

MEMORANDUM CIRCULAR NO. 147

**TO : ALL SHIPPING COMPANIES,
SHIPOWNERS, SHIP OPERATORS,
SHIP CAPTAINS, SHIP AGENTS,
MOTORBOAT OPERATORS,
OTHER ENTITIES AND ALL
CONCERNED**

**SUBJECT : RULES ON COMPLIANCE WITH
CLEARANCE REQUIREMENTS
FOR VEHICLES, ANIMALS,
PLANTS, FOREST PRODUCTS,
FISH AND AQUATIC PRODUCTS,
MINERALS AND MINERAL
PRODUCTS, AND TOXIC AND
HAZARDOUS MATERIALS TO BE
LOADED ONBOARD
INTERISLAND SHIPS**

Pursuant to Sections 2(b) and 6(b) of Presidential Decree No. 474 and to implement Section 3.2 of the Memorandum of Agreement (MOA) dated 03 February 1999 among the Department of Transportation and Communications (DOTC), Department of Environment and Natural Resources (DENR), Department of Agriculture (DA), and Department of Interior and Local Government (DILG) on the specific powers, functions and responsibilities of concerned Departments and its Offices/Agencies relative to the inspection, checking and issuance of clearance requirements for the movement of domestic goods/cargoes, please be informed that the MARINA Board has approved the following rules during its 148th meeting on 03 June 1999 .

I. OBJECTIVE:

1. To ensure strict compliance with clearance requirements of the parties to the aforesaid MOA for certain classes/categories of goods/cargoes to be loaded on board domestic vessels; and
2. To increase mobility of domestic vessels and domestic goods/cargoes in the ports and reduce transport cost by rationalizing clearance requirements.

II. COVERAGE:

This Circular shall apply to all Philippine-registered ships engaged in the domestic trade.

III. POLICY STATEMENTS:

1. The relevant rules and regulations, circulars or laws of the aforesaid government agencies who are parties to the MOA governing clearance requirements for certain types/categories of cargoes/goods to be loaded/transported domestic vessels are hereby deemed incorporated in this Circular by reference.
2. The Shipowner shall institute a mechanism to ensure that cargoes accepted by its agents for loading onboard their vessels shall be covered by the appropriate clearance from the concerned agencies enumerated under (3) below.

3. Likewise, the Master of the vessel shall accept at the port of loading only cargoes which are covered by the necessary clearance from the appropriate government agency/ies, as prescribed under the MOA dated 03 February 1999 and reproduced below:

3.1. Plants and animals, its by-products and related materials

Applicability of clearance: When they come from/go to areas with quarantine restrictions

Clearance Required: Bureau of Plant and Industry (BPI)/Bureau of Animal Industry (BAI) Clearance

3.2. Fish and Aquatic Products

Applicability of clearance: When they come from/go to areas with quarantine services

Clearance Required: Bureau of Fisheries and Aquatic Resources (BFAR)

3.3. Forestry and Wildlife Products, Flora and Fauna

Applicability of clearance: When loaded on board domestic vessel

Requirements: Department of Environment and Natural Resources (DENR) clearance and transport permit

3.4. Minerals, Mineral Products and Ores

Applicability of clearance: When loaded on board domestic vessel

Requirements: Mines and Geosciences Bureau (MGB) Transport Permit, Delivery Receipt and Certification

3.5. Toxic and Hazardous Materials*

Applicability of clearance: When loaded on board domestic vessel

Requirements: Environmental Management Bureau (EMB) Permit to transport

3.6. Motor Vehicles and Parts

* This is in addition to the requirement under MARINA MC No. 101.

Applicability of clearance: When transported from one port to another

- Requirements:
- Proof of ownership consisting of Registration Certificate and Official Receipt.
 - Traffic Management Group (TMG) clearance valid for 30 days.
 - (N.B. checking at Port of loading only)

3.7. Mineral and Mineral Products/Sand and Gravel

Applicability of clearance: When transported from one port to another

- Requirements:
- Ore Transport Permit from Governor or City Mayor Delivery Receipts for sand and gravel for mineral and mineral products.

IV. SANCTIONS AND PENALTIES:

It shall be the primary duty and responsibility of the Master/Captain of the vessel to ensure strict adherence to this Circular, at all times, and violation of the provisions thereof shall be subject to the following administrative fines and/or penalties, after due notice and hearing as provided under MC No. 74, as amended, without prejudice to the institution of criminal and/or civil action with the regular courts against responsible corporate officers of the company and/or responsible officers of the vessel.

	SHIOWNER/ OPERATOR	MASTER/CREW
1. First Violation	- P5,000 for every departure where shipment of cargoes is not covered by appropriate clearance.	- P2,000 for every departure where shipment of cargoes is not covered by appropriate clearance.
2. Second Violation	- P15,000 for every departure where shipment of cargoes is not covered by appropriate clearance.	- P5,000 for every departure where shipment of cargoes is not covered by appropriate clearance.
3. Third Violation	- P50,000 for every departure where shipment of cargoes is not	- P10,000 for every departure where shipment of cargoes is not

	covered appropriate clearance.	by	covered appropriate clearance.	by
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V. REPEALING CLAUSE:

Any provision of the Philippine Merchant Marine Rules and Regulations (PMMRR) 1997 and existing MARINA Memorandum Circulars and issuances which are inconsistent with this Circular are hereby repealed or modified accordingly.

VI. EFFECTIVITY:

This Memorandum Circular shall be published once in a newspaper of general circulation in the Philippines and shall take effect fifteen (15) days after publication.

It is hereby required of the parties concerned to post copy/ies of this Circular on board the vessel and in other conspicuous places.

Manila, Philippines, 03 June 1999.

By the Authority of the MARINA Board:

AGUSTIN R. BENGZON
Administrator

Secretary's Certificate

This is to certify that Memorandum Circular No. 147 has been approved by the MARINA Board in its 148th Meeting on 03 June 1999.

BAÑAS

Secretary

ATTY. GLORIA V.

Acting Corporate Board

Date Published: 17 June 1999.

Date Submitted to the UP Law Center: 23 June 1999.