



REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF TRANSPORTATION



MARITIME INDUSTRY AUTHORITY
PANGASIWAAN NG KALAKALANG PANDAGAT
<http://www.marina.gov.ph>

Memorandum Circular No. MD-2020-06
Series of 2020

TO : ALL MARITIME TRAINING INSTITUTIONS, MARITIME INDUSTRY STAKEHOLDERS AND OTHER ENTITIES CONCERNED

SUBJECT : RULES AND REGULATIONS IN THE CONDUCT OF MONITORING OF MARITIME TRAINING INSTITUTIONS (MTIs) OFFERING MARITIME TRAINING COURSES (MTCs) FOR SEAFARERS ONBOARD DOMESTIC SHIPS

Pursuant to Presidential Decree No. 474, the following Rules and Regulations in the Conduct of Monitoring of Maritime Training Courses (MTCs) for seafarers onboard domestic ships are hereby adopted:

I. OBJECTIVES

1. To prescribe guidelines, procedures, rules and regulations in the conduct of monitoring of training and assessment systems of Maritime Training Institutions (MTIs) offering courses for seafarers onboard domestic ships.
2. To ensure the sustained compliance of the MTIs in the implementation of the training and assessment system; and
3. To ensure that the intended learning outcomes of the courses are achieved by the trainees.

II. COVERAGE

This Circular shall apply to all MTIs offering Approved Training Courses (ATC) to seafarers onboard domestic ships.

III. DEFINITION OF TERMS

For the purpose of this Circular, the following terms shall be defined as follows:

1. **Annual Monitoring Program** – refers to an approved document containing among other things, schedules of monitoring activities planned for a calendar year.
2. **Approved Training Course (ATC)** - refers to a training course relevant to specific competencies, as established and approved by MARINA;

3. **Assessment** – refers to the process of collecting evidence and evaluation on whether competency has been achieved to confirm that an individual can perform to the standards in the workplace;
4. **Conformance** – refers to the compliance with the required standards or system elements and procedures in the implementation of the training and assessment system carried out by the maritime training institutions;
5. **Course Package** refers to the Course Plan together with the Instructional materials and Assessment tools;
6. **Course Plan** – is the systematic organization of course documents designed and structured based on IMO Model Course format which contains the parts as stated in Annex 1;
7. **Maritime Training Institutions (MTIs)** - refer to the duly established institutions, public or private, duly authorized by MARINA to conduct ATC;
8. **Maritime Training Course (MTC)** - refers to the series of lessons composed of component modules to teach an individual the knowledge, understanding and proficiency (KUP) to acquire the required competences;
9. **Monitoring** – refers to the series of evaluations carried out to verify the extent of compliance with a formulated standard or degree of deviation from an expected norm and ultimately, to ensure the achievement of defined program and course objectives in accordance with the prescribed standards of compliance.
10. **Monitoring Plan** – refers to an approved document containing the activities and arrangements in the conduct of monitoring for a specific MTI.
11. **Monitoring Team** – refers to a group of evaluators duly constituted to conduct monitoring of training courses carried out by maritime training institutions.
12. **Non-conformance** – refers to a either Major or Minor deficiency or failure to maintain compliance with prescribed standards and requirements or a deviation from standard norms, processes and procedures, substantiated by objective evidence, that leads to failure in achieving defined program objectives and outcome.
 - a) **Major Non-Conformance (MaNC)** – refers to the findings of the Monitoring Team to the MTI for violating any of the following:
 1. Conducting training without Accreditation.
 2. Employing/Engaging the services of Instructors/Assessors and Supervisors not approved or accredited by MDS.
 3. Issuing Training Certificate of Completion to trainees without undergoing actual training or passing the assessment.
 4. Conducting training or assessment activities other than the location authorized by the MDS.
 5. Conducting training or assessment in violation of the cease and desist order.
 6. Non-functioning of training equipment that leads to the failure of achieving the competence of the trainee.
 7. Non-compliance with the prescribed course duration.
 8. Allowing Instructors to conduct assessment of his own trainees.
 9. Deviation from Course Plan (Course Framework, Course Outline, Course Timetable, Detailed Teaching Syllabus (DTS) and Instructor's Guide (IG)).
 10. Failure to correct the Non-Conformance noted by the Inspection or Monitoring Team within the prescribed period.

11. Persistent or Recurring failure to conduct any of the following:

- a. Internal Quality Audit (IQA)
- b. Management Review
- c. Address a Non-Conformance finding during IQA or Third-Party Audit

b) Other violation not stated on the above is considered as Minor Non-Conformance

c) **Minor Non-Conformance (MiNC)** – shall refer to a single system failure or lapse in conformance with a procedure relating to the applicable standards for the implementation of the maritime training course(s) or assessment of competence of seafarers carried out by the MTI or assessment center concerned. This failure does not indicate a system breakdown nor raises doubt that the training or assessment meets the specified standards and requirements and competence outcome.

