



MARITIME INDUSTRY AUTHORITY

PANGASIWAAN NG KALAKALANG PANDAGAT

<http://www.marina.gov.ph>

MARINA CIRCULAR NO. 2015-03

Series of 2015

TO : ALL DOMESTIC SHIPPING COMPANIES, SHIPOWNERS/
OPERATORS, MOTORBANCA OWNERS/ OPERATORS AND
OTHERS CONCERNED

SUBJECT : RULES ON CATEGORIZATION OF NAVIGATIONAL AREAS/
WATERS IN THE PHILIPPINES

Pursuant to Presidential Decree No. 474, Executive Orders No. 125/ 125-A and Republic Act 9295 and to implement Item 11.5 of the DOTC Department Order No. 2012-01 dated 09 January 2012, the Categorization of the Navigational Areas/ Waters in the Philippines is hereby adopted:

I. OBJECTIVES:

1. To categorize the navigational areas/ waters in the Philippines where all domestic ships operate and navigate;
2. To rationalize the area of operation of vessels specially the wooden hull ships below 35 GT and motorbancas/ motorboat with outriggers viz a viz the categorized navigational areas; and
3. To serve as basis in the review/ amendment of existing Memorandum Circulars governing licensing, safe manning and life-saving appliances/ equipment.

II. COVERAGE:

This Circular shall apply to all Philippine-registered ships of any size operating in Philippine waters engaged in commercial operations, except fishing vessels and government-owned ships not engaged in transporting goods and people.

III. DEFINITION OF TERMS:

For purposes of this Circular, the following terms are defined:

1. "MARINA" refers to the Maritime Industry Authority.
2. "Domestic Shipping" refers to the transport of passengers or cargo, or both, by ships duly registered and licensed under Philippine law to engage in trade and commerce between Philippine ports and within Philippine territorial or internal waters, for hire or compensation, with general or limited clientele, whether permanent, occasional or incidental, with or without fixed routes, and done for contractual or commercial purposes.

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3. *"Domestic Ship Operator" or "Domestic Ship Owner"* for purposes of this Circular, may be used interchangeably and shall mean a citizen of the Philippines, or a commercial partnership wholly owned by Filipinos, or a corporation at least sixty percent (60%) of the capital of which is owned by Filipinos, which is duly authorized by the Maritime Industry Authority to engage in the business or domestic shipping.
4. *"Certificate of Public Convenience"* refers to the license or authority issued by MARINA to a domestic ship operator to engage in domestic shipping.
5. *"Commercial Operation"* refers to the operation of ship that carries cargoes, passengers or cargo/ passenger regardless of its size or tonnage.
6. *"Protected Water"* refers to a body of water that covers navigable area within three (3) nautical miles from the nearest land. Covers navigable water categorized in item IV.1.A.
7. *"Coastal Water"* refers to a body of water that covers navigable area which is more than three (3) nautical miles from the nearest land. Covers navigable water categorized in item IV.1.B.
8. *"Open Sea"* refers to a body of water that is not classified as protected and coastal water but still within the area/ jurisdiction of the Philippines.

IV. GENERAL PROVISIONS:

1. All Philippine registered ships shall conform with the following identified parameters in categorizing the navigational areas/ waters in the country

A. Protected Water

a. Geographical Features

- The water is totally enclosed by land (i.e. lake); or
- The water is generally enclosed by land and the area directly facing the open sea is small (i.e. harbor or river). For bays, they should be surrounded by mountainous terrain and that the diameter of the bays should not be more than ten (10) nautical miles; or
- The water is generally enclosed by land and the area facing the open sea is large but there's a mountainous island to protect the water from high waves, strong wind and strong current; or
- Covers navigable area/ water within three (3) nautical miles from the nearest land.

b. Weather and Hydrographic Conditions

The average wind speed in the area is less than ten (10.00) knots and the average wave height is less than three and a half (3.5) feet.

B. Coastal Water

a. Geographical Features

Covers navigable area/ water which is more than three (3.0) nautical miles from the nearest land.

b. Weather and Hydrographic Conditions

The average wind speed in the area is more than ten (10.00) knots and the average wave height is more than three and a half (3.5) feet.

C. Open Sea

Covers navigable area/ water that is not classified as protected and coastal water but still within the area/ jurisdiction of the Philippines.

2. A program to rationalize the operation of wooden hull ships below 35 GT and motorbancas/ motorboats with outriggers shall be adopted to include, but not limited to the following:

- 2.1 Identification of other routes for safer operation
- 2.2 Provide alternative materials and design to replace wooden hull ships below 35 GT and motorbancas/ motorboats with and without outriggers
- 2.3 Affordable financing schemes for the construction/ deployment of bigger ships specially in hazardous areas
- 2.4 Coordinate with the concerned government agencies on establishing Cooperatives for small operators to acquire bigger ships suitable to coastwise operation.

V. SPECIFIC PROVISIONS:

With the adoption of the above-mentioned classification of navigational waters in the Philippines, all domestic shipping operators and other motorbanca/ motorboat operators are hereby required to comply with the following:

- 1. All wooden hull motorbancas/ motorboats with outriggers 35 GT and below specially those carrying passengers shall observe the safety requirements and the tides and currents in their navigational area which is also critical to the safe operation of the ships.
- 2. Motorboats/ motorbancas may still be allowed to operate after expiration of their CPCs, if there is no available port found in the area.

VI. TRANSITORY PROVISION:

All motorbanca/ motorboat operators shall continue to operate in their area of operation until such time that their CPC expired. However, when new, bigger or more modern ships are authorized to operate in their area of operation, such small existing ships shall cease operating as passenger ships until CPC expires, but may still be allowed to continue in operation for purposes of carrying cargoes only, subject to appropriate evaluation and qualification.

VII. REPEALING CLAUSE:

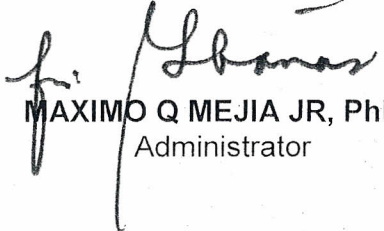
Other existing MARINA Circulars, rules, regulations and other issuances inconsistent herewith are deemed amended or repealed accordingly.

VIII. 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:


MAXIMO Q MEJIA JR, PhD
Administrator

SECRETARY'S CERTIFICATE

This is to certify that MARINA Memorandum Circular No. 2015-03 was approved during the 235th Regular Meeting of the Maritime Industry Board of Directors held on May 7, 2015.


ATTY. MAXIMO I. BANARES, JR.
Assistant Corporate Board Secretary