

MEMORANDUM CIRCULAR NO. 96

TO : ALL SHIPPING COMPANIES, SHIPPING MANNING AGENCIES, MARITIME ENTERPRISES, SEAFARERS AND ALL CONCERNED

SUBJECT : CREATION OF WATHCHLIST SYSTEM FOR SEAFARERS

Pursuant to Section 12 (f) and (j) of E.O. 125/125-A, and to effectively enforce the provisions of MARINA Memorandum Circular Nos. 82, 83, 87 and their amendments, this Memorandum Circular is hereby issued to establish a system of wathlisting of seafarers who are facing disciplinary, administrative or criminal changes.

I. CONCEPT OF THE SYSTEM

The watchlist is a computer-file of seafarers who are black-listed on the basis of any of the following:

1. The seafarer is in the blacklist of the POEA, copy of which is officially furnished MARINA;
2. The seafarer has been listed and found to have criminal records by the NBI;
3. The seafarers has been officially reported to MARINA by any prosecuting arm or agency of the government for being involved in heinous crimes or capital offenses; or
4. The seafarers is administratively charged with MARINA for violation of maritime laws, rules and regulations and there exists strong evidence of guilt against him/her.

Those in the watchlist are not qualified to apply for or to be issued SIRB or STCW certificates, unless and until he/she is cleared from the charges against him/her.

II. PROCEDURES

1. In cases falling under 1, 2 and 3 of the above item I, the seafarer shall automatically be included in the watchlist and is disqualified for issuance of SIRB or STCW certificates. Only after he/she can show clearance from the charges against him/her issued by the government office concerned shall he/she be so qualified.

2. The procedure on item I. 4 cases shall, be as follows:
 - 2.1 The case may be initiated either upon directive of the Administrator or the MARINA Board, a verified complaint from any private person, or company duly supported with affidavits/evidence, or official reports of any MARINA unit/office concerned. Private complaints shall be for offenses indicated in MC Nos. 82, 83, 87 and their amendments;
 - 2.2 MLAO shall take appropriate action thereon through the issuance of Show Cause Orders, directing the seafarer involved to file his/her written answer/explanation/comment supported by affidavits/evidence within five (5) days from receipt thereof;
 - 2.3 Upon receipt of the responsive pleading, MLAO shall determine whether or not there exist prima-facie case against the seafarer and whether or not evidence of guilt is strong. If there is no probable cause against the seafarer, a resolution dropping/dismissing the case shall be drafted for the signature of the Administrator. If there is, and evidence of guilt is strong, the seafarer shall be recorded in the watchlist and a decision shall be rendered on the basis of the evidence submitted in relation to the records of the case, unless there is a need to proceed with the hearing of the case for clarification of some matters. When no answer is filed within the period, the case shall be deemed submitted ready for resolution and the seafarer shall be included in the watchlist.

III. GENERAL PROVISIONS

1. Proper coordination/consultation with appropriate government agencies and the private sector has been undertaken wherein the latter is apprised of the objective, substance and procedural requirement, the effective implementation of which would require their cooperation/compliance.
2. MLAO shall periodically furnish all MARINA offices concerned with the names of seafarers included in the watchlist for their reference and guidance.

IV. EFFECTIVITY

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

Manila, Philippines, 23 march 1995.

BY AUTHORITY OF THE BOARD :

PACIENCIO M. BALBON JR.
Administrator

SECRETARY'S CERTIFICATE

This is to certify that Memorandum Circular No. 96 has been approved during the 126th regular meeting of the Maritime Industry held on 16 March 1995.

EMERSON M. LORENZO
Deputy Corporate Board Secretary

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