks (like houses) and health services (like hospitals and test laboratories).

Cong. Gonzalez was more detailed: "...seafarers staying in Metro Manila were evicted from their dorms and hostels for failure to pay for their lodging. Because of misconception that they came from abroad, they were carriers of COVID-19. That is our motivation for this project - the Seafarer's CONDOTEL. With this MOU, it gives me comfort that this will never happen again."



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AMOSUP UPFRONT. VACCINATING SEAFARERS RUSHED

by Ligaya Caban

In a move signifying the importance of seafarers in the global trade, a Technical Working Group (TWG) was formed for the immediate anti-COVID 19 vaccination of this sector.

The TWG is composed of the Maritime Industry Authority (MARINA), Phil Overseas Employment Administration (POEA), Overseas Workers Welfare Administration (OWWA), Dept of Labor and Employment (DoLE), Dept of Health-Bureau of Quarantine (DoH-BoQ), Association of Licensed Manning Agencies (ALMA), and the Joint Manning Group (JMG).

Heading the group is Capt. Jeffrey Solon, MARINA STCW Deputy Executive Director III. He stressed in a May 22 interview with the *Marino World* YouTube channel:

- All Filipino seafarers, local and intl, may avail of the injection without having to wait for their turns in the local government (LGU) program.

Some 50,000 domestic seafarers

are expected over 400,000 in intl service (from 800,000 registered with varying work status).

- Those in active service are prioritized; domestic seafarers available for inoculation may do so and who need not be limited by the 30-60-90 days bunching industry practice in intl programs.

(Related to this, MARINA had released last May 25th Advisory No.2021-28 requiring maritime operations to submit deployment plans from July to September, 2021.)

- Apply for prior registration with the LGUs so avoid unruly crowds violating social distancing as a major health protocol.

Free and reliable.

The Associated Marine Officers and Seamen's Union of the Phil (AMOSUP) offered services and facilities for free, alongside operations of LGUs'.

AMOSUP is accredited by the DOH after passing inspection of its storage facilities for temperature-sensitive vaccines, auxiliary equipment in its hospital and trained manpower to

administer the program.

Quicker response.

AMOSUP has already paid for its share of private sector donation of the vaccine to the government, ensuring benefits for its over 100,000 membership. Now, it is poised to import its own vaccine requirement.

Sec. Harry Roque has confirmed amendment to the Implementing Rules and Regulations (IRR) of Republic Act 11525 (The Vaccine Law) allowing private parties to import vaccine directly.

The Emergency Use Authorization (EUA) of these imports must still applied for at the Food and Drug Administration under the DOH.

More to give.

AMOSUP is very capable to replicate USA practice of offering vaccination onboard plying ships but for the unavailability of the doses.

On top, AMOSUP has better-equipped seamen's hospitals strategically located in the populous cities of Manila, Iloilo, Cebu and Davao.



MARINA Solon



AMOSUP Oca



MAAP Santos

AMOSUP President Conrado Oca, a medical doctor, is exceptionally proud of its reverse polymerase chain reaction (RT-PCR) Molecular Laboratory located in Intramuros, Manila. It can detect virus even from those asymptomatic; perform 300 tests a day, with results available the following day.

Varied utilization.

The laboratory may also be engaged in the battles against flu, RSV, tuberculosis and HIV, a multi-tasking capability that guarantees sustainability through the years.

The cartridge-based laboratory is funded by the Seafarers Trust of the Intl Transport Workers' Federation (ITF), a major partner of AMOSUP.

Early as cadets.

Retired Vice Admiral Eduardo Santos, AMOSUP EVP and president of the Maritime Academy of Asia and the Pacific (MAAP) expect 20,000 doses of vaccines they have ordered by July. A good portion is obligated to MAAP cadets and those on shipboard training.

Santos believes this will create a positive image that may increase deployment in these challenging times.

It will also aid the country's response strategy in managing the COVID-19 situation that the Department of Health (DOH) promotes – prevention, isolation, contact tracing, and treatment.



HAPPY CELEBRATION OF THE DAY OF THE SEAFARERS

JUNE 25, 2021

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WHAT'S UP ON THE MARINA-STCW?

Administrator ROBERT A. EMPEDRAD of the Maritime Industry Authority (MARINA) has accepted to be the Primary Guest on a webinar digging deep into the affairs of the MARINA-STCW Office.

