



MARINA CIRCULAR NO. 2009- 20

Series of 2009

TO : **All Philippine Ship Owners/Operators/Managers of Philippine Registered Small Ships/ Maritime Entities.**

SUBJECT : **RULES AND REGULATIONS ON SURVEY, ASSIGNMENT OF MAXIMUM LOAD MARKING AND CERTIFICATION OF PHILIPPINE REGISTERED MOTOR BOAT WITHOUT AND WITH OUTRIGGERS CARRYING PASSENGERS**

Pursuant to Section 2 of Presidential Decree No. 474, Executive Order No.125/125-A, Philippine Merchant Marine Rules and Regulations 1997 and R.A. No. 9295, the following rules and regulations are hereby prescribed.

I. OBJECTIVE:

To foster safety of Philippine-registered motor boats without and with outriggers carrying passengers by providing rules and regulations for the implementation, administration and enforcement on their survey, assignment of maximum load marking and certification.

II. COVERAGE:

These rules and regulations shall apply to all Philippine-registered Motor Boat with outrigger carrying passengers, as well as passenger boats without outrigger not covered under MARINA Circular No. 2007-03, operating in the domestic trade.

III. DEFINITION OF TERMS:

1. Administration - refers to the Maritime Industry Authority (MARINA) as the Administration
2. Maximum Load Marking Certificate - refers to the Certificate issued by the Administration pursuant to these rules and regulations, reflecting attendant measurements upon assignment of a maximum load marking on a boat covered by this Circular.
3. Domestic Trade – shall mean any operation of a ship within Philippine waters.
4. Freeboard – the distance measured vertically, downwards amidships from the upper edge of the deck line to the upper edge of the assigned maximum load marking.
5. Length – the length (L) shall be taken as 96% of the total length on a waterline at 85% of the least moulded depth measured from the baseline, or as the length from the fore side of the stem to the axis of the rudder stock on that waterline, if that be greater.
6. Protected waters – waters limited to bays, rivers, harbours, lakes or similar areas of water in which a ship is not more than three (3) nautical miles from land.
7. Partly protected waters – waters limited to coastal waters in which a ship is not at any time more than 100 miles by sea from the point of departure and not more than 15 miles from land at any point.

8. Tampering or Alteration of Maximum Load Markings – means no deck line previously assigned is missing or the maximum load line markings on a boat has been concealed, defaced/obliterated, altered or removed.

IV. SPECIFIC PROVISIONS

1. All motor boats covered by this Circular shall be given until 15 December 2009 to comply with the prescribed requirements.
2. Effective 16 December 2009 no boat covered by this Circular shall proceed to sea unless it has been surveyed and marked, and issued a Maximum Load Marking Certificate by the MARINA in accordance with these rules and regulations.
3. The load marking of a boat shall not be submerged at any time when it departs on a voyage, during a voyage or on arrival.
3. Boats covered by this Circular shall not be allowed to operate in Coastwise Voyages. Boats 12 meters and above in Length, or 15 GT and above in size shall be allowed to operate in partly protected waters, while boats less than 12 meters in length, or 15 GT in size, shall be allowed to operate only in protected waters.

