



Republic of the Philippines
DEPARTMENT OF TRANSPORTATION

MARITIME INDUSTRY AUTHORITY



NOV 02 2021

MEMORANDUM CIRCULAR NO. OS-2021-01

Series of 2021

TO : ALL SHIPOWNERS, OPERATORS, AND MANAGERS
OF PHILIPPINE – REGISTERED SEAGOING SHIPS AND
OTHER MARITIME ENTITIES CONCERNED

SUBJECT : RULES ON THE IMPLEMENTATION OF THE
OVERSEAS SHIPPING SERVICE INFORMATION AND
MONITORING SYSTEM (OSSIMS)

Pursuant to Presidential Decree (PD) No. 474, Executive Order No. 125/125-A, in compliance with RA No. 9485 otherwise known as "*The Anti-Red Tape Act of 2007*," as amended by RA No. 11032 otherwise known as "*The Ease of Doing Business and Efficient Government Service Delivery Act of 2018*," and guided by RA No. 10173 otherwise known as the "Data Privacy Act of 2012", the following guidelines are hereby adopted and promulgated:

I. OBJECTIVES

This Circular aims:

1. To provide rules and guidelines for online filing of Overseas Shipping Service (OSS)-related applications and to prescribe a digital platform to reduce processing time, streamline processes and requirements for shipping companies, other maritime enterprises, and classification societies;
2. To ensure monitoring of records such as, but not limited to, the Register of Philippine Overseas Fleet, and records, liens, mortgages and encumbrances, accreditation of shipping companies and other maritime enterprises, payments or withholding taxes on bareboat charters.
3. Enhanced online services paving for contactless transactions from application to release of statutory certificates and documents;
4. To provide real time status update and tracking of applications through web portal; and
5. To provide real time verification of issued certificates

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II. COVERAGE

This Circular shall apply to classification societies applying for accreditation under MARINA Circular No. 2018-01, shipping companies and other maritime enterprises governed by MARINA Circular No. 181 and 186 and its subsequent amendments, applying for the issuance of certificates and permits sanctioned under relevant MARINA Circulars for OSS-related applications.

III. DEFINITION OF TERMS

For purposes of this Circular, the following terms are understood to mean:

1. **Administration** refers to the Maritime Industry Authority (MARINA);
2. **Collection partner** refers to the agent authorized by the Administration through a valid and subsisting Memorandum of Agreement to receive payments from OSSIMS applicants;
3. **Electronic Certificate (e-Cert)** is an official document containing information or the representation of information, data, figures, symbols or other modes of written expression, described or however represented, by which a right is established or an obligation extinguished, or by which a fact may be proved and affirmed, which is receive, recorded, transmitted, stored, processed, retrieved or produced electronically;
4. **Electronic Signature (e-Sig)** refers to any distinctive mark, characteristic and/or sound in electronic form, representing the identity of a person and attached to or logically associated with the electronic data message or electronic document or any methodology or procedures employed or adopted by a person and executed or adopted by such person with the intention of authenticating or approving an electronic data message or electronic document;
5. **Memorandum of Agreement** is a document executed by and between the Administration and collection partners relative to the implementation of the OSSIMS;
6. **OSSIMS** (Overseas Shipping Service Information and Monitoring System) is an information and monitoring system which provides the online platform, including online filing, for Overseas Shipping Service-related applications;
7. **Stakeholders** refer to the accredited/recognized shipping companies pursuant to MARINA Circular No. 181, and other maritime related enterprises under MARINA Circular No. 186, and their subsequent amendments, as well as other shipping companies, classification societies availing of OSS-related applications through OSSIMS.

IV. GENERAL PROVISIONS

1. The Administration shall undertake and adopt to implement the OSSIMS as the digital platform in filing the OSS-related applications.
2. The MARINA Regional Office, National Capital Region (MRO-NCR), Overseas Shipping Section, shall be the responsible MARINA service unit to administer the OSSIMS in coordination with the Information and Communications Technology Management Division (ICTMD) of the STCW Office in order to ensure efficiency and sustainability of the system.
3. In addition to the conventional mode of payment, the Administration shall undertake to integrate a system for online payment provided by Collection Partners in accordance with a Memorandum of Agreement duly executed with the Administration, to ensure effective means to settle the fees and other lawful charges corresponding to the applications of stakeholders.
4. Stakeholders shall ensure that documentation and data relevant to applications filed are complete and authentic, maintained and are readily accessible in the event the presentation of originals is requested.
5. The provisions of Republic Act No. 10173, otherwise known as the Data Privacy Act of 2012 on protection of confidentiality, preserve the integrity and promote the availability of data for authorized use shall apply.

V. SPECIFIC PROVISIONS

1. All stakeholders shall register and maintain an OSSIMS account in accordance with the procedures duly issued by the Administration.
2. The MRO-NCR, Overseas Shipping Section has the option to cancel the application if the submitted documents are not completed within one (1) month from the filing thereof.
3. Upon payment of the applicable fees, the application will be accepted for final evaluation and issuance of the appropriate approval and/or certificates.
4. The submission of documents as post approval conditions shall apply.
5. Each MRO-NCR, Overseas Shipping Section staff shall maintain an OSSIMS account which shall be accessible through an exclusive username and password.
6. The Standard Processing Time (SPT) shall be observed which will be reckoned from the date the uploaded documents are electronically applied and the appropriate fees and charges are paid in accordance with Item VIII hereof.

