

MEMORANDUM CIRCULAR NO. 127

TO : ALL SEAFARERS EMPLOYED OR TO BE EMPLOYED ON SEAGOING SHIPS, SHIPPING COMPANIES, SHIPPING AGENCIES, MANNING AGENCIES AND ALL CONCERNED

SUBJECT : GUIDELINES ON THE ISSUANCE OF STCW ENDORSEMENT CERTIFICATES TO SEAFARERS PROMOTED OR TO BE PROMOTED ON BOARD SEAGOING SHIPS IN ACCORDANCE WITH THE 1978 STCW CONVENTION

Pursuant to Section 12 (e) of Executive Order No.125, as amended, and in consonance with the Philippines' accession to the international Convention on Standards of Training, certification and Watchkeeping for Seafarers (STCW) 1978, through the Instrument of Accession dated 11 January 1984 and pursuant further to section 2, Article II of the 1987 Philippine Constitution which states that the Philippines adopts the generally accepted principles of International Laws as part of the law of the land, the following guidelines in the issuance of STCW Endorsement Certificates to seafarers promoted or to be onboard seagoing ships are hereby prescribed:

I. OBJECTIVE

To ensure that all seafarers promoted or to be promoted onboard are properly certified, qualified, competent and medically fit for the proper performance of functions onboard seagoing ships, in accordance with the Convention.

II. COVERAGE

These guidelines shall apply to all Filipino seafarers promoted or to be promoted onboard seagoing ships covered under the Convention.

III. DEFINITION OF TERMS

For purposes of this Circular:

1. CONVENTION refers to the 1978 STCW Convention
2. PROMOTION refers to the movement from one position to another with an increase in duties and responsibilities or position or rank while serving on board a seagoing ship that requires the issuance/change /upgrading of STCW endorsement Of Certificates/Rating's Certificate pursuant to the requirements of the Convention.

3. DISPENSATION refers to an authorization issued by the Flag Administration permitting a specified seafarer to serve in a specified ship for a specified period not exceeding six(6) months in a capacity for which he does not hold an appropriate certificate, provided the person to whom the authorization is issued is adequately qualified to fill the vacant post in the safe manner.
4. SEAGOING SHIP refers to a ship other than those which navigate exclusively within the Philippine waters.

IV. GENERAL PROVISIONS

1. Seafarers promoted or to be promoted onboard seagoing ships shall be issued an STCW Endorsement of Certificates/Rating's Certificate valid until 31 January 2002 provided, however, that these seafarers meet the qualification requirements for the new position under Memorandum Circular No. 126.
2. Promotion onboard vessels shall be recorded accordingly in the Seafarer's Identification and Record Book(SIRB).
3. All other cases of upgrading of seafarers onboard seagoing ships not covered by this Memorandum Circular shall be treated as falling under Article VIII(Dispensation) of the Convention.
4. Failure to comply with the additional documentary requirements enumerated under section V of this Circular shall render the seafarer ineligible for issuance under this Circular in which case he shall be required to personally file the application with MARINA pursuant to Memorandum Circular NO. 126
5. Anytime during the validity of the STCW Endorsement of Certificates/Rating's Certificate, the holder thereof maybe required by MARINA to appear/report for personal evaluation where there is a reasonable ground or grounds to believe that there is a need for such evaluation so as to verify /ensure that he is indeed qualified, competent or medically fit for issuance of STCW Endorsement of Certificates.

V. PROCEDURE/REQUIREMENTS:

1. An application for issuance of STCW Endorsement of certificates/Rating's Certificates under this Circular may be filled by a duly authorized representative of the shipping company or local manning agency, for and in behalf of the seafarer.

2. The application shall be accompanied by the following documents for the new position:
 - 2.1 a letter – application to be accomplished by the applicant company;
 - 2.2 a certified true copy of valid PRC and/or NTC license;
 - 2.3 SIRB (one photocopy of pages one and two and all other pages reflecting sea service or any acceptable substitute documentary proof of sea service);
 - 2.4 Photocopy of each training certificate required;
 - 2.5 A copy of the telex/fax or any form of written communication from the Master or from the Principal of the vessel where promotion onboard was made or to be made;
 - 2.6 A photocopy of the latest STCW Endorsement of certificates/Rating's Certificate, as applicable; and
 - 2.7 Photocopy of valid Medical Certificate issued by a DOH-accredited medical clinic.

VI. FEE

The processing fee for the STCW Endorsement of Certificate/Rating's Certificate is Five Hundred (P500.00) Pesos.

VII. ADMINISTRATIVE FINES AND PENALTIES:

1. A seafarer who shall submit to MARINA, through the company, any fraudulent or tampered or irregularly issued licenses or documents shall be liable to pay the following fines:

	1 ST Offense	2 ND Offense	3 RD Offense
Master Mariner	P7,000.00	P14,000.00	P28,000.00
Chief Engineer	P6,000.00	P12,000.00	P24,000.00
Chief Mate / Second Engineer	P5,000.00	P10,000.00	P20,000.00
Second Mate / Third Engineer / Radio Officer	P4,000.00	P8,000.00	P16,000.00
Third Mate / Fourth Engineer	P3,000.00	P6,000.00	P12,000.00
Ratings and Others	P2,000.00	P4,000.00	P8,000.00

The above penalty is without prejudice to the recommendation to appropriate government agency for suspension or disqualification to practice profession.

2. Shipowners/operators, manning/shipping agencies requesting the issuance of STCW Endorsement of Certificates/Rating's Certificate for and in behalf of a seafarers shall be liable for any false statement or misrepresentation in the application, and/or for submission of fraudulent or spurious or tampered licenses, documents, certificates submitted where said shipowners/operators, manning / shipping agencies or any of their employees or liaison officers/messengers have consented or participated in the tampering or in securing the questioned licenses, documents and/or certificates from any source:

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| 2.1 | First violation | P25,000.00 |
| 2.2 | Second violation | P50,000.00 |
| 2.3 | Third & Succeeding | P100,000.00 and recommendation for cancellation of the company's license by the appropriate government agency |
| 2.4 | In addition to the foregoing fines, the responsible official of the company or agency and employee, liaison officer/messenger shall be subject to criminal prosecution under the Revised Penal Code. | |

VIII. REPEALING CLAUSE:

Any circular, Board Resolution and/or regulation or any part thereof inconsistent herewith are hereby repealed.

IX. EFFECTIVITY

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

By The Authority of the Board:

RADM PIO H GARRIDO JR AFP (Ret)
Administrator

SECRETARY'S CERTIFICATE

This is to certify that Memorandum Circular No. 127 has been approved during 141st Regular Meeting of the Maritime Industry Board on 18 February 1998.

GLORIA V. BANAS
Corporate Board Secretary

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