



REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF TRANSPORTATION AND COMMUNICATIONS



MARITIME INDUSTRY AUTHORITY

PANGASIWAAN NG KALAKALANG PANDAGAT

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

MARINA CIRCULAR
No. 2015-12
Series of 2015

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

SUBJECT : REVISED RULES ON THE ISSUANCE/ RENEWAL OF
COASTWISE LICENSE (CWL)/ BAY AND RIVER LICENSE
(BRL)/ COMMERCIAL YACHT LICENSE (CYL)

Pursuant to the pertinent provisions of Presidential Decree No. 474, Executive Orders Nos. 125/ 125-A, Republic Act No. 9295, MARINA Circular No. 2015-03 and the Philippine Merchant Marine Rules and Regulations (PMMRR) of 1997, the following revised rules on the issuance/renewal of Coastwise License (CWL)/ Bay and River License (BRL)/ Commercial Yacht License (CYL) in Philippine waters are hereby adopted:

I. OBJECTIVES:

To rationalize and harmonize policy on ship licensing with the categorization of navigational areas of the Philippine waters.

II. COVERAGE/ EXEMPTION:

This MARINA Circular shall apply to all Philippine-registered ships of any size operating in Philippine waters engaged in commercial operations, except:

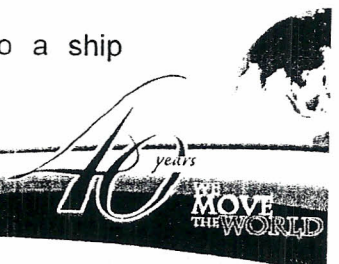
1. fishing vessels;
2. pleasure yachts/boats and other personal watercrafts;
3. warships and naval vessels; and
4. government-owned ships not engaged in commercial operation.

III. DEFINITION OF TERMS:

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

1. "Administration" refers to the Maritime Industry Authority (MARINA).
2. "Bay and River License (BRL)" refers to the license granted to a ship authorized to operate in protected waters.

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3. "*Certificate of Public Convenience (CPC)*" refers to the license or authority issued by MARINA to a domestic operator to engage in domestic shipping.
4. "*Coastal Water*" refers to a body of water that covers navigable area which is more than three (3) nautical miles from the nearest land and further described under Sec. IV.1.B of MARINA Circular No. 2015-03.
5. "*Coastwise License (CWL)*" refers to the license granted to a ship authorized to operate in coastal waters or open seas.
6. "*Commercial Operation*" refers to the operation of a ship that carries cargoes, passengers or cargo/passenger regardless of its size or tonnage, in exchange for hire or compensation.
7. "*Commercial Yacht*" refers to a yacht which is used for commercial operations.
8. "*Commercial Yacht License (CYL)*" refers to the license granted to yachts used in commercial operations.
9. "*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.
10. "*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.
11. "*Open Sea*" refers to a body of water that is not classified as protected or coastal water but still within the area/ jurisdiction of the Philippines.
12. "*Protected Water*" refers to a body of water that covers navigable area within three (3) nautical miles from the nearest land and further described under Sec. IV.1.A of MARINA Circular No. 2015-03.

IV. SPECIFIC PROVISIONS:

- Existing ships covered by a valid Certificate of Public Convenience (CPC) are hereby categorized in Annex "A" of this Circular pursuant to the parameters under Sec. IV.1 of Memorandum Circular No. 2015-03 which took effect on 22 May 2015.
- The types of licenses (CWL/BRL/CYL) to be issued to ships shall be in accordance with the following factors:

FACTORS	CWL			BRL	CYL
Area of Operation/ Navigation	A	B	C	Ships can operate in protected waters only	Ships can operate in protected and coastal waters
	Protected	Coastal	Open Sea		
Purpose of Operation	Ships shall transport/ carry goods and/or passengers			Ships shall transport/ carry goods and/or passengers	Ships shall be used for hire
Ship Type	All types of ships 35 GT and above			All types of ships	Commercial yacht
Place Built	Ships can be locally built or built abroad			Ships should be locally built pursuant to TCC	Ships can be locally built or built abroad

- Commercial ships employed for purely sports, recreation, or tourism purposes shall be issued licenses appropriate to their areas of operation, and subject to specific restrictions in conformity with applicable circulars and other issuances of this Authority.