7. In case of variance between the date of uploading the documents and online payment thereof, the SPT shall be reckoned from the actual payment of the appropriate fees and charges.

VI. ELECTRONIC CERTIFICATES

1. An **Electronic Certificate** shall have the following features:
 - a. Validity and consistency with the format and content required by the relevant international convention or instrument, as applicable;
 - b. Protected from modifications or revisions other than those authorized by the issuer or the Administration;
 - c. A unique certificate tracking number used for verification;
 - d. A printable and visible symbol that confirms the source of issuance.
 - e. Verifiable through OSSIMS online verification portal
 - f. QR Code
2. The MRO-NCR, OSS shall use the uniform template for its e-Certificates, bearing the MARINA logo as watermark to ensure the authenticity of e-documents;
3. An issued signed e-Certificate shall only be transmitted/released in a PDF format to protect the integrity of the certificate from alterations or modifications.
4. Whenever necessary, an e-Certificate shall be secured with a unique certificate tracking number (UCTN) by the issuing service unit, with a format that is distinguishable from the regulatory number coding system that is applied in the issuance of paper documents;
5. Prior to the release of an e-Certificate or e-Document, an authentication is required from each Service Unit through notation on the transmittal form especially for documents issued to stakeholders such as communication documents, certificates, and others.
6. All detected malicious or intentional alteration of the documents generated through the OSSIMS, and other violations of this Circular which tantamount to unlawful acts enumerated under the Republic Act No. 8792 or the Electronic Commerce Act of 2000, shall be punishable thereunder;

7. E-Certificates issued shall be verifiable through OSSIMS verification system which is linked to the official MARINA Website.

VII. ELECTRONIC SIGNATURE (e-signature)

1. The e-signature on the electronic document shall be equivalent to the signature of the MARINA Official or authorized signatory on a written document, in accordance with the prevailing MARINA Administrative Order on Delegation of Authority.
2. The integrity of the e-signature shall be verified through observance of appropriate procedures or chain of documentation consistent with the duly established quality procedure.

VIII. FEES AND OTHER CHARGES

1. Applicants shall pay the corresponding fees and charges prescribed under MARINA Circular No. 2015-05, as amended.
2. As platforms for payment of fees and charges, applicants shall have three options, unless further limited by the Administration:
 - a) Over-the-counter payment at the MARINA Central Office;
 - b) Online banking (including payment through credit/debit cards; and
 - c) Payment through collection partners.

Over-the-counter payment, under platform **a**, shall be made during office hours from 8:00 AM to 5:00 PM. For payment platform **b** and **c**, Advisories shall be issued upon due integration of online systems and conclusion of agreements with reputable bank/s and/or collection partners.

The Advisories issued to give effect to platforms **b** and **c** shall be deemed integral parts of this Circular.

2. The collection partner shall accept payment from MARINA's Customer upon presentation of details such as but may not be limited to Account Number/Reference Number, Customer Name, and Amount. An Acknowledgment Receipt (AR) shall be generated by collection partner and serve as proof of payment for MARINA's Customer, printed thru email whichever is applicable.
3. Payments for higher values shall be directly deposited thru MARINA Landbank Account, or other means sanctioned by the Administration.
4. Payments not settled within the seven (7) working days shall be deposited thru MARINA Landbank Account or other means sanctioned by the Administration.

IX. SYSTEMS MONITORING AND IMPROVEMENT

The ICTMD, in coordination with the OSS and MRO-NCR, shall ensure monitoring of the system to prevent glitches and determine possible areas for improvement thereon. The ICTMD may introduce innovations to the OSSIMS which shall be transposed into Advisories by the OSS.

The Advisories issued to give effect to innovations shall be deemed integral parts of this Circular.

X. TRANSITORY PROVISIONS

Upon the effectivity of this Circular, applicants shall transact business through the OSSIMS on available types of application. Other types not yet available may be filed personally.

Upon completion of programs for each type of OSS-related applications, no applications filed personally shall be entertained, except in case of fortuitous event or extraordinary circumstance disabling the system.

XI. REPEALING CLAUSE

Any existing MARINA and STCW Circulars, rules and regulations which are contrary or inconsistent with this Circular are likewise superseded, repealed or amended accordingly.

XII. SEPARABILITY CLAUSE


If any provision or part of this Circular is declared by any competent authority to be invalid or unconstitutional, the remaining provisions or parts hereof shall remain in full force and effect and shall continue to be valid and effective.

XIII. EFFECTIVITY

This Memorandum Circular will take effect fifteen (15) days after its publication in a newspaper of general circulation in the Philippines and a copy filed with the UP Law Center.

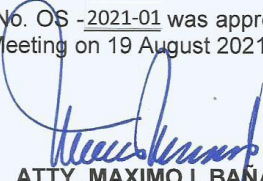
Done in Manila, Philippines on NOV 02 2021.

BY AUTHORITY OF THE BOARD:


VADM ROBERT A EMPEDRAD AFP (Ret)
Administrator
Office of the Administrator

SECRETARY'S CERTIFICATE

This is to certify that Memorandum Circular No. OS -2021-01 was approved by the MARINA Board of Directors during its 286th Regular Meeting on 19 August 2021.



ATTY. MAXIMO I. BANARES, JR.
Board Secretary

Date of Publication: 10 November 2021

Business Mirror

Date of Submission to ONAR: