

# **PHILIPPINE MARITIME STRATEGY**

ON THE IMPLEMENTATION AND ENFORCEMENT OF  
RELEVANT INSTRUMENTS OF THE  
INTERNATIONAL MARITIME ORGANIZATION (IMO)

**Republic of the Philippines**

2020-2024

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## ABBREVIATIONS

<b>AToN</b>	Aids to Navigation
<b>CPA</b>	Cebu Port Authority
<b>COLREG</b>	International Regulations for Preventing Collisions at Sea
<b>DA</b>	Department of Agriculture
<b>DENR</b>	Department of Environment and Natural Resources
<b>DICT</b>	Department of Information and Communications Technology
<b>DOST</b>	Department of Science and Technology
<b>DOTr</b>	Department of Transportation
<b>DND</b>	Department of National Defense
<b>MARINA</b>	Maritime Industry Authority
<b>PAGASA</b>	Philippine Atmospheric, Geophysical and Astronomical Services Administration
<b>FSI</b>	Flag State Implementation
<b>GISIS</b>	Global Integrated Shipping Information System
<b>GMDSS</b>	Global Maritime Distress and Safety System
<b>ICS</b>	International Chamber of Shipping
<b>IALA</b>	International Association of Marine Aids to Navigation and Lighthouse Authorities
<b>IHO</b>	International Hydrographic Organization
<b>III Code</b>	IMO Instruments Implementation Code
<b>IMDG</b>	International Maritime Dangerous Goods Code
<b>IMO</b>	International Maritime Organization
<b>IMSAS</b>	IMO Member State Audit Scheme
<b>ISO</b>	International Organization for Standardization
<b>KPI</b>	Key Performance Indicator
<b>MAIIF</b>	Maritime Accident Investigators International Forum
<b>MARPOL</b>	International Convention for the Prevention of Pollution from Ships
<b>MIDP</b>	Maritime Industry Development Plan
<b>MSI</b>	Marine Safety Investigation
<b>NAMRIA</b>	National Mapping and Resource Information Authority
<b>NTC</b>	National Telecommunications Commission
<b>PCG</b>	Philippine Coast Guard
<b>PN</b>	Philippine Navy
<b>PPA</b>	Philippine Ports Authority
<b>PSC</b>	Port State Control
<b>PSCO</b>	Port State Control Officers
<b>MRCC</b>	Maritime Rescue Coordinating Center
<b>MRSC</b>	Maritime Rescue Sub-Center
<b>RO</b>	Recognized Organization
<b>SAR</b>	Search and Rescue
<b>SBMA</b>	Subic Bay Metropolitan Authority
<b>SOLAS</b>	International Convention for the Safety of Life at Sea
<b>STCW</b>	International Convention on Standards for the Training, Certification and Watchkeeping for Seafarers
<b>TSS</b>	Traffic Separation Scheme
<b>VTS</b>	Vessel Traffic System

## FOREWORD

As an archipelagic country positioned in South East Asia with 7,641 islands<sup>1</sup> straddling the Philippine Sea, West Philippine Sea and the Pacific Ocean, the maritime industry is a vital component for the socio-economic progress of the Philippines. Having vast coastal lowlands and resources across 298,170 square kilometers of land area and approximately 36,289 kilometer-coastline<sup>2</sup>, the Philippines is highly dependent on sea transport for the mobility of people and resources.

The Republic of the Philippines became a member of the International Maritime Organization (IMO) in 1964. As a contracting government to IMO instruments, the Philippines is mandated to promulgate laws and regulations necessary to ensure full and effective implementation and enforcement of international maritime instruments that safeguards maritime safety, and the protection of the marine environment.

Pursuant to Paragraph 3 of IMO Resolution A.1070 (28) or the IMO Instruments Implementation Code (III Code), the State is recommended to develop an overall maritime strategy to ensure that its international obligations and responsibilities as flag State, port State and coastal State are met.

In compliance thereto, this document promulgates the Philippine maritime administration's strategy, goals and measures used to comply with the provisions of the mandatory IMO instruments and the III Code.

These strategy, goals and measures are intended, and shall be construed to encourage and foster the growth and development of foreign and domestic commerce, develop safe, secure and efficient sustainable maritime transport system and minimize pollution, maximize energy efficiency and ensure resource conservation.

Through the provision of the organizational structure of the departments and agencies performing relevant maritime administration functions, the Philippines ensures that roles and responsibilities are clearly defined, that

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<sup>1</sup> Source: National Mapping and Resource Information Authority. (2017, January 10). Administrator Tiangco welcomes 2017. Retrieved from <http://www.namria.gov.ph/list.php?id=1032&alias=adminstrator-tiangco-welcomes-2017&Archive=1>.

<sup>2</sup> Source: Maritime Industry Authority. (2018, December). Formulation of the Ten-Year Maritime Industry Development Plan: Final Masterplan.

adequate powers have been granted to its agencies for implementation and enforcement. Furthermore, through this Strategy, the Philippines ensures that relevant parties have been involved in the legislation process, and that its technical personnel have been appropriately recruited and trained through clearly defined administrative process. Moreover, this Strategy provide adequate control and reporting mechanisms in respect of its legal obligations and responsibilities.

This IMO Strategy is consistent with the Ten-Year Maritime Industry Development Plan (2019-2028) which envisions a nationally integrated and globally competitive maritime industry and is a strategic deliverable under the Performance Governance System (PGS).

# PHILIPPINE STRATEGY

## I. Vision Statement

The Philippines strives to become a major maritime nation that gives premium to the protection of life, protection of the marine environment, prevention of accidents and make us of the lessons learned and recognizes the need to offer better service to the public. In order to achieve these goals, it seeks to give full and complete effect to the provisions of all applicable international maritime-related treaties to which it is a Party. In doing so, the Philippines shall maintain a proactive maritime administration ensuring effective implementation and enforcement of all laws, regulations and recommendations as appropriate, to guarantee that flag State, port State and coastal state obligations are fully observed.

## II. Mission

This Strategy is developed to enhance maritime safety and protection of the environment and to meet international obligations and responsibilities as a member of the IMO. Specifically, the objectives of this Strategy are the following:

1. Enhancing the level of the safety of shipping
2. Minimizing the risk of loss of life at sea
3. Reducing the ship source marine pollution
4. Raise standards of training, certification and watchkeeping for seafarers
5. Observe the standards set for load lines and tonnage measurement of ships
6. Prevent collisions at sea

## III. Policy for the Achievement of the Objectives

The maritime administration is committed to provide the highest quality of the safety of navigation and prevent marine pollution at seas within Philippines' jurisdiction.

The premise of this commitment is the maritime administration's understanding of the need to balance timely and effective compliance with

the provisions of the United Nations Convention on the Law of Sea (UNCLOS), international regulations, procedures and practices prescribed by IMO instruments and other mandatory instruments to which the Philippines is a Party.

We will accomplish our objectives through:

**1. Adoption of international conventions through legislation and effective implementation, including its amendments, pertaining to:**

- 1.1 safety of life at sea;
- 1.2 prevention of pollution from ships;
- 1.3 standards of training, certification and watchkeeping for seafarers;
- 1.4 load lines;
- 1.5 tonnage measurement of ships; and,
- 1.6 regulations for preventing collisions at sea.

**2. Establishing a methodology to monitor, assess and improve this Strategy to ensure effective implementation and enforcement of international mandatory instruments;**

**3. Continuously conducting organizational and staff/personnel performance review and capability, including but not limited to:**

- 3.1 training programs relating to safety of navigation; pollution prevention; enhancement of standards of training, certification and watchkeeping for seafarers; load lines; tonnage measurement of ships; and collision prevention;
- 3.2 regional and national drills on maritime safety and pollution prevention, which engage a broad spectrum of maritime-related national, regional, and international organizations, companies and seafarers; and,
- 3.3 using reward and incentive mechanisms for shipping companies and seafarers to stimulate safety culture.

**4. Regularly communicating to the interested parties and to relevant international bodies the required reports and information as required by the mandatory instruments.**

#### **IV. Implementation of the Strategy**

The Philippine IMO Strategy covers a period of five (5) years from 01 January 2020 to 31 December 2024. The coordinating body among entities having responsibilities in implementing and enforcing the applicable IMO instruments to which the Philippines is a Party to, described further, is the **Inter-Agency Council on the IMSAS**, created by virtue of Executive Order No. 84, series of 2019. The IMSAS Council establishes formal links with departments/agencies within the government. This body is also in charge of monitoring and reporting on the implementation of this Strategy. Their composition, powers and functions will be discussed in detail in section *“Goal 4: Effective cooperation among institutions”*.

## PHILIPPINE MARITIME ADMINISTRATION

In order to fulfill its obligation to the international conventions drawn up under the International Maritime Organization (IMO)<sup>3</sup>, the International Labour Organization (ILO) and the provisions of the United Nations Convention on the Law of Sea (UNCLOS), the Philippine Maritime Administration consists of all government agencies and departments having primary and supporting responsibilities in implementing mandatory international instruments.

**1. Department of Transportation (DOTr):** Established on 28 July 1979, this is the executive department of the Philippine government responsible for the development, maintenance and expansion of viable, efficient, and dependable transportation systems as effective instruments for national recovery and economic progress. One of its function is to ensure the development of the maritime transport sector, take active part in formulating the maritime transport policy, and oversee and monitor the implementation of the IMO Strategy in relation to its National Maritime Transport Policy.

**1.1 Maritime Industry Authority (MARINA):** The MARINA was created on 01 June 1974 with the issuance of Presidential Decree (PD) No. 474. It started functioning as an agency attached to the Office of the President (OP) on 29 August 1979 with the issuance of PD 761 mandating the agency to integrate the development, promotion and regulation of the country's maritime industry. In 1979, per Executive Order (EO) No. 546, MARINA became an attached agency of then Department of Transportation and Communications (DOTC) for policy and program coordination.

The MARINA is the flag administration in the Philippines, by virtue of EO 125, as amended, and as such exercises control and supervision over Philippine-registered ships. It had also been designated as the single maritime administration responsible for the implementation and enforcement of the SCTW Convention, as amended, by virtue of Republic Act (RA) No. 10635. This law mandates the MARINA to ensure that the provisions of the STCW Convention are implemented.

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<sup>3</sup> The Philippines has been a member of the IMO since 1948.

