

**MARINA Circular No. 15
Series of 2009**

**TO : ALL DOMESTIC SHIPPING COMPANIES, SHIPOWNERS/
OPERATORS/CHARTERERS AND ALL OTHERS
CONCERNED**

**SUBJECT : GUIDELINES IN DETERMINING SAILING SCHEDULES
AND FREQUENCIES IN THE ISSUANCE AND
AMENDMENTS OF CERTIFICATE OF PUBLIC
CONVENIENCE (CPC) AND SPECIAL PERMIT (SP)**

Pursuant to Presidential Decree No. 474 and Executive Order No. 125/125-A, the Maritime Industry Authority Board of Directors in its meeting held on May 21, 2009, approved and adopted the following guidelines:

I. OBJECTIVE:

This Circular serves to provide guidelines in determining sailing schedules and frequencies in the issuance and amendments of Certificate of Public Convenience (CPC) and Special Permit (SP) in order to:

1. encourage effective competition and to attract investments in the shipping industry by creating a healthy and competitive investment and operating environment;
2. enforce rules which will ensure compliance with required safety standards;
3. rationalize shipping operations by preventing port congestion and over tonnage in certain liner routes; and,
4. further implement MARINA Circular No. 2006-006 and its subsequent amendments.

II. COVERAGE:

This Circular shall apply to all domestic shipowners or operators applying for Certificate of Public Convenience or Special Permit in the liner trade for the carriage of passengers or cargoes or both.

III. DEFINITION OF TERMS:

1. **Certificate of Public Convenience** - shall mean the license or authority issued by MARINA to a domestic shipowner or operator to engage in domestic shipping;

2. **Special Permit** - refers to a temporary authority to operate issued by the MARINA to a domestic shipowner or operator under certain instances provided in MARINA Circular No. 2006-006;
3. **Certificate of Berthing Window or Availability of Berthing Space** - refers to the Certificate issued by pertinent port authority or other government or private entity to the effect that the ship can be accommodated at the port or area being served vis-à-vis other operators, and that it can be safely accommodated therein given the draft limitations and other considerations.
4. **MARINA** - refers to the Maritime Industry Authority.

IV. GENERAL PROVISIONS:

1. The Maritime Industry Authority shall determine the sailing schedules and frequencies for domestic shipowners or operators applying for CPC or SP in the liner trade in order to ensure reasonable schedule of trips, frequencies or time spacing.
2. All Applications for CPC and SP for liner operations, and any change or amendment in the routes or sailing schedules and frequencies, shall be supported by a Certificate of Berthing Window or Availability of Berthing Space issued by the pertinent port authority (Philippine Ports Authority, Cebu Port Authority), LGU or other appropriate government and private entity which has jurisdiction over the area being served or port of operation/destination; otherwise, the Application will not be accepted.
3. The Certificate of Berthing Window or Availability of Berthing Space shall indicate the following:
 - 3.1. Berthing Space Window;
 - 3.2. Time the ship can be accommodated by the berth; and,
 - 3.3. That the ship can be safely accommodated at the berth given the draft limitation and other considerations (technical, natural conditions of the port, etc.)
4. The sailing schedules and frequencies authorized in the CPC or SP shall at all times be served and observed by the domestic shipowner or operator. Non-adherence hereto shall subject the domestic shipping owner or operator to sanctions and penalties under existing MARINA rules and regulations.

V. REPEALING CLAUSE:

All MARINA Circulars, rules and regulations or issuances inconsistent herewith are hereby amended or repealed accordingly.

VI. EFFECTIVITY CLAUSE:

This Circular shall take effect immediately after its publication once in a newspaper of national circulation.

Manila, Philippines, 21 May 2009.

BY AUTHORITY OF THE BOARD:

(Sgd.) MARIA ELENA H. BAUTISTA
Administrator

SECRETARY'S CERTIFICATE

This is to certify that MARINA Circular No. _____ has been approved during the Special Meeting of the Maritime Industry Authority (MARINA) Board of Directors held on May 21, 2009 at the DOTC Office of the Undersecretary for Maritime Transport.

ATTY. JABETH SENA JEPATH A. DACANAY
Corporate Board Secretary