

**MARINA CIRCULAR NO. 196**  
**Series of 2003**

**TO : ALL OWNERS/OPERATORS OF INTER-ISLAND LINER PASSENGER-CARRYING SHIPS AND ALL CONCERNED**

**SUBJECT : RULES ON THE INTRODUCTION OF RECLINING SEAT ACCOMMODATION ON PASSENGER - CARRYING SHIPS IN THE INTER-ISLAND TRADE**

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Pursuant to Presidential Decree No. 474, Executive Order Nos. 125/125-A, the Public Service Act, as amended, Executive Order No. 185, Executive Order No. 213, Republic Act No. 7277, Batas Pambansa Blg. 344, and in consonance with Flag State Administration Advisory No. 49, the following rules on the introduction of reclining seat accommodation on passenger-carrying ships in the inter-island trade with more than four (4) hours of travel time are hereby adopted:

**I. OBJECTIVES:**

1. To prescribe the rules in the introduction of a new/alternative type of accommodation; and,
2. To provide the ship operators/owners other opportunities for competition under a deregulated/liberalized regime.

**II. COVERAGE:**

These Rules shall cover all passenger-carrying Philippine-registered ships engaged in domestic trade duly accredited by the Department of Tourism (DOT) with travel time of more than four (4) hours, except High Speed Crafts (HSC).

**III. DEFINITION OF TERMS:**

For purposes of this Circular, the following terms are defined as follows:

1. **Administration** - refers to the Maritime Industry Authority.
2. **Certificate of Compliance (COC)** - refers to the document issued attesting to the ships' adherence to the Rules set for under this Circular.
3. **Primary Passageway** - refers to the space between clusters of seats wide enough to permit the passage of two (2) persons passing side by side at the same time.
4. **Reclining Seat** - refers to the seat whose back rest can be lowered or reclined to at least 35 degrees.

5. **Secondary Passageway** - refers to the space similar to a primary passageway but need only to permit convenient passage of one person.

#### **IV. GENERAL PROVISIONS:**

1. A passenger-carrying ship duly accredited by the DOT with travel time of more than four (4) hours may adopt this type of accommodation.
2. Air-conditioned accommodation with reclining seats may be introduced from existing second class accommodation and/or other spaces not presently utilized for passenger accommodation, provided they qualify with the prescribed standards under Rule VI of this Circular.
3. Prior submission and approval of Revised Passenger Accommodation Plan and other plans as stated in Rule IX.2.c and compliance with the minimum service standards under Rule VI hereof shall be required.
4. The COC to be issued under this Circular shall be harmonized with the validity of the COCs issued to the ship under Memorandum Circular Nos. 65/65-A and 150; and,
5. The applicant shall comply with Passenger Service Rating System prescribed under Memorandum Circular No. 125 and its amendments within sixty (60) days from issuance of COC.

#### **V. SAFETY REQUIREMENTS:**

1. The introduction of/conversion to reclining seat accommodation shall not exceed fifty percent (50%) of the total capacity of the air-conditioned second class accommodation. However, this limitation shall not apply to the conversion of unused spaces for this new type of accommodation.
2. The installation of reclining seats shall allow comfortable and adequate access to any part of the accommodation space. In particular, they should not obstruct access to or occupy space leading to essential or emergency equipment or required means of escape.
3. Reclining seats shall be designed to avoid injury to and trapping of occupants, particularly, in emergency conditions. Dangerous projections and hard/pointed edges should be eliminated.
4. The seats shall not be located near any operating equipment or machineries so as to avoid possible harm or injury to passengers.

5. The air-conditioned reclining seat accommodation shall be provided with primary passageway and a secondary passageway should there be more than two (2) clusters of seat to conveniently give the passengers access to their respective seats in a normal situation and egress during emergency situations.
6. The passageways shall be designed and arranged so as to protect the occupants from unfavorable environmental conditions and to prevent or minimize the risk of injury during normal and emergency conditions.
7. Exit doors, aisles and passageways shall be kept clear from any obstruction, at all times, during the whole duration of travel.
8. The air-conditioned accommodation with reclining seats shall have sufficient number of exits with markings/signs made of luminous/reflectorized material patch, which are suitable to facilitate the accessible, quick and unimpeded escape of passengers wearing approved-type lifejackets in emergency conditions.
9. The baggage or store and cargo compartments shall be adequately designed to prevent shifting of baggage. A system for storage and retrieval of passenger baggage shall be in place to avoid confusion of ownership.
10. Partial bulkheads or decks used to subdivide a space for utility or artistic treatment shall be of non-combustible material.
11. Base material used on exposed interior surfaces shall not be capable of producing excessive quantities of smoke and toxic product.

