

MEMORANDUM CIRCULAR No. 189
Series of 2003

**TO : ALL DOMESTIC SHIPOWNERS/SHIP OPERATORS/
COMPANIES AND ALL CONCERNED**

**SUBJECT : RULES PROVIDING INDEMNITY OF P100,000.00 TO
EACH UNMANIFESTED PASSENGER ONBOARD
PASSENGER-CARRYING SHIPS IN THE DOMESTIC
TRADE**

Pursuant to the provisions of the Public Service Act, Presidential Decree No. 474 and Executive Order No. 125, as amended, to prevent future accidents at sea, the Maritime Industry Authority Board in its Meeting held on 09 July 2003, approved and adopted the following rules on passenger ticketing and manifesting onboard passenger - carrying ships:

I. COVERAGE:

This rules shall cover all Philippine-registered ships authorized to carry passengers in the domestic trade.

II. GENERAL PROVISIONS:

1. All operators/owners of ships operating in the domestic trade carrying passengers and the Masters, ship's officers and ratings, and all concerned must comply with the policy on "NO TICKET, NO BOARDING";
2. All passengers must be manifested to ensure that the passengers whether ticketed, unticketed, minor (regardless of age), paying, non-paying, holding discounted or complimentary tickets and/or other accommodated passengers including those accompanying a vehicle or animals carried by contract of carriage onboard do not exceed the maximum authorized passenger capacity of said ships; and,
3. Memorandum Circular No. 180 which governs the manifesting of passengers onboard Philippine-registered passenger ships shall apply.

III. AMOUNT OF INDEMNITY TO UNMANIFESTED PASSENGERS:

Unmanifested passengers are entitled to the full payment of indemnity in the amount of P100,000.00 which shall be jointly and solidarily shouldered by the shipowner/ship operator and/or insurance company.

IV. NO TICKET, NO BOARDING POLICY:

1. All passengers boarding the ship must possess a ticket or its equivalent;
2. In case of children under one (1) year old, although not considered as passenger, as well as children under three (3) years of age who are allowed onboard without a charge, their names shall be attached to the name of the accompanying adult and indicated in the ticket; and,
3. A complimentary pass issued by a shipowner/ship operator to a non-paying passenger (drivers, helpers, shippers, etc) in any form shall serve as the ticket.

V. SANCTIONS/PENALTIES:

After due notice and hearing, the following penalties and sanctions shall be imposed:

VIOLATION	COMPANY/OWNER/OPERATOR	SEAFARERS (OFFICERS AND RATINGS)
<ul style="list-style-type: none"> • Carrying unmanifested passengers 	1. 200% of the passage rate for the entire voyage x total excess passengers;	1. Penalty of P10,000.00 for Master/Boat Captain (For ships 35 GT and below);
	2. Suspension/revocation of franchise or authority to operate (SP/PA/CPC); and,	2. Penalty of P25,000.00 for Master/Boat Captain (For ships above 35 GT);
	3. Filing of appropriate administrative, civil and criminal case(s), as appropriate.	3. Cancellation of licenses, SIRB, QDC, STCW Certificates and other related documents.
<ul style="list-style-type: none"> • Carrying unticketed passengers 	1. Penalty in the amount: P2,000 per passenger (For ships 35 Gross Tons and below); Penalty in the amount of P10,000 per	1. Penalty of P10,000.00 for Master/Boat Captain (For ships 35 GT and below);

	passenger (For ships 35 Gross Tons and above);	
	2. Suspension/revocation of its franchise or authority to operate (SP/PA/CPC); and,	2. Penalty of P25,000.00 for Master/Boat Captain (For ships above 35 GT);
	3. Filing of appropriate administrative, civil and criminal case(s), as appropriate	3. Cancellation of licenses, SIRB, QDC, STCW Certificates and other related documents.

VI. REPEALING CLAUSE:

The provisions of Memorandum Circular Nos. 149, 40, 40-A, 40-B, 112 and 180 and other issuances inconsistent herewith are hereby amended/modified accordingly.

VII. SEPARABILITY CLAUSE:

Should any provisions or part of this Circular be declared by the competent authority to be invalid and unconstitutional, the remaining provisions or parts hereof shall remain in full force and effect and shall continue to be valid and effective.

VIII. EFFECTIVITY:

This Memorandum Circular shall take effect immediately upon publication once in a newspaper of general circulation.

Manila, Philippines 09 July 2003.

BY AUTHORITY OF THE BOARD:

(Sgd.) ATTY. OSCAR M. SEVILLA
Administrator

SECRETARY'S CERTIFICATE

This is to certify that Memorandum Circular No. 189 has been approved during 164th Regular Meeting of the Maritime Industry Authority Board of Directors held on July 9, 2003.

(Sgd.) ATTY. GLORIA J. VICTORIA-BAÑAS
Corporate Board Secretary

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