**1.2 Philippine Coast Guard (PCG):** The PCG was created through RA 5173 as major unit under the Philippine Navy (PN) in 1967. It was transferred to the OP after more than two (2) decades. Eventually, it became an attached agency of DOTC in the same year, by virtue of EO 477 in 1988.

Pursuant to RA 9993, the PCG shall enforce regulations in accordance with all relevant maritime international conventions, treaties or instruments and conduct port state control implementation. The Act mandates PCG to coordinate, develop, establish, maintain and operate aids to navigation, vessel traffic system, and maritime communications. Pollution prevention, mitigation, and response are also undertaken, in coordination with the Department of Environment and Natural Resources.

### **1.3 Port Authorities**

**A. Port Authorities** take control of ship movements when approaching, entering and leaving the ports. They provide services to ships using the port such as appropriate reception facilities, navigational aids, crew amenities and vessel traffic service.

**1.3.1 Philippine Ports Authority (PPA):** Created by virtue of PD 857, PPA is vested with the power to supervise, control, regulate, construct, maintain operate and provide such facilities or services as are necessary in the ports vested in, or belonging to PPA. It is also mandated to provide these services whether on its own, by contract or otherwise. PPA is a government instrumentality with corporate powers (GICP), governed by a Board of Directors chaired by the Secretary of Transportation, and is headed by a General Manager. PPA is responsible for providing reception facilities and services under MARPOL and Vessel Traffic System (VTS) in ports under its jurisdiction.

**1.3.2 Cebu Port Authority (CPA):** The CPA was created through the enactment of RA 7621 signed on 26 June 1992 to specifically administer all ports located in the province of Cebu; thus, effectively separating these ports from the PPA system. CPA began operations and officially took over all ports in Cebu on 01 January 1996. The territorial jurisdiction

of the Authority includes all ports, seas, lakes, rivers and all other navigable inland waterways within the province of Cebu, the City of Cebu, and all other highly urbanized cities which may be created after the enactment of RA 7621.

**1.3.3 Subic Bay Metropolitan Authority (SBMA):** The SBMA was created through RA 7227 and is mandated to operate, administer, manage, and develop the ship repair and ship building facility, container port, oil storage and refueling facility and Subic Air Base within the Subic Special Economic and Freeport Zone as a free market. Its area of jurisdiction includes the erstwhile US naval base at Subic, parts of Redondo peninsula where the Subic Hanjin shipyard is located, and erstwhile US defense accommodations in the hills consisting of Binictican and Kalayan housing areas.

**B. Economic Zone and Freeport Authorities:** The following authorities are responsible for the operation and development of the economic zones and freeports into self-sustaining, industrial, commercial, financial, tourism, transshipment and investment centers, with the objective of generating employment opportunities in and around the zones, attracting and promoting foreign investments and accelerating regional economic development.

**1.3.4** Authority of the Freeport Area of Bataan (AFAB)

**1.3.5** Aurora Pacific Economic Zone and Freeport Authority (APECO)

**1.3.6** Bases Conversion and Development Authority (BCDA)

**1.3.7** Clark Development Corporation (CDC)

**1.3.8** Cagayan Economic Zone Authority (CEZA)

**1.3.9** Polloc Freeport Administration (PFA)

**1.3.10** Zamboanga City Special Economic Zone and Freeport Authority

**2. Department of Foreign Affairs (DFA):** This agency created through Commonwealth Act No. 732 is the primary agency responsible for Philippine foreign policy through its foreign service posts and serves as the primary representative of the Philippine government overseas. The DFA likewise advises and assists the President in planning, organizing,

directing, coordinating, integrating and evaluating the total national effort in the field of foreign relations in pursuit of its Constitutional mandate.

3. **Department of Information and Communications Technology (DICT):** Pursuant to RA 10844, DICT shall be the primary policy, planning, coordinating, implementing and administrative government entity that will plan, develop and promote the national ICT development agenda.

- 3.1 **National Telecommunications Commission (NTC):** The NTC was created through EO 546 and conferred with regulatory and quasi-judicial functions. The NTC is formerly an attached agency of then Department of Transportation and Communications and was transferred to the DICT by virtue of RA 10844 in 2016. This agency is the sole body that exercises jurisdiction over the supervision and regulation over all telecommunications services both private and public including the maritime radio service throughout the country.

4. **Department of Environment and Natural Resources (DENR):** As mandated by EO 192, it is the primary agency responsible for the conservation, management, development, and proper use of the country's environment and natural resources, and licensing and regulation of all natural resources as may be provided for by law.

- 4.1 **National Mapping and Resource Information Authority (NAMRIA):** As provided for in the DENR Administrative Order (AO) No. 31, the implementing guidelines of Section 22(a) of EO 192, NAMRIA is the central mapping agency, depository, and distribution facility for natural resources data in the form of maps, charts, texts and statistics. Its Hydrographic Branch acquires and analyzes hydrographic and oceanographic data used for promoting navigational safety and oceanographic research. Outputs of said branch include nautical charts, navigational warnings and tide and current predictions.

- 4.2 **Environmental Management Bureau (EMB):** By virtue of RA 9749 Section 34, EMB is a line bureau, mandated to pursue environmental reform to improve air and water quality, manage wastes, and

contribute to the enhancement of the development process through implementation of six (6) important environmental laws<sup>4</sup>.

**5. Department of Science and Technology (DOST):** In accordance with EO 128, the Department shall provide central direction, leadership and coordination of scientific and technological efforts and ensure that the results therefrom are geared and utilized in areas of maximum economic and social benefits for the people.

**5.1 Philippine Atmospheric, Geophysical, and Astronomical Services Administration (PAGASA):** Created on 08 December 1972 by recognizing the Weather Bureau, PAGASA now serves as one of the Scientific and Technological Services Institutes of DOST, which undertakes scientific and technological services in meteorology, hydrology, climatology, astronomy and other geophysical sciences, in order to provide protection against natural calamities and insure the safety, well-being and economic security of the people.

**6. Department of National Defense (DND):** Established through EO 112, the DND is mandated to maximize its effectiveness for guarding against external and internal threats to national peace and security, uphold sovereignty and territorial integrity, and support socio-economic development and political stability.

**6.1 Philippine Navy (PN):** The Philippine Navy is one of the major services of the Armed Forces of the Philippines (AFP) under the supervision and control of the DND, per EO 292. It is mandated to organize, train, deploy and maintain forces for the prompt and sustained naval and maritime operations in support of the United Commands in the accomplishment of AFP mission.

**6.2 Philippine National Police Maritime Group (PNP-MG):** The unit was established as a unit along with PNP under the Department of Interior and Local Government (DILG) through RA 6975. It is one of the twelve (12) PNP National Operational Support Units (NOSUs)

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<sup>4</sup> Environmental Impact Assessment Law (PD 1586), Toxic Substances and Hazardous Waste Management Act (RA 6969), Clean Air Act of 1999 (RA 8749), Ecological Solid Waste Management Act (RA 9003), Philippine Clear Water Act (RA 9275) and Environmental Awareness and Education Act (RA 9512).

mandated to perform all police functions over Philippine territorial waters, lakes and rivers, coastal areas to include ports and harbors and small islands for the security and the sustainable development of the maritime environment in the Philippines.

**7. Department of Agriculture (DA):** EO 116 mandated DA to promote agricultural development by providing the policy framework, public investment, and support services, which are needed for domestic and export-oriented business enterprises.

**7.1 Bureau of Fisheries and Aquatic Resources (BFAR):** It was reconstituted as a line bureau by RA 8550 or the Philippine Fisheries Code, responsible for the development, improvement and conservation of the country's fisheries and aquatic resources.

**8. Commission on Higher Education (CHED):** Pursuant to RA 7722, CHED is the primary agency responsible for the promotion of relevant, quality, and accessible higher education. In relation to RA 10635 which established MARINA as the single maritime administration responsible for the implementation of the STCW Convention, all Higher Education Institutions (HEIs) intending to offer Bachelor of Science in Marine Transportation (BSMT) Bachelor of Science in Marine Engineering (BSMarE), shall seek approval from the CHED, upon recommendation of MARINA, before offering and conducting said programs.

## **MAIN GOALS OF THE STRATEGY**

The main goals of the Strategy are as follows:

### **I. Effective and efficient implementation and enforcement of the mandatory IMO instruments**

1. As a Contracting Government
2. As a Flag State
3. As a Coastal State
4. As a Port State

### **II. Adherence to international recommendations, as appropriate**

Apart from the mandatory instruments, Philippines should also refer to international recommendations, resolutions or circulars adopted by IMO or others international organizations or associations such as IHO and IALA for full and complete implementation of the mandatory instruments.

### **III. Continuous review and verification of the effectiveness of the State in respect of meeting its international obligations**

In order to determine each entity's performance against its area of responsibility, key performance indicators (KPIs) were put in place to monitor, evaluate and improve performance of relevant entities having responsibilities in implementing and enforcing the applicable IMO instruments.

### **IV. Effective cooperation among institutions**

MARINA and other entities having responsibilities in implementing the applicable IMO instruments to which the Philippines is a Party, shall cooperate to ensure the effective implementation of these instruments. The IMSAS Council will be the coordinating body in charge of monitoring and reporting on the implementation of this Strategy.

## **GOAL 1: EFFECTIVE IMPLEMENTATION AND ENFORCEMENT OF THE MANDATORY IMO INSTRUMENTS**

The Philippines has certain rights and obligations under various international instruments. When exercising its rights, it incurs additional obligations as a contracting government, a flag State, a port State and coastal State.

### **1. Obligations as a Contracting Government**

The Republic of the Philippines is a sovereign and democratic nation that is a full member of the United Nations (UN)<sup>5</sup> and the International Maritime Organization (IMO).

The Philippines has ratified majority of the IMO Conventions and protocols, including the following mandatory IMO instruments:

- .1 International Convention for the Safety of Life at Sea, 1974 (SOLAS 1974)
- .2 Protocol of 1988 relating to the International Convention for the Safety of Life at Sea, 1974, as amended (SOLAS PROT 1988)
- .3 International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, as amended (MARPOL 73/78)
- .4 Protocol of 1997 relating to the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978, relating thereto, as amended (MARPOL PROT 1997)
- .5 International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended (STCW 1978)
- .6 International Convention on Load Lines, 1966 (LL 1966)
- .7 Protocol of 1988 relating to the International Convention on Load Lines, 1966 (LL PROT 1988)
- .8 International Convention on Tonnage Measurement of Ships, 1969 (TONNAGE 1969)
- .9 Convention on the International Regulations for Preventing Collisions at Sea, 1972, as amended (COLREG 1972)

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<sup>5</sup> The Philippines became a member of UN in 1945.

The Inter-Agency Coordinating Committee on the Ratification and Implementation of Maritime Conventions (ICCRIMC) is responsible for monitoring developments and considering a new international maritime convention for ratification. This entails knowing the requirements of the Convention and measures needed to satisfy the requirements through research, development, testing, monitoring and coordination with other agencies such as DOST, DENR and DOE. After initial study on new convention functions and its implication on the need for additional resources such as competencies of manpower, their training needs and budget, the Committee creates a Technical Working Group (TWG) which will prepare and finalize the National Interest Analysis based on consultation with stakeholders. After consultation and once stakeholders and involved government agencies issue Certificates of Concurrence (COC), the lead agency can request ratification from DOTr and DFA subsequently. Upon endorsement of ratification from DFA, OP will transmit the signed Instrument of Ratification to the Senate, for consideration and concurrence ( $\frac{2}{3}$  votes). After approval, DFA will deposit the Instrument with the Secretary General of IMO (see *Table 1 for the Flowchart of Ratification and Implementation Process*).

As the start of ratification process, we have developed a National Interest Analysis to determine the benefit to the Philippines of being a Party to the abovementioned Conventions. Included in the process is the a determination of the responsibilities required in the Convention, the agency, the agency who has the mandate and an analysis of gaps in existing national laws and what has to be crafted<sup>6</sup> to fill these gaps or address possible duplication on overlapping functions. This would ensure that technical agencies can anticipate the changes to implement the new regulation or legislation.

The Philippines undertakes the establishment of resources, and processes capable of administering a safety and environmental protection program which is part of an Internal Management System, through the implementation of all the ratified conventions, as amended, into national laws, and publishing them in the Official Gazette. Enactment of domestic instruments to implement the ratified international

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<sup>6</sup> A House Bill entitled "An Act Providing for the Full and Effective Implementation and Enforcement of International Maritime Instruments of which the Philippines is a State Party and For Other Purposes" has been drafted and formulated to address this gap.

conventions, in the form of guidelines, guidance, performance standards, recommendations, policies, and recommended measures, is an ongoing process. This process includes preparation of the technical aspects of and amendments of domestic legislation in a timely manner. Additional guidelines, instructions, procedures may be necessary in the following instances:

- Requirements left to the “*satisfaction of the Administration*”;
- Instructions to surveyors;
- Procedures for surveys, inspections, and issuance of certificates; and
- Procedures and criteria for granting exemptions, equivalents and dispensations.

For amendments to existing instruments that enter into force internationally following the tacit acceptance procedures, the same principles apply.

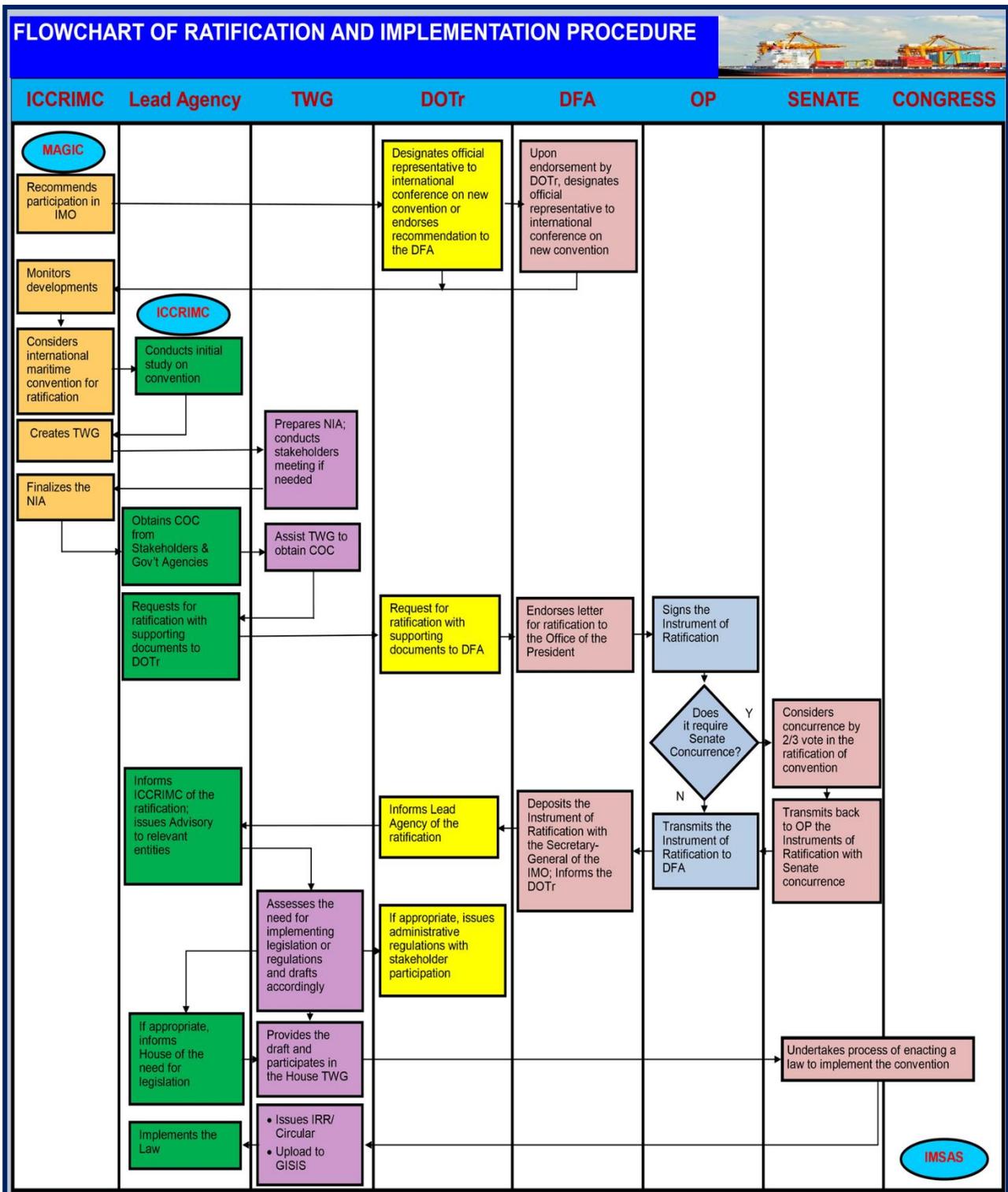


Table 1. Flowchart of Ratification and Implementation Procedures

## 1.1 Implementation

*Measures to be taken:*

- MARINA shall conduct an analysis of ratified international conventions and its amendments especially those entering into force by tacit acceptance and degree of national implementation and prepare a *Country Gap Analysis Report*.
- MARINA or responsible entity, based on the *Country Gap Analysis Report*, shall prepare proposal of enacting or amending national legislation, regulation and procedure and containing responsibilities of government entities, enforcement provisions, national interpretations, delegation of authority, and penalties for violation, to ensure functional compliance with requirements of international conventions. The national legislation includes provision for unified interpretation for vague technical provisions.
- MARINA shall set up a system for IMO legislative monitoring and shall inform the concerned entities in order to include mandatory amendments into national legislation in a timely manner and provide capacity building and awareness building activities.

## 1.2 Legal Staff

*Measures to be taken:*

- The maritime administration shall maintain sufficient personnel with maritime expertise to assist in the adoption, enactment and promulgation of the necessary national legislations to implement and enforce mandatory IMO instruments to which Philippines is a Party to.

## 1.3 Communication of information and records

The maritime administration shall observe the General Records Disposition Schedule and establish their respective Agency Records Disposition Schedule as prescribed by the National

Archives of the Philippines (NAP) to serve as guide in the disposition of records.

In compliance with the Anti-Red Tape Act (ARTA) of 2007 and Ease of Doing Business (EODB) Act of 2018, MARINA operationalized several online application systems such as the MARINA Integrated Seafarers Management Online (MISMO) System, Seafarers Identification Document (SID)/Seafarers Record Book (SRB) Appointment System, Overseas Shipping Service Information and Monitoring System (OSSIMS), and Human Resource Management Information System (HRMIS).

An Information System Strategic Plan (ISSP) will be acquired by the agency which will include, among others, the digitization and electronic tracking of documents in order to improve records management and accessibility.

Further, MARINA, as the flag administration, is the responsible entity for the reportorial requirements of the IMO. Through regular meetings and close coordination with implementing agencies, the Overseas Shipping Service of MARINA consolidates the reports and communicates with the IMO through GISIS.

*Measures to be taken:*

- MARINA shall establish a mechanism, including policies in the form of a Department Order and Administrative Order, assigned responsibilities and instructions, as necessary, to ensure collection and communication of relevant information to IMO and other concerned parties.
- The maritime administration shall establish a records management system and maintain a documented procedure to define the controls needed for the identification, storage (paper or electronic), protection, access (centralized, unified, cross-access among agencies through e-menus, or stand-alone e.g. MISMO), retrieval, retention time and disposition of records, and budget for records management.

## 1.4 Stimulation of a maritime safety culture/consciousness

*Measures to be taken:*

- The maritime administration, particularly the MARINA, PCG and port authorities, shall stimulate a culture which provides opportunities for improvement of performance in maritime safety and marine environmental protection activities such as giving rewards for shipping companies and seafarers.

## 2. Obligations as a Flag State

The Philippine merchant fleet consists mainly of 108<sup>7</sup> vessels engaged in international voyages and 28,210<sup>8</sup> ships in domestic trade. In enforcing shipping safety regulations with regard to those vessels, MARINA is supported by the PCG for domestic ships.

In granting the privilege for a ship to fly the Philippine flag, MARINA as the flag administration sets the conditions in compliance with national and international regulations relating to safety, security and protection of the marine environment. Supervision over the technical condition of the Philippine fleet is carried out by both MARINA and Recognized Organizations (ROs).

Strict requirements established with regard to MARINA personnel and ROs are supposed to result in surveys and inspections being carried out to an extent and in a manner which will eliminate ships that do not meet shipping safety and marine environment protection standards required by the law.

### 2.1 Inspection and audit

Surveys, inspections and audits are carried out on all registered ships engaged on national and on international voyages, on a timely basis, utilizing capable personnel and in conformity with applicable international and domestic laws and standards. This

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<sup>7</sup> As of May 2020, there are 22 general cargo ships, 66 bulk carriers, 19 tankers and one (1) with no available information. Source: Maritime Industry Authority, 2020

<sup>8</sup> As of 2019, there are 3,154 cargo ships, 11,092 passenger ships, 12,359 fishing vessels, 225 tankers and 1,380 other vessels. Source: Maritime Industry Authority, 2019

function is delegated to the ROs duly entrusted by Philippines; while the grant of exemptions is lodged with MARINA.

The Philippine Maritime Administration constantly strive to ensure the safe operation of all Philippine-registered ships, promote safety of life and property at sea and the protection of the marina environment, by establishing standard procedures on inspections and audits, to ensure compliance with mandatory rules and regulations related to the safe operation of ships and protection of the environment and effective implementation and enforcement.

*Measures to be taken:*

- MARINA shall develop a ship survey system and procedure which is compliant to IMO resolution A.1120(30) “survey guidelines under the harmonized system of survey and certification (HSSC), 2017”.
- MARINA shall inspect and audit all ships flying Philippine Flag in accordance with the ship survey system adopted, directly or through entrusted ROs.
- MARINA shall investigate each ship detention including an ad-hoc inspection and/or an ISM audit when necessary, in order to determine and eliminate original reasons of non-conformity to applicable requirements.
- MARINA shall develop and implement a ship data and analyzing system and documented procedures for ships registered under Philippine flag to identify problem areas in order to take the corrective measures.
- MARINA shall provide guidance to masters to prepare them for PSC inspections.
- MARINA shall conduct an annual survey of stakeholders in order to measure customer satisfaction.

## 2.2 Delegation of Authority

Pursuant to the provisions of the Recognized Organizations (RO) Code (IMO Res. MSC 349(92)), the Philippine Maritime Administration establish rules and guidelines on the accreditation of ROs in conducting the surveys, inspections and audits, issuing of certificates and documents, marking of ships and other statutory work required under the IMO Conventions or under its national legislation.

It enters into a written agreement to perform statutory certification and services on behalf of the Administration to Philippine shipping companies and their Philippine registered ships, on behalf of the Administration, following mandatory IMO and ILO instruments and national legislation and regulations.

Statutory certification and services comprise the assessment of Philippine shipping companies and their Philippine-registered ships to determine the compliance of such ships to applicable instruments and the issuance of relevant certificates or statements of or documents of compliance.

Under those guidelines, MARINA should establish or participate in an oversight program for monitoring the ROs to ensure that its international obligations are fully met. It reserves the right to audit the ROs upon showing of clear grounds of violation of the MOA or at the instance of the Administration whenever it deems the audit warranted.

MARINA entrusted the following ROs to carry out statutory certification and other services for Philippine-registered conventional vessels:

- .1 Nippon Kaiji Kyokai (NKK)
- .2 Det Norske Veritas (DNV)-Germanischer Lloyd (GL) AS
- .3 Bureau Veritas (BV)
- .4 Lloyd's Register of Shipping (LRS)
- .5 American Bureau of Shipping (ABS)
- .6 Hellenic Register of Shipping (HRS)
- .7 Korean Register of Shipping (KRS)

- .8 Registro Italiano Navale (RINA)
- .9 China Corporation Register of Shipping (CCRS)
- .10 International Register of Shipping (IRS)

The statutory certification and services include performing plan review; approval of drawings, manuals, material, appliances, installations, arrangements, systems, structure and equipment; carrying out surveys, auditing, inspection, issuing, extending validity and revoking necessary interim and full-term certificates.

MARINA, by entering into agreements with ROs, entrust them with supervision over ships flying Philippine flag yet remain responsible for the level of safety of these ships.

ROs are not authorized to issue the following documents:

- .1 Exemption certificate
- .2 Minimum Safe Manning Document
- .3 Continuous Synopsis Record
- .4 Permit to Operate High-Speed Craft (HSC)

*Measures to be taken:*

- MARINA shall review all the written agreements concluded with ROs in order to ensure their compliance with the RO Code.
- MARINA shall develop rules, procedure and criteria in conformity with IMO Resolution MSC 349(92) (RO Code) for the selection of ROs to act on its behalf.
- In addition to the Philippine Merchant Marine Rules and Regulations (PMMRR) and its subsequent amendments, MARINA shall enact regulation or adopt procedures for the supervision of ROs. MARINA shall develop and implement an oversight programme for systematic monitoring of ROs' performance in accordance with the RO Code, with sufficient number of personnel and adequate resources, and system of periodic audits during the accreditation lifetime.

- MARINA shall analyze the results of PSC inspections and shall decide additional MARINA inspections of ships surveyed by ROs, in order to monitor the quality of ROs performance.
- MARINA shall organize periodic working meetings with ROs on issues related to their area of delegation.
- MARINA shall provide detailed instructions to ROs especially regarding the provisions of the mandatory instruments that are “subject to the satisfaction of the administration”, as and when deemed necessary.

### **2.3 Enforcement**

- MARINA shall inspect and audit all ships flying the flag of the Philippines in accordance with the adopted survey system including pre-acquisition inspections, in coordination with the ROs.
- MARINA shall investigate each detention and inspection report including inspection and audit, in order to determine the corrective action of non-conformities to applicable provision of laws.
- MARINA shall develop a database of ships flying the Philippine flag which will be regularly updated.
- Clarify and publicize powers and responsibilities of the various entities, performing more than the administrative functions.

### **2.4 Flag State Surveyors**

MARINA strives to maintain qualified personnel involved in inspection, in accordance with the function as a maritime administration.

MARINA surveyors’ rights and obligations shall be clearly specified. Their work shall be monitored and subject to periodic evaluation against key maritime administration functions such as

survey, inspections, investigation, monitoring, and other tasks required by IMO instruments.

*Measures to be taken:*

- MARINA shall develop documented procedures for admission, training, updating and evaluation of flag State surveyors appropriate to the tasks they are authorized to undertake.
- MARINA shall conduct an annual survey among the maritime community concerning the quality of MARINA's work, specifically flag State surveyors' performance and take improvement actions when required.

## **2.5 Training and certifications of seafarers**

Maritime safety and security, prevention of marine pollution, as well as ship operational results depend to a great extent on the behavior and qualifications of ship crew.

As a major provider of Filipino seafarers in the global labor market, the MARINA shall continue to take action to ensure that the competence and training of Filipino seafarers remain in accordance with STCW Convention as amended and other international and national requirements.

*Measures to be taken:*

- MARINA shall maintain approval of its processes and procedures to give full and complete effect to the STCW Convention, as amended, maintaining the Philippines' name in the White List (as contained in MSC.1/Circ.1164, and its latest version).
- MARINA shall monitor systematically international and national regulations concerning seafarers' training and certification standards.
- MARINA shall centralize the approval and monitoring of maritime training courses and providers.

- MARINA shall undertake regular audits from the approved maritime training courses and providers to assess their compliance with the requirements of STCW convention and relevant national legislations.
- MARINA shall develop national legislations for training and certification of seafarers employed on ships operating in domestic voyages and for fishermen.
- MARINA shall establish a documented procedure for the recognition of certificates issued by other parties to the STCW Convention.
- MARINA shall establish processes and procedures for an impartial investigation to be held of any reported failure that may pose a direct threat of safety of life or property at sea or to marine environment, by the holders of certificates or endorsement issued by the Philippines.

## 2.6 Investigation of marine casualty

An independent investigating body to conduct investigation on marine casualties would be created by national legislation. In the meantime, suitably qualified personnel of the Enforcement Service of MARINA and Coast Guard Staff for Maritime Safety Service (CG-8) of PCG will conduct impartial and objective safety investigation of marine accidents/incidents, in accordance with the Casualty Investigation Code.

Pending the creation of this body:

*Measures to be taken:*

- MARINA and PCG shall develop national policies, legislations, resources and procedures for investigating marine casualties in accordance with the *Casualty Investigation Code* (Resolution MSC 255 (84)), and taking into account the *Guidelines to Assist Investigators in the Implementation of the Casualty Investigation Code* (Resolution A.1075(28)), to have

a uniform approach to data/evidence gathering, analysis and reporting.

- MARINA and PCG shall maintain and keep an updated database on comprehensive fleet casualty data involving ships under Philippine flag. The marine safety investigation report will be used to improve policies/regulations. The database developed and the lessons learned will be translated into policy. For example, marine safety investigation reports relating to the construction of ships will be fed into ship construction, its conversion and repair.
- MARINA and PCG shall develop and implement procedures for admission, training, education, updating and evaluation of investigators appropriate to the tasks they are authorized to undertake.
- MARINA and PCG shall maintain and keep an up-to-date list of qualified and competent maritime accident investigators and a list of experts who can assist investigators in performing duties outside their normal assignments.
- MARINA and PCG shall establish procedure for cooperation with interested States on marine casualty investigations.
- MARINA and PCG shall develop a system for communicating the final marine safety investigation report to the public and the shipping industries for mitigating or preventing the recurrence of marine casualty by raising awareness on the danger at sea.
- MARINA shall communicate the final marine safety investigation report to IMO.

### **3. Obligations as a Coastal State**

The Philippines has a coastline of approximately 36,289 kilometers<sup>9</sup>. The PCG maintain its presence along this maritime stretch and

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<sup>9</sup> Maritime Industry Authority. (2018, December). Formulation of the Ten-Year Maritime Industry Development Plan: Final Masterplan.

boundaries by conducting foot and seaborne patrols and inspections to vessels calling within our waters. For the last five (5) years, there is but an increment in the marine traffic parallel to the number of ship calls both domestic and foreign of varied types such as cargo, container, and passenger ships. Ships call ranges from 93,763 to 117,599 for both domestic and foreign ships, such increase entails the growth in trade gearing towards economic progression. From January to March 2020, there were more or less 28,000 foreign vessels (on the average) of all types traversing within the territorial waters of the country.

The boost in the maritime in the maritime industry paved the expansion of the shipping feet and various movements across our waters. The rapid modernization is but a mainstream of socioeconomic development, integration, productivity and stability. With such advancements, it is befitting that the coastal state remains to uphold and intensify its commitment in rendering utmost service.

