

MEMORANDUM CIRCULAR NO. 98

TO: ALL OWNERS/OPERATORS OF INTERISLAND PASSENGER VESSEL WATERCRAFTS.

SUBJECT: GUIDELINES FOR COMPLIANCE WITH REPUBLIC ACT NO. 7277 AND BATAS PAMBANSA BILANG 344 OTHERWISE KNOWN AS ACCESSIBELITY LAW

WHEREAS, BATAS PAMBANSA BILANG 344, otherwise known as "An Act to Enhance the Mobility of Disabled Person by Requiring Certain Buildings, Institutions, Establishments, and Public Utilities to Install Facilities and Other Devices" was approved on 25 February 1983;

WHEREAS REPUBLIC ACT NO. 7277, otherwise known as " An Act Providing for the Rehabilitation, self development and Self Reliance of Disabled Person and their Integration into the Mainstream of Society" was signed into Law on 24 March 1992;

WHEREAS The Maritime Industry Authority is mandated and empowered to carry out and enforce the provisions of the forgoing laws through the issuance of necessary guidelines;

NOW, THEREFORE, in furtherance of the aforesaid laws and their implementing rules and regulations , the following guidelines are hereby prescribed for strict compliance and observance of all concerned

I. APPLICATION

This Memorandum Circular shall apply to all owners/operators of interisland Vessel/watercraft.

II. DEFINITION OF TERMS

- a. Disabled persons -- are those suffering from restriction or different abilities, as a result of a mental, physical or sensory impairment to perform an activity in the manner or within the range considered normal for a human being ;
- b. Disability -- shall mean (1) physical or mental impairment that substantially limits one or more psychological physiological or anatomical function of an individual or activities of such individual; (2) a record of such an impairment, or; (3) being regarded as having such as an impairment;
- c. Impairment is any loss, diminution or aberration of psychological, physiological or anatomical structure of function;

- d. Handicap -- refers to a disadvantage for a given individual resulting from an impairment or a disability , that limits or prevents the function or activity that is considered normal given the age and sex of the individual .

III. MINIMUM REQUIREMENTS FOR ACCESSIBILITY

A. ONBOARD ACCESSIBILITY

1. At least one deck in passenger ships shall be provided with accessible ramps, passageways ,access to gangways, galleys, Toilette and Bath, safety equipment and berth/cabins with dimensions conforming with the requirement as provided in MC 65-A (See Appendix A)
2. Provisions for at least ten (10) fixed berth and/or seats with appropriate markings near exit/entrance of gangway/gangplank. (See Appendix B)
3. Provisions for disabled persons station at the gangplank with appropriate identification mark.
4. Provisions for lifejackets for exclusive use of disabled persons, with appropriate markings. (See Appendix C)
5. Provision of at least two (2) crew members with designated uniform (T-shirts) or appropriate identification as coordinator on board vessel.(See Appendix D)
6. Passenger Ferry shall have designated seats for disabled persons near exit/entrance of gangway/gangplank, with appropriate marking. (See Appendix B)
7. Posting of accessibility posters on fixed berth, designated seats and places on board the vessel . (See Appendix B)

B. WATER FRONT ACCESSIBILITY

1. Provisions for wheelchairs/stretchers stationed at the waterfront or port.
2. Provisions for Disabled Person station at Booking Office.
3. Assignment/Designation of at least two (2) shipping company 's personnel (shore based) with appropriate identification as coordinator.

IV. GRANT OF ASSISTANCE TO DISABLED PERSONS

1. Every disabled person who is a passenger of any public water transportation shall be given priority/preference in boarding, disembarking and other use of all facilities onboard the vessel.
2. A disabled person on board any public water transportation service shall be assisted by designated personnel.

V. AVAILMENT

To enjoy and/or be entitled to the aforementioned privileges, the person must present a valid identification card issued by NCWDP, unless his/her physical disability is evident.

VI. COMPLAINTS/VIOLATIONS

All complaints for refusal by public water transport utilities to extend the benefits/privileges and abuses on such benefits/privileges, as herein provided shall be reported directly to the nearest office of the Maritime Industry Authority (MARINA) for appropriate action.

VII. PENALTIES FOR VIOLATIONS

- a) Violations of the provisions of this circular shall be subject to the fines and penalties, as follows:

First Violation	- a fine of not less than P50,000 but not exceeding P100,000
Subsequent Violations	- a fine of not less than P100,000 but not exceeding P200,000

- b) Any person who abuses the privileges granted herein shall be liable pursuant to the applicable penalties \ sanctions imposed by RA 7277/BP 344 and their Implementing Rules and Regulations .

VIII. REPEALING CLAUSE

The provisions of the existing rules and regulations which are inconsistent with this circular are hereby repealed/modified accordingly.

IX. EFFECTIVITY

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

BY AUTHORITY OF THE BOARD:

PACENCIO M. BALBON, JR.
Administrator

SECRETARY'S CERTIFICATE

This is to certify that Memorandum Circular No. 98 was approved in the 126th meeting of the Maritime Industry Board held on 16 March 1995.

EMERSON M. LORENZO
Deputy Corporate Board Secretary

Date of Publication : 27 March 1995, Malaya Newspaper
Date of Submission to the U.P. Law Center : 31 March 1995