

MEMORANDUM CIRCULAR NO.132

TO : ALL SHIPOWNERS, OPERATORS AND MANAGERS OF PHILIPPINE-REGISTERED SEAGOING SHIPS.

SUBJECT : RULES ON THE GRANT OF DISPENSATION TO SEAFARERS ONBOARD PHILIPPINE- REGISTERED SEAGOING SHIPS.

Pursuant to Section 12(e) of Executive Order No.125, as amended, Executive Order No.396 and to fully comply with the Philippines' commitments to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW) 1978, as amended and pursuant further to Presidential Decree Nos. 474 and 760/866/1711 and Executive Order No.438, the following rules shall be observed relative to the grant of dispensation for seafarers onboard Philippine-registered seagoing ships.

I. OBJECTIVE

This Circular aims to provide policies/guidelines to all shipowners, operators and managers applying for dispensation, in behalf of their seafarers onboard Philippine-registered seagoing ships, to fully comply with Article VIII of the 1978 STCW Convention, as amended.

II. COVERAGE

This Circular shall apply to all shipowners, operators and managers of Philippine-registered seagoing-ships, who will apply for dispensation in behalf of their seafarers.

III. DEFINITION OF TERMS

For Purpose of this Circular:

1. **Administration** – refers to the Maritime Industry Authority.
2. **Seagoing Ships** – refers to Philippine-registered ships engaged in international trade.
3. **Convention** – refers to the International Convention on Standards of training, Certification and Watchkeeping for Seafarers (STCW), 1978, as amended. Reference to the Convention constitutes at the same time reference to the Annex and the STCW Code.
4. **Dispensation** – refers to a document issued in favor of a seafarer in case of exceptional necessity, who does not hold the appropriate certificate

required by the Convention, permitting a seafarer to serve in a specified ship for a specified period.

5. **Certificate** – refers to the STCW Certificate issued by the Administration authorizing the holder to serve as stated in this document.

IV. GENERAL PROVISIONS

1. In case of exceptional necessity, the Administration may grant a dispensation to a seafarer to serve in capacity for which he does not hold the appropriate certificate, provided that:
 - 1.1 The seafarer is adequately qualified to fill the vacant post in safe manner to the satisfaction of the Administration;
 - 1.2 the seafarer holds a certificate which qualifies him to hold the post immediately below;
 - 1.3 the dispensation shall be for a period not exceeding six(6) months;
 - 1.4 the ships for which dispensation is being granted shall be specifically identified/named;
 - 1.5 the dispensation shall not be in the capacity of a master or chief engineer officer except in circumstances of force majeure and only for the shortest possible period; and
 - 1.6 dispensation shall be granted to the post of radio officer, as provided by existing radio regulations.
2. Where certification of the post below is not required, relative to paragraph 1.2 of this Section, a dispensation may be granted to a seafarer whose qualification and experience are of clear equivalence to the requirements for the post sought to be filled up provided that if the person does not hold the appropriate certificate, he shall have to take a test that shall be administered by the Administration through the ship's master.
3. The company and the ship's master shall be held responsible in ensuring that the seafarer to whom the dispensation is granted pursuant to paragraph 2 of this Section has adequately demonstrated his qualification and experience.

V. DOCUMENTARY REQUIREMENTS

1. All applications for dispensation shall be filed with the Administration by the concerned providing the following:
 - 1.1 Particulars of the ship
 - 1.2 Port of registry
 - 1.3 IMO Number or Official Number
 - 1.4 Present location and intended date of departure
 - 1.5 Name and certificate number of master
 - 1.6 Concerned seafarers full name, date of birth and experience within the previous five(5) years
 - 1.7 Details of the certificate held by the seafarers concerned (if applicable)
2. Master's Report about the incident;

VI. APPLICATION FEE

The filing fee for the grant of dispensation per seafarer shall be P1,000.00.

VII. ADMINISTRATIVE PENALTY/SNACTIONS

Shipowners, operators and managers covered by this Circular who shall violate or fail to comply with the policies/guidelines herein set forth shall be subject to the following administrative fines and/or penalties after due process:

First Violation	-	P25,000.00
Second Violation	-	P50,000.00
Third Violation	-	P200,000.00
Fourth Violation	-	Suspension of the company as an accredited Phil. Shipping enterprise

Provided that, if the act/violation is subject to administrative fines under existing rules and regulations, the higher amount shall be imposed.

VIII. REPEALING CLAUSE

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

IX. 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.

Manila, Philippines 15 July 1998.

By The Authority of the MARINA Board:

AGUSTIN R. BENGZON
Administrator

Secretary's Certificate

This is to certify that Memorandum Circular No. 132 has been approved by the MARINA Board through Board Resolution No. 98-008 dated 15 July 1998.

Atty. Gloria V. Banas
Corporate Board Secretary

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