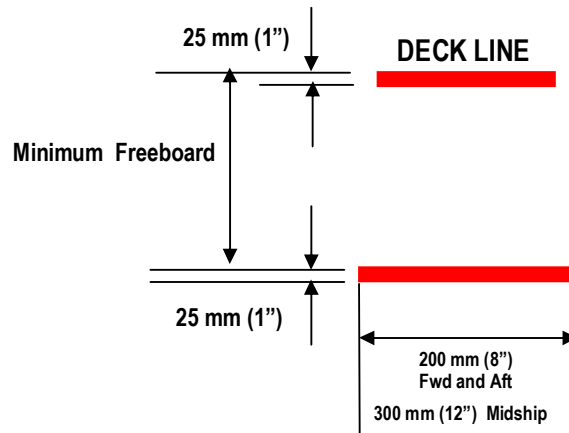
V. MINIMUM FREEBOARD

1. The minimum freeboard shall be that freeboard at which boats in their maximum condition of loading meet the requirements of construction under Philippine Merchant Marine Rules and Regulations and other requirements that the Administration considers appropriate in relation to the type of boat, its service and area of its operation. The minimum freeboard shall be the greater of:
 - (a) 250 mm; and
 - (b) $300 + 44 \times (L-4.5)$ mmwhere L = the length of the vessel in M
2. Where the minimum freeboard of a loaded boat occurs abaft a point 75% of the length of the boat from the foreside of the foremost part of the boat, excluding guardrails, the minimum freeboard shall be taken to be the freeboard measured at the 75% of the length point. The Administration may accept a lesser value of freeboard where the construction or the type of vessel makes it impracticable to achieve the above freeboard calculated as above.
3. The freeboard shall be taken as the vertical distance between the waterline at which the ship is floating with maximum load on board and shall be measured as follows:
 - (a) for a flush deck or well decked boat, from the waterline to the top of the weather deck at the side of the boat;
 - (b) for a partially-decked boat, from the waterline to the top of the deck or to the top of the gunwale, whichever is less; or
 - (c) for an open vessel, from the waterline to the top of the gunwale.

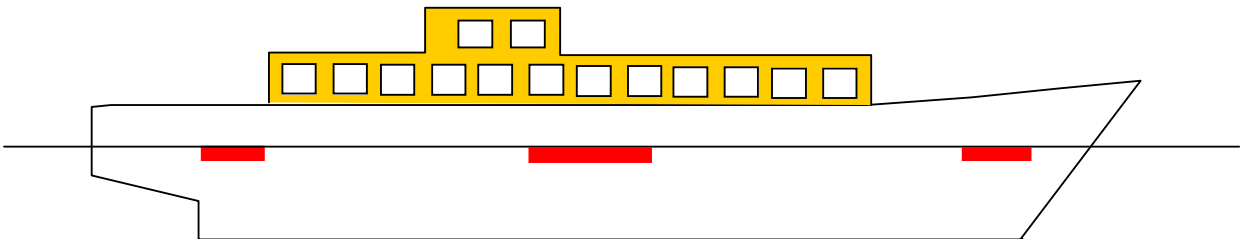
4. Details of Maximum Load Markings

4.1 Boats shall have permanent load markings placed on each side forward, amidships and aft to indicate the maximum freeboard as determined in accordance with section V.1. Such a load mark shall be a horizontal line of at least 200 mm in length forward and aft, 300 mm amidships and 25 mm in height, with its upper edge passing through the point of maximum draft. The maximum load mark shall be painted in a contrasting color to the color of the side shell paint. (Fig. 2)

4.2 Illustration of Maximum Load Marking:



(Fig. 1)



Profile (Fig.2)

5. A new Maximum Load Marking Certificate shall be issued if there are changes in the boat's name, distinctive numbers or letters and homeport.
6. A Maximum Load Marking Certificate shall be valid for a period of not exceeding one (1) year from the date of issuance.
7. Ship Safety Certificate(s) shall not be issued/ renewed if the ship has no valid Maximum Load Marking Certificate.
8. If the Maximum Load Marking Certificate ceases to be valid, or cancelled as officially ordered by the Administration, the other Safety Certificate(s) issued to the ship is/are deemed automatically suspended and the ship is under a "no sail condition".
9. The Master of the ship under a "no sail condition" is under obligation to warrant that such ship shall not proceed to voyage.

VI. IMPLEMENTATION

1. The MARINA as the Maritime Administration shall henceforth principally undertake the conduct of survey/inspection, assignment of Maximum Load Marking and issuance of the Certificate, through its duly licensed NAMARES.
2. The MARINA and its duly-authorized entities shall ensure that a boat holding a valid Maximum Load Marking Certificate are not loaded beyond the limit allowed in the Certificate, and the position of the markings of the boat also corresponds with the specification in the Certificate.
3. For boats home ported in the regions, the boat owner/ operator/ manager shall apply and have their boats undergo a survey, assignment of Maximum Load Marking, and subsequent issuance of the Certificate at the concerned Maritime Regional Office (MRO). In cases where there is no licensed NAMARE or other qualified/ trained technical personnel in the concerned MRO, they may apply at the nearest MRO where there is such qualified personnel available.