13. **Outcome-based Monitoring Instrument (OBMI)** - refers to the quality form (Form 7) used by the Monitoring Team as checklist and recording tool during the conduct of monitoring.

IV. GENERAL PROVISIONS

1. All accredited MTIs offering ATC to domestic seafarers shall be annually and randomly monitored when the need arises, to ensure sustained compliance with the prescribed training and assessment standards.
2. The Manpower Development Service (MDS) of MARINA shall be responsible in the monitoring of Maritime Training Courses in accordance with the provisions of this Circular.
3. The monitoring shall be conducted by the MDS authorized qualified personnel using the OBMI standard that focuses on the processes and procedures which are instrumental to the competence of seafarers in the conduct of maritime training courses.
4. Only the MDS qualified evaluators are allowed to join the Monitoring Team whose qualifications meet the requirements under Section VII of this Circular.
5. The MTI shall be required to rectify a Major Non-Conformance within fifteen (15) working days from receipt of the Non-Conformance Report. Upon lapse of the prescribed period, the matter shall be elevated by the Monitoring Team to the Office of the Administrator through the Legal Service for issuance of a Cease and Desist Order.

V. SPECIFIC PROVISIONS

1. The Officials of the training institutions and other authorized representatives shall be present during the monitoring. Provided, however, that scheduled monitoring shall not be hampered by absence of the officials or representatives duly notified of such activity.
2. There shall be a pre-monitoring meeting to discuss the purpose and scope of monitoring as indicated in the Monitoring Plan. Likewise, a post-monitoring meeting shall be conducted at the end of the activity to present and discuss the findings of the Monitoring Team.
3. The QSS Manual, Internal Quality Audit (IQA) report and other supporting documents of MTIs shall be made available during inspection and monitoring.

VI. COMPOSITION OF THE MONITORING TEAM

The monitoring team shall be composed of One (1) Lead Evaluator, at least Two (2) Evaluators and an Understudy for succession purposes. Further, in the event that monitoring will be conducted outside National Capital Region (NCR), there shall be a representative from the concerned MARINA Regional Office (MRO). The MDS shall develop sufficient pool of qualified Evaluators to ensure effective and efficient implementation of this Circular.

VII. QUALIFICATIONS OF EVALUATORS

1. Every evaluator who shall be assigned to join as member of the monitoring team must meet the following qualifications:
 - 1.1 Lead Evaluator
 - 1.1.1 Has completed the Lead Auditor Course, Instructor's Training Course (IMO Model Course 6.09) and Examination and Assessment Course (IMO Model Course 3.12).
 - 1.1.2 Has appropriate knowledge and understanding on the course plan such as, course frameworks, course outline, course timetable, detailed teaching syllabus, Instructor's Guide and Instructional Materials.
 - 1.1.3 Must not be involved in the activities connected with the MTI in any capacity.
 - 1.2 Evaluators
 - 1.2.1 Has completed the Internal Auditor Course
 - 1.2.2 Has appropriate knowledge and understanding on the course plan such as, course frameworks, course outline, course timetable, detailed teaching syllabus, Instructor's Guide and Instructional Materials.
 - 1.2.3 Must not be involved in the activities of or connected with the MTI in any capacity.

VIII. FUNCTIONS AND RESPONSIBILITIES OF LEAD EVALUATOR AND EVALUATORS

The functions of Lead Evaluator and Evaluators are as follows:

- A. Lead Evaluator
 1. Prepares the monitoring plan.
 2. Ensures the effective and efficient conduct of monitoring
 3. Ensure that the conduct of monitoring is in accordance with the monitoring plan.
 4. Presides the pre-monitoring and post-monitoring meetings.
 5. Prepares final monitoring report in coordination with the members of the monitoring team.
 6. Submits the monitoring report to the MDS Director and prepares the letter to the MTI pertaining to the result of monitoring.
 7. Carries out professional and ethical standards
- B. Evaluators
 1. Conduct the monitoring in accordance with the monitoring plan
 2. Ensures the effective and efficient conduct of monitoring
 3. Carries out professional and ethical standards
 4. Perform other tasks as may be assigned by the Lead Evaluator

IX. PROGRAMMING AND PLANNING OF MONITORING ACTIVITIES

1. The MDS shall establish an approved Annual Monitoring Program and Activities (AMPA).
2. The AMPA shall indicate the following:
 - 2.1 Name of MTIs to be monitored;
 - 2.2 Training courses to be monitored;
 - 2.3 Composition of the monitoring team; and
 - 2.4 Budget for the proposed monitoring activities.
3. The MDS may opt to prioritize the conduct of monitoring of MTIs with reported violations or with pending deficiencies.

