



Memorandum Circular No. OS 2020-01
Series of 2020

TO : All Shipping Companies and Other Maritime Entities
Operating Philippine-registered Ships

SUBJECT : Amendment to MARINA Circular No. 2013-04 providing
for the “Omnibus Rules on the Issuance of Special
Permit for the Temporary Utilization of Philippine-
registered Domestic Ships to Operate in International
Voyages”

Pursuant to Presidential Decree No. 474, Executive Order No. 125, as amended, and Sec. 6, Chapter III of the Republic Act (R.A.) No. 9295 and Sec. 6, Rule III of its Revised Implementing Rules and Regulations (R-IRR), MARINA Circular 2013-04 is hereby amended to ensure its consistency with recent regulations:

Section 1: Item II.B shall be amended to read as follows:

Coverage of the Amendatory Circular – “This amendatory MC covers the issuance of Special Permit for the temporary utilization of domestic ships in international voyages.”

Section 2: Item IV, par. 5 shall read as follows:

5. **Venue of Application from domestic to international voyages** – “The Application for issuance of Special Permit for the temporary utilization of Philippine-registered domestic ships to operate in international voyages shall be filed and processed at the MARINA Central Office Processing Center (COPC). The application may also be filed at any MARINA Regional Offices (MROs), who will forward the application and complete documents to the COPC for processing. Applications shall be accepted only upon complete submission of the pre-acceptance documentary requirements as specified in Section 9 and 10 hereof, and payment of the corresponding processing fees based on the MARINA Circular on fees and charges.

Signatory – “The Special Permit shall be issued by the MARINA as the flag State administration and shall be signed by the Deputy Administrator for Operations.”

Section 3: Item IV, par. 6. a. shall now read as follows:

- 6.a. **Venue of Application from domestic to BIMP-EAGA routes and ports** – “The Application for issuance/renewal/extension of Special Permit for ships

that will trade exclusively in Brunei Darussalam-Indonesia-Malaysia-Philippines East ASEAN Growth Area (BIMP-EAGA) routes and gateway ports as shown in Table 1 below shall be filed and processed at the COPC, MRO IV, MRO IX, MRO X, MRO XI and MRO XII only.”

Signatory – “Only the flag State administration, through the Deputy Administrator for Operations, the Directors of the aforesaid MROs or their Officers-In-Charge may sign and approve applications for the issuance of Special Permit for operation of domestic ships exclusively in the Brunei Darussalam-Indonesia-Malaysia-Philippines East ASEAN Growth Area (BIMP-EAGA) routes.

BIMP-EAGA gateway ports – For purposes of this Section, the following are the designated BIMP-EAGA gateway ports and identified areas of connectivity:

Table 1. Designated BIMP-EAGA Gateway Ports

COUNTRY	Designated BIMP-EAGA Gateway Ports
Brunei Darussalam	Kuala Belait and Muara
Indonesia	Balikpapan, Banjarmasin, Bitung, Jayapura, Makassar, Nunukan, Pantoloan, Pare-Pare, Pontianak, Sorong, Tarakan, and Ternate
Malaysia	Bintulu, Kuching, Kudat, Labuan, Lahad Datu, Menumbok, Miri, Sandakan, Sepanggar/Kota, Kinabalu, Sibul, Tanjung Manis and Tawau
Philippines	Bongao, Brooke’s Point, Cagayan de Oro, Davao, General Santos, Glan, Pagadian, Puluang, Zamboanga, Siasil and Jolo in Sulu, and Bongao in Tawi-Tawi

Source: BIMP-EAGA MOU (2007) as amended by Sea Linkages Meeting (2019)

- 6.b. The application for issuance/renewal/extension of Special Permit outside the aforementioned routes, ports and areas of operation shall be treated as falling under Section 2 hereof and shall be filed and processed at the COPC and signed by the Deputy Administrator for Operations.”

Section 4: Item IV, par. 9 shall now read as follows:

9. **Validity** – “For domestic ships to be deployed in overseas trade, the validity of the Special Permit applied for shall not exceed one (1) year unless revoked at any time in case of non-compliance with or in violation of these Rules and subject to the validity of the earliest expiring safety certificate. The said Permit shall be renewable for the same period indicated in the original Permit.

If at the time of the renewal of the Special Permit, a longer or shorter period is sought for, the application shall be treated as a new application for purposes of payment of fees.

The Application for extension of Special Permit shall be filed at least fifteen (15) days prior to its expiration.”

Section 5: Item V-B, par. 1 shall now read as follows:

1. **Classification Requirement** – “Only those ships with class certificates, whether full or interim, shall be granted a Special Permit for the temporary utilization of Philippine-registered ships to operate from domestic to international operation. The ship’s class shall be maintained for the duration of the ship’s Special Permit.

Traditional ships engaged in barter trading or border crossings between the specially designated points in the Southern provinces of Mindanao and Palawan shall be exempt from the classification requirement by MARINA-accredited class societies.”

