

Republic of the Philippines  
Congress of the Philippines  
Metro, Manila

Tenth Congress

Third Special Session

Begun and held in Metro, Manila, on Monday, the twenty-eight day of July, nineteen hundred and ninety-seven.

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## **REPUBLIC ACT NO. 8544**

### **AN ACT REGULATING THE PRACTICE OF THE MERCHANT MARINE PROFESSION IN THE PHILIPPINES**

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled.

#### **ARTICLE I**

##### **TITLE**

SECTION 1. *Title.* - This Act shall be known as the "Philippine Merchant Marine Officers Act of 1998."

#### **ARTICLE II**

##### **DECLARATION OF POLICY AND OBJECTIVES**

SEC 2. *Declaration of Policy.* - It is the declared policy of the State to promote and insure the safety of life and property at sea, protect and serve the marine environment and ecology, and prevent marine pollution and accident at sea, protect and serve the marine environment and ecology, and prevent marine pollution and accident at sea by complying with the standards of Training, Certification and watchkeeping for seafarers 1978 (STCW '78), as amended, to which the Philippines is signatory.

It is likewise the declared policy of the State to institutionalize radical changes as required by international and national standards to insure that only qualified, competent and globally competitive Marine Deck/Engineer Officers as determined through licensure examinations shall be allowed entry to the practice of the Merchant Marine profession.

**SEC.3. *Objectives.*** - This Act provides for and shall govern:

- (a) The examination, registration and issuance of Certificate of Competency to Merchant Officers; and
- (b) The supervision, control and regulation of the practice of Merchant Marine profession in the Philippines: *Provided*, That the above objectives shall be attained through profession in the Philippines: *Provided*, That the above objectives shall be attained through compliance with STCW'78 Convention, as amended.

### **ARTICLE III**

#### **DEFINITION OF TERMS**

**SEC.4 *Definition of Terms.*** -

- (a) “Practice of Merchant Marine Profession” – shall refer to the profession requiring the application of fundamental and known principles of navigation, seamanship and engineering to the peculiar condition and requirements of on board management, operation and maintenance of main propulsion and auxiliary engines, stability and trim of the vessel and cargo handling. It shall also cover but will not be limited to the following:
  - (1) The proper handling and stowage of cargoes on board ship which includes the safe carriage of passengers from port of origin to port of destination;
  - (2) The safe watchkeeping of the vessel’s navigation in accordance with the Rules of the Road at Sea;
  - (3) The Maritime Education and Training of Cadets and other Marine Professionals;
  - (4) Employment with government, provided such item or positions requires that knowledge and expertise of a Merchant Marine Officer.
- (b) “Merchant Marine Vessel” shall apply only to the commercial ships, propelled by machinery, public or private, strictly engaged in maritime commerce, both seagoing and/or near coastal trade, vessels engaged in the training of cadets for the merchant marine profession, and noncombatant vessels of the Philippine Government.
- (c) “Merchant Marine Officer” shall refer to marine deck or engineer officer.

(d) "Merchant Marine Deck Officer" shall refer to a duly registered, certified and licensed master mariner, chief mate and officer-in-charge of a navigational watch.

(e) "Merchant Marine Engineer Officer" shall refer to a duly registered, certified and licensed chief engineer, second engineer and officer-in-charge of an engineering watch in a manned engine-room or designated duty engineer in a periodically unmanned engine-room and coastal engineer.

## ARTICLE IV

### BOARDS FOR MARINE DECK OFFICERS AND MARINE ENGINEER OFFICERS

**SEC.5. *Creation and Composition of the Boards.*** - For the purpose of implementing the provisions of this Act, the Board of Marine Deck Officers and the Board of Marine Engineer Officers, hereinafter referred to as the "Board," are hereby created. Each Board shall be composed of a Chairman and four (4) members who of three(3) recommendees for each position recommended by the Professional Regulation Commission, hereinafter referred to as the Commission, from a list of five(5) nominees for each position chosen and ranked by the integrated and accredited association of Marine Deck/Engineer Officers.

The Boards shall be organized not later than six(6) months from the effectivity of this Act.

**SEC.6. *Qualifications of the Chairman and Members of The Board.*** The Chairman and members of the Board shall, at the time of the appointment, possess the following qualifications:

- (a) He must be a citizen and resident of the Philippines;
- (b) He must be of proven integrity and with high moral values as evidenced by his past professional conduct;
- (c) He must be a duly registered Marine Deck/Engineer Officer under this Act, with a valid certificate of registration and valid certificate of competency;
- (d) He must be a member in good standing of the integrated and accredited association of Marine Deck/Engineer Officers;
- (e) He must not have any pecuniary interest, directly or indirectly, in any school, academy, college, university or institution conferring an academic degree necessary for admission to the practice of merchant marine profession; or where review classes in preparation for the licensure examination are being offered or conducted, nor shall he be a member of the faculty or of the administration thereof at the time of his appointment to the Board;

- (f) For the Board of Marine Deck Officers, he must have navigated as master mariner for at least two (2) years on board a sea-going vessel and with an aggregate total of at least seven (7) years practice as Merchant Marine Officer;
- (g) For the Board of Marine Deck Officers, he must have navigated as Marine Engineer Officer for at least two (2) years on board a sea-going vessel and with an aggregate total of at least seven (7) years practice as Merchant Marine Officer;
- (h) His last shipboard experience should not be less than one (1) year within a ten (10)-year period prior to appointment date; and
- (i) He must not have been convicted by any competent court of an offense involving moral turpitude.

**SEC. 7. *Term of Office.*** - The Chairman and members of the Board shall hold office for a term of three (3) years and until their successors have been appointed and duly qualified. Of the members of the Board first appointed under this Act, one (1) member shall be appointed and hold office as Chairman for three (3) years; two (2) members for two (2) years; and two (2) members for one (1) year.

The Chairman or members of the Board may be reappointed for another term but in no case shall he serve continuously for more than six (6) years. Each member of the Board shall qualify by taking the proper oath of office prior to entering upon the performance of his duties.

**SEC.8. *Compensation and Allowances of the Board.*** - The chairman and members of the Board shall receive compensation and allowances comparable to the compensation and allowances being received by the Chairmen and members of other existing regulatory boards under the Commission as provided for in the General Appropriations Act.

**SEC.9. *Vacancy and Removal of Board Members.*** - Any vacancy occurring in the membership of the Board shall be filled for the unexpired portion of the term only.

The President may remove any member of the Board upon the recommendation of the Commission on the following grounds:

- (a) Neglect of duty or incompetence;
- (b) Violation or tolerance of the violation of this Act or the Code Ethics for Marine Profession;
- (c) Final conviction of an offense involving moral turpitude.

He shall be given due notice and hearing where his right to be heard and to defend himself, assisted by counsel, shall be respected in a proper administrative investigation. The Commission's decision may be appealed within fifteen (15) days to the President whose decision shall be final and executory.

SEC.10. *Powers and Duties of the Boards.* - The Boards shall exercise the following powers and duties:

- (a) To promulgate and adopt the rules and regulations necessary for carrying out the provisions of this Act;
- (b) To supervise and regulate the registration, certification of competency and practice of the Maritime Profession in the Philippines;
- (c) To issue certificates of competency and its corresponding endorsement in accordance with STCW '78 standards;
- (d) To administer oaths in connection with the administration of this Act;
- (e) To suspend, revoke or reinstate the Certificate of Competency for the practice of the Maritime profession;
- (f) To adopt an official seal of the Board;
- (g) To look into the conditions affecting the practice of the Maritime Profession and whenever necessary, adopts such measures as may be deemed proper for the enhancement and maintenance of high professional and ethical standards of the profession;
- (h) To prescribe and/or adopt a Code of Ethical and Professional Standards for the practice of the Maritime Profession;
- (i) To hear and try administrative cases involving violations of this Act, its Implementing Rules and Regulations, the Code of Ethics for Professional Maritime Officers and for this purpose, to issue *subpoena* and *subpoena duces tecum* to secure the appearance of witnesses and the production of documents in connection therewith;
- (j) To prescribe guidelines for the Continuing Professional Education (CPE) program in coordination with the accredited and integrated association of Merchant Marine Officers;
- (k) In accordance with the STCW '78 Convention and its amendments, to prepare, adopt and issue the syllabi of the subjects for examinations by determining and preparing the questions which shall strictly be within the scope of the syllabus of the subjects for examination;

(l) To promulgate, administer and enforce rules and regulations necessary for carrying out the provisions of this Act, in accordance with the charter of the Professional Regulation Commission and the STCW '78 Convention, as amended: Provided, That in case of a subsequent or future amendments to any international convention(s)/conference of which the Philippines is a signatory, the Board is empowered to amend/revise its rules and regulations to conform with the amendments of the said convention(s) without the need of amending this enabling Act;

(m) To approve, issue, limit or revoke the special dispensation to practice the Maritime Profession;

(n) To discharge such other powers and functions as the Board may deem necessary for the practice of the Profession and upgrading, enhancement, development and growth of merchant marine profession in the Philippines.

The policies, resolutions, rules and regulations, issued or promulgated by the Board shall be subject to the review and approval of the Commission. The decision, resolutions or orders rendered by the Board shall be final and executory unless appealed to the Commission within fifteen (15) days from receipt of the decision.

**SEC.11. *Supervision of the Board, Custodian of its Records, Secretariat and Support Services.*** - The Board shall be under the administrative control of the Commission. All records of the Board, including the applications for examination, examinations papers and results, minutes of deliberation, administrative cases, and other and other investigations involving Marine Deck/Engineer Officers shall be kept by the Commission.

The Commission shall designate the Secretary of the Board and shall provide the secretariat and other support services to implement the provisions of this Act.

**SEC.12. *Annual Report.*** - The Board shall, at the close of each calendar year, submit an annual report to the President of the Philippines, through the Profession Regulation Commission, giving a detailed account of each proceedings and accomplishments during the year and making recommendations for the adoption of measures that will upgrade and improve the conditions affecting the practice of the Maritime Profession in the Philippines.

## ARTICLE V

### EXAMINATION, REGISTRATION AND CERTIFICATE OF COMPETENCY

**SEC. 13. *Examination Required.*** - All applicants for registration for the practice of the Maritime Profession shall be required to undergo and pass a written technical examination as provided for in this Act. When conditions and circumstances

warrant, the Board may give walk-in examinations, subject to the approval of the Commission.

SEC.14. *Qualification of applicant for Examination.* - Every applicant for examination shall establish the following requisites:

- (a) He is a citizen of the Philippines;
- (b) He is of good moral character;
- (c) He has met standards of medical fitness, particularly with good eyesight and hearing as certified by a Department of Health (DOH) accredited medical institution conducting physical and medical examinations for seafarers;
- (d) In the case of Marine Deck/Engineer Officer, he must be a graduate of the Bachelor of Science in Maritime Transportation or Bachelor of Science in Marine Engineering in a school, academy, institute, college or university duly recognized by the Commission on Higher Education (CHED);
- (e) For an applicant taking the examination, other than that for the MarineDeck/Engineer Officer, he must have completed in course approved by the appropriate government agency, as defined in the rules and regulations implementing this Act.

SEC.15. *Fraudulent Application.* - The board may suspend or revoke any Certificate of Registration obtained through misrepresentation made in the application for examination.

SEC.16. *Scope of Examination.* - The subjects shall be included in the examination for Marine Deck/Engineer Officer shall include, among others, the following major functions:

- (1) Navigation
- (2) Cargo Handling and Stowage
- (3) Controlling the Operation of the ship and Care for the Persons Onboard
- (4) Marine Engineering
- (5) Electrical, Electronic and Control Engineering
- (6) Maintenance and Repair
- (7) Radio Communications at the following levels of responsibility

(1) Management Level

(2) Operation Level

The said subjects and their syllabi may be amended by the Board so as to conform to technological changes brought about by continuing trends in the profession.

**SEC.17. *Rating in the Board Examinations.*** - To be qualified as having passed the Board examination for Marine Deck/Engineer Officer, a candidate must obtain a weighted general average of seventy percent (70%) but obtains a rating below sixty percent (60%) in any given subject must take the examination in the subject or subjects where he obtained a grade below sixty percent (60%).

**SEC.18. *Report of Ratings.*** - The Board shall submit to the Commissions the ratings obtained by each candidate within fifteen (15) days after the examination, unless extended for just cause. Upon the release of the results of the examination, the Board shall send by mail the rating received by each examinee at his given address using the mailing envelopes submitted during the examination.

**SEC.19. *Re-Examination.*** - An applicant who fails to pass the examination for the third time shall be allowed to take another examination only after the lapse of one year.

**SEC.20. *Oath.*** - All successful candidates in the examination shall be required to take an oath of profession before the Board or any government official authorized to administer oaths, prior to entering upon the practice of the Maritime Profession.

**SEC.21. Certificate of Registration and Certificate of Competency.** - A Certificate of Registration shall be issued to applicants who pass the examination for Marine Deck/Engineer Officer, subject to payment of registration fees.