X. CANCELLATION OR POSTPONEMENT OF THE MONITORING ACTIVITY

Approved monitoring schedule may be cancelled or postponed due to the following:

1. Force majeure
2. Any events that may compromise the safety or security of the monitoring team.
3. Any unforeseen events that may render the area inaccessible; and
4. Any significant major events that is in conflict with the schedule of the monitoring.

XI. CONDUCT OF MONITORING

1. **Pre-monitoring Meeting.** The Lead Evaluator shall convene the Monitoring Team prior to the opening meeting to confirm and discuss the monitoring plan that includes, among others, the assignment for each evaluator, and the results, if any, of the previous monitoring. Prepare other documents or information that are relevant to the monitoring activity.

The monitoring plan may be modified, as the need arises and upon the unanimous agreement of the monitoring team.

The Lead Evaluator shall introduce the members of the monitoring team and provide the following information:

1. Purpose of Monitoring
 2. Scope and key areas of evaluation
 3. Methods and procedures
 4. Appeal
2. **Evaluation Proper.** The evaluators shall conduct assessment through evaluation of relevant processes, interview of instructors and assessors, checking and testing the required equipment/materials and random interview of trainees.
3. **Deliberation.** Once the evaluation is completed, the Monitoring Team shall meet to discuss and decide on their findings.
4. **Closing Meeting.** The Monitoring Team, through the Lead Evaluator, shall present the result of the evaluation to the management and representatives of the MTI and

shall exercise due care in managing the proceedings, giving the MTI an opportunity to clarify any issues relating to the findings of the Monitoring Team.

5. If the MTI agrees on the findings, the Monitoring Team and a representative of MTI will sign in the Monitoring Report. The MTI will be given a photocopy of the Monitoring Report. In the event that the representative of the MTI does not concur with the findings, he may just acknowledge the findings, indicating the reason of non-concurrence.

XII. KEY AREAS OF EVALUATION

The monitoring activity shall cover the evaluation on the following key areas:

1. Quality Standard System
2. Course Package
3. Training and Assessment System
4. Instructors and Assessors
5. Facilities and Training Equipment
6. Compliance with Public Health and Safety Standards
7. Administrative Requirements

XIII. MONITORING FINDINGS

The monitoring findings shall be rated as "Conformance" and "Major or Minor Non-Conformance". Evaluators shall be guided on the definitions of these categories under Section III of this Circular.

XIV. APPEAL PROCEDURES

1. MTI may file an appeal to MARINA through the MDS for any findings which were not resolved between the MTI and the Monitoring Team. The MTI will provide in writing the specific findings that are under protest and must be supported by an affidavit bearing a statement of facts and evidence that rebuts the adverse findings.
2. Failure to file an appeal within five (5) working days from receipt of the official result of adverse findings is deemed an admission of the findings.
3. Any decision or Resolution issued by the MDS Director shall become final and executory pending appeal, if any, to the MARINA Administrator.
4. Appeal to the MARINA Administrator must be filed within ten (10) working days upon receipt of the assailed decision or resolution.

5. Appeal to the MARINA Administrator may be entertained only on any of the following grounds:

5.1 There is a prima facie evidence of abuse of discretion on the part of the MDS Director;

5.2 The decision was secured through fraud or coercion including graft and corruption;

5.3 The decision was based on errors of law or misapplication of the policies of MARINA; and

5.4 The decision was based on serious errors in the findings of facts, which if not corrected, would result in grave and irreparable damage or injury to the appellant.

XV. SANCTIONS AND PENALTIES

Any violation of this Circular shall be dealt with in accordance with the existing Schedule of Administrative Fines and Penalties for Maritime Violations/Offenses and its subsequent amendments.

XVI. ACCOUNTABILITY OF EVALUATORS

a. The Evaluators are the official representatives of MARINA and as such, they shall perform their respective roles and tasks with utmost responsibility and accountability and shall observe confidentiality of the monitoring findings, documents and other information gathered.

b. The Evaluators shall conduct the monitoring and evaluation strictly in accordance with the provisions of this Circular and other statutory guidelines.

XVII. SEPARABILITY CLAUSE

Should any provision of this Circular be declared by competent authority to be invalid or unconstitutional, the remaining provisions or parts hereof shall remain valid and effective.

XVIII. EFFECTIVITY

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

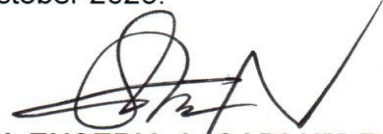
Manila, Philippines, OCT 27 2020.

BY AUTHORITY OF THE BOARD:


VADM ROBERT A EMPEDRAD AFP (Ret)
Administrator

SECRETARY'S CERTIFICATE

This is to certify that the Memorandum Circular No. MD-2020-06 has been approved by the MARINA Board during its 280th Regular Board Meeting held on 27 October 2020.



ATTY. EUSEBIA A. CADLUM-BOCO
Board Secretary

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Business Mirror

Date of Submission to ONAR: _____