



MARITIME INDUSTRY AUTHORITY

08 April 2003

FLAG STATE ADMINISTRATION ADVISORY NO. 38

Series of 2003

TO : ALL MARINA REGIONAL OFFICES, SHIPPING COMPANIES / OWNERS / OPERATORS, AND ALL CONCERNED

SUBJECT : REVISED FLAG ADVISORY ON THE SPECIAL AUTHORITY TO OPERATE PASSENGER AND / OR CARGO LINER SHIPS DURING HOLIDAY SEASON

Pursuant to the Public Service Act (Commonwealth Act No. 146, as amended), Presidential Decree No. 474, Executive Order 125/125-A, Memorandum Circular Nos. 121 and 161, and to ensure safe, convenient, and uninterrupted public service during the Holiday Season, the following guidelines are hereby promulgated:

I. COVERAGE:

This Flag State Administration Advisory shall cover all Philippine-registered liners ships carrying passengers and/or cargoes.

II. DEFINITION:

HOLIDAY SEASON – refers to the following Regular Holidays, and such nationwide Special Days as may be declared, pursuant to Book 1, Chapter 7 of the Revised Administrative Code of 1987 unless modified by law, order of proclamation, to wit:

A. Regular Days

- | | | | |
|----|---------------------|---|--|
| 1. | New Year's Day | - | January 01 |
| 2. | Maundy Thursday | } | Movable dates (within the month of March or April) |
| 3. | Good Friday | | |
| 4. | Labor Day | - | May 01 |
| 5. | Independence Day | - | June 12 |
| 6. | National Heroes Day | - | Last Sunday of August |
| 7. | Bonifacio Day | - | November 30 |
| 8. | Christmas Day | - | December 26 |
| 9. | Rizal Day | - | December 30 |

B. Nationwide Special Days

1. All Saints Day - November 01
2. Last Day of the Year - December 31

III. INSTANCES COVERED:

Special authority to operate during the Holiday Season covered by this Advisory includes changes/adjustments/amendments of schedule or route/automatic substitution, under any of the following circumstances:

- a. Fortuitous event;
- b. Emergency/calamity situations;
- c. Drydocking/repair/engine breakdown/trouble;
- d. Increase in frequency of trips in authorized route/s due to influx of passengers;
- e. For cargo-carrying ships only: side trips/special trips to carry shut-out cargoes, empty containers or overbooked cargoes;
- f. Departure of ships as soon as they are filled to their authorized capacity regardless of their scheduled departure; and,
- g. Other analogous circumstances as maybe determined by MARINA.

IV. PERIOD COVERED BY THE SPECIAL AUTHORITY TO OPERATE:

In view of the extraordinary influx of passengers and/or cargoes during the Lenten Season, All Saints Day and Christmas Season (to include Rizal Day, Last day of the year and New Year's Day), the special authority to operate during these days shall extend to the following period, to wit:

- a. Four (4) days before Maundy Thursday (movable date within the months of March and April) and four (4) days after Good Friday (movable date within the months of March and April);
- b. Three days before All Saint'S Day (November 1st) and three (3) days thereafter;
- c. Four (4) days before Christmas Day (December 35) and to continue from 26 up to 31 December, and,
- d. Four (4) days after New Year's Day (January 1),

V. CONDITIONS/LIMITATIONS OF OPERATION:

The implementation of the above changes/adjustments/amendments in ship/s schedule of routes shall be allowed subject to the following conditions.

1. Such change/amendment/adjustment shall be subject to confirmation by the MARINA and maybe modified/cancelled or revoked at any time for valid cause;
2. That all ship documents as required under Memorandum Circular Nos, 121 and 161 are and shall remain valid when such change/amendments/adjustment is effected;
3. That all passenger-carrying ships shall carry valid indorsement/rider from the insurance company regarding such change/amendment/adjustment,
4. That there shall be no conflict with the schedule of trips of the other authorized operators in the affected route/s and that no authorized route/s shall be left unserved;
5. That an accompanying Marine Protest shall be submitted to the MARINA in case such change/amendment/adjustment is caused by a marine incident/accident; and,
6. That the concerned shipowner/ship operator shall submit, within the next twenty- four (24) hours of the next working day, together with the required documents mentioned in item III above, an application for confirmation of a special authority to operate a passenger and/or a cargo ship undertaken during the Holiday Season and shall pay expedite filing fees In the amount, as follows:
 - A. Steel-hulled ship P3,000.00/ship
 - B. Wooden-hulled ships
 - i. 35 GT & Above - P1,600.00/ship
 - ii. Below 35 GT - 800.00/ship

This Advisory hereby cancel/supersedes Flag Administration No. 28 dated 21 October 2002.

For strict compliance.

(Sgd.) OSCAR M. SEVILLA
Administrator

Date of Publication: 11 April 2003
Published in Today Newspaper