**VI. MINIMUM SERVICE STANDARDS:**

The herein adopted reclining seat accommodation in the Air-Conditioned Second Class Accommodation shall have the following minimum service standards:

<b>Areas of Concern</b>	<b>Minimum Service Standards</b>
<b>Second Class Accommodation</b>	
1. Ventilation	Air-conditioned
2. Type of accommodation	Properly constructed permanently fixed upholstered reclining seat
2.1. Deck Sheathing	Non-skid materials
2.2. Reclining seat dimension, fixture, and arrangement	
a. Seat Dimension	

1. Width	0.460 m.
2. Depth	0.450 m.
3. Height	0.450 m.
4. Height of back rest	0.74 m.
b. Fixtures	
1. Arm Rest	Must be provided
2. Foot Rest	Must be provided
c. Arrangement	Shall not exceed three (3) seats for each cluster
2.3. Degree of inclination of reclining seat from vertical position	35 degrees
2.4. Passageways	<ul style="list-style-type: none"> <li>• 0.50 m. distance between rows (Measured from the front edge of the seat to the back rest of the seat next row in vertical position)</li> <li>• 0.92 m. distance of primary passageway</li> <li>• 0.45 m. distance of secondary passageway between column of seats</li> </ul>
2.5 Markings on seats	Must be numbered
3. Number of passengers	Determined by the number of permanently fixed reclining seats
4. Toilet and Bath	
4.1 Number	One (1) separate toilet and bath for men and women per 80 passengers.
4.2 Location	Preferably at the same deck level of accommodation to be served.
4.3 Amenities	
a. Running water	Must be provided
b. Wash basin	Must be provided
c. Toiletries (Soap, toilet paper)	Must be provided
d. Hand grab	Must be provided
e. Covered trash can	Must be provided
5. Supplies	
5.1. Furniture/Fixtures	
a. Covered waste basket	Must be provided
b. PA System	Must be provided
c. Baggage or store and cargo compartment or both	Must be provided
5.2. Curtain for portholes / windows	Must be provided

## **VII. ONBOARD ACCESSIBILITY:**

Accessibility posters on designated seats and places onboard ship for physically, visually, hearing, and mentally impaired passengers shall be permanently posted and provision/presence of at least one (1) uniformed crew member with appropriate identification shall act as Coordinator onboard the ship.

## **VIII. RULES FOR ADOPTION OF DEREGULATED PASSENGER RATES FOR RECLINING SEATS AND UPWARD RATE ADJUSTMENT:**

### **A. Adoption of Deregulated Passenger Rates for Reclining Seats**

1. The subject passenger ship should first be issued by the Administration with a COC before its shipowner/operator can apply for adoption of deregulated passenger rates for air-conditioned reclining seats accommodation.
2. The shipowner/operator shall submit a Formal Notice To Adopt Deregulated Rates with the Use of Reclining Seats in a prescribed form (attached as "**Annex A**") indicating therein the covered ship/s, authorized routes, proposed deregulated rate per link together with its valid/updated COC, DOT Accreditation, CPC/PA/SP, and proof of payment of filing fee.
3. The rates to be adopted for air-conditioned reclining seats shall be deregulated but should be lower than the existing lowest Second Class Air Conditioned Accommodation being implemented/charged by the subject ship/s.
4. The following requirements should be accomplished by the shipowner/operator prior to adoption of the deregulated rates:
  - 4.1. Publication of notice to adopt upward adjustment of deregulated rates for reclining seats in one (1) daily newspaper of national circulation and one (1) daily newspaper of regional circulation in the ports affected by the rate adjustment.
  - 4.2. For regional operations, publication once in a newspaper of regional circulation in areas/ports affected by the rate adjustment.
  - 4.3. The size of the notice or publication must be at least 4 inches by 5 1/2 inches.
  - 4.4. The affidavit of publication, newspaper clipping and copy of the whole newspaper issue where the notice was published shall be submitted to MARINA ten (10) days from such publication.

- 4.5. The shipowner/operator shall ensure the posting of such notice in conspicuous place at affected ports, ships, company premises, passenger terminals and ticketing offices. The size of notice should be approximately 3 feet by 2 feet.
5. Shipowners/operators who are not qualified to adopt deregulated passenger Rates for Reclining Seats shall be informed of their deficiencies and/or lacking requirements within a reasonable period.
6. If qualified, the shipowner/operator shall be issued an Order stating therein that the ship is now authorized to adopt deregulated rates for the reclining seat accommodation thereby amending its valid/existing CPC/PA/SP.
7. The new rates for the reclining seats shall take effect fifteen (15) days after date of publication or the last day of publication in case of multiple port publication.

**B. Adjustment of Deregulated Rates for Reclining Seat Accommodation**

1. Shipowners/operators who intend to adopt an approval or adjustment of deregulated rates for Reclining Seats shall file with MARINA a written notice in a prescribed form (herein attached as “**Annex B**”) pursuant to the requirements of Section VIII.2 of Memorandum Circular No. 153. All other applicable provisions of MC No. 153, including the quarterly submission of actual rates, shall apply.
2. Domestic shipowners/operators who intend to adopt a downward adjustment of their deregulated rates for this new type of accommodation shall file a written notice with the MARINA prior to its adoption. The downward adjustment shall take effect immediately upon filing of said notice provided that the same shall not result to ruinous or cutthroat competition, as may be determined by the MARINA.