V. DOCUMENTARY REQUIREMENTS:

The following documentary requirements must be submitted/ complied with when applying for the issuance of license under this Circular, to wit:

- Duly Accomplished Application Form
- Certificate of Philippine Registry and Certificate of Ownership in the name of the applicant

3. Original Copy of the License (if applicable)
4. Ship Safety Certificate (First Issuance)
5. Proof of Payment of Processing Fee

VI. VALIDITY OF LICENSE:

The license shall be valid for one (1), two (2), three (3), four (4), five (5), or ten (10) years from the date of issuance depending on the option/request of the shipowner/operator.

VII. FEES AND CHARGES:

The fees and charges below represent one year's validity for the following licenses. For license applications/renewal with a duration exceeding one year, the relevant fees shall be multiplied accordingly.

- | | |
|---|--------------|
| 1. Coastwise License (CWL) | |
| ➤ Power driven ships | - P25.00/ GT |
| ➤ Non-Power driven ships | - P20.00/ GT |
| 2. Bay and River License (BRL) | |
| ➤ Power driven ships | - P20.00/ GT |
| ➤ Non-Power driven ships | - P15.00/ GT |
| 3. Commercial Yacht License (CYL) | - P25.00/ GT |
| 4. Surcharge for Renewal of Expired License | |

Renewal of expired licenses shall be subject to a surcharge of 50% of the total fees, on top of any other fines and penalties that may be imposed.

VIII. FINES AND PENALTIES:

1. Ships operating without license shall be subject to a penalty of 200% of the total fees for the first offense and 400% for each subsequent offense.
2. Ships operating with an expired license shall be subject to a penalty of 100% of the total fees for the first offense and 400% for each subsequent offense.

3. When a license is found to have been obtained by fraud or misrepresentation, a penalty of 200% of the total fees shall be imposed.
4. Payment of fines and penalties shall be without prejudice to the filing of administrative cases.

IX. REVOCATION OF LICENSE:

Any of the following may serve as ground for the revocation of a license issued by virtue of this Circular:

1. Deletion of a ship from the Philippine registry; or
2. Sale/transfer or change in ownership of a ship; or

X. TRANSITORY PROVISIONS:

1. All existing ships with valid CPC shall continue to operate in their area of operation until the expiration thereof. Thereafter, the affected operators shall be issued a new type of license, depending on the outcome of their categorization in terms of their trading area/s, and shall apply for issuance/re-issuance of the following certificates not later than thirty (30) days before the expiration the certificates.
 - a. Tonnage Measurement Certificate
 - b. Certificate of Ownership and Certificate of Philippine Registry
 - c. Load Line Certificate
 - d. Stability Certificate
 - e. Ship Safety Certificate
 - f. Minimum Safe Manning Certificate
 - g. Certificate of Public Convenience

XI. REPEALING CLAUSE:

Memorandum Circular No. 110 is hereby expressly repealed. All other existing MARINA Circulars, rules, regulations, and issuances inconsistent herewith are hereby amended or modified accordingly.

XII. EFFECTIVITY

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

Manila, Philippines 03 November 2015.

BY AUTHORITY OF THE BOARD:


MAXIMO Q. MEJIA JR, PhD
Administrator

SECRETARY'S CERTIFICATE

This is to certify that MARINA Circular No. 2015-12 was approved during the 237th Regular Meeting of the Maritime Industry Board of Directors held on 03 November 2015.


ATTY. VIRGILIO B. CALAG
Acting Corporate Board Secretary

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