The retired Vice Admiral is the focal point, joined in by reactors of international expertise and domestic interests:

- **MR. GUY PLATTEN**, Secretary General, Intl Chamber of Shipping
- **MR. ADAM LEWIS**, Head of Training and Operations, Intl Maritime Employers'

Council (IMEC)

- **CAPT. EDGARDO FLORES**, Member, Technical Panel for Maritime Education
- **CAPT. JAIME QUINONES**, President, Masters and Mates Association of the Phil (MMAP)
- **C/E GILBERT MILANA**, President, Organization of Chief Marine Engineer Officers of the Phils (OCMEOP)
- **MS. KAREN AVELINO**, President, Phil Association of Maritime Training Institutions (PAMTICI)
- **MR. SABINO CZAR**

MANGLICMOT II, President, Phil Association of Maritime Institutions (PAMI)

A chat room is open for those wishing to interact. While pre-registration is required, there is no limitation on topics, just maximum use of time and peer respect.

The much-awaited webinar is on June 25th, Friday, 4pm-Manila time.

It premieres on *Marino World* OnLine YouTube Channel same day at 8pm-Manila time.

The project is part of the Marino World package on the Day of the Seafarers.

Come Join and Speak Up Let Regulators Hear Your Views

To critique. To criticize. To recognize
problems and consider solutions

QUO VADIS, MARINA STCW?

MR. GUY PLATTEN
Secretary General, International
Chamber of Shipping (ICS)



MR. ADAM LEWIS
Head of Training and Operations
International Maritime Employees'
Council (IMEC)

MS. KAREN AVELINO
President, Philippine Association
of Maritime Training Centers (PAMTC)



VADM. ROBERT EMPEDRAD
Administrator, Maritime Industry Authority (MARINA)
Primary Guest



CAPT. EDGARDO FLORES
Member, Technical Panel
for Maritime Education

MR. SABINO CZAR MANGUCMOT II
President, Philippine Association
of Maritime Institutions (PAMI)



CAPT. JAIME QUINONES
President, Masters and Mates
Association of the Philippines (MMAP)



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President, Organization of Chief Marine
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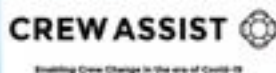
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A Double Treat

VIEWS THE FUTURE: PTC, TSM

As part of the Day of the Seafarer celebrations on June 25th, two major maritime manning operations may express views on various concerns at the *Marino World YouTube Channel* --- the PTC Group and the TSM Group.

The PTC virtual talk premieres **9AM**, led by Mr. Gerardo Borromeo, CEO, Phil Transmarine Carriers (PTC) joined by Capt. Rajesh Unni, Founder and CEO, Synergy Marine Group (SMG).

PTC and SMG have partnered to bring the seafarer community together under the WeTeam, a support helpline for emotional wellbeing.

WeTeam is a faith-neutral service that is absolutely confidential, free, 24/7, available in over 14 languages including Tagalog and open to every seafarer across the globe beyond the PTC and Synergy Group.

WeTeam is a progression from iCall, of SMG which started in India, almost three years back.

TSM as tandem.

The TSM Group premieres **12 noon with Engr. Artemio Serafico, Pres. and GM of TSM Maritime Services**, representing the TSM Group.

It may highlight the TSM Recruit, an online recruitment app designed for a more convenient job search launched almost a year ago earning a head-start in online competitions opened by the COVID 19 pandemic.

PTC roots.

In 1979, Ambassador Carlos Salinas founded PTC for Filipinos aspiring in the merchant maritime field. Today, PTC has emerged beyond crew management to an integrated value chain of services including Shipping, Real Estate, Energy, Hospitality & Leisure, Aviation and Intl Professional Placement.

TSM Roots.

TSM Group traces foundation to its partnership with Thome Ship Management of Singapore in 1988. TSM Group stands as a testament to the excellence they uphold through integrity, innovation, and productivity, positioning itself at the forefront of the industry with expertise on ship crewing and port agency services.

The TSM Recruit App offers a variety of positions, matching seafarer's skills and experience.

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On the Rush to Vaccinate

COORDINATE THE PANIC

by Coca H. Strobar



A major manning agency owner's representative expressed exasperation over the "COVID super spreader" at the uncontrolled crowd of seafarers at the vaccination site at Palacio de Maynila.

Capt. Edgardo Flores appreciates the priority given to seafarers but wary a disaster may soon explode if the situation is not corrected immediately.

Flores claims most mariners believe the Maritime Industry Authority (MARINA) will roll out the vaccination. They are confused why other entities are doing it and prioritize their members.

Manila roll out.

More than 1,000 Filipino seafarers were inoculated in the City of Manila, waiting long hours breaking health protocols at the ceremonial vaccination drive held at the Palacio de Maynila.

In Manila, one needs to register online to obtain a QR Code and a waiver form in order to be vaccinated. The individual will then wait for announcements on vaccine distribution to be posted by the Manila PIO, subject on a first-come, first-serve basis where there is no specific schedule assigned to individuals.

Trade and Industry Secretary Ramon Lopez, Labor Secretary Silvestre Bello III, Senator Joel Villanueva,

Presidential Spokesperson Harry Roque Jr., Overseas Workers Welfare Administration chief Hans Cacdac, National Task Force deputy chief implementer Vince Dizon and Manila Mayor Isko Moreno attended the event.

