



NOV 23 2020

ADMINISTRATIVE ORDER

NO. 28-20

Series of 2020

**SUBJECT : GUIDELINES AND PROCEDURES TO ADDRESS CASES
OF ABANDONMENT OF VESSELS REPORTED ON THE
INTERNATIONAL MARITIME ORGANIZATION (IMO)/
INTERNATIONAL LABOUR ORGANIZATION (ILO) JOINT
DATABASE ON ABANDONMENT**

In the interest of the service and in view of the increasing cases of the abandonment being reported in the IMO/ILO joint database on abandonment, this Administrative Order provides the guidelines and procedures to address the cases of abandonment in which the Philippines is a substantially interested State.

I. SITUATION

Seafarer abandonment is a serious problem which is stressful and has inhumane consequences for the abandoned crew on board and their families. As a signatory to the Maritime Labour Convention and the STCW Convention and in order to protect the seafarers, this needs the continuous cooperation not only of international organizations such as the IMO and the ILO and non-governmental organizations devoted to seafarers' welfare but with other agencies in the Philippines who have flag State and port State functions as well as other industry groups such as insurance companies.

The coronavirus disease (COVID-19) pandemic as the defining global health crisis of our time aggravates this situation. The virus has spread to every continent since its occurrence in Asia late 2019. COVID-19 is much more than a health crisis. Considering the great number of countries, it has affected, the disease has the potential to create far devastating social, economic and political crises. One of which is the economic downturn, which can result in increasing number of cases involving abandonment of vessels.



II. OBJECTIVES

The objective of this Administrative Order is to provide the guidelines and procedures in addressing cases of abandonment of vessels that are:

1. Occurring within the Philippine waters;
2. Involving Filipino seafarers onboard foreign-flagged vessels in a foreign country; and
3. Involving Philippine registered vessels in a foreign country.

III. DEFINITION OF TERMS

1. **Abandonment¹** is characterized by the severance of ties between the shipowner and the seafarers. Abandonment occurs when the shipowner fails to fulfill certain fundamental obligations to the seafarer relating to timely repatriation and payment of outstanding remuneration and to provision of the basic necessities of life, inter alia, adequate food, accommodation and medical care. Abandonment will have occurred when the master of the ship has been left without any financial means in respect of ships operation
2. **International Maritime Organization (IMO)/ International Labour Organization (ILO) Joint Database on Abandonment²** refers to an online information system that contains a regularly updated list of vessels that have been reported to the ILO as abandoned in various ports of the world by appropriate organizations as well as information on seafarers and fishers, who have been abandoned and their current status.
3. **Vessel/Ship³** is a general term for all craft or artificial contrivance capable of floating in water, designed to be used or capable of being used as a means of water transportation utilizing its own motive power or that of others.

¹ IMO Resolution A.930(22), Guidelines on Provision of Financial Security in Case of Abandonment of Seafarers

² <https://www.ilo.org/dyn/seafarers/seafarersbrowse.home>

³ Philippine Merchant Marine Rules and Regulations (PMMRR), 1997



IV. PROCESS TO ADDRESS A CASE OF ABANDONMENT AS AGREED BY IMO/ILO⁴

1. A Member State or organization accredited to ILO or IMO sends information to ILO regarding a new case;
2. ILO will send this information for verification to IMO to check information given on the IMO number, flag; type of vessel, company and registered owner.
3. IMO sends (modified as necessary) the information back to ILO; and following consultations between IMO and ILO, the information is entered on a restricted, i.e. non-public and password-restricted website;
4. Interested parties are notified by IMO of new entries and then have an opportunity to provide further information within 10 working days;
5. Thereafter the information is released for public access at <http://www.ilo.org/dyn/seafarers/seafarersbrowse.home>. If necessary, different points of view will be reflected.

V. HOW CAN THE CASE OF ABANDONMENT BE CONSIDERED RESOLVED?⁵

A case of abandonment will be considered resolved if, and only if, ILO has received clear advice from the Member State or organization having originally provided the information that:

- a. the totality of the crew has been successfully repatriated; and
- b. the totality of all outstanding remuneration and contractual entitlements have been paid and duly received by all the crewmembers.

Based on the Standard A2.5.2 – Financial Security, paragraph 9(a) of the Maritime Labour Convention, 2006, as amended (MLC, 2006), assistance provided by the financial security system shall be sufficient to cover the outstanding wages and other entitlements due from the shipowner to the seafarer under their employment agreement, the relevant collective

⁴ www.imo.org/en/OurWork/Legal/Pages/Seafarer-abandonment.aspx

⁵ www.imo.org/en/OurWork/Legal/Pages/Seafarer-abandonment.aspx



bargaining agreement or the national law of the flag State, limited to four months of any such outstanding wages and four months of any such outstanding entitlements.

VI. PROCEDURES TO ADDRESS CASES OF ABANDONMENT

A. Abandonment within the Philippine Waters

1. The MARINA Overseas Shipping Service (OSS), upon receipt of notice of abandonment within Philippine waters, shall make the necessary report or communication to IMO, Flag State and other relevant entities.
2. The OSS with the assistance of the Enforcement Service (ES) shall forward and coordinate with the Philippine Ports Authority (PPA)/other port authorities and/or Philippine Coast Guard (PCG), any request that maybe received from the Captain, shipowner representative, financial security provider or any relevant organization, relating to docking, berthing, towing and other port related activities.
3. If the Master of the abandoned vessel and/or the Flag State requests to allow the vessel to dock in a nearby port, the OSS in coordination with ES, shall communicate with the PPA and other port authorities if they may allow the vessel to berth at the nearby port by the Master of the vessel in case the vessel is allowed to dock.
4. The OSS shall requests the Department of Foreign Affairs (DFA) to communicate with the Embassy of the Flag State of the abandoned vessel to provide information and status of the abandoned vessel.
5. The OSS shall likewise request the assistance of the IMO to follow-up with the Flag State on its plan with regard to the repatriation of the seafarers onboard the abandoned vessel.
6. The OSS shall provide continuous updates to the Department of Transportation (DOTr) and the Office of the Administrator on the status of the abandoned vessel.
7. If the repatriation of seafarers has been done, the OSS shall communicate to the IMO in order to reflect the development to the IMO/ILO joint database on abandonment. Otherwise, continuous



follow-up with the DFA on the response of the Flag State of the abandoned vessel shall be undertaken.

A.1. Procedural guidelines in coordination with the Philippine Coast Guard (PCG) as the Port State Control

1. ES, upon receipt of notice of abandonment within Philippine waters, shall make the necessary coordination with the PCG on the possible assistance to be provided to the seafarers onboard the vessel.
2. ES shall request updates on the inspection onboard of the PCG, if any, as to the status of the vessel as well as the general well-being of the seafarers onboard. This includes ensuring that there are enough provisions for the seafarers.
3. ES, in coordination with the PCG shall monitor the location of the vessel and the situation of the seafarers onboard the vessel as well as to the coordination with towing services, if needed.
4. ES shall provide necessary assistance to the PCG in case there is a concern with respect to Flag State investigation.

B. Abandonment of Vessel with Filipino Seafarers Onboard Foreign-Flagged Ships

1. The OSS upon receipt of report or notice of abandonment of vessel with Filipino seafarers in foreign country, shall communicate with the Office of the Undersecretary on Migrant Workers Affairs (OUMWA), DFA to provide possible assistance on the repatriation of the Filipino seafarers onboard the abandoned vessel through the nearest Philippine post and/or proper authorities who can provide assistance to the seafarers.

Pursuant to Republic Act No. 8042 (Section 24), otherwise known as "The Migrant Workers and Overseas Filipinos Act of 1995, the OUMWA, DFA spearheads the repatriation of Overseas Filipino Workers including seafarers from every corner of the globe.



2. The OSS shall communicate with the Philippine Overseas Employment Administration (POEA) and the Overseas Workers Welfare Administration (OWWA) to inform them of the case and to request assistance on the facilitation of the corresponding claims of seafarers, in accordance with the IMO/ILO Resolution A.930(22) and MLC 2006.
3. The MARINA, through the OSS shall likewise communicate to the insurer of the abandoned vessel to request for updates on the status of payment of wages of the crew of the abandoned vessel.
4. Moreover, the MARINA, through the OSS shall likewise request the assistance of the IMO to follow-up with the Flag State on its plan with regard to the repatriation of the seafarers onboard the abandoned vessel.
5. The OSS shall provide continuous updates to the DOTr and the Office of the Administrator on the status of the abandoned vessel.
6. If the repatriation process had been arranged and finalized, the OSS shall coordinate with the appropriate agencies involved in the repatriation process, if necessary.
7. If the payment of wages and repatriation of seafarers has been done, the OSS will communicate the same to the IMO in order to reflect such development in the IMO/ILO Joint Database on Abandonment. Otherwise, continuous follow-up with the DFA and the abandonment insurer shall be undertaken.

C. Abandonment of Philippine Registered Vessels (PRVs) in a Foreign Country

1. The OSS, upon receipt of report or notice of abandonment of a Philippine Registered Vessel in a foreign country, shall communicate with the shipowner for the payment of outstanding remuneration of the seafarers, if any, and repatriation of the Filipino seafarers onboard the PRV.
2. The OSS shall likewise communicate with the OUMWA, DFA to provide possible assistance on the repatriation of the Filipino seafarers



onboard the abandoned PRV through the nearest Philippine post and/or proper authorities who can provide assistance to the seafarers

Pursuant to Republic Act No. 8042 (Section 24), otherwise known as "The Migrant Workers and Overseas Filipinos Act of 1995, the OUMWA, DFA spearheads the repatriation of Overseas Filipino Workers including seafarers from every corner of the globe.

3. Moreover, the OSS shall communicate with the Philippine Overseas Employment Administration (POEA) and the Overseas Workers Welfare Administration (OWWA) to inform them of the case and to facilitate the corresponding claims of seafarers, in accordance with the IMO/ILO Resolution A.930 (22) and MLC 2006.
4. The OSS shall provide continuous updates to the DOTr and the Office of the Administrator on the status of the abandoned vessel.
5. If the repatriation process had been arranged and finalized, the OSS shall coordinate with the appropriate agencies involved in the repatriation process, if necessary.
6. If the repatriation of seafarers has been done, the OSS will communicate to the IMO in order to reflect the development to the IMO/ILO joint database on abandonment. Otherwise, continuous follow-up with shipowner and DFA shall be undertaken.

VII. EFFECTIVITY

This Administrative Order shall take effect immediately.


VADM ROBERT A EMPEDRAD AFP (Ret)
Administrator