

MARINA CIRCULAR NO. 02
Series of 2009

TO : ALL DOMESTIC SHIPPING COMPANIES, OIL COMPANIES, OPERATORS/CHARTERERS AND OTHER MARITIME ENTITIES CONCERNED

SUBJECT : AMENDING SECTION 1 OF RULE V OF THE IRR OF 9295 ON FOREIGN SHIPS ENGAGED IN TRADE AND COMMERCE IN PHILIPPINE TERRITORIAL WATERS

In response to the prevailing global economic crisis, Section 1 of Rule V of the IRR of 9295 is hereby amended to read as follows:

x x x

Section 1. Special Permit for Foreign Ships – No foreign ships shall be allowed to transport passengers or cargo between ports or places within the Philippine territorial waters, except upon the grant of Special Permit by the MARINA, when no domestic ship is available or suitable to provide the needed shipping service and the public interest warrants the same.

Cargo ships to be temporarily utilized in the domestic trade under a Special Permit must comply with all of the following:

1. Must be for a temporary replacement of an existing ship. Once the ship being replaced becomes operational, Special Permit for the temporary replacement shall be terminated;
2. Must not be more than fifteen (15) years old from date of launching.

Ships more than fifteen (15) years old but not more than twenty (20) years old shall be granted Special Permit for a maximum period of six (6) months; *provided however*, that an additional fee of **TWENTY THOUSAND PESOS (P20,000.00)** shall be paid for every month in excess of the fifteen (15) year age requirement on top of the regular processing fees.

Should the ship require extension beyond six (6) months but not to exceed a total of one (1) year, , the additional fee to be charged shall be **FORTY THOUSAND PESOS (P40,000.00)** for every month in excess of the fifteen (15) year age requirement on top of the regular processing fees;

3. Must be classed by International Association of Classification Societies (IACS);
4. Must have P&I cover compliant with Memorandum Circular 2009-01;

5. Must have fifty (50%) percent Filipino crew for vessels with Special Permits for more than three (3) months and must have one hundred (100%) percent Filipino crew for vessels with Special Permits for more than six (6) months;
6. Must comply with Philippine fiscal and labor laws.

x x x

This Memorandum Circular shall take effect immediately upon its publication once in a newspaper of general circulation and shall be valid for one (1) year from date of issue.

Manila, Philippines, 04 February 2009.

BY AUTHORITY OF THE BOARD:

(Sgd.) MARIA ELENA H. BAUTISTA
Administrator

SECRETARY'S CERTIFICATE

This is to certify that MARINA Circular No. 2009-02 has been approved in the meeting of the Maritime Industry Board held on 04 February 2009.

VIRGILIO B. CALAG
Corporate Board Secretary