Most of the seafarers inoculated during the ceremonial vaccination drive were



Capt Flores

crew of the Magsaysay Maritime Corporation.

Another site.

The City of Taguig will vaccinate 1,000 seafarers against COVID 19 on June 24, announces Atty. Noli Partido, head of the legal department of AMOSUP.

Details will be announced by national and local officials.

AMOSUP, together with the Phil Seafarers Union (PSU), provided the list of seafarers who will receive the vaccines. Also asked to submit their lists are the Joint Manning Group (JMG) and the Association of Licensed

Manning Agencies (ALMA) of seafarers scheduled for deployment in 30 to 90 days.

MARINA, again.

Deputy Executive Director III Jeffrey Solon confirmed the MARINA-STCW Office the captain heads is also preparing for the inoculation of seafarers on June 25, Day of the Seafarer.

He said they are asking the Government 60,000 vaccines to start the COVID 19 vaccination roll out. As of June 15th, 24,000 seafarers are for deployment in July, 22,600 in August and 25,000 in September.

Fastract.

The Philippines will speed up private companies' vaccine orders after President Rodrigo Duterte agreed that they be allowed to import vaccines "at will" and where to source the vaccine.

Duterte said "business people can give these vaccines to their employees, so that the economy will be opened."

Spokesman Roque clarified at a separate briefing private companies are still required to enter into a deal with government and the vaccine manufacturer to secure supplies. However, businesses no longer have to pool orders.

Vaccines bought by businesses will be tax-free and cleared faster by the customs agency, says Carlito Galvez, head of the government's vaccine procurement efforts.

Slow performer.

The Philippines' vaccination campaign is lagging behind its Southeast Asian neighbors as it faces a new surge in infections and an economic recession.

Key economic areas plunged back into another lockdown for a week starting March 29 as coronavirus cases surge to a record. The government will give 1,000 pesos (\$21) each to 22.9 million individuals affected by the one-week enhanced community quarantine imposed on the capital and nearby areas, Budget Secretary Wendel Avisado said.

In tandem.

About 27 November 2020, the government and private sector inked a PhP700-m deal for AstraZeneca vaccine, and for more manufacturers

Mayor Moreno



to boost the domestic vaccine stockpile.

Over 30 business leaders partnered with government for 2.6 million doses of AstraZeneca.

Half of the vaccines, arriving about the 2nd quarter of 2021, will be donated to the government, while the

other half will be for employees in the private sector.

The vaccine is expected to cost around P500 or \$10 for two doses; developed with Oxford University in the UK and the most affordable at \$5 per dose.

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For the World**USA UPS TO 500-M VACCINE PLEDGE**

by Coca H. Strobar

US Pres. Joe Biden's administration will provide 500 million doses of the Pfizer Covid-19 vaccine to about 100 countries over the next two years; about 200 distributed this year, the remainder delivered in 2022.

The US has been under pressure to raise vaccination rates in poor countries. The statement was announced in the United Kingdom, his first foreign trip as US president.

But the White House is yet to officially comment on the plan.

When asked if the US government has a vaccination strategy for the world, Biden responded, "I have one, and I'll be announcing it."

Promises.

The US government will donate the vaccines to 92 lower-income countries and the African Union. Distribution will go through the Covax scheme set up last year to ensure fair access to vaccines among rich and poor nations.

The US had previously said it would donate 60m vaccine doses through Covax.

The New York Times reported the US would pay for the doses at a "not-for-profit" price.

Seafarers.

The US Dept of State Office of Intl Media Engagements has authorized The Brussels Hub, a 30-minute telephonic press briefing May 19th by Gayle E. Smith, State Department Coordinator for Global COVID Response and Health Security.

It underscored Pres. Biden placed 80 million additional AstraZeneca vaccines making US the largest sharer of vaccines, thus far.

Her Development Finance Corporation (DFC) is also investing in manufacturing around the world to increase supply over the short and medium term; also, the Secretary of the Treasury called for a new issuance of special drawing rights, a move supported by the international community.

With sub issues.

Sharing, allocation and time deliveries of the 80-million additional vaccines were asked by Jasper Ward with The Guardian in the Bahamas; Sofia Tomacruz with Rappler in the Philippines; Sriram Lakshman with The Hindu in India; Issam Ahmed with AFP in France; Michel handour with Alhurra TV; Raquel Krahenbuhl with Globo Global in Brazil; Simon Ateba with Today News Africa; Le Quang Tue in Vietnam.

Liu Tingting with TVBS in Taiwan has a curious twist: no diplomatic relations between the U.S. and Taiwan? Will the US allocate for Taiwan, and when?

