

ADVISORY NO. 24
Series of 2025

**APPLICATIONS FOR THIRD DOCTOR SELECTION AND APPOINTMENT UNDER
REPUBLIC ACT NO. 12021, OTHERWISE KNOWN AS THE "MAGNA CARTA OF
FILIPINO SEAFARERS," AND ITS IMPLEMENTING RULES AND REGULATIONS**

In view of the recent issuance and effectivity of the Implementing Rules and Regulations (IRR) of Republic Act No. 12021 or the Magna Carta for Filipino Seafarers (Magna Carta), and to address the numerous queries from maritime industry stakeholders regarding the selection and appointment of a third doctor, the public is hereby informed of the following:

Section 5, Rule XI of the IRR provides for the process of the selection and appointment of a third doctor in case of different or contrary medical findings in the determination of disability grading or fitness to work, thus:

Section 5. Determination of Disability Grading or Fitness to Work

When the seafarer suffers work-related injury or illness occurring between the date of commencing duty and the date upon which they are deemed duly repatriated, or arising from their employment between those dates and still requires medical attention upon repatriation, the seafarer must undergo a post-employment medical examination by a company-designated physician for treatment until the seafarer is declared fit to work or assessed disability grading.

A seafarer who disagrees with the company-designated physician's final assessment may seek its re-evaluation by a physician of choice who specializes in the illness or injury. If the seafarer's doctor issues a disability grading that is different or contrary to the medical findings of the company-designated physician, the seafarer must file, within thirty (30) days from receipt of the findings of the seafarer's doctor, a written request with the DMW to refer the conflicting medical grading to a third doctor. The third doctor shall be mutually selected by the employer and seafarer from a pool of DOH-accredited medical specialists relevant to the injury or illness of the seafarer. The third doctor should be duly trained in the determination of maritime disability grading. **In case there is no agreement between the parties on the appointment of third doctor from the pool of DOH-accredited third doctors, the DMW shall facilitate the appointment of the third doctor from the same pool.**

Noting the urgency of the full implementation of this IRR, **the DMW and the DOH, in consultation with relevant stakeholders, within a reasonable period of time, shall develop joint guidelines for the implementation of this section, including the selection, training,**



maintenance, and review of the pool of accredited third doctors.
(*Emphasis supplied*)

In relation thereto, Section 1, Rule XXII of the IRR provides for a transitory provision, to wit:

All rights, privileges, and benefits previously enjoyed by Filipino seafarers before the effectivity of RA No. 12021, including those set forth in the Presidential Decree 442, as amended, otherwise known as "Labor Code of the Philippines", and Republic Act No. 8042, as amended, shall continue to be recognized and shall not be diminished after the effectivity of RA No. 12021.

.....
In compliance with Rule XI Section 5 (Determination of Disability Grading or Fitness to Work) of this IRR, **pending the establishment of a pool of DOH-accredited medical specialists, existing laws, regulations and jurisprudence in the designation of a third doctor shall apply.** (*Emphasis supplied*)

The DMW and the DOH, in consultation with relevant stakeholders, are thus, mandated to develop joint guidelines for the implementation of the foregoing Section 5, Rule XI of the IRR. In compliance with the said provisions, the DMW and the DOH are currently developing the joint guidelines for the implementation of Section 5, Rule XI of the IRR.

Thus, pending the issuance of the DMW-DOH Joint Guidelines for the implementation of Section 5, Rule XI, existing laws, rules and regulations concerning the appointment of the third doctor shall continue to be observed.

For the information and guidance of all concerned.


HANS LEO J. CACDAC
Secretary

Date: JUL 10 2025

CONTROLLED AND DISSEMINATED

By: DMW General Services Division on July 11, 2025

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