**IX. REQUIREMENTS AND PROCEDURE FOR APPLICATION AND ISSUANCE OF CERTIFICATE OF COMPLIANCE (COC):**

1. The owners/operators intending to offer an air-conditioned accommodation with reclining seats may file their application for inspection and issuance of COC either in the MARINA Central Office or Maritime Regional Office (MRO).

2. The following documentary requirements must be submitted/complied with when applying for inspection and issuance of COC:
  - 2.1. Letter of intent;
  - 2.2. MARINA approved Revised Ship Passenger Accommodation Plan;
  - 2.3. Other plans as may be required by the Administration, such as:
    - a. Existing Approved Ship Passenger Accommodation Plan;
    - b. Electrical Plan, in case of repairs, alterations, modifications and outfitting of Electrical installations; and,
    - c. Fire Control Plan, in case of repairs, alterations, modifications and outfitting of fire control installations.
  - 2.4. Updated Passenger Insurance Policy reflecting additional capacity;
  - 2.5. Certificate of Inspection reflecting any changes in the capacity of ships; and,
  - 2.6. Valid COC under MC Nos. 65/65-A.
3. Only applications with complete requirements shall be accepted; and,
4. The COC shall be issued by the Enforcement Office (EO) or the concerned, after favorable result of the inspection in accordance with herein Rules.

**X. VALIDITY OF CERTIFICATE OF COMPLIANCE (COC):**

The COC shall be valid for a period of one (1) year, subject to the condition that any conversion/alteration shall be with prior approval of the MARINA. Application for renewal shall be made at least two (2) weeks before the expiry date.

**XI. COMPLIANCE MONITORING:**

The Enforcement Office (EO) / concerned Maritime Regional Office shall monitor compliance to the provision of this Circular every six (6) months from the issuance of COC by way of endorsement at the back of the certificate.

**XII. FEES AND CHARGES:**

1. Filing fee for adoption of deregulated passenger rates for Reclining Seat Accommodation	P 3,600.00/ship
2. Filing fee for upward adjustment of deregulated	P 3,000.00/ship

rate pursuant to MC 153.	
3. Issuance or re-issuance of COC	PhP 200.00
4. Inspection fees:	
<b><u>For Inspection within Metro Manila or Area of Jurisdiction for Regional Offices:</u></b>	
35 to 100 GRT	P2,000.00
Above 100 to 250 GRT	3,000.00
Above 250 to 350 GRT	4,000.00
Above 350 to 500 GRT	5,000.00
Above 500 to 1,000 GRT	7,000.00
Above 1,000 GRT to 5,000 GRT	8,000.00
Above 5,000 GRT	10,000.00

<b><u>For inspection outside Metro Manila or Area of Jurisdiction for Regional Offices</u></b>	
35 to 100 GRT	4,000.00
Above 100 to 250 GRT	5,000.00
Above 250 to 350 GRT	6,000.00
Above 350 to 500 GRT	7,000.00
Above 500 to 1,000 GRT	8,000.00
Above 1,000 GRT to 5,000 GRT	10,000.00
Above 5,000 GRT	13,000.00

### XIII. SANCTIONS AND PENALTIES:

1. Charging rate equal to or higher than the existing lowest second class air-conditioned accommodation rate.	(i). First Infraction - P5,000.00 plus warning
	(ii). Second Infraction – P10,000.00 plus suspension of CPC/PA of not less than one (1) week.
	(iii). Third Infraction – P25,000.00 plus revocation of CPC/PA.
2. Operation without COC for reclining Seat Accommodation	(i). First Infraction – P5,000.00 plus warning.
	(ii). Second Infraction – P10,000.00 plus suspension of CPC/PA/SP
	(iii). Third Infraction – P25,000.00 plus cancellation/re-vocation of CPC/PA/SP
3. Surcharge for operating with expired/late renewal of COC	P300.00 per day from date of expiry or a maximum of P25,000.00.
4. Non compliance with any of the provisions of this Circular	(i). First Infraction – P25,000.00 plus warning
	(ii). Second Infraction –



	P50,000.00 plus suspension of CPC/PA/SP
	(iii). Third Infraction – P100,000.00 plus cancellation of CPC/PA/SP

**XIV. REPEALING CLAUSE:**

Any provision of MC Nos. 65/65-A, 183, 120, and any law, Circular rules and regulation or any parts thereof inconsistent herewith are hereby repealed/amended accordingly.

**XV. EFFECTIVITY:**

This MC shall take effect fifteen (15) days after its publication once in a newspaper of general circulation and shall be provisionally valid for a period of one (1) year.

Manila, Philippines, 08 January 2004.

**BY THE AUTHORITY OF THE BOARD:**

**(Sgd.) ATTY. OSCAR M. SEVILLA**  
Administrator

**SECRETARY'S CERTIFICATE**

This is to certify that Memorandum Circular No. 196 was approved during the 165<sup>th</sup> Regular Meeting of the Maritime Industry Board of Directors held on December 15, 2003.

**(Sgd.) ATTY. M. A. HIYASMIN H. DELOS SANTOS**  
Director/CESO V  
Deputy Corporate Board Secretary