Nayanima Basu with The Print in India wonders on what is the status of a conversation between President Biden and Prime Minister Modi that India will be getting 20-million doses of the vaccines.

And more.

Jillian Deutsch with POLITICO in Brussels wishes for update on talks with the European Union and the United Kingdom about having them donate doses; on talks between the U.S. and the EU to have any of these AstraZeneca doses or drug substance sent to the EU; and, agitations for other countries to step up their financing for COVAX, more so the EU and the UK.

Francesco Guarascio with Reuters in Belgium asked the final question.

Marino World would have asked:

- J&J/Janssen vaccines are being injected on foreign seafarers calling on US ports as "best" being one-shot only. Is this US Policy or just Emergency Usage Only (EUO) or undeclared clinical study with subjects uninformed?

- Of the 20-million doses of Pfizer and Moderna Pres. Biden announced, how many are for the Philippines; when delivered and ratio between donation and sale.

Predictable.

Ms. Smith answers were predictable, always with highlights of US global contributions. But when asked for hard facts on sharing, allocation, deliveries, Ms. Smith responds with categorical maybes.

The former journalist clarified "this is not a response that's fixed in time. We are working on this literally 24/7 across departments and agencies in the U.S. Government and with our partners. We look forward to the G7 Summit as an opportunity for countries to join together to show and to demonstrate our commitment to ending this pandemic."

Answers a need.

The White House laid out plans on sharing 25 million surplus COVID-19 vaccine doses to the world, with the first shots shipping as soon as Friday, June 4th.

Pres. Biden said the US would give the vaccines without expectation of political favors in return, an innuendo against the "Vaccine Diplomacy" of China. Whatever, the US move addresses the huge disparity in vaccination rates between advanced economies and developing countries.

The White House will base donation decisions on "factors included

achieving global coverage, responding to crises ... and helping as many countries as possible,” Sullivan said, adding the United States intends to prioritize its neighbors, including Canada, Mexico and countries in Central and South America.

For Southeast Asian countries, it is a “symbolically important” first step. But the dose shipments are a “drop in the bucket” compared to what

assigned inoculation sites for the seafarers.

Duterte sees nothing wrong in allowing seafarers to choose their preferred vaccine since under the 1987 Constitution, Section 1, Article III, “no person shall be deprived of life, liberty, or property without due process of law, nor shall any persons be denied the equal protection of the laws.”

In a joint manifesto presented to the House Committee on Overseas Workers Affairs, they outlined calls for Government to immediately:

1. Simplify requirements for the vaccination of seafarers. The seaman’s book should be considered sufficient for identification as long as it is active and current.
2. Allow active seafarers to be vaccinated in their respective LGUs before returning to Manila for their deployment.
3. Give seafarers a single dose type of vaccine because of the unpredictability of their next deployment.
4. Accredite medical facilities like hospital and clinics devoted to seafarers by their unions as alternative vaccination sites and that the supply of vaccines in these hospitals and clinics should be ensured by government.
5. The Government shoulders the cost for vaccination in the Phil in line with the A1 status.

Manpower stats.

There are 549,000 registered active seafarers, around 497,000 are deployed overseas and 51,000 serving locally.

181,000 are not updated on their sea service within the last three 3 years. In total, there are 730,651 Filipino seafarers.



President Duterte

is needed in the region, said Alex Feldman, head of the U.S.-ASEAN Business Council, a lobbying group. He adds Indonesia, the Philippines, Vietnam and Thailand are facing serious difficulties with COVID-19.

OK to go west.

President Rodrigo Duterte has approved the request of the industry to provide western-made Covid-19 vaccines to Filipino seafarers.

In his weekly *Talk to the People*, Duterte ordered vaccine czar Carlito Galvez Jr to facilitate the distribution of the Western-made vaccines to the

However, he also emphasized all Covid-19 vaccines are equally safe and effective regardless of where they were manufactured.

Joint call.

The Trade Union Congress of the Phil (TUCP), Associated Phil Seafarers Union (APSU), Associated Marine Officers’ and Seamen’s Union of the Phil (AMOSUP), Joint Manning Group (JMG) and the Filipino Association for Mariners’ Employment (FAME) reiterated the global supply chains continue to rely heavily on the 460,000 Filipino seafarers.

MARINA estimates a total of 644,839, distributed at Cebu, 52,499; Iloilo, 49,416; Cavite, 49,292;

MANILA First District, 16,662; Second District, 29,364; Third District, 22,097 and Fourth District, 31,073 which totals 99,196 for the National Capital Region (NCR).

MARINA states the number as NCR but these are only from four of the six Manila districts. Also, there are 13 more populous local governments that compose the NCR.