The Certificate of Registration of a marine professional shall bear the signature of the Chairman of the Board stamped with the official seal and signature of the Chairman of the Professional Regulation Commission indicating that the person named therein is a registered Marine Deck/Engineer Officer.

A Certificate of Competency, bearing the registration number, date of issuance and expiry date duly signed by the Chairman of the Board, shall likewise be issued to every registrant, provided that the professional fees have been paid. No person shall practice as Marine Deck/Engineer Officer in this country unless such person shall have secured a Certificate of Competency to practice as Marine Deck/Engineer Officer in a manner herein provided. A holder of a Certificate of Competency is entitled to practice the profession with all the privileges appurtenant thereto until the expiration of the validity of his Certificate of Competency.

**SEC.22. *Indication of Certificate of Competency and Professional Tax Receipt.***

- The Marine Deck/Engineer Officer shall be required to indicate his Certificate of Competency number, the duration of validity, including the professional tax receipt number or the documents he signs, uses or issues in connection with the practice of his profession.

**SEC.23. *Refusal to Register.*** - The Board shall not register any successful examinee who has been convicted by a court of competent jurisdiction of any criminal offense involving moral turpitude or has been found guilty of immoral or dishonorable conduct after investigation by the Board, or has been declared to be unsound mind. The reason for refusal shall be set forth in writing.

**SEC.24. *Grounds for Suspension and Revocation of Certificate of Registration and Certificate of Competency, cancellation of Special Dispensation.*** - The Board shall have the power, upon due notice and hearing, to revoke or suspend the Certificate of Competency of Marine Deck/Engineer officer, or to cancel a Special Dispensation for cause, which includes but shall not be limited to: the use of perpetration of any fraud or deceit in obtaining a Certificate of Registration, or for incompetence, negligence, or for the illegal practice of a Marine Deck/Engineer Officer, violation of the provisions of This Act, its implementing Rules and Regulations and/or violations of Policies of the Board, including the Code of Ethics for Marine Deck/Engineer Officers. The action of the Board shall be final and executory without prejudice to the right of the aggrieved party to appeal the same within fifteen (15) days from written notice, to the Commission.

**SEC.25. *Reinstatement, re-issuance of Replacement of Certificate of Competency.*** - The Board may, upon application and for reasons deemed proper and sufficient, reinstate any revoked Certificate of Competency or reissue any suspended Certificate of Competency and in so doing, may, in its discretion, exempt the applicant from taking another examination.

New Certificates of Competency to replace lost, destroyed or mutilated ones may be issued subject to the rules as implemented by the Board.

**SEC.26. *Renewal of certificate of Competency.*** - The Certificate of Competency shall be renewed upon satisfying the requirements imposed by the Board, and payment of the corresponding fees prescribed by the Board in accordance with the schedule of fees fixed by the Commission.

## ARTICLE VI

### PRACTICE OF MARINE DECK AND ENGINEER OFFICER

**SEC.27. *Practice of Merchant Marine Profession.*** - No person shall practice or offer to practice the merchant marine profession in the Philippines or offer himself as a marine deck/engineer officer, or use the title, word, letter, figure or any sign tending to

convey the impression that he is a marine deck/engineer officer, or advertise or indicate in any manner whatsoever that he is qualified to perform the work of a marine deck/engineer officer unless he has satisfactorily passed the licensure examination given by the Board and is a holder of a valid Certificate of Registration and Certificate of Competency duly issued to him by the Board of Marine Deck/Engineer Officers.

In compliance with the STCW '78 convention and its amendments, the person holding senior merchant marine licenses namely, the person holding senior merchant marine licenses namely, the master, chief officer, chief engineer and second engineers must be able to function under the management level of responsibility while the officers-in-charge of navigational and engineering watch must be able to function under the operational level of responsibility.

**SEC.28. *Recognition of Certificates.*** - A foreigner holding a Certificate of Competency issued by his national administration in accordance with STCW '78 Convention, as amended, requirements shall be issued special dispensation to serve on board a Philippine registered vessel engaged in the international trade: Provided, That the Philippine Certificate of Competency issued and endorsed by the Board shall be reciprocally recognized by the said foreign national administration to allow the Filipino merchant marine practice his profession on board the foreigner's flag vessel.

**SEC.29. *Quality Standards.*** - The Boards shall establish a system of standards that shall be subject to external management assessment or audit in accordance with the STCW '78 Convention, as amended.

**SEC.30. *Funding Provision.*** - Such sums as may be necessary to carry out the provisions of this Act shall be included in the General Appropriations Act of the year following its enactment into law and thereafter.

**SEC.31. *Integration of Marine Deck/Engineer Officers.*** - All marine deck/engineer officers shall be recognized by the Board and by the Commission as the one and only integrated and accredited association of Marine Deck/Engineer Officers. A Marine Deck/Engineer Officer duly registered with the Board shall automatically become a member of the integrated and accredited association of Marine Deck/Engineer Officers and shall receive the benefits and privileges appurtenant thereto upon payment of the required fees and dues. Membership in the integrated and accredited association shall not be a bar to membership in other associations of marine deck/engineer officers.

**SEC.32. *Code of Ethics for Marine Deck/Engineer Officers.*** - The Board shall adopt and approve the Code of Ethics for Marine Deck/Engineer Officers prescribed by the integrated and accredited national association of Marine Deck/Engineer Officers.

## ARTICLE VII

### MISCELLANEOUS PROVISIONS

#### **SEC.33. *Transitory Provision.***

(1) All certificates of Registration and Certificates of Competency issued to merchant marine officers by the Commission prior to the enactment of his Acts shall retain the same conditions imposed therein: Provided, That the subsequent upgrading, renewal or reclassification of such documents shall be in accordance with the provisions stated herein.

(2) The present Boards shall continue to function in the interim until much time as the new Board shall be duly accustomed pursuant in this Act.

**SEC.34. *Implementing Rules and Regulations.*** - Subject to the approval of the Commission, the Board shall adopt and promulgate such rules and regulations, including the Code of Ethics for Marine Deck/Engineer Officers, to carry out the provision of this Act, which shall be effective after thirty (30) days following their publication in the Official Gazette or in a major daily newspaper of general circulation.

**SEC.35. *Penal Provision.*** - a fine of not less than Twenty thousand pesos (P20,000.00) nor more than One hundred thousand pesos (P100,000.00) or imprisonment for a period of not less than one (1) year or more than six (6) years or both such fine and imprisonment, at the discretion of the court shall be imposed upon:

- (a) Any person who engages in the practice of merchant marine profession or represent himself as a Marine Deck or Engineer Officer without holding a valid certificate of registration and/or certificate of competency;
- (b) Any person who represents or uses the certificate of registration and/or certificate of competency of another person;
- (c) Any person who shall give any false or forged documents for the purpose of obtaining a certificate of registration and/or certificate of competency;
- (d) Any person who shall use a revoked or suspended certificate of registration and/or invalid or expired professional license;
- (e) Any person who shall assume, use or advertise the titles of Marine/Deck/Engineer Officer under his name, or any description to convey the impression that he is a professional marine/deck/engineer officer without holding a valid certificate of registration and/or certificate of competency; and;

- (f) Any person who shall violate the provisions of this Act, its implementing Rules and Regulations, and the Code of Ethics for Marine Deck/Engineer Officers.

SEC.36. *Enforcement.* - The Professional Regulation Commission shall be the enforcement agency of the Board. As such, the Commission shall implement the concerned provisions of this Act, enforce its Implementing Rules and Regulations as adopted by the Board, conduct investigations on complaints including violations of the Code of Conduct of the profession and prosecute when so warranted. If necessary, the Commission may seek the assistance of other duly constituted authorities in the enforcement of the law.

SEC.37. *Separability Clause.* - If any clause, provision, paragraph or part hereof shall be declared unconstitutional or invalid, such judgement shall not affect, invalidate or impair any other part hereof, but such judgement shall be merely involved in the controversy in which such judgement has been rendered.

SEC.38. *Repealing Clause.* - Presidential Decrees No. 97, as amended, and all other laws, decrees, executive orders, rules and regulations and other administrative issuances and parts thereof which are inconsistent with the provisions of this Act are hereby repealed.

SEC.39. Effectivity. - This Act shall effect after fifteen (15) days following its publication in the Official Gazette or in any major newspaper of general circulation, whichever comes earlier.

Approved,

NEPTALI A. GONZALES  
President of the Senate

JOSE DE VENECIA, JR.  
Speaker of the House  
of Representatives

This Act which is a consolidation of House Bill No. 10403 and Senate Bill No. 2394 was finally passed by the House of Representatives and the Senate on February 6, 1998.

HEZEL P. GACUTAN  
Secretary of the Senate

ROBERTO P. NAZARENO  
Secretary General  
House of Representatives

Approved:  
Feb. 24, 1998

FIDEL V. RAMOS  
President of the Philippines