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FILIPINO SEAFARERS RETURNED TO THE COUNTRY WITH MARINA INTERVENTION

Two Filipino seafarers returned to the country after almost a year of detention in the Republic of Korea (ROK). The seafarers, 2/0 Gerome Villanueva Jr. and AB Jimmy Coliano, were prosecuted in Busan, ROK after their vessel, M/V Ernest Hemingway, a 54,271 steel-hulled Liberian container ship collided with a Korean Fishing Boat named "Gunyang" on 16 January 2015 in the Exclusive Economic Zone (EEZ) of ROK.

The collision resulted in the sinking of F/B "Gunyang", death of two (2) Korean fishermen and oil spill of 600 liters of oil.

According to the Pusan District Prosecutor's Office, the Filipino seafarers, who were on navigational watch during the accident, were prosecuted for violating the Special Criminal Laws on Specific Crimes (Ship Traffic Accident Fight) and professional negligence.

On 12 November 2015, the Maritime Industry Authority (MARINA) received a *Letter* from Undersecretary Jesus I. Yabes, Office of the Undersecretary for Migrant Workers Affairs of the Department of Foreign Affairs (OUMWA-DFA) to assert the Philippine jurisdiction by conducting an investigation on the accident.

Acting on said request, MARINA Administrator Maximo Q Mejia Jr. and DOTC Secretary Joseph Emilio Aguinaldo Abaya sent the Director of the Enforcement Service (ES), Atty. Herschel F. Magracia, and his team, Mr. Neil Brian Salvosa and Mr. Reneil M. Pascual to Busan, ROK on 08 December 2015 to conduct an investigation and assert the Philippine jurisdiction over the two seafarers pursuant to Article 97 of the UNCLOS. Said provision states that no penal and disciplinary proceedings may be instituted against the master or any other person in the service of the ship, except before the judicial or administrative authorities either of Flag State or of the State of which such person is a national.

The MARINA, as the single maritime administration of the country, notified the DFA of the investigation, which the latter manifested in the court of ROK. In its decision dated 16 December 2015, the court dismissed the case, which allowed the seafarers to return to the country prior to the Christmas holiday.