Ambulance Chasing

SLOW DEATH FOR AN INDUSTRY

by Ligaya Caban

Jessie Martin of Anglo-Eastern revives the battle against Ambulance Chasing (AC hereafter). Corrupt lawyers and arbitrators think money paid comes from insurance coverage of the vessels. Dead wrong: money paid are squeezed directly from shipowners and their P&I Clubs.

As principals have to pick the tab on ridiculous claims of AC, they transfer operations from the Philippines to other countries more reasonable or less corrupt.

Three antidotes.

There are three major approaches (or developments) to confront AC head-on as it gnaws on the viability of our maritime industry: (1) Linsangan and Linsangan Supreme Court decision, (2) the Single Entry Approach and (3) Act of Congress.

-1. Linsangan and Lisangan-

Anti ACs often quote Supreme Court

Ruling A.C.19557 of July 10, 2018 (formerly CBD Case 07-1962) where father and son lawyers were sanctioned for malpractice, a decision better known as Linsangan and Linsangan.

The case is on Filipino Mariner Jerry

M. Palencia who fell into the elevator shaft of *MT Panos G*, a Cyprus-flagged tanker. He was hospitalized in Singapore; later, flown to Manila for further medication. He was approached by a certain "Moises," then by Jesheryl L. Millena, paralegal staff of Linsangan, egging Palencia to engage the services of their law firm for his claims.

Smells fishy.

Palencia was persuaded, agreed to Linsangan's legal services.

In turn, Linsangan appointed Gurbani

"Landmark"

In a 12-page decision based on Section 12 of RA 296 (The Judiciary Act of 1948, as amended) and Rule 1.03/2.03 (Canon 3) and Rule 16.01 & .03 (Canon 16), of the Code of Professional Responsibility (CPR):

- Pedro and Gerald Linsangan were suspended from the practice of law for two years, with warning of a more severe censure when repeated.
- Return to the complainant the 5% assessed.

- Daughter Glenda M. Linsangan-Binoya was exonerated.

Almost, not quite.

Anti ACs love this decision, constantly claiming it as a landmark against AC, with bonus on having to account on client's reward. Yet, some lawyers see the ruling more on the ethics and practice of law, not on AC per se.

As a simile, the question at bar is on *Flashlights*. Yet, the Supreme Court ruled on their *Batteries* --- on a component issue, not on the core; on the ethics of lawyering, not on AC. The decision may infer on AC but without

categorical definitions.

-2. Single Entry Approach-

In wading over technicalities of AC, a street-smart SENa has been crafted by DOLE Order 151-16 as



& Co., a law firm based in Singapore. Palencia was awarded US\$95,000. But Linsangan gave him only \$20,756.05, claiming the rest as expenses and commissions. Dissatisfied, Palencia filed a suit for recovery.

Implementing Rules and Regulations (IRR) of Republic Act (RA) 10396. An excellent legal research was conducted by Atty. Teresita Castillon-Lora, retired Commissioner of the Natl Labor Relations Commission (NLRC).

In 2013, The Civil Service Commission (CSC) granted the SEnA team the Presidential Lingkod ng Bayan Award for institutionalizing in the Dept. of Labor and Employment (DOLE) faster, fairer and inexpensive settlement of labor cases, preventing formal adjudication process.

Basis.

RA 10396 “Strengthen Conciliation-Mediation as a Voluntary Mode of Dispute Settlement For All Labor Cases”. It amended Article. 228 of the Labor Code as “Mandatory Conciliation and Endorsement of Cases”, initiated DOLE Order 151-16 renaming it SEnA IRR.

Purpose.

- Provide an accessible, speedy, impartial, and inexpensive settlement of all labor and employment issues through a 30-day mandatory conciliation-mediation; and
- Prevent labor issues from maturing into actual labor cases that will be resolved under the formal adjudication process or court cases.

To avail.

There are *Single Entry Approach Desks* (SEAD) in DOLE and attached agencies like NCMB, NLRC, POEA, OWWA, and POLOs. SEADOs or Desk Officers provide interview, advice, and conduct conciliation-mediation services.

Employer or worker may file a *Request for Assistance* (RFA) at the nearest POLO abroad or at DOLE offices in the country.

A 30-day mandatory conciliation-mediation is strictly observed and non-extendible; except by mutual consent **not** beyond 15 calendar days. Failing, a SEADO may issue a “Referral” to the requesting party within one day. Only endorsed or referred RFAs shall be entertained by a Labor Arbiter or DOLE

office.

Quick steps.

Document the agreement on DOLE-SEnA Form 4 (Settlement Agreement); a quitclaim on Form 5 and release. It is binding to all DOLE offices and agencies; final and executory.



The SEADO ensures “Agreement on monetary claims arising from violations of labor standards shall be fair and reasonable, and not contrary to law, public morals and public policy.”

Fairness shall depend on circumstances, degree of voluntariness and credibility of the consideration. Parties can rely on the SEADO that settlement agreements are not contrary to law, morals, public order and policy.

Problems and remedies.

There are incidents of taking back or confiscation of the settlement amount by the responding party, called “Settlement for Show (SfS)”; also by disregard of DOLE officials.

The SEADO shall call the parties to a conference. Once violation is proven, SEADO shall require the responding party to pay the full settlement with legal interests from the date of the settlement (*Sec. 4, Rule V*).

SfS is also considered as non-compliance with the settlement agreement. The aggrieved party may

file an action for enforcement with the NLRC/POEA/DOLE Regional Office.

The SEnA IRR provides that a settlement agreement is binding, final and executory. Anyone who disregards the settlement violates RA 10396 or the SEnA IRR.

Prepared, force of law.

SEADOs are trained, substantially by DOLE Human Resources Development Services (HRDS), the Natl Conciliation and Mediation Board (NCMB); an oversight committee of the Regional Coordinating Council (RCC), the Regional Tripartite Efficiency and Integrity /Board (RTEIB), the Natl Tripartite Industrial Peace Council

AMBULANCE CHASING: SLOW DEATH FOR AN INDUSTRY

(NTIPC) as oversight committee.

SEnA is not just an IRR of a RA; it is binding as if written in the law. Regulations enacted by agencies to interpret and implement the law have the force of law.

Supreme decisions have backed the principle, prominently *Eslao v. Commission on Audit, Sierra Madre Trust v. Secretary of Agriculture and Natural Resources, and People v. Maceren*.

Red flag.

MARINA is reviewing the IRR of RA 10635 known as the *MARINA STCW Administration Act of 2014* on being the sole maritime Administration for the Philippines. But it is of grave consequence MARINA has shown gumption, or panic reaction, in zipping through decisions ignoring there is a pending Supreme Court case on the matter.

Instead of being circumspect, MARINA unilaterally (read, railroad) decided, even using private party “participation” in the gambit.

-3. Act of Congress-

The Lower Chamber of the bicameral Philippine Congress accepts Partylist nominees per the Partylist System Act (RA 7941), part of reforms in Article VI of the 1987 Constitution.

National, regional groups, or aggrupation thereof, may register with the Commission on Elections (COMELEC) as Partylist representing marginalized sectors as labor, peasant, fisherfolks, urban poor, indigenous peoples, elderly, handicapped, women, youth, veterans, overseas workers and professionals.

Each voter votes twice: once for mainstream congressmen, the other for Partylist of choice. Nominees are taken from 20% of votes gathered by mainstream congressmen; plus an additional seat with 2% over to a maximum of 3 seats.

Sharp divides.

How to achieve “equal proportion” is still debated:

- *Highest Average Method* like D’Hondt Method and Saint Lague Method
- *Largest Remainder Method* like the Hare, Droop and Imperial Quotas.
- *Huntington-Hill Method* used by USA in apportionment of State seats in her Electoral College. The process is

Perception.

Angkla proposals were sensible but lashed out as pro-business and anti-seafarers. Bashing was so successful *Angkla* did not even qualify to sit in the 18th Congress.

Instead, *Ang Samahan ng mga Seaman (MARINO)*, earned 2 seats. However, observers credit the *Marino* victory more on the endorsement of then presidential candidate Davao



Gonzalez with the Duterte siblings

credited to Edward V. Huntington and Joseph A. Hill. It was considered in Great Britain but failed in the House of Lord Reform bill.

Business-like.

The Lower Chamber now recognizes the evils of AC --- and through initiatives of PartyList nominee like *Ang Partido Ng Mga Pilipinong Marino* (*Angkla*) which filed bills defining in details what AC is; complemented with a proposal placing on escrow awards initially granted, to be released only on final judgment.

Current law provides mariners receive compensation as soon as judgment is rendered. Principals complain when judgment is reversed with finality, they cannot recover funds as mariners claim to have spent the money.

City Mayor R. R. Duterte. *Marino* is Mindanao-based, not necessarily of seafarers but of big business, too. Its nominees are young and personable, like Korean pop *lodi* (idol).

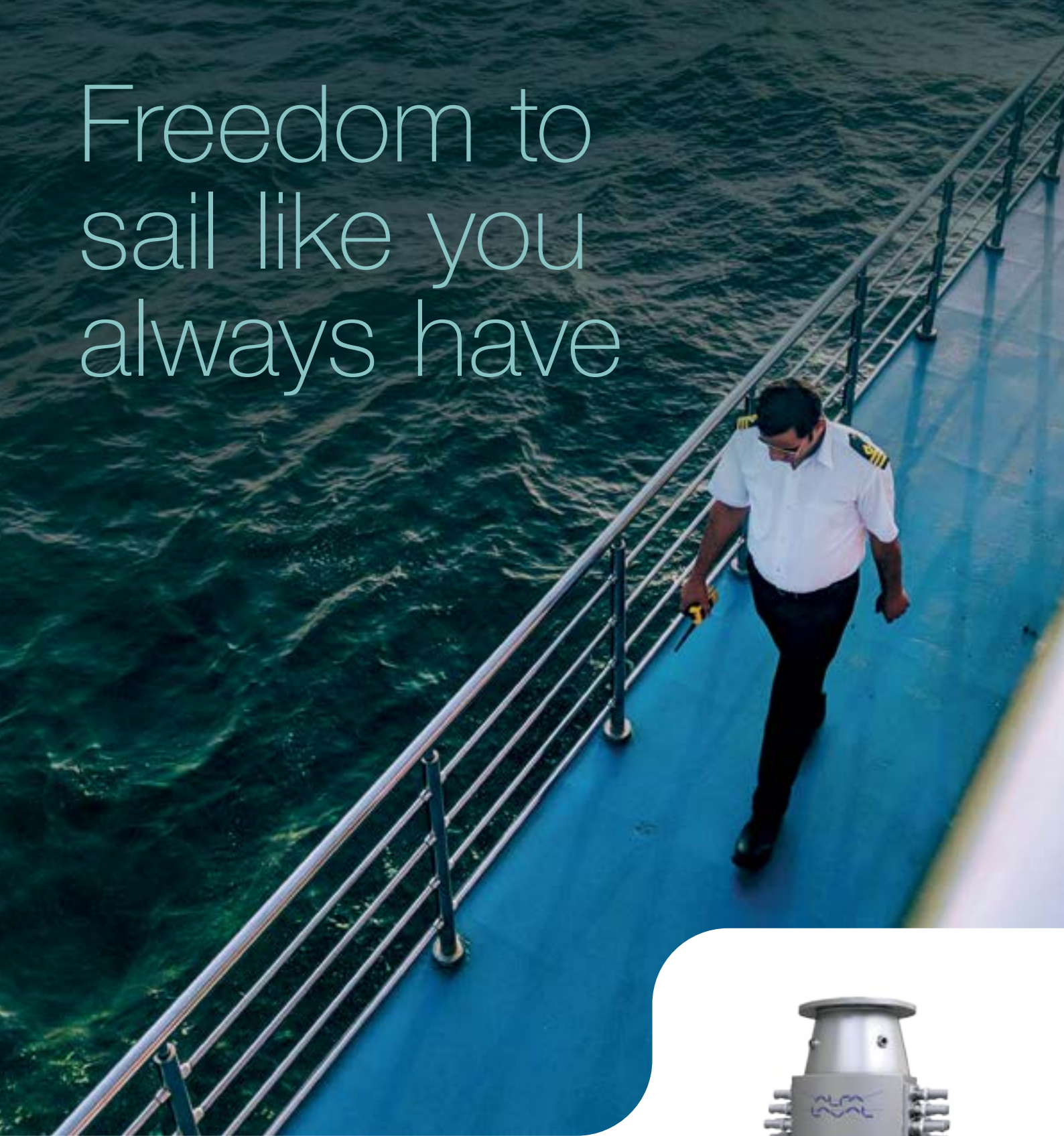
Realpolitik.

It is naïve to expect *Marino* to pick-up from where *Angkla* failed. *Marino* will have to eat humble pie by so doing. It risks losing seats with a reversal of stand; more so their patron Duterte is bowing out of office.

A dream compromise is for non-maritime representatives, ideally business-sector regular congressmen, to file AC reforms --- as *Marino* and *Angkla* keep mum.

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On the M/V Angelic Power A LITTLE MORE AND ITS HOME

by Ligaya Caban

Magsaysay Maritime (MMC) updates June 18th that Chinese crew shall board the *MV Angelic Power* to familiarize themselves with its operation.

MMC understands “once the Chinese crew can safely operate the vessel, the court-appointed custodian will arrange for the repatriation of Filipino and Greek crew members” on board.

This is the latest on the *MV Angelic Power*, a Greek-flagged bulk carrier currently moored at Port Guisan, South China. Of the 22 crew onboard are 8 Greek sailors and 1 Greek technical inspector; 13 are possibly Filipino nationals deployed by the giant MCC.

The Maritime Court of the People Republic of China (PCR) has imposed a ban on lifting anchor as the Greek Ministry of Shipping and Island Policy (MSIP) have already initiated the procedures of **administrative and criminal sanctions against the ship management company for non-compliance with the continuous written instructions and orders and non-execution of the due acts for the disembarkation of the crew.**

Panicky.

The Panhellenic Association of Merchant Marine Sailors (PENEN) issued a separate statement the health of the sailors on board the Greek-flagged *MV Angelic Power* is “in an extremely critical condition” trapped over 17 months and going.