### **3.1 Radio communication services**

PCG has an ongoing project of establishing 21 radar sites at ZamBaSuITa (Zamboanga, Basilan, and Tawi-Tawi) area with the intention to increase the coastal monitoring system of all vessels passing through the area of responsibility of same for better implementation of the maritime law as one of the PCG's functions.

*Measures to be taken:*

- PCG shall evaluate available appropriate shore-based facilities for space and terrestrial radio communication services and provide IMO with pertinent information concerning those facilities.

Pending the implementation of a full Global Maritime Distress and Safety System (GMDSS):

- PCG shall make a NAVTEX<sup>10</sup> system available in Palawan and Davao, in accordance with Resolution A.706(17), as amended, and Resolution A.1051(27), as amended.

### 3.2 Navigational warnings

The Coast Guard Staff for Maritime Safety Service (CG-8) of PCG is the responsible entity for issuing navigational warnings.

*Measures to be taken:*

- PCG shall ensure that the NAVTEX services messages are collected and broadcasted in accordance with Resolution A.706(17), as amended, and Resolution A.1051(27), as amended, and taking into account the IMO NAVTEX Manual (MSC.1/Circ. 1403, as amended).
- PAGASA shall provide weather information suitable for shipping containing data, analyses, warnings and forecasts of weather, at least twice daily, to the PCG for processing and broadcasting in the NAVTEX system.
- PAGASA shall take into account the technical regulations and recommendations made by WMO (IMO/IHO World-Wide Navigational Warnings Services Guidance Document adopted by the Organization by Resolution A.1051(27), as amended), when processing and broadcasting weather information.
- PCG shall broadcast in the NAVTEX system weather information suitable for shipping, at least twice daily.
- PAGASA shall liaise with MARINA to encourage companies to involve as many of their ships as practicable, in collecting meteorological data, and making and recording of weather observation.

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<sup>10</sup> NAVTEX is an information system for transmitting Maritime Safety Information that are navigational and meteorological warnings, meteorological forecasts and other urgent safety-related messages

### 3.3 Hydrographic Services

The Philippines is a member of the International Hydrographic Organization (IHO), through the NAMRIA.

*Measures to be taken:*

- NAMRIA shall ensure that hydrographic surveying is carried out, as far as possible which is adequate for safe navigation.
- NAMRIA shall prepare and issue nautical charts, sailing directions, list of lights, tide tables and other nautical publications, where applicable, satisfying the needs of safe navigation.
- NAMRIA shall promulgate notices to mariners in order that nautical charts and publications are kept, as far as possible, up to date.
- NAMRIA shall undertake to ensure the greatest possible uniformity in nautical charts and publications and to take account resolutions and recommendations adopted by the IHO.

### 3.4 Search and rescue (SAR) services

In order to ensure an integrated rapid and reliable action to any vessel in distress within the maritime jurisdiction of the Philippines, a national maritime search and rescue plan was developed as a major component of the Philippine Calamities and Disaster Preparedness Plan. It involves the active cooperation of several government agencies and the private sector.

The Philippines is divided into two (2) Distress Monitoring Signal Areas (DMSA) capable of monitoring distress frequencies on 24-hour, basis within the maritime jurisdiction of the country. This is in accordance with SOLAS 1974. Each DMSA is equipped with the following communication equipment: a) MF - 500 Khz (CW) b) HF/SSB - 2182 Khz (Voice) 8364 Khz(CW) c) VHF/FM - 156.8 Khz (Voice) short range.

The PCG's SAR organization maintains constantly manned watch centers that operate 24 hours a day. Continuously monitoring distress frequencies is the PCG Command Center (PCGCC) as the primary center located at the National Headquarters Philippine Coast Guard (NHQ-PCG) and named as the Manila Rescue Coordination Center (MRCC). Further, the MRCC and its sub-watch center maintain close monitoring on the conduct of seaborne and coastal foot and seaborne patrol within their area of responsibility.

Thirteen (13) PCG Districts are designated as Maritime Rescue Sub-Center (MRSC) which covers respective District area of responsibility. In order to perform its SAR, appropriate number of PCG vessels, craft/fast boats, aluminum boats, Rigid Hull Inflatable Boats (RHIB) and Deployable Response Teams composed of Special Operations Force, Coast Guard Medical Team, Coast Guard K9 and rescue swimmers are organized at each MRSC, which can be dispatched immediately to any maritime- and land-based SAR operations.

Further, 75 CG Stations serve as operating units. At least one (1) division or squadron of PCG Auxiliary (PCGA) is assigned in each operating unit which can assist SAR operations when necessary.

Further, there are 374 Coast Guard Sub-Stations under the Coast Guard stations which are utilized as SAR units or alerting posts.

*Measures to be taken:*

- PCG shall ensure that necessary arrangements are made for distress communication and coordination in Philippines' SAR region and for the rescue of persons in distress at sea adjacent to its coast.
- PCG shall coordinate with MARINA to make available information to IMO concerning existing search and rescue facilities and the SAR plan with a defined periodicity for exercises.

- PCG shall develop SAR cooperation plans for cooperation with passenger ships and other merchant marine fleet will be assisted by other government agencies such as the PN in the event of emergency/ies.
- PCG, in coordination with the other government agencies such as PN shall test the effectiveness of the SAR plans by conducting annual/yearly exercises.

### **3.5 Aids to Navigation (AtoN)**

As the lighthouse authority in the country, PCG is mandated by law to coordinate, develop, establish, maintain and operate aids of navigation within the maritime jurisdiction of the Philippines.

PCG likewise prescribes the rules and regulations for the establishment, administration, operations and maintenance of private AToN. Private parties, associations and other government agencies to include the PPA are regarded as private AtoN.

Applications for the establishment of private AtoN will be duly reviewed, evaluated, assessed and approved by the PCG.

*Measures to be taken:*

- PCG and port authorities (PPA, CPA, SBMA, other port authorities) shall maintain the current network of AtoN (beacons, buoys light, houses) and shall propose to establish new AtoN as it deems necessary considering the volume and type of traffic and the degree of risk involved.
- PCG and port authorities (PPA, CPA, SBMA, other port authorities) shall seek the greatest possible uniformity in AtoN by taking into account the international recommendations and guidelines (appropriate recommendations of IALA and SN/Circ.107 maritime buoyage system) when establishing such aids.
- PCG and port authorities (PPA, CPA, SBMA, other port authorities) shall broadcast warnings to mariners and MARINA

in case of non-availability of an existing AtoN or establishment of a new AtoN.

### **3.6 Ship routeing, ship reporting systems and vessel traffic services**

The enactment of Republic Act 9993 otherwise known as the Coast Guard Law of 2009, the VTS function is under the maritime safety function of the PCG as stipulated under Section 3(F) of the RA, “*to coordinate, develop, establish, maintain and operate aids to navigation, vessel traffic system, maritime communications and search and rescue facility within the maritime jurisdiction of the Philippines*”, this entails that PCG is likewise mandated by law as a competent authority for VTS.

PPA is mandated by law to establish, maintain and operate port infrastructure designed to enhance the safety of ships entering and leaving port environs and adjacent sealanes.

A Memorandum of Agreement was entered into between PPA and PCG for proper and effective implementation of the VTS, defining the roles and responsibilities of PPA and PCG, as follows:

For PPA:

- Direct and supervise the operation of the VTMS Control Centers.
- Designate VTMS Manager/Supervisor who shall be responsible for the overall operation of the VTMS Control Centers and radar stations.
- Operate, maintain and provide security in each VTMS Control Centers and radar stations.
- Provide training for personnel manning the control centers.
- Authorize PCG to use the VTMS facility and equipment in broadcasting Notices to Mariners (NOTAM) weather bulletins and other maritime safety information.
- Be responsible for the establishment and enforcement of house rules covering the command and control arrangement, access control, security arrangement and other related matters.

For PCG:

- Assign personnel in each control center to augment their PPA counterparts in manning VTMS Control Centers on a 24/7-day operations.
- In consideration to the training and skills that assigned PCG personnel shall acquire, PCG shall ensure that their assignment with the VTMS Control Centers will not be less than two (2) years unless otherwise terminated for cause.
- Assist in security augmentation in the VTMS operation.

Also, PCG establishes Traffic Separation Schemes (TSS) for safety of vessels navigating in our waters. Existing TSS are not limited within Manila and Cavite area, various TSS are already in place throughout the country and still on the process of establishing new TSS due to the increasing maritime traffic.

*Measures to be taken:*

- PCG shall develop national standards and procedures for admission, training, updating and evaluation of VTS operator in conformity with IALA recommendations and appropriate task that they are authorized to undertake. To ensure that regulations relative to navigational safety are still applicable and effective, consultative forums and workshops are amongst the platform used for revisiting/and or reviewing safety maritime policies that requires amendments and/or necessitates formulation of new sets of regulation to further strengthen the implementation.
- PPA and PCG shall establish operating procedures for routine and emergency situations established and adopted.
- The PPA and PCG will conduct an annual review of the ship routing, ship reporting and VTS in conformity with the guidelines developed by the Organization. (c/o PCG)

### **3.7 Pollution monitoring**

The PCG has an existing National Oil Spill Contingency Plan (NOSCOP) approved last 22 September 2019. The NOSCOP

aims to provide a coordinated and integrated response mechanism in an oil spill incident.

Additionally, the PCG has developed the annual National Oil Spill Exercise to enhance the capability and to determine areas of improvement in the national scale with other agencies involved. The obligation to conduct the National Oil Spill Exercise is stated in **Page 65 – Chapter XI – Continuous Development, Section 2, Drills and Exercises of NOS COP** and shall be tested annually amongst PCG unit and stakeholders with cluster members, regional counterparts in the ASEAN and IMO Global Initiative of South East Asia experts.

The Marine Pollution Exercise (MARPOLEX) is a biennial activity which is alternately hosted by the Republic of the Philippines represented by the PCG and the Republic of Indonesia represented by the Directorate General for Sea Transportation (DGST). MARPOLEX is a good avenue for the participants to be trained in planning, command and control, and enhances the cooperation and capability in firefighting, rescue and oil spill recovery operation.

*Measures to be taken:*

- The PCG shall conduct the MARPOLEX semi-annually.

