



**EXCERPTS FROM THE MINUTES OF
THE SEVENTH (7TH) REGULAR COMMISSION MEETING,
EMPLOYEES' COMPENSATION COMMISSION, SERIES OF 2024,**
*Training Room A, Second Floor, Occupational Safety and Health Center
North Ave. cor. Senator Miriam P. Defensor-Santiago Ave., Diliman, Quezon City
Thursday, 12 December 2024 at 9:00 A.M.*

BOARD RESOLUTION NO. 24-12-40

***Declaring the Compensability of Injuries, Including the Resulting
Disability or Death, Sustained by Seafarers on Board a Vessel
During Their Free Time or Beyond Their Regular Working Hours***

WHEREAS, Article XIII Section 3 of the 1987 Philippine Constitution provides that "[t]he State shall afford full protection to labor, local and overseas, organized and unorganized, and promote full employment and equality of employment opportunities for all;"

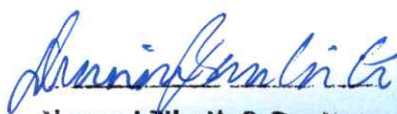
WHEREAS, the Supreme Court in the case of *Glenia Uy vs. Workmen's Compensation Commission and Lucy Perez (G.R. No. L-43389, 28 April 1980)* declared as work-related the death of an employee who was killed by robbers at night while in the quarters furnished by his employer. In the said case, the Supreme Court defined and applied the "Bunkhouse Rule," to wit:

"Henceforth, under the so-called 'Bunkhouse Rule,' where the employee is required to stay in the premises or in the quarters furnished by the employer, injuries sustained therein are in the course of employment regardless of the time the same occurred";

WHEREAS, in the case of *Rosell R. Arguilles vs. Wilhelmsen Smith Bell Manning, Inc./Wilhelmsen Ship Management Ltd., and Fausto R. Preysler, Jr. (G.R. No. 254586, 10 July 2023)*, the Supreme Court, citing a foreign jurisprudence, characterized "Bunkhouse Rule" in the following manner:

"When the contract of employment contemplates that the employee shall sleep, or have his meals, or do both on the premises of the employer, the employee is considered to be performing services growing out of, and incidental to, or in the course of, such employment during the time he is on the premises of the employer for such purposes before or after regular working hours."

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Manne Lilibeth S. Bautista
Board Secretary II

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WHEREAS, on 17 January 2012, this Commission issued **Board Resolution No. 12-01-02**, declaring the compensability of injuries, including the resulting disability or death, sustained by local employees inside the quarters furnished by their employers, regardless of the time of occurrence;

WHEREAS, the Philippines is one of the worlds' leading supplier of officers and seafarers, as reported in a UN Trade and Development study in 2021;

WHEREAS, the nature of a seafarer's employment requires that he or she must live on board a vessel;

WHEREAS, P.D. No. 626, as amended, being a social legislation, must be liberally construed in order to effectively carry into effect its purpose of providing compensation to workers and/or their beneficiaries in the event of a work-related disability or death;

WHEREAS, this Commission deems it necessary to compensate the seafarer for injuries, including the resulting disability or death, sustained during his/her free time or beyond his/her regular working hours while on board a vessel, subject to the limitations provided under Article 178 [172] of P.D. No. 626, as amended;

WHEREAS, this Commission finds the necessity to create a policy extending the application of the "Bunkhouse Rule" to the seafarers;

WHEREAS, Article 183 [177] paragraph (c) of P.D. No. 626, as amended, empowers this Commission to approve rules and regulations governing the processing of EC claims;

NOW THEREFORE, ON MOTION DULY MADE AND SECONDED,

This Commission **RESOLVES**, as it hereby **RESOLVED**, to compensate the seafarer for injuries, including the resulting disability or death, sustained during his/her free time or beyond his/her regular working hours while on board a vessel, subject to the limitations provided under Article 178 [172] of P.D. No. 626, as amended;

RESOLVED FINALLY that this Resolution shall take effect immediately after its publication in a newspaper of general circulation and a copy of this Resolution shall be furnished to the Social Security System for compliance and proper guidance.

APPROVED, this 12th day of December 2024, in Quezon City, Philippines.

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Dianne Lilibeth S. Bautista
Board Secretary


BIENVENIDO E. LAQUESMA
Chairperson
Department of Labor and Employment


ELVIRA G. ALCANTARA-RESARE
Member-Alternate
Social Security System


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Member
Employees' Compensation Commission
-Secretariat

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Glanville Lilibeth S. Bautista
Board Secretary