Doing the doable.

MCC wants nothing less than the crew’s immediate repatriation and the prompt payment of what is owed them. It is coordinating with its principal and the ship managers to make this happen at the soonest time.

However, MCC admits this is easier said than done because of legal and regulatory considerations. The ship and its owners are currently embroiled in legal proceedings affecting not only their interests.

Contrary to PENEN’s stand, MCC believes the crew as “well”. It also understands that the Chinese court might even require the crew to participate and be heard in these proceedings in some way before they can be sent home.

Requirement.

The need to comply with minimum safe manning requirements on the ship is another matter that must be accounted for, as leaving the ship without sufficient crew could have disastrous consequences to those on and around it.

Panicky.

PENEN reports that after repeated telephone communications with the specific ship, “five members of the crew are in urgent need (including the captain) of medical care”.

It also emphasizes that “the psychological condition of many sailors has deteriorated dramatically since some of them are trapped in the ship for up to 17 months while the supply and fuel of the ship have begun to run out”.

“The rivalry and financial disputes between the ship’s management companies have made the ship’s sailors victims and hostages... putting their health in immediate danger” while their rights are undermined.

Greek Minister of Shipping Giannis Plakiotakis stated “the Ministry of Shipping and Island Policy is constantly monitoring developments already moved at the diplomatic level. He assures to intervene in every direction, aiming at the return of sailors.

Tasks done.

MSIP publicly logs:

- Informing the consular authorities of our country in China, to provide all possible assistance and ensure continuous communication with the

crew members.

- The move of the Shanghai Maritime Attaché in the anchorage area of the ship from 5.3.2021, to provide any possible assistance to the work of the Greek consular authority there and its personal intervention in the competent Chinese authorities
- Sent four diplomatic missions to authorities of the PRC requesting the immediate provision of medical assistance to seafarers on land, exploring alternatives for disembarkation, returning travel documents, as well as the movement of the ship to a safe place within the port.

The Ministry keeps constant communications with the Crisis Management Team of the Intl. Maritime Organization (IMO), an agency of the United Nations.



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- Ships Security Officer – SSO
- Electro-Technical Ratings Course
- Advanced training for ships operating in Polar waters.



For love of the seas



Yrhen Bernard S. Balinis

As the sun sets, splash of colors painted the horizon while M/V Gwen seemingly sails to where the great star will rest for the night. We have just departed from a busy port; I am outside my cabin catching the cold spring breeze.

And I am deep into thoughts of what the future holds for me in this profession.

Here I am, 22 years-old braving the world aboard a floating metal community. I do tasks I once thought impossible; with mates I just met but already trust in my abilities.

The seas will be challenging, with days hours seem endless. The tasks are just too much and I am drowning with questions why am I a seafarer. Loneliness slowly devours my soul as I struggle to find purpose --- without a family to call on, left to console myself.

Upside.

Because of seafaring, I was able to afford things. Contrary to isolation, the world actually opened up for me— I get to see places I only saw on magazines!

My crewmates serve as my immediate family. They nurtured, tolerated, inspired and motivated

me just how real families do. They turned my potentials into kinetics; I salute all the crew of M/V Gwen and M/V Genesis who made me who I am now.

In a way, they evoke in me the liturgical song “There is no greater love than to lay down your life for a friend.”

Realization.

As I wrote, it dawned I may be a seafarer with a mission!

I may be a catalyst of change for the maritime industry I would stimulate mentoring and support culture on board; regardless of age, nationality or gender. I am a believer that once somebody believes in you and who you could become, your outlook about yourself radically alters.

For one, celebrating #FairFuture4Seafarers should include women, young professionals and cultural minorities on how they want the future and theirs to look like.

(And deeper, he sees Aux Comm. Dante LA. Jimenez as “the deep husky baritone voice; the long well-kept hair; the slow yet sure walks; the glistening eyes that seemingly stares at your soul”, qualities of the 68-year maritime icon who succumbed to

aortic aneurism 29 January 2021.

Beyond the physical, he sees Jimenez delivered: “*Sarong marinero sa kada pamilyang Bicolano*” (One mariner in every Bicolano family). It was through the family’s Mariners’ Polytechnic Colleges system with three campuses in the region— Canaman, Naga, and Legazpi— very pragmatic as these are population centers, too.)

Rolling.

When crewless (MASS) ships becomes the norm of trade, I still be would forever be grateful that I once met these amazing people who molded me to be who I am. And, to carry the torch to pass on the knowledge in my hands, now!

About the author.

Still sailing, he is Intl and Maritime Representative at The Royal Institute of Navigation

Advisor at Human Rights At Sea and Albay Deputy Director for YouLEAD Initiative, Inc.

A graduate of Mariners Polytechnic Systems, he contributes to local and intl maritime publications.



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