

MEMORANDUM CIRCULAR NO. 90

TO : ALL SHIPPING COMPANIES, SHIPOWNERS, SHIOPERATORS, CHARTERERS, PUBLIC SERVICE OPERATORS, OTHER MARITIME ENTITIES AND ALL CONCERNED

SUBJECT : IMPLEMENTING GUIDELINES FOR VESSEL REGISTRATION AND DOCUMENTATION

The Maritime Industry Authority Board in its meeting on 07 October 1994 has approved and promulgated the following guidelines in the implementation of vessels registration pursuant to the provisions of Executive Order No.125, as amended, DOTC Memorandum dated 7 September 1994 and MARINA Memorandum Circular No. 88, s. 94 approved by the MARINA Board on 15 September 1994.

I. OBJECTIVE

This Circular serves to provide a consolidated implementing guidelines that shall govern the registration and documentation of vessels to entitle it to the protection of Philippine laws and the right to fly the Philippine flag subject to the obligations and disabilities under the laws of the Philippines.

II. COVERAGE

This Guidelines shall apply to:

1. All types of vessels of domestic ownership and of more than 15 GRT;
2. All vessels engaged in towing/pushing or carrying goods and/or passengers for hire regardless of tonnage; and
3. All vessels acquired under PDs 760/866/1711.

Registration of vessels 15 GRT and below under this Circular shall be optional, PROVIDED that such vessels as are not entered in the Philippine register of ships shall be required to secure a vessel identity certificate (Certificate of Number).

The following vessels shall not be covered:

1. Warships and naval vessels;

2. All vessels of foreign registry temporarily used in the Philippine waters for less than one year;
3. Non-motorized bancas, sailboats, and other waterborne contrivance or less than three gross tons capacity.

III. DEFINITION OF TERMS

1. Vessel - Any watercraft used for water transportation, delivery of services and those used for scientific, educational and research purposes, including fishing vessels.
2. Domestic Ownership - Ownership vested in citizens of the Philippines or corporations or associations organized under the laws of the Philippines at least sixty per centum of the capital stock or capital of which is wholly owned by citizens of the Philippines.
3. Homeport - The port where the vessel is registered or enrolled provided, registration shall be effected at the port where the principal office of the shipowner/operator is located and/or at the terminal port of the vessel.
4. Domestic Trade - The carriage of passengers and/or cargoes between two or more ports and places in the Philippines by the use of vessel either as common or contract carrier or for exclusive company/own use including operations within bays and rivers and other inland waterways.
5. Overseas Trade - The transport of goods and/or passengers and/or vessel operations outside of Philippine territorial waters, including those calls at Philippine ports from foreign ports and vice versa.

IV. GENERAL PROVISION

The Maritime Industry Authority (MARINA) is the exclusive authority in matters of registration and documentation of Philippine vessels including, but not limited to, the issuance of certificates, licenses, or other documents incident thereto.

V. SPECIFIC GUIDELINES

A. Register of Vessels

1. The MARINA shall maintain a registry of vessels to be known as "REGISTER OF PHILIPPINE VESSELS" which shall be kept open to free inspection by the public during regular office hours or when the exigency of the service so requires. Separate registers shall be maintained for overseas and domestic vessels.

2. The Register of Philippine Vessels shall contain the following particulars in such form and detail as the MARINA may prescribe:

- a. Name of vessel
- b. Former names and registry (if applicable)
- c. Type of vessel
- d. Call sign
- e. Official Number
- f. Material of Hull
- g. Principal Dimensions
- h. Tonnage (Gross/Net/Deadweight)
- i. Classification
- j. Speed
- k. Main engine
- l. Builders/Place of Built
- m. Year built
- n. Name, nationality and business address/residency of owner/operator
- o. Date of issuance of Certificate or Vessel Registry
- p. Any material change of condition in respect to any of the preceding items including records of encumbrances.

3. The registration of a vessel for domestic trade shall be effected at its homeport as herein defined while registration of a vessel for overseas trade shall be effected only at the MARINA Central Office.

B. Requirements For Registration of Vessels

The following requirements shall have been complied with prior to registration of a vessel, if applicable:

1. Existing vessels
 - a. Plans approval
 - b. Admeasurement
 - c. Presentation of photocopies of valid trading certificates
2. New buildings
 - a. MARINA approval to acquire vessel
 - b. Approval of complete plans of hull and machineries
 - c. Authority issued to a classification society to inspect/supervise the construction of the vessel.

C. Transfer of Rights and Encumbrances

Any rights affecting the vessel or the ownership thereof shall be registered in the Book of Transfer and Encumbrances provided the same is annotated in the Certificate of Vessel Registry of Philippine Vessels.

D. Deletion of Vessels

Vessels registered under the Philippine flag shall be deleted from the Register of Philippine vessels under any of the following circumstances:

1. Bareboat chartering out to foreign nationals, unless the charterer opts to fly the Philippine flag
2. Pre-termination/termination of charter agreement under PDs 760/866/1711
3. Sale of foreign buyers
4. Scrapping/Decommissioning of vessel
5. Constructive or total loss of vessel

VI. VALIDITY

1. A Certificate of Vessel Registry (CVR) shall be valid until there is a change in ownership or the vessel is decommissioned or constructively or totally lost.
2. Certificate of Vessel Registry (CVR) for vessels acquired under PD 760/866/ 1711 shall be co-terminus with the charter party

VII. PENALTY/SANCTIONS

Violation of any of the provisions of this Circular shall be governed by existing laws and regulations.

VIII. SAVING CLAUSE

The provisions of the Revised Philippine Merchant Marine Rules and regulations as amended which are not inconsistent with this Circular are hereby adopted by reference.

IX. REPEALING CLAUSE

Any provision of existing MARINA rules and regulations, circulars and orders which are inconsistent with this Circular are hereby repealed or modified accordingly.

X. EFFECTIVITY

This Memorandum Circular shall be published once in a newspaper of general circulation in the Philippines and shall take effect on 15 October 1994.

Manila, Philippines, 07 October 1994.

BY AUTHORITY OF THE BOARD:

PACIENCIO M. BALBON, JR.
Administrator

SECRETARY'S CERTIFICATE

This is to certify that the foregoing Memorandum Circular No. 90 was approved by the MARINA Board on 07 Oct. 1994

PURITA C. CENTENO
Corporate Board Secretary

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