VII. DOCUMENTARY REQUIREMENTS

A. For New issuance

1. Letter of application;
2. Approved copy of General Arrangement Plan or Skeleton Plan
3. Survey report; and
4. Copy of CO and CVR.

B. For Renewal

1. Letter of application;
2. Load Line Survey Report;
3. Original Maximum Loading Marking Certificate.

VIII. MAXIMUM LOAD MARKING SURVEYS AND VERIFICATIONS

A boat covered by this Circular shall apply for survey/inspection with the MARINA. Upon receipt of application for survey and submission of the required documents, the MARINA shall survey the boat to ascertain the following:

1. Whether the boat complies with the requirements as applicable to the boat, as well as such other data as may be necessary for assignment of Maximum Load Marking boat in accordance this Circular and other rules and regulations.
2. In the course of the survey to be carried out, the ship and any of its fittings or equipment shall be subjected to such tests if necessary in the opinion of the MARINA NAMARE.
3. Upon completion of the needed survey, calculations, assignment, marking, etc., undertaken by the MARINA and submission of all requirements, the Maximum Load Marking Certificate shall be issued by the MARINA within five (5) working days therefrom.
4. The MARINA shall endeavour to do a harmonized scheduling in the conduct of the required surveys/ inspections vis-à-vis the annual or drydock inspection of a ship, which the concerned shipowner/ operator/ manager can invoke as a prerogative.

IX. VERIFICATIONS OF MARKS

The Maximum Load Marking Certificate shall not be issued to the ship until the MARINA Surveyor has certified that the marks are correctly and permanently indicated on the boat's sides.

X. CANCELLATIONS

The Administration may cancel a Maximum Load Marking Certificate if any of the circumstances cited under this Regulation has been violated, including the tampering of Maximum Load Markings.

XI. FEES AND CHARGES

1. Fees to be charged by the MARINA for the assignment of Maximum Load Marking, related survey, issuance of Maximum Load Marking Certificate, painting of markings and MARINA flag as proof of compliance shall be as follows:

<u>Boat's Tonnage</u>	<u>Fee</u>
1.1 Under 5 GT	₱ 1,000.00
1.2 5 and under 10 GT	1,500.00
1.3 10 and under 20 GT	2,000.00
1.4 20 and above	2,500.00

XII. FINES AND PENALTIES

1. Operation/navigation of a boat without or with expired/invalid Maximum Load Marking Certificate.

1.1	for boat 5 GT and below	₱ 1,000.00
1.2	for boat above 5 GT and under 10 GT	3,000.00
1.3	for boat above 10 and under 20 GT	5,000.00
1.4	for boat 20 GT and above	10,000.00

2. Tampering or Alteration of Maximum Load Marking

2.1	for boat 5 GT and below	₱ 5,000.00
2.2	for boat above 5 GT and under 10 GT	10,000.00
2.3	for boat above 10 GT and under 20 GT	15,000.00
2.4	for boat 20 GT and above	20,000.00

3. Late Renewal of Maximum Load Marking Certificate

3.1	for boat 5 GT and below	₱ 500.00/mo. or a fraction thereof
3.2	for boat above 5 GT and under 10 GT	1,500.00/mo. or a fraction thereof
3.3	for boat above 10 and under 20 GT	2,000.00/mo. or a fraction thereof
3.4	for boat 20 GT and above	2,500.00/mo. or a fraction thereof

XIII. REPEALING CLAUSE

Any provisions of existing MARINA Circulars, rules and regulations, Orders or Decisions which are inconsistent with this Circular are hereby repealed or modified accordingly.

XIV. SEPARABILITY CLAUSE

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

XV. EFFECTIVITY

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

Manila, Philippines, 16 July 2009.

BY THE AUTHORITY OF THE BOARD:

(SGD) **MARIA ELENA H. BAUTISTA**
Administrator

SECRETARY'S CERTIFICATE

This is to certify that Memorandum Circular No. 2009-20 was approved by the MARINA Board of Directors during its 197th Regular Meeting on 16 July 2009.

(SGD) **Atty. Virgilio B. Calag**
Acting Corporate Board Secretary

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