

MEMORANDUM CIRCULAR NO. 139

FOR : THE PHILIPPINE COAST GUARD AND ALL CONCERNED

SUBJECT : DEPUTIZATION FOR PURPOSES OF IMPLEMENTING AND ENFORCING MARITIME SAFETY RULES AND REGULATION

I. OVERVIEW:

The Maritime Industry Authority (MARINA) AND THE Philippine Coast Guard (PCG) have been tasked to agree on a workable Memorandum of Agreement (MOA) with regard to the enforcement of maritime safety laws. However, in a meeting held last 23 October 1997, the PCG and the MARINA representatives arrived at a consensus that even without a MOA, the PCG is allowed by its charter (RA 5173) to enforce maritime safety laws, rules and regulations. The Commandant of the PCG attested to the fact that as far as his administration is concerned, the functions transferred to MARINA pursuant to Executive Order 125 and Executive Order 125 – A will remain with MARINA and the PCG will enforce maritime laws and regulations without need of a MOA.

Despite the foregoing, there was still a continuing clamor for a clearer and more detailed delineation and deputization of functions. Such clearer delineation was necessary to further improve the coordination and cooperation between MARINA as Maritime Administration and the PCG as Maritime Enforcer in the promotion of safety of life and property at sea. To address this concern, the deputization of the PCG is hereby formalized and implemented.

II. LEGAL BASES:

Section 12 (f) of Executive Order No. 125, as amended, in consonance with DOTC Department Order No. 98-1180 dated October 1998.

III. COVERAGE: The deputization shall cover two major activities, namely:

1. Enforcement of laws, rules and regulations affecting maritime safety; and,
2. Issuance of certain/specified vessel safety documents.

IV. ENFORCEMENT OF LAWS, RULES AND REGULATIONS AFFECTING MARITIME SAFETY

The PCG shall undertake the following enforcement activities over Philippine-registered vessel engage in the domestic trade, as follows:

1.1 Verify compliance with Vessels and Crew Documentation

- a. Certificate of Vessel Registry;
- b. Pleasure Yacht Registration/Permit;
- c. Certificate of Number;
- d. Certificate of Ownership;
- e. Coastwise License;
- f. Bay and River License;
- g. Certificate of Inspection/Interim Certificate of Inspection;
- h. Special Certificate of Inspection;
- i. Permit to Operate Cargo and Fishing Vessels;
- j. Special Permit to Navigate;
- k. Special Permit to Carry/Load Inflammable/Dangerous/Hazardous Cargoes;
- l. Seafarers Identification and Record Book (SIRB);
- m. Endorsement of Certificate Under M.C. No 83;
- n. Other seafarer-related Documents (e.g. Licenses, Training certificates, Dispensation Permit);and
- o. Motor Boat Operators License (MBOL).

1.2 Verifying compliance with the terms and condition of the Certificate of Public Convenience (CPC), Provisional Authority (PA), Special Permit (SP) or CPC Exemption, specifically:

- a. MARINA-prescribed route/s and schedule of trips;
- b. Validity of passenger insurance policy, for passenger-carrying vessels; and
- c. Maximum authorized passenger capacity through headcounting in case there is clear indication of overloading/overcrowding.

1.3 Serve copies of MARINA –issued Cease and Desist Order (CDO) on the master of the vessel and to enforce the same.

1.4 Conduct the Emergency Readiness Evaluation (ERE)/Materials Readiness Evaluation (MARE).

1.5 Undertake the control of movement of vessels/watercrafts during typhoons and adverse weather condition.

1.6 Issue and serve Inspection Apprehension Report (IAR) to the Master of the vessel who fails to comply with MARINA circulars, rules and regulations and conduct appropriate hearing/disposition for purposes of imposing fines and penalties.

1.7 Provide a copy of the IAR to the Philippine Ports Authority (PPA) in accordance with Executive Order No. 493 with recommendation to deny issuance of departure clearance where **detention of the vessel is warranted**.