#### **4. Obligations as a Port State**

Under Section 3(A) of RA 9993, the PCG is empowered to conduct port state control implementation, being the sole PSC authority in the country. The inspection conducted to foreign ships calling Philippine ports are within the window of the New Inspection Regime (NIR) guidelines to the Tokyo MOU. Philippines have inspected foreign ships within the last five (5) years at a range of 2,302 to 2,976 ships with 14 detentions at the most of 0.30 percentage.

##### **4.1 Port State Control**

The Memorandum of Understanding (MoU) on Port State Control (PSC) in the Asia Pacific Region, known as the Tokyo MOU, was

concluded in December 1993 and came in effect on 01 April 1994 with PSC Committee as governing body. Likewise, in accordance with the provisions of the memorandum, the Tokyo MOU Secretariat was established on 15 March 1994. A group of countries joined the Tokyo MOU in 1994 including the Philippines but have accepted the provisions and became a full member only on 09 September 1997.

*Measures to be taken:*

- PCG shall carry out PSC inspection on ships flying foreign flags in Philippines ports and terminals in accordance with guidelines and procedures established by IMO Resolution A.1119 (30), and the procedures of Tokyo MoU on PSC.
- PCG shall carry out sufficient number of PSC inspections in order to fulfil its regional obligation under Tokyo MoU.
- PCG shall define and document procedures for admission, training, updating and evaluation of Port State Control Officers (PSCO) appropriate to the tasks they are authorized to undertake.

#### **4.2 Register of fuel oil suppliers**

*Measures to be taken:*

- MARINA shall maintain a complete and up-to-date register of fuel oil suppliers and report this to GISIS.

#### **4.3 Provision of appropriate reception facilities**

- PPA, CPA and SBMA are the State's regulatory entity governing ports, while DENR is responsible for the implementation and enforcement of national and international requirements for pollution control.

*Measures to be taken:*

- PPA, CPA and SBMA shall develop national regulation and procedures on port reception facilities in conformity with annex I, II, IV, V and VI of MARPOL.
- PPA, CPA and SBMA shall ensure the availability of adequate port reception facilities that meet the needs of users and of the environment without causing undue delay to ships using them.
- PPA, CPA and SBMA shall analyze reports on alleged inadequacies of reception facilities in ports and terminals and take the corrective action.
- PPA, CPA and SBMA shall encourage port reception facility providers to take into account the relevant industry guidelines, such as International Safety Guide for Oil Tankers and Terminals (ISGOTT) and guidelines developed by IMO such as MEPC 1/Circ.834/Rev.1.

#### **4.4 Dangerous goods and solid bulk cargoes**

As the State's regulatory entities governing ports, PPA and other port authorities shall ensure implementation of IMDG Code, Grain Code and IMSBC Code in ports and terminals under their jurisdiction.

Competent authority shall be designated and reported to IMO.

*Measures to be taken:*

- PPA, CPA and SBMA shall review the IMDG Code in order to identify, implement and enforce all relevant obligations related to dangerous goods in packaged forms through appropriate national legislation.
- PPA, CPA and SBMA shall review the Grain Code in order to identify, implement and enforce all relevant obligations related to the carriage of grain in bulk through appropriate national legislation.

- PPA, CPA and SBMA shall review the IMSBC Code in order to identify, implement and enforce all relevant obligations related to the carriage of solid bulk through appropriate national legislation.

## **GOAL 2: ADHERENCE TO INTERNATIONAL RECOMMENDATIONS, AS APPROPRIATE**

There are a number of IMO non-mandatory instruments (guidelines and recommendations). In some of the IMO mandatory instruments, reference to guidelines or other international organizations (IHO, WMO, IALA etc.) are provided. Non-mandatory instruments assist maritime administrations to properly implement and comply with the mandatory requirements. Normally, it is not possible to implement mandatory instruments fully and effectively without taking into account non-mandatory instruments.

MARINA shall have a systematic approach for dealing with IMO non-mandatory instruments.

### *Measures to be taken:*

- MARINA shall review and report national policy adopted on non-mandatory instruments to stakeholders and to the IMO.
- MARINA shall establish a documented procedure for dealing with IMO non-mandatory instruments and international recommendations.
- MARINA shall endeavor to participate in all relevant IMO committee and sub-committee meetings.

### **GOAL 3: CONTINUOUS REVIEW AND VERIFICATION OF THE EFFECTIVENESS OF THE STATE IN RESPECT OF MEETING ITS INTERNATIONAL OBLIGATIONS**

*Measures to be taken:*

- MARINA will have an established and fully documented Quality Management System certified to ISO Standards (ISO 9001: 2015), which provides policies and goals to establish and maintain the statement of policy of the MARINA maritime administration. It is incumbent upon all employees of the MARINA to be familiar with and committed to implementation, enforcement, measurement and achievement of the goals set out herein. Over time, through continuous review, measures are amended or modified as necessary to achieve the desired goals.
- In addition to this, and to ensure that its international obligations and responsibilities are met, the maritime administration in the Philippines shall monitor their performance by using the KPIs to reach their fixed goals, time limits, responsible entity and budget – as shown in the succeeding tables on key performance indicators as a contracting government, flag State, coastal State and port State. This had been subjected to inter-agency consultation and communicated to all concerned.
- Yearly verification shall be made to ensure that all findings and corrective actions shall be implemented and reported to DOTr.

Table 2. Key Performance Indicators for Contracting Government Performance

Goal	Performance Indicators	Years					Responsible Entity	Activities/Budget	
		2020	2021	2022	2023	2024			
Meeting the obligations of a contracting government	Monitoring International Conventions	Rate of gap analysis report progress on the implementation of international Conventions ratified with list of recommendations prepared (Referring to nine (9) mandatory Conventions <sup>11</sup> under the III Code)	100%	-	-	-	-	MARINA	2 IMSAS Technical Working Group meetings  PHP10,000/ meeting
		Rate of national legislations, regulations and procedures enacted or amended according to country gap analysis report	-	50%	70%	100%		Responsible Agency MARINA	Please refer to matrix of ratification process
		IMO mandatory instruments tracking system is set up, and a documented procedure to inform concerned entities for inclusion of amendments into national legislation in a timely manner is established	1	-	-	-	-	MARINA	In-house (To establish system for IMSAS, similar to IMODOCS, in the existent MARINA website)

<sup>11</sup> SOLAS 1974, SOLAS Protocol 1988, MARPOL 73/78, MARPOL Protocol 1997, STCW 1978, LOAD LINES 1966, LOAD LINES Protocol 1988, TONNAGE 1969, COLREG 1972

Goal	Performance Indicators	Years					Responsible Entity	Activities/Budget		
		2020	2021	2022	2023	2024				
Meeting the obligations of a contracting government	<b>Effective implementation of legislation</b> Number of personnel with maritime expertise employed to assist in the promulgation of the necessary maritime national legislations - 2 IMO International Maritime Law Institute - 4 World Maritime University - National Workshop						<b>MARINA, PCG, PPA</b>  <b>Philippine maritime administration</b>	PHP2,000,000 (\$50,000)/student  National Workshop on Drafting of National Legislation PHP600,000/30 participants		
		Legislation Ratio: Number of administration obligations which has been fully addressed through national legislations compared to the total number of administration obligations set out in the ratified IMO conventions, including mandatory codes.	-	-	50%	70%		100%	<b>MARINA Responsible Agency</b>	<i>Relate to gap analysis report and draft legislation</i>
		Rate of commentary regulations published compared to the planned number of commentary regulations to publish - Memorandum Circular, Advisories, Administrative Orders, Directives	-	-	50%	70%		100%		PHP1,200,000/ Memorandum Circular
	<b>Effective communication of information</b> A documented procedure for communication of information to IMO and other concerned parties is implemented.	1	-	-	-	-	<b>MARINA</b>			

	Goal	Performance Indicators	Years					Responsible Entity	Activities/Budget
			2020	2021	2022	2023	2024		
Meeting the obligations of a contracting government	Develop Strategy	An overall Strategy is developed.	1	-	-	-	-	IMSAS TWG / Council	5 meetings PHP10,000/ meeting  Printing PHP300,000
	Strategy implementation and monitoring	Terms of reference for creation of IMSAS Council is established.	1	-	-	-	-	IMSAS TWG / Council	
		IMSAS Council is created.	1	-	-	-	-	OP	EO 84, s. 2019
		Number of meetings of the IMSAS Council	2	2	2	2	2	IMSAS Council	Semestral
		A strategy progress report (inclusive of the indicator update) submitted to the IMSAS Council every year	1	1	1	1	1	Philippine Maritime Administration to Council	
	Implementation of international recommendations	Rate of participation in the IMO committee and sub-committee meetings	100%	100%	100%	100%	100%	Maritime Attaché, Technical Adviser, Permanent REP, MAGIC	Maritime Attaché, MAGIC Meetings PHP250,000/ person
		A documented procedure related to the national policy for dealing with non-mandatory instruments and international recommendations is implemented	1	-	-	-	-	MARINA Responsible agency	QPR/policy
		Rate of recommendations related to “the satisfaction of the administration” included in the mandatory instruments to which it is a Party	100%	-	-	-	-	Philippine Maritime administration	Inventory of items which are left to the satisfaction of the Administration
		Policy on the satisfaction of the Administration	-	50%	25%	25%	-		

Goal	Performance Indicators	Years					Responsible Entity	Activities/Budget
		2020	2021	2022	2023	2024		
Implementation of international recommendations	Number of activities to stimulate safety culture conducted	1	2	3	3	3	Philippine Maritime administration MARINA, PCG, Port Authorities	PHP1,000,000/ Year

Table 3. Key Performance Indicators for Flag State Performance

Goal	Performance Indicators	Years					Responsible Entity	Activities/Budget	
		2020	2021	2022	2023	2024			
Meeting the obligations of a flag State	Surveys and inspections	A ship survey system is developed and implemented.	1	-	-	-	-	MARINA	Upgrade VSIS to Ship Survey System (3S) Manual
		Rate of ships flying Philippines' Flag inspected by flag State Surveyors compared to the total number of flagged vessels in service	20%	40%	60%	80%	100%		2020 - Policy
		A documented procedure for inspection of detained ships under PSC is established and implemented.	1	-	-	-	-		QPR
		Rate of ships involved in serious marine casualty compared to the total number of flagged vessels	0	0	0	0	0		
		Ship data and analysing system and documented procedures about ships registered under Philippines' flag established and functional	-	1	-	-	-		
		Customer satisfaction rate	80%	80%	80%	80%	80%		
	Monitoring of Recognized Organizations	Rate of reviewed agreements concluded with Recognized Organizations (ROs) compared to the total number of ROs entrusted	100%	-	-	-	-	MARINA	
		Documented procedure on criteria for selection of ROs to act on its behalf	1	-	-	-	-		

Goal	Performance Indicators	Years					Responsible Entity	Activities/Budget	
		2020	2021	2022	2023	2024			
Meeting the obligations of a flag State	Monitoring of Recognized Organizations	An oversight programme for monitoring ROs is established	1	-	-	-	-	MARINA	
		Review and evaluate the performance of ROs through number of inspection on ships	1	-	-	-	-		
	Flag state Surveyors	Documented procedure for the admission, drills, updating and evaluation of flag state surveyors is developed	1	-	-	-	-	MARINA	
		Percentage of the qualified surveyors compared to total number of surveyors, including newly hired surveyors	20%	40%	60%	80%	100%		
		Internal evaluation of the flag surveyors' knowledge and performance is done yearly	1	1	1	1	1		3S, MARINA Auditors Manual (MAM), Inspection Checklist, Semi-annual internal evaluation (IPCR)
	Training and certification of seafarers	Maintaining Philippines' name in the STCW Compliance list (MSC.1/Circ.1164, latest revision) (since 1995 and continuously maintained)	-	-	1	-	-	MARINA STCW Office	
		Number of audits undertaken from the approved maritime training courses and providers against the STCW convention and relevant national legislations	45% ATPs		Please refer to budget of monitoring division.				
			45% MTIs						
	Documented procedure for the recognition of certificates issued by other parties to the STCW Convention in application of regulation I/10 of the STCW Convention is developed.	1	-	-	-	-	QPR		

Goal	Performance Indicators	Years					Responsible Entity	Activities/Budget	
		2020	2021	2022	2023	2024			
Meeting the obligations of a flag State	Training and certification of seafarers	Number of new agreements on recognition of certificates concluded for application of regulation I/10 of the STCW Convention	1	1	1	1	1	MARINA STCWO	
		Established documented procedure for an impartial investigation to be held of any reported failure that may pose a direct threat of safety of life or property at sea or to marine environment, by the holders of certificates or endorsement issued by the State	1	-	-	-	-		
	Effective investigation of marine casualty	Regulation and procedures for investigating marine casualty in compliance with MSC 255 (84) or Casualty Investigation Code is adopted.	1	-	-	-	-	MARINA Enforcement Service (ES), PCG CG-8/MSSC	
		A database on fleet casualty involving ships under Philippine flag is created and maintained up to date.	-	1	-	-	-		
		A documented procedure for admission, training, updating and evaluation of investigators is established.	1	-	-	-	-		QPR
		Percentage of investigations conducted compared to total number of very serious accidents reported.	100%	100%	100%	100%	100%		

Goal	Performance Indicators	Years					Responsible Entity	Activities/Budget	
		2020	2021	2022	2023	2024			
Meeting the obligations of a flag State	Effective investigation of marine casualty	Average time taken from when the accident reported to the investigation conducted. Ensure timeliness of investigation conducted against reported. Delay due to availability of funds, and issuance of Special Orders.	24 hrs	MARINA Enforcement Service (ES), PCG CG-8/MSSC	IMSSEA				
		Number of investigators trained per year to program training for Investigators from Central Office (1) and Regional Offices (2)	3	1	3	1	3		
		National Workshop conducted.							
		Number of joint or multi-country Memoranda of Understanding agreed on marine casualty investigations procedures.	-	-	1	-	-		
		One (1) MoU every three (3) years							
Existence of a system for communicating casualty investigation reports to MARINA/IMO and public.	-	1	-	-	-				

Table 4. Key Performance Indicators for Coastal State Performance

Goal	Performance Indicators	Years					Responsible Entity	Activities/Budget	
		2020	2021	2022	2023	2024			
Meeting the obligations of a coastal State	Effective and efficient radio communication service	Appropriate shore-based facilities for space and terrestrial communications shall be evaluated (GMDSS)	-	1	1	1	1	PCG CG11/ CGWCEISC	<ul style="list-style-type: none"> <li>Rehabilitation of existing Manila Coast Station</li> <li>HF Voice Communication System</li> <li>VHF Voice and DSC Communication System</li> </ul> PHP7,600,000
		A NAVTEX system in Davao and Palawan will be installed and operated.	-	-	-	1 PAL	1 DAV		PHP138,000,000
	Navigational warnings timely broadcasted	Rate of navigational warning messages broadcasted compared to the number of messages received	100%	100%	100%	100%	100%	PCG CG8/MSSC	
	Meteorological service ensured	Rate of providing at least twice daily weather information for shipping <ul style="list-style-type: none"> <li>Shipping weather forecast: 2x/day</li> <li>Gale warning: 2x/day, if necessary</li> <li>Severe weather bulletin: 4x/day if there is Tropical Cyclone within Area of Responsibility Landfalling within the next 24 hours: 8x a day</li> </ul>	100%	-	-	-	-	PAGASA/PCG	MOU or MOA for a five-year period

Goal	Performance Indicators	Years					Responsible Entity	Activities/Budget	
		2020	2021	2022	2023	2024			
Meeting the obligations of a coastal State	Meteorological service ensured	Route weather forecast for local shipping lane 2x in progress <sup>12</sup> - Number of ships collecting meteorological data	PREPARATORY PHASE			-	PAGASA		
			Policy Development /Legislation	Training and Equipment Acquisition					
	Effective hydrographic services	The percentage of Philippines' archipelagic waters which are adequately surveyed (Baseline 2019: 49%)	5%	5%	5%	5%	5%	NAMRIA Hydrographic Branch	PHP100,000,000
		The percentage of Philippines' waters outside the archipelagic waters which are adequately surveyed	0% <sup>13</sup>	0.5%	0.5%	0.5%	0.5%		PHP100,000,000
		Number of New Scheme Coastal Charts published (by NAMRIA or through partner Hydrographic Office)	3	3	3	3	3		PHP500,000/ year
		Number of new Ports and Harbors Charts/ENC published	3	3	3	3	3		PHP500,000/ year
		Percentage of sailing directions (coast pilot), lists of lights, tide tables and other nautical publications issued (available to the public) on time	100%	100%	100%	100%	100%		PHP1,000,000/ Year
Percentage of information affecting up-to-dateness of charts promulgated with notices to mariners	100%	100%	100%	100%	100%				

<sup>12</sup> Limited to foreign vessels entering PAR, as domestic ships have no transmitter/receiver for Global Telecommunications System (GTS)

<sup>13</sup> Repair of vessels

Goal	Performance Indicators	Years					Responsible Entity	Activities/Budget	
		2020	2021	2022	2023	2024			
Meeting the obligations of a coastal State	Effective search and rescue service	Rate of distress at sea messages addressed in relation to distressC at sea messages received	90%	91%	92%	93%	94%	PCG CG-3	N/A
		Average response time to receive distress messages <sup>14</sup>	20-30 mins	20-30 mins	20-30 mins	15-20 mins	20-30 mins		N/A
		Rate of merchant ships plan developed in cooperation with vessels and companies and SAR entities	100%	100%	100%	100%	100%	PN, PCG CG8/MSSC	
		Number of exercises undertaken to test the effectiveness of SAR plans	13	13	13	13	13		
	Aids to Navigation (AtoN) sufficient to increase safety of navigation	Rate of AtoN compliant with International Association of Marine AtoN and Lighthouse Authorities (IALA) recommendations and guidelines	100%	100%	100%	100%	100%	PCG CG-8/MSSC, port authorities	
		Rate of IALA recommendations transposed into national standards	100%	100%	100%	100%	100%		
		Rate of IALA recommendations fulfilled	100%	100%	100%	100%	100%		
		Number of AtoN survey/inspection conducted	50	50	50	50	50		
		Rate of AtoN service availability	100%	100%	100%	100%	100%		
	Ship routing systems	A national regulation on ships routing system is enacted and implemented in accordance with the criteria and guidelines developed by IMO	1	1	1	1	1	PCG CG-8/MSSC, port authorities	

<sup>14</sup> 20-30 minutes for CY 2020-2023 to make it more achievable similar with the United States Coast Guard (USCG) standard

Goal	Performance Indicators	Years					Responsible Entity	Activities/Budget	
		2020	2021	2022	2023	2024			
Meeting the obligations of a coastal State	Ship routing systems	Traffics separation schemes in heavy traffic areas and areas where accidents occur are reviewed yearly and a review report is submitted to IMO	1	1	1	1	1	PCG CG-8/MSSC, port authorities	
		Rate of measures taken by the administration with regard to violation of COLREG, Regulation 10	100%	100%	100%	100%	100%		
	Ship reporting system	A national regulation on ships reporting will be reviewed (with existing national legislation)	1	1	1	1	1	PCG CG-8/MSSC, SBMA	
	Vessel Traffic Service	A documented procedure for admission, training, updating and evaluation of VTS operators is established.	1	-	-	-	-	PPA, PCG CG-8/MSSC	
		Number of VTS operators trained in conformity with IALA recommendations	20	20	20	20	20		
		Number of operating procedures for routine and emergency situations established and adopted	1	1	1	1	1		

Goal	Performance Indicators	Years					Responsible Entity	Activities/Budget
		2020	2021	2022	2023	2024		
Meeting the obligations of a coastal State	Efficient pollution monitoring	Progress of preparation of National Oil Spill Contingency Plan	100%	100%	100%	100%	100%	Estimated budget of PHP545,000 for publication in 2020  General Fund for Policy Review amounting to PHP900,000 for the drafting in 2020
		Number of national exercises conducted to test effectiveness of the national contingency plan	1	1	1	1	1	PHP500,000/year
		Number of regional exercises conducted to test effectiveness of the national contingency plan	-	1	-	1	-	PHP4,300,000/year
		An entity is designated to receive reports of incidents involving marine pollution by dangerous goods	1	1	1	1	1	
		Ratification of the Hazardous and Noxious Substances Convention	-	-	1	-	-	MARINA

Table 5. Key Performance Indicators for Port State Performance

Goal	Performance Indicators	Years					Responsible Entity	Activities/Budget	
		2020	2021	2022	2023	2024			
Meeting the obligations of a port State	Effective Port State Control	National regulation and procedures on PSC in compliance with IMO Resolution A.1119(30) and Tokyo MOU are developed and adopted	1	1	1	1	1	PCG CG-8/ MSSC	
		Achieved Port State Control percentage <sup>15</sup>	15%	15%	15%	15%	15%		
		Number of appeals received on Port State Control exercised	-	-	-	-	-		
		Documented procedure for admission, training, updating and evaluation of Port State Control Officers (PSCO) is developed and implemented	1						
		Number of qualified PSCOs	120	10	10	10	10		
	Keeping a register of fuel oil suppliers	Maintain and keep a complete and up-to-date register of fuel oil suppliers.	1	-	-	-	-	MARINA	
	Effective provision of waste collection services from ships	Rate of progress for the preparation and the issuance of Regulations on port reception facilities is developed and issued	20%	40%	60%	80%	100%	Port authorities	
		Number of reports received on alleged inadequacies of port reception facilities	5	5	4	3	0		
		Rate of available and adequate port reception facilities	50%	60%	75%	80%	100%		

<sup>15</sup> PCG controls foreign ships calling its ports but without prejudice to the guidelines set forth by the Tokyo MOU as far as New Inspection Regime (NIR) is concerned.

Goal	Performance Indicators	Years					Responsible Entity	Activities/Budget	
		2020	2021	2022	2023	2024			
Meeting the obligations of a port State	<b>Effective provision of waste collection services from ships</b>	Notifications submitted to IMO by Philippines regarding the existence of adequate reception facilities in ports and terminals	1	1	1	1	1	Port authorities	
	<b>Effective compliance with IMDG Code provisions</b>	A competent authority is designated and reported to IMO and is notified with CV.	1	-	-	-	-	Port authorities	
		Regulations/legislations related to handling and carriage of dangerous goods in package form and issued	1	-	-	-	-		
		Detailed instructions on emergency response, and medical first aid relevant to incidents involving dangerous goods in package form are issued	1	-	-	-	-		
		Number of training courses <sup>16</sup> on dangerous goods' handling conducted for shore-based personnel	5 annually						
		Rate of shore-based personnel trained on dangerous goods' handling	20%	40%	60%	80%	100%		
		Rate of operators which established a management system for activities related to handling of radioactive materials	100%	-	-	-	-		

<sup>16</sup> IMDG Transport General Awareness, IMDG Code Standard, IMDG Code Packer/Cargo Handler, IMDG Code Refresher, IMDG Code Advanced

Goal	Performance Indicators	Years					Responsible Entity	Activities/Budget
		2020	2021	2022	2023	2024		
Effective compliance with IMSBC Code and Grain Code	Designation of the competent authority and notification of IMO	1	-	-	-	-	Port authorities	
	Issued instructions related to the implementation of IMSBC Code	1	-	-	-	-		
	Issued instructions related to the implementation of Grain Code	1	-	-	-	-		

## **GOAL 4: EFFECTIVE COOPERATION AMONG INSTITUTIONS**

As stated in the strategy, it is of utmost importance to observe and verify the effectiveness of the relevant institutions in terms of the fulfillment of their responsibilities arising from the international conventions, to deliver, maintain and develop the organizational performance as a whole.

MARINA and other authoritative bodies shall cooperate within a framework on enhancing the implementation and the enforcement of mandatory IMO instruments.

MARINA takes steps towards developing an effective and efficient coordinating system for monitoring and tracking all activities involving maritime safety, security and protection of the marine environment.

The IMSAS Council involving related departments and the representatives of maritime cluster was created through Executive Order No. 84, series of 2019, with the purpose of ensuring coordination between institutions for monitoring the implementation of the national strategy (*see Table 2*).

As the coordinating body between focal maritime agencies, the Council shall ensure that its member agencies implement and comply with all policies, laws and issuances pertaining to the implementation of IMO instruments in an integrated manner. Specifically, EO 84 mandates the body to perform the following functions:

1. Effectively and carefully plan, manage and monitor the efforts of national government agencies and instrumentalities involved in the implementation of applicable IMO instruments pertaining to:
  - 1.1 safety of life at sea;
  - 1.2 prevention of pollution from ships;
  - 1.3 standards of training, certification, and watchkeeping for seafarers;
  - 1.4 load lines;
  - 1.5 tonnage measurement of ships; and,
  - 1.6 regulations for preventing collisions at sea.
2. Ensure the adoption of rules and regulations implementing the provisions, requirements and technical annexes of applicable international instruments, as well as future amendments thereto.
3. Review, approve and implement a National Work Programme (NWP) on the implementation of relevant IMO instruments which shall include the delineation of roles and responsibilities, institutional arrangements and identification of resource requirements, as well as adopt mechanisms to

ensure that international obligations and responsibilities of the Philippines as a flag, port and coastal State are fully satisfied.

The Overseas Shipping Service of the Maritime Industry Authority is designated as the Secretariat of the IMSAS Council.

The Strategy shall be monitored through the following mechanisms:

1. The IMSAS Council shall convene at least twice a year and the IMSAS TWG shall hold meetings quarterly.
2. The targets and key performance indicators committed herein the Strategy shall be reflected in the organizational and employee commitments of the agencies through the Strategic Performance Management System (SPMS) which follows a four-stage cycle<sup>17</sup>:
  - 2.1 Performance planning and commitment
  - 2.2 Performance monitoring and coaching
  - 2.3 Performance review and evaluation
  - 2.4 Performance rewarding and development planning
3. Pursuant to House Resolution No. 00071, the IMSAS Council submits quarterly reports to the House of Representatives Committees on Transportation and Overseas Workers Affairs.

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<sup>17</sup> Source: Memorandum Circular No. 06 - Guidelines in the Establishment and Implementation of Agency SPMS, Memorandum Circular No. 06, Series of 2012 - Guidelines in the Establishment and Implementation of Agency SPMS (2012). Retrieved from <http://csc.gov.ph/2014-02-21-08-28-23/pdf-files/file/199-guidelines-in-the-establishment-and-implementation-of-agency-strategic-performance-management-system-spms>

DEPARTMENT OF SCIENCE AND TECHNOLOGY

Philippine Atmospheric, Geophysical, and Astronomical Services Administration

DEPARTMENT OF INFORMATION AND COMMUNICATIONS TECHNOLOGY

National Telecommunications Commission

DEPARTMENT OF NATIONAL DEFENSE

Philippine Navy

OTHER PORT AUTHORITIES

Subic Bay Metropolitan Authority

Freeports

SUPPORT AGENCIES

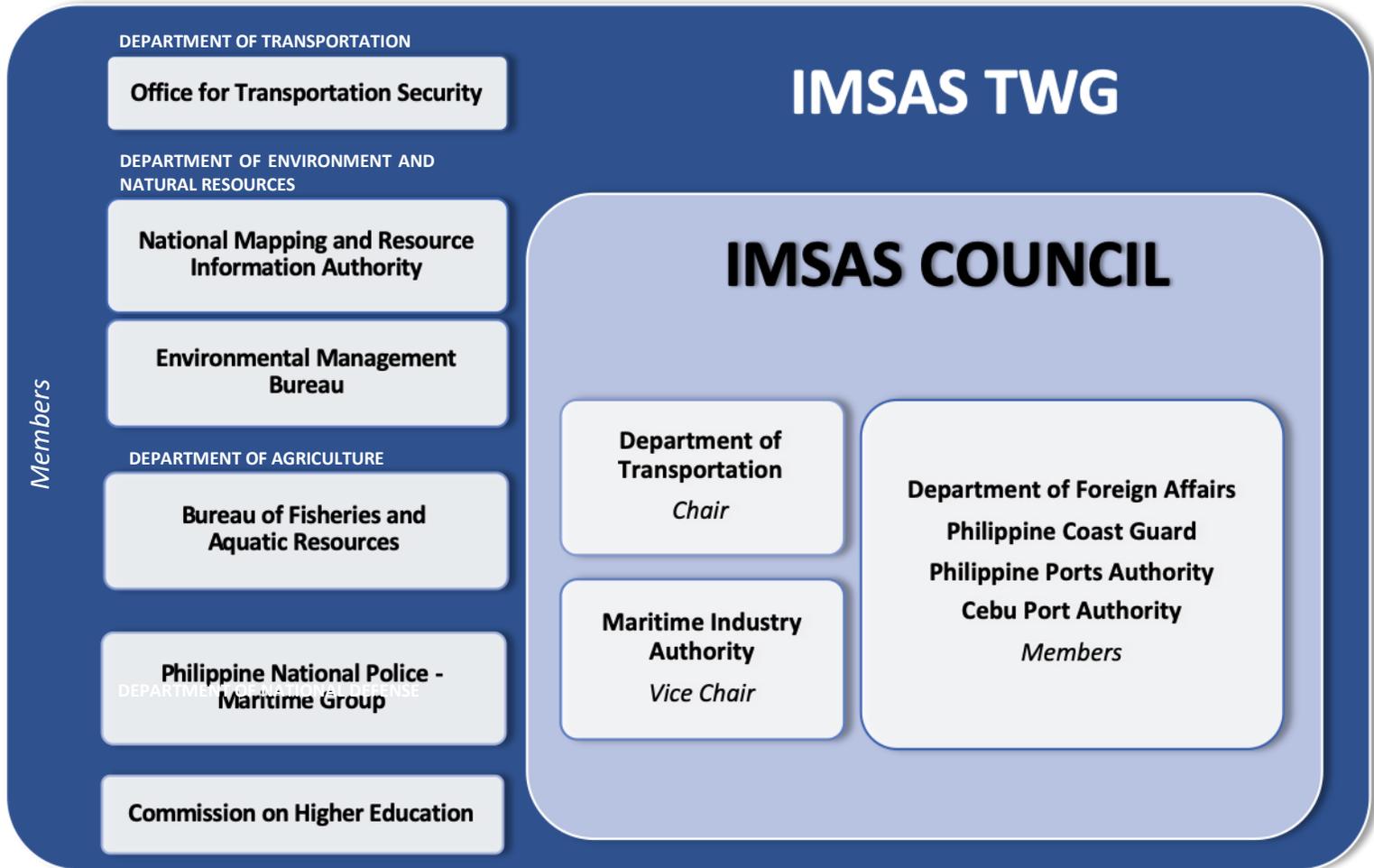


Table 6. Inter-Agency Council and Technical Working Group on the IMSAS