

MEMORANDUM CIRCULAR NO. 131

TO : ALL SHIPOWNERS, OPERATORS, MANAGERS AND BAREBOAT CHARTERERS OF PHILIPPINE-REGISTERED SHIPS ENGAGED IN INTERNATIONAL TRADE.

SUBJECT : RULES ON THE DEPLOYMENT OF SEAFARERS ON BOARD PHILIPPINE-REGISTERED SHIPS ENGAGED IN INTERNATIONAL TRADE

In order to effectively implement Section 12(a) of Executive Order No.125, as amended, Executive Order No. 396 and fully comply with the Philippines' commitments to the 1978 International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), as amended and pursuant further to Presidential Decree Nos.474 and 760/866/1711 and Executive Order No. 438, the following guidelines shall prescribe the responsibilities of shipping companies in the deployment of seafarers onboard Philippine-registered seagoing ships plying in international waters.

I. OBJECTIVE

This Circular shall prescribe the guidelines by which to ensure compliance with Regulation 1/14 of the 1978 STCW Convention, as amended, by all shipping companies operating Philippine-registered seagoing ships plying in international waters.

II. COVERAGE

This Circular shall apply to all shipping companies operating Philippine-registered seagoing ships engaged in international waters.

III. DEFINITION OF TERMS

For purposes of this Circular:

1. **Administration**- refers to Maritime Industry Authority
2. **Ship**- refers to Philippine-registered seagoing ships engaged in international trade.
3. **Convention** - refers to 1978 International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW) Convention, as amended.
4. **Philippine Merchant Marine Rules and Regulations (PMMRR)** - means the latest PMMRR and its amendment.
5. **Safe Manning** - is the minimum number of officers and ratings on board a ship who can safely operate the ship from port to port and prescribe under the PMMRR.

IV. GENERAL PROVISIONS

1. A company covered by this Circular shall be primarily responsible for ensuring that only competent and properly certificated seafarers are deployed onboard its ships.
2. The company shall ensure that all necessary measures are undertaken to enable each crew member to make knowledgeable and informed contribution to the safe operation of the ship.
3. The company shall ensure that the master, chief engineer and watchkeeping personnel observe the principle that a safe watch is maintained at all times.
4. The company shall ensure that watchkeeping arrangements are adequate for maintaining a safe navigational/engineering watch.
5. All ships shall be completely manned by Filipino seafarers. No foreign seafarers shall be employed on board, unless approved by the Administration.
6. Copies of national maritime regulations shall be placed onboard Philippine-flagged ships.

V. COMPANY RESPONSIBILITIES

The Company shall ensure that:

A. AS TO CREW CERTIFICATION

1. All seafarers required to be certificated in accordance with the Convention and has established by the Administration and who are employed onboard the company's ship shall at all times hold appropriate and valid certificates.

B. AS TO CREW FAMILIARIZATION

1. A seafarer who is newly employed onboard the ship is given sufficient time prior to assuming the assigned tasks, to become familiar with the shipboard equipment, operating procedures and other arrangements relevant to his work;
2. The needed information, manuals and reference materials are available onboard and in language which the seafarers understand.
3. The captain is made aware of his duties to ensure that all the seafarer in the ship fully understand the scope of their work; and

4. The officers and crew are able to coordinate effectively their activities in an emergency situation and in performing functions vital to safety and to the prevention or mitigation of pollution.

C. AS TO SAFE MANNING

1. The ship's level of manning complement shall at least be in compliance with the minimum manning requirements as provided under the PMMRR.
2. The level of manning of the ship shall not be reduced without the approval of the Administration.

D. AS TO WATCHKEEPING

1. All seafarers who are forming part of a watch (officer and ratings) shall be provided a minimum of ten(10) hours of rest in any 24-hour period. The hours of rest may be divided into not more than two periods, one of which shall be at least six(6) hours in length.
2. Notwithstanding the provision of the preceding paragraph, the minimum of ten(10) hours may be reduced to not less than six(6) consecutive hours per day provided that any such reduction shall not extend beyond two (2) days and not less than seventy(70) hours of rest are provided each seven day period. Provided, further, that in case the minimum rest period is allowed to be reduced to six(6) hours, it shall be limited to the following instances:
 - a. drill
 - b. emergency
 - c. overriding conditions, e.g. weather, assisting other vessels, etc. and only if this is "unforseen".
3. Watch schedules shall be posted in easily accessible and conspicuous places.
4. The company shall ensure that the principle laid down in Chapter VIII, Section A-VIII/2, part 3 and 4 of the STCW Code on Watchkeeping at Sea and Watchkeeping at Port, are properly observe at all times.

E. AS TO DOCUMENTATION OF SEAFARERS

1. Documentation and data relevant to all seafarers employed onboard its ships shall be maintained, recorded and readily accessible and include without being limited to, documentation and data on their training, medical fitness, experience and competency in assigned duties.

VI. PENALTY SANCTIONS

Shipowners, operators, managers, and bareboat charterers covered by this Circular who shall violate or fail to comply with policies/guidelines herein set forth shall be subject to the following administrative fines and/or penalties after hearing:

First Violation	-	P15,000.00
Second violation	-	P25,000.00
Third and	-	P50,000.00
Subsequent Violation		

Provided that, if the act/violation is subject to administrative fines under existing rules and regulations, the higher the amount shall be imposed.

VII. REPEALING CLAUSE

Any provision of existing MARINA rules and regulations and orders which is inconsistent with this Circular is hereby repealed or modified accordingly.

VIII. EFFECTIVITY

This Memorandum Circular shall be published once in a newspaper of general circulation in the Philippines and shall take effect fifteen days(15) after publication.

Manila, Philippines 15 July 1998.

By The Authority of the MARINA Board:

AGUSTIN R. BENGZON
Administrator

Secretary's Certificate

This is to certify that Memorandum Circular No. 131 has been approved by the MARINA Board through Board Resolution No. 98-007 dated 15 July 1998.

Atty. Gloria V. Banas
Corporate Board Secretary

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