Section 6: Item V-B, par. 2 shall be inserted to read as:

2. **Consistency with Regional Agreements** – “Consistent with Clause 5 of the Memorandum of Understanding between the Governments of Brunei Darussalam, Indonesia, Malaysia and the Philippines on Establishing and Promoting Efficient and Integrated Sea Linkages (BIMP-EAGA MOU), non-convention Philippine-registered domestic ships, including traditional ships, may engage in overseas trade in the BIMP-EAGA routes and gateway ports subject to safety standards set out in the 1997 Philippine Merchant Marine Rules and Regulations (PMMRR) and its subsequent amendments.”

Section 7: Item V-B, par. 3 shall be inserted to read as:

3. “The MARINA exercises exclusive jurisdiction over traditional ships without prejudice to the authority of the Bangsamoro Government to regulate barter trade and counter-trade pursuant to Republic Act No. 11054.”

Section 8: Item V-B, par. 6, is hereby amended as follows:

6. **Notice of Reversion** – “To ensure sustainability, flexibility and competitiveness of Philippine- registered ships, the Special Permit shall be valid for the entire duration of the period it was issued regardless of the ship’s reversion to domestic operation. Upon reversion to domestic trade, the owner/operator shall notify the Administration five (5) days before the planned reversion. The owner or operator shall likewise inform the Administration five (5) days before its planned reversion to overseas operations. In such a case, it shall be entitled only to the remaining period of the Special Permit.”

Section 9: Item VI-B, par. 3 shall now read as follows:

3. **Pre-Acceptance Requirements for Convention Ships** – The application must be accompanied with the following documents/certificates, as may be applicable, which shall be valid and subsisting during the entire duration of the Special Permit:
- a. Certificate of Class
 - b. Cargo Ship Safety Certificate
 - c. Cargo Ship Safety Equipment Certificate
 - d. Cargo Ship Safety Construction Certificate
 - e. International Tonnage Certificate/ Admeasurement
 - f. Document of Compliance
 - g. Safety Management Certificate
 - h. Certificate of Public Convenience
 - i. Continuous Synopsis Record (500GT and above)
 - j. Conformance Test Report (Long Range Identification and Tracking) (LRIT) License (300GT and above) or Automatic Identification System (AIS), whichever is applicable
 - k. International Anti-Fouling System Certificate (24 meters or more in length but less than 400GT)
 - l. Cargo Ship Safety Radio Certificate (issued by NTC)
 - m. Ship Station License (issued by NTC)
 - n. Civil Liability Certificate (greater than 1,000GT)
 - o. Certificate of Insurance or Other Financial Security in respect of CLC for Bunker Oil Pollution Damages, 2001 (1,000GT and above)
 - p. International Sewage Pollution Prevention Certificate
 - q. International Air Pollution Prevention Certificate
 - r. International Energy Efficiency Certificate
 - s. International Oil Pollution Prevention Certificate
 - t. International Load Line Certificate
 - u. International Ship Security Certificate (500GT and above)
 - v. Certificate of Fitness (gas carriers only)
 - w. Minimum Safe Manning Certificate (to be issued by MARINA pursuant to MARINA Memorandum Circular 2018-03)
 - x. Waiver from Shipyards Regulation Service (SRS), MARINA (ships that will be drydocked/repaired abroad)
 - y. International Ballast Water Management Certificate (400GT and above)
 - z. Passenger Insurance
 - aa. Passenger Ship Safety Certificate
 - bb. Cargo Securing manual
 - cc. Exemption Certificate
 - dd. Certificate of Philippine Registry
 - ee. Certificate of Ownership
 - ff. Maritime Labour Certificate, 2006 as amended (500 GT and above)
 - gg. For conduction purposes abroad: Safety Certificates depending on the type and size of the ship

Section 10: Item V-B, par. 4 shall be inserted to read as:

4. **Pre-Acceptance Documents for Traditional Ships** – The following certificates shall be required for the issuance of Special Permit in so far as they are applicable to traditional ships:
 - a. Certificate of Philippine Registry
 - b. Certificate of Ownership
 - c. Document of Compliance
 - d. Safety Management Certificate
 - e. Cargo Ship Safety Certificate
 - f. Cargo Ship Safety Equipment Certificate
 - g. Cargo Ship Safety Construction Certificate
 - h. Cargo Securing Manual
 - i. Certificate of Public Convenience

Section 11: Effectivity Clause

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

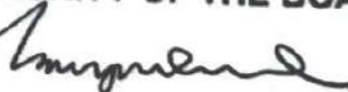
Section 12: Repealing and Saving Clause

Any provision of MARINA Circular No. 2013-04 or other existing MARINA Circulars, and its amendments, or Rules and Regulations, Orders or Decisions and other issuances or parts thereof which are inconsistent with this Circular are hereby repealed, amended or modified accordingly.

The parts of MARINA Circular No. 2013-04 which have not been repealed or amended by this Circular shall continue to be valid and effective.

Manila, Philippines 23 April 2020.

BY AUTHORITY OF THE BOARD:



VADM ROBERT A EMPEDRAD AFP (Ret)
Administrator

SECRETARY'S CERTIFICATION

This is to certify that Memorandum Circular No OS-2020-01 has been approved by the MARINA Board during its 275th Regular Board Meeting held on 23 April 2020.



Atty. EUSEBIA A. CADLUM-BOCO
Acting Corporate Board Secretary

Date of Publication:

Date of Submission to ONAR: