

MEMORANDUM CIRCULAR NO. 68

TO : ALL SHIPPING COMPANIES, OTHER MARITIME ENTITIES AND ALL CONCERNED

SUBJECT : GUIDELINES ON ISSUANCE OF EPECIAL PERMIT FOR THE TEMPORARY UTILIZATION OF FOREIGN REGISTERED VESSELS IN THE DOMESTIC TRADE

In order to accelerate the development and expansion of the domestic fleet/Philippine-registered vessels and provide for stable employment opportunities; and for national security, the following guidelines are hereby adopted and shall govern the issuance of Special Permits for the temporary utilization of foreign registered vessels in the domestic trade pursuant to Section 12 (d) of PD 474 and the Memorandum of Agreement between the MARINA and the PCG dated 29 March 1977:

I. COVERAGE

These guidelines shall apply to temporary utilization of foreign registered vessels in the domestic trade.

No foreign registered vessel shall be operated in the domestic trade without first securing a Special Permit from MARINA.

II. DURATION OF SPECIAL PERMIT

No Special Permit shall be granted for a period of more than thirty(30) days in any single issuance object of renewal.

III. RENEWAL/EXTENSION OF SPECIAL PERMIT

A Special Permit issued shall be extended/renewed, as maybe warranted, for a period of not exceeding thirty(30) days for every extension/renewal.

IV. INSTANCES COVERING THE ISSUANCE OF SPECIAL PERMITS

1. A Special Permit may be issued in any of the following cases:
 - 1.1 specialized cargo vessel to transport specialized or dangerous cargo when no suitable service can be provided by the Philippine-registered domestic and overseas fleets.
 - 1.2 General cargo vessels when no suitable tonnage is available.

2. The Special Permit referred to herein shall be issued subject to submission of the following documentary requirements:

2.1 General Requirements

2.1.1 Letter of intent from applicant addressed to MARINA indicating the particulars of the vessel/s, duration of Special permit, the ports of call, and the volume and nature of the commodity to be carried.

2.1.2 Board resolution authorizing the person to represent the applicant or letter of authority.

2.1.3 Bareboat charter party, time charter party or contract of affreightment.

2.2 For Vessels With Foreign Crew

The applicant- company shall secure a Special Work permit (SWP) for its alien crew from the Bureau of Immigration (BI), if the period of stay is thirty(30) days or less. In the case wherein the alien crew will stay and work in the Philippines for more tan thirty (30) days they shall be required to secure an alien Employment Permit (AEP) from the Department of Labor and employment (DOLE) subject to the endorsement of MARINA;

2.3 For Tankers

The applicant-company shall secure a Certificate of Compliance from the Energy regulatory Board(ERB).

2.4 For Other Vessels

The applicant-company shall be required to secure a Certificate of Non-Availability of Vessels from the appropriate shipping association.

V. SCHEDULE OF FEES

The applicant-company shall pay the processing fee herein listed:

1. Special Permit for Temporary utilization of Foreign Registered Vessels in the Domestic trade/Extension/Renewal of SP/Amendments of SP (P10,000.00 minimum/vessel or P55.00/50 GRT or fraction thereof whichever is higher)

2. Endorsement to department of Labor and Employment for the Employment of foreign crew on board foreign registered vessel/s temporarily utilized in the domestic trade (P2,000.00/Foreign Crew /person)

VI. VIOLATIONS

Any violation of the terms and post-approval conditions of the Special Permit shall subject the violator to the penalties provided under Memorandum Circular No.50, s.1989 and in appropriate cases the revocation or cancellation of the Special Permit.

VII. EFFECTIVITY

This Memorandum Circular shall take effect fifteen(15) days after its publication once in a newspaper of general circulation.

Manila, Philippines, 06 May 1992.

BY AUTHORITY OF THE BOARD:

PHILIP S. TUAZON
Administrator

SECRETARY'S CERTIFICATE

This is to certify that the Memorandum Circular No. 68 has been approved in the meeting of the Maritime Industry Board held on 06 May 1992.

PURITA C. CENTENO
Corporate Board Secretary