V. ISSUANCE OF VESSEL SAFETY DOCUMENTS

The PCG shall issue the following safety documents:

1.1 Pleasure Yacht Registration/Permit;

1.2 Certificate of Number;

1.3 Coastwise License;

1.4 Bay and River License;

1.5 Certificate of Inspection/ Interim Certificate of Inspection;

1.6 Special Certificate of Inspection;

1.7 Permit to Operate Cargo and Fishing Vessels;

1.8 Special Permit to Navigate/ Towing Permit;

1.9 Special Permit to Carry/ Load Inflammable/ Dangerous/ Hazardous Cargoes;

1.10 Motor Boat Operator's License; and

1.11 Dispensation Permit as governed by 1997 PMMRR.

Provided, the conditions stipulated hereunder are satisfied:

- a. Competence Requirement – Qualification Requirements for personnel responsible for the issuance of CI, ICI and Special Certificate of Inspection as prescribed by the MARINA shall be observed; and
- b. Procedures and Forms – The PCG shall adhere closely to the procedures adopted by MARINA in the issuance of certificates. Certificates issued by the PCG shall be deemed as issued by the MARINA and thereby shall bear the official logo of the PCG and the MARINA.

VI. SUBMISSION OF DOCUMENTS/ REPORTS

The PCG shall submit monthly report to the Secretary of the Department of Transportation and Communications (DOTC), copy furnished the MARINA Administrator, on the conduct of the deputized functions including the submission of update reports on maritime incidents.

PCG shall likewise submit to MARINA the following:

1. List of inspectors and issuing officers, by area of assignment, with their corresponding qualifications including their specimen signatures;
2. Copy of all issuances to the nearest MARINA office on a monthly basis;
3. Copy of investigation report/ findings, including the decision/ violation, where applicable, of all reported violations committed by shipping companies and concerned; and
4. Report the concerned Maritime Regional Director and MARINA Central Office Action officer of any control undertaken on the movement of vessels/ watercrafts during typhoon and adverse weather conditions.

On the other hand, MARINA shall provide the PCG with the following:

1. List of Maritime Regional Directors and MARINA Central Office Action Officers with whom the PCG will coordinate for the effective implementation of this Order;
2. Copies of applicable MARINA circular, rules and regulations, for the purposes of law enforcement, as well as subsequent amendments thereto;
3. Qualification requirements for inspectors and issuing officers; and
4. Forms and procedures to be used.

VII. REVIEW AND ASSESSMENT

The MARINA and PCG shall meet regularly to review, assess and/ or enhance the conduct of the deputized functions.

VIII. REVENUE

Revenues derived from the exercise of the deputized functions shall be properly receipted, recorded and remitted to the Bureau of Treasury in accordance with existing DBM and COA rules and regulations for and in behalf of the MARINA. The duly deposited, remitted income certified by the depository bank and the Bureau of Treasury shall be submitted to the nearest MARINA office within the first seven (7) days of the following month.

IX. TRANSITORY PROVISIONS

All certificates/ permits issued by MARINA prior to the effectivity of this Circular shall continue to be valid and subsisting until their expiration unless sooner revoked or cancelled.

X. REPEALING CLAUSE

All orders and/ or issuance in conflict or inconsistent hereto are hereby repealed or modified accordingly.

XI. EFFECTIVITY

This circular shall take effect immediately upon publication once in a newspaper of general circulation.

Manila, Philippines, 05 November 1998.

BY AUHTORITY OF THE BOARD:

AGUSTIN R. BENGZON
Administrator

SECRETARY'S CERTIFICATE

This is certify that Memorandum Circular No. 139 was approved by the MARINA Board on 15th of October 1998.

ATTY. GLORIA V. BANAS
Acting Corporate Board Secretary

Date of Publication : 07 November 1998, Malaya Newspaper