

MARINA CIRCULAR NO. 02
Series of 2008

TO : ALL DOMESTIC SHIPPING COMPANIES/ OPERATORS / SHIPMASTERS CONCERNED

SUBJECT : RULES TO IMPLEMENT THE MASTER'S OATH OF SAFE VOYAGE (MOSV)

Pursuant with the provisions of P.D. 474, E.O 125 as amended, R.A. 9295 and its Implementing Rules and Regulations, and SOLAS '74, as amended whereby the Master has the overriding authority and responsibility over the safe operation of a ship, the following rule to implement the MASTER'S OATH OF SAFE VOYAGE (MOSV) in the domestic trade are hereby adopted.

I. COVERAGE:

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

II. OBJECTIVES:

1. To provide rules on the implementation of the MOSV as a requirement onboard Philippine-registered ships engaged in the domestic trade.
2. To provide the Administration and the Company a tool to ensure the maintenance of seaworthiness of Philippine registered ships engaged in the domestic trade, at all times.
3. To provide procedures and designate responsibilities towards the proper and effective implementation and maintenance of the required MOSV.

III. DEFINITION OF TERMS:

For purposes of this Circular, the following definitions shall apply:

1. **Administration** - shall refer to the Maritime Industry Authority.
2. **Master's Oath Of Safe Voyage (MOSV)** - shall refer to a document signed under oath by the master of a ship attesting to the seaworthiness of his ship.
3. **Ship or Vessel** - shall refer to any kind, class or type of craft or artificial contrivance capable of floating in water, designed to be used or capable

of being used as a means of water transport for the carriage of passenger or cargo or both.

4. **Seaworthiness** - shall refer to the normal stability condition of the ship, the ability to withstand stress of wind and sea and the capability to control and contain any emergencies that may arise during the course of her voyage, OR THE OVERALL CONDITION OF THE SHIP TO UNDERTAKE ITS INTENDED VOYAGE.
5. **Company** - shall refer to the owner of the ship or organization or person such as manager or bareboat charterer, who has assumed the responsibility for operation of the ship from the shipowner and who on assuming such responsibility, has agreed to take over all the duties and such responsibilities imposed by these Rules and Regulations.
6. **Master** - shall refer to the person having command of a ship, pursuant to the provisions of Chapter XVIII of the PMMRR, as amended.

IV. GENERAL PROVISIONS:

1. The company, as defined herein, shall ensure that all their Philippine-registered ships engaged in the domestic trade should have onboard a copy of the MOSV, herein attached as MARINA Form No. _____.
2. The MOSV, bearing the picture of the Master, shall be posted in a conspicuous place onboard the ship.
3. Only duly authorized / designated officials of the Administration shall administer the oath relative to the MOSV.

V. SPECIFIC PROVISIONS

1. All Masters are required to possess onboard a valid MOSV for the operation of a ship which must be duly conformed by the shipowner / company.
2. The Master of the ship shall be covered by the said MOSV during his term as the Master of the particular ship. In case the Master is replaced, a new MOSV shall be executed by the new ship Master. The MOSV shall be a one time accomplishment prior to the departure of the ship.
3. The company shall apply for the issuance of an MOSV every time there is a change in the command of any of its operational ships. A Board Resolution shall be required authorizing the person to sign for and in behalf of the company.

4. Consequently, the MOSV by the previous/ replaced Master shall have to be surrendered to the Administration, within three (3) working days, upon change in command of the ship.
5. In case of emergency, which shall necessitate the change in the command of the ship, and where no MARINA Office is located, the oath may be administered by any person/ official duly authorized under existing laws of the Philippines, provided that the MOSV shall be valid for one (1) voyage only and a copy of the MOSV shall be submitted to the nearest office of the Administration within twenty four (24) hours whenever practicable. The surrender of the MOSV of the relieved Master shall be undertaken in accordance with item V.3 above.
6. Companies shall be required to submit to the Administration a list of their operational ships within thirty (30) days from the effectivity of this Circular.
7. Applications for the administration of the oath relative to the MOSV shall be made at the Maritime Safety Office, MARINA Central Office or in any Maritime Regional Offices of the MARINA.
8. The Master of the ship shall accomplish the documentations specified in the MOSV prior to every departure.
9. It shall be the responsibility of the Master to see to it that the required documentations, as specified in this Circular, are forwarded to the Company prior to every departure. In turn, it shall be the responsibility of the Company to forward copies of these documents to the Administration. The Philippine Ports Authority (PPA) shall likewise be furnished a copy of the MOSV everytime the ship departs from the port.
10. The Master and the Company of the ship shall be held criminally liable and jointly and severally liable for any misrepresentations or false entries in the MOSV and its attachments.

VI. RESPONSIBILITIES:

1. The Master shall ensure:
 - 1.1. That he possesses an MOSV onboard upon taking command of a ship and for the entire duration of his command as Master of this ship;
 - 1.2. The safe operation of the ship and protection of environment;

- 1.3. Compliance with relevant international Conventions/ Codes, MARINA Circulars, Rules and Regulations, and other existing laws; and,
 - 1.4. That the crew are properly and appropriately trained to perform the duties and responsibilities required of them per their designated position/s onboard the ship.
2. The company shall be responsible for:
 - 2.1. Application for the issuance of MOSV with the Administration, in behalf of the Master; and,
 - 2.2. The submission to the MARINA of:
 - 2.2.1. A list of its ships operating in the domestic trade;
 - 2.2.2. Copy of the MOSV of the Master in command of the ship operating in the domestic trade together with all its annexes, within twenty four (24) hours after every departure; and,
 - 2.2.3. MOSV of the relieved Master, in case of change in command of any ship.

VII. DOCUMENTARY REQUIREMENTS:

The following documents shall be submitted:

1. Letter-Application
2. Copy of valid Certificate of Ownership and Certificate of Philippine Registry (CPR)
3. Copy of valid Minimum Safe Manning Certificate (MSMC)
4. Copy of valid SIRB of Master
5. Copy of valid Qualification Document Certificate of Master
6. Recent 2" x 2" colored photograph with appropriate shoulder board in white background.
7. Documentary stamps

VIII. SCHEDULE OF FEES AND CHARGES:

Processing fee Php 100.00

Oath Taking Php 100.00

IX. SANCTIONS AND PENALTIES:

Any violation/s of the provisions provided herein shall be subject to the following administrative fines and penalties:

1. Master

- First Offense - Twenty-Five Thousand Pesos (P25,000.00) and warning
- Second Offense - Fifty Thousand Pesos (P50,000.00) and suspension of SIRB and QDC
- Third Offense - One Hundred Thousand Pesos (P100,000.00) and cancellation of SIRB and QDC

2. Company per violating ship

- First Offense - Twenty-Five Thousand Pesos (P25,000.00) and warning
- Second Offense - Fifty Thousand Pesos (P50,000.00) and suspension of Ship Safety Certificates
- Third Offense - One Hundred Thousand Pesos (P100,000.00) and suspension of CPC

The foregoing penalties shall not be a bar and shall not prejudice the institution of criminal cases before the proper Courts.

X. REPEALING CLAUSE:

Any provision of existing MARINA Circulars, Rules and Regulations and other issuances which are inconsistent with this Circular is hereby repealed or modified accordingly.

XI. SEPARABILITY CLAUSE:

Should any provision or part of this Circular be declared by any competent authority to be invalid or unconstitutional, the remaining provisions or parts hereof shall remain in full force and effect and shall continue to be valid and effective.

XII. EFFECTIVITY:

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

Manila, Philippines

BY AUTHORITY OF THE BOARD:

(Sgd.) VICENTE T. SUAZO, JR.
Administrator

SECRETARY'S CERTIFICATE

This is to certify that the above-mentioned Memorandum Circular No. 2008-02 has been approved during the 178th Regular Meeting of the Maritime Industry Board of Directors held on November 8, 2007.

(Sgd.) ATTY. MANUEL C. PORTUS
Corporate Board Secretary

Date of publication: _____
Date of Submission to the U.P. Law Center



Republic of the Philippines
Department of Transportation and Communication
MARITIME INDUSTRY AUTHORITY
_____ OFFICE



MASTER'S OATH OF SAFE VOYAGE

“(name of ship)”

I, _____, with QDC no. _____, issued by the MARINA on _____ and valid until _____, subject to the limitations set forth in my QDC, after having been sworn to in accordance with law, do hereby declare and state, that:

1. I am the Master of “(name of ship)” a passenger/ cargo ship of _____ GT, with Official Number: _____ registered and accredited maritime entity, with business address at _____;
2. “(name of ship)” is seaworthy and fit at all times in all respect for every intended voyage under my command;
3. It complies with/ maintains the required ship safety standards pursuant to existing Philippine laws rules and regulations;
4. “(name of ship)” has an authorized carrying capacity of _____ being the total number of persons authorized to be on board and shall not exceed this number during any voyage;
5. “(name of ship)” shall have onboard an Administration-approved Cargo Security Manual (CSM) during all voyages and will comply with all the necessary guidelines for cargo securing and stowage (applicable only to ships to have a cargo securing manual);
6. It will only carry dangerous cargo in a manner that is in compliance with existing rules and regulations for such carriage and the same shall be properly stowed and lashed throughout the voyage;
7. “(name of ship)” will not be used by the Company or by its officers and crew in the illegal trade of human trafficking.

8. The following company prescribed forms, as approved by the Administration, shall be properly accomplished before every departure and forwarded to the company for submission to the MARINA;

- a) Crew list
- b) Cargo Manifest
- c) Passenger Manifest
- d) Declaration of Dangerous Cargo
- e) Ship's Pre- Departure Safety Checklist

9. I have executed this Master's Oath of Undertaking to attest to the truthfulness of all the foregoing and that I will faithfully comply with SOLAS '74, as amended, PMMRR '97, as amended, and relevant rules and regulations imposed or may be imposed by the Administration, otherwise, I bound myself to be criminally and civilly liable, jointly or severally, for any violation of this oath; and,

10. FINALLY, I ASSUME FULL RESPONSIBILITY FOR THE SAFE OPERATION OF THE SHIP AND PROTECTION OF THE ENVIRONMENT IN ACORDANCE WITH MY SWORN OATH AS A MASTER.

AFFIANT FURTHER SAYETH NAUGHT.

IN WITNESS WHEREOF, I have hereunto affixed my signature this _____ day of _____ at City/ Municipality of _____, Philippines.

Master

CONFORME:

(COMPANY AUTHORIZED REPRESENTATIVE)
(BOARD RESOLUTION/ SECRETARY'S CERTIFICATE/ SPA)

SUBSCRIBED AND SWORN to before me this _____ at the place as indicated above.

Administering Officer

(all items should be properly filled-up and items which are not applicable should be marked with N/A)

Received:

Date: _____

(signature over printed name)

Time: _____

Marina form No. _____