



**2022 IMPLEMENTING RULES AND REGULATIONS OF REPUBLIC ACT 10635,
“ACT ESTABLISHING THE MARINA AS THE SINGLE MARITIME
ADMINISTRATION RESPONSIBLE FOR THE IMPLEMENTATION AND
ENFORCEMENT OF THE INTERNATIONAL CONVENTION ON STANDARDS
OF TRAINING, CERTIFICATION AND WATCHKEEPING FOR SEAFARERS,
1978, AS AMENDED, AND INTERNATIONAL AGREEMENTS OR COVENANTS
RELATED THERETO”**

RULE I

PRELIMINARY PROVISIONS

Section 1. Title of These Rules

These rules shall be known as the “2022 Implementing Rules and Regulations (IRR) of RA 10635 or “Act Establishing the MARINA as the Single Maritime Administration Responsible for the Implementation and Enforcement of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended, and International Agreements or Covenants Related Thereto”.

Section 2. Coverage

This IRR shall cover the Maritime Industry Authority in its role as the single maritime administration responsible for the implementation and enforcement of the STCW Convention, 1978, as amended.

This IRR shall also cover all other government agencies (exercising functions related to the STCW Convention) particularly the Commission on Higher Education (CHED), the Department of Health (DOH), the Department of Education (DepEd), and the Philippine Coast Guard (PCG), and all government agencies that may in the future be granted the mandate to exercise STCW-related functions.

RULE II

DEFINITION OF TERMS

Section 3. Definition of Terms

As used in this IRR, the following definitions shall apply:

- A. ***Able Seafarer Deck (AB Deck)*** means a rating qualified in accordance with the provisions of regulation II/5 of the Convention.

- B. **Able Seafarer Engine (AB Engine)** means a rating qualified in accordance with the provisions of regulation III/5 of the Convention.
- C. **Advisory** refers to information on the existing policy of the Administration as part of effectively implementing maritime laws and international maritime instruments, specifically RA 10635 and the STCW Convention.
- D. **Appropriate media** refers primarily to the MARINA website, other government agency website, and social media, and may include Advisories, printing in a newspaper of general circulation, or any other medium that will promote, among others, the widest dissemination among the public of the list of compliant, suspended or phased-out MEPs and ATCs.
- E. **Approved training course (ATC)** refers to a learner-centered system of instructions, approved by the Administration, and designed to equip the trainees with the necessary knowledge, understanding, and proficiency that would lead to the acquisition of the required competencies under the STCW Convention, 1978, as amended.
- F. **Assessment** means the process of evaluating evidence of competence through one or more of the methods of demonstrating competence under Column 3 of the competency tables of the STCW Code.
- G. **Assessment Center (AC)** refers to an institution duly accredited by the Administration to conduct practical assessment of competence for issuance of appropriate STCW Certificates.
- H. **Assessor** refers to a person conducting in-service assessment of competence of a seafarer, either on board or ashore in an MTI intended to be used in qualifying for certification under STCW.
- I. **Authority to Operate** refers to the authority issued or granted by CHED to MHEI for the operation of a maritime higher education program in the form of a Permit or Recognition.
- J. **BODRA** refers to the Board of Deck Ratings under MARINA.
- K. **BOERA** refers to the Board of Engine Ratings under MARINA.
- L. **BOMDO** refers to the Board of Marine Deck Officers under MARINA.
- M. **BOMEEO** refers to the Board of Marine Engineer Officers under MARINA.
- N. **Candidate** refers to a person who will undertake a theoretical examination and/or practical assessment of the knowledge, understanding and proficiency, obtained from one or more of the following: approved in-service experience, approved training ship experience, approved simulator training, where appropriate, approved laboratory equipment and approved education and training in order to confirm that such candidate can understand and perform the standard tasks relevant under the STCW table of competence.

- O. **Certificate of Competency (COC)** refers to a certificate issued to Masters, officers, and Global Maritime Distress and Safety System (GMDSS) radio operators in accordance with the provisions of Chapters II, III, IV or VI of the Annex to the STCW Convention, entitling the lawful holder to serve and perform the functions involved at the level of responsibility specified therein.
- P. **Certificate of Proficiency (COP)** means a certificate, other than a certificate of competency, issued to a seafarer by or under the authority of the Administration, stating that the relevant requirements of training competencies or seagoing service under the STCW Convention have been met.
- Q. **Certificated** means properly holding a certificate.
- R. **CHED** refers to the Commission on Higher Education.
- S. **Chief engineer officer (CE)** means the senior engineer officer responsible for the mechanical propulsion and the operation and maintenance of the mechanical and electrical installations of the ship as defined under Chapter I (General Provisions), Regulation I/1 of the Convention.
- T. **Competence** refers to a specific task, as identified in Column 1 of the Competency Tables of the STCW Code, or as otherwise specifically determined by the Administration.
- U. **Compliant** means the state of conformance to standards for MEP, ATC or any relevant program, as prescribed by the MARINA, CHED, in compliance with STCW Code.
- V. **DepEd** refers to the Department of Education.
- W. **Documentary Evidence (DE)** refers to documents attesting or certifying that the training which the Convention requires to be completed or the competence it requires to be achieved prior to the seafarers concerned are assigned to the duties and responsibilities specified, has been successfully completed or demonstrated.
- X. **DOH** refers to the Department of Health.
- Y. **EAP** refers to the Examiners of Ancillary Proficiencies under MARINA.
- Z. **Electro-technical officer (ETO)** means an officer qualified in accordance with Regulation III/6 of the Convention.
- AA. **Electro-technical rating (ETR)** means a rating qualified in accordance with Regulation III/7 of the Convention.
- BB. **Engineer officer** means an officer qualified in accordance with the provisions of Regulation III/1, III/2 or III/3 of the Convention.

- CC. **Evaluator** refers to a qualified, competent and skilled person approved by the Administration, involved in the process of evaluating evidence of compliance of MHEI, MTI or any institution or person approved by the Administration that provides services for the purpose of the seafarer's compliance under the STCW Code, as amended.
- DD. **Examination** means a formal assessment, both theoretical and practical, to evaluate a person's knowledge, understanding or proficiency in any of the specific competencies under Column 1 of the Competency Tables of the STCW Code.
- EE. **Function** means a group of tasks, duties and responsibilities, as specified in the STCW Code, necessary for ship operation, safety of life at sea or protection of the marine environment.
- FF. **GMDSS radio operator** means a person who is qualified in accordance with the provisions of Chapter IV of the STCW Convention.
- GG. **Instructor** refers to any person accredited or permitted by the Administration to conduct in-service training of a seafarer, either on board or ashore in an MTI, which is intended to be used in qualifying for certification under STCW;
- HH. **Joint Circular** refers to a policy jointly formulated by MARINA and other government agencies for the implementation of the STCW Convention.
- II. **Learner** refers to any person undergoing any MEP, ATC, or any similar process, intending to be competent or proficient, with the ultimate goal of being properly certificated under the STCW by the Administration.
- JJ. **MARINA** refers to the Maritime Industry Authority, which is the "Maritime Administration" or "Single Maritime Administration", in accordance with Sec. 2 (e) of RA 10635, or simply the "Administration" under STCW.
- KK. **Maritime Education Program (MEP)** refers to any program in maritime education such as Bachelor of Science in Marine Transportation (BSMT), Bachelor of Science in Marine Engineering (BSMarE), Technical Vocational Livelihood (TVL), and Pre-baccalaureate Maritime Specialization leading to achievement of competence under STCW.
- LL. **Maritime Higher Education Institution (MHEI)** refers to a higher education institution granted authority by CHED to operate Bachelor of Science in Marine Transportation and/or Bachelor of Science in Marine Engineering programs.
- MM. **Maritime Training Institution (MTI)** refers to a duly established institution, public or private, authorized by MARINA to offer mandatory maritime training course/s under the STCW Convention, 1978, as amended and in

accordance with the applicable laws, rules, and regulations of the Administration.

- NN. **Medical certificate** refers to the document issued in accordance with Regulation I/9 and Section A-I/9 of the STCW Convention and STCW Code, respectively, certifying the medical fitness of a seafarer.
- OO. **Medical Facility for Overseas Workers and Seafarers (MFOWS)** is a health facility including its medical practitioners which has been duly accredited and recognized by the DOH. It conducts pre-employment medical examinations prior to deployment of land and sea based workers for domestic/overseas employment to determine whether he/she is physically and mentally fit for work.
- PP. **Medical fitness** refers to the state of being medically fit as certified by recognized medical practitioners in accordance with Regulation I/9 of the STCW Convention, 1978, as amended.
- QQ. **Medical Practitioner** refers to a person holding a valid Certificate of Registration duly issued by the Board of Medical Examiners of the Professional Regulation Commission (PRC), is authorized to engage in the practice of medicine in the Philippines, and working in or actively employed by MFOWS to issue Pre-Employment Medical Examination (PEME) certificate to seafarers.
- RR. **Memorandum Circular or Circular** refers to the policy issued by the Administration to effectively implement maritime laws and international maritime instruments, specifically RA 10635 and the STCW Convention.
- SS. **MISMO System** means the MARINA Integrated Seafarers' Management Online (MISMO) System which is a digital platform used for all transactions of seafarers and MARINA stakeholders relevant to the assessment of competence and certification of seafarers. It aims to reduce processing time, streamline processes and requirements, and eliminate corrupt practices.
- TT. **Monitoring** refers to a series of activities to determine, check, supervise, or observe the extent of compliance or degree of deviation from a standard including core processes and procedures leading to the achievement of defined objectives and outcomes.
- UU. **Non-compliant** means the state of non-conformance or insufficiency of conformance to standards for MEP, ATC or any relevant program, as prescribed by the MARINA or CHED in compliance with STCW.
- VV. **Office of the Executive Director (OED)** refers to the office in MARINA responsible for all STCW concerns.
- WW. **Other Maritime Training Provider** refers to maritime training providers other than Maritime Higher Education Institutions, Maritime Training Institutions, or Assessment Centers.

- XX. **Permit** refers to a form of government authority issued by CHED to a higher education institution (HEI) for the operation of a particular higher education program on probation, which is renewable and generally revocable for non-compliance with the program requirements;
- YY. **Phased-out** means the state of loss of recognition of any MEP or ATC by MARINA, CHED, or NTC, ordered and confirmed as such by the CHED Commission en banc, consistent with the relevant CHED regulations.
- ZZ. **Pre-Employment Medical Examination (PEME) Certificate** refers to a form issued to all seafarers meeting the requirements specified in Section A-I/9, paragraph 7 of the STCW Code before rendering service on board. Medical information recorded in the certificate shall be limited to those directly relevant to the functional requirements of the seafarer's duties.
- AAA. **Preventive suspension** means an immediate, on-the-spot measure of the Administration to stop an MHEI, MTI, AC, or OMTP from conducting an approved program upon finding of commission of a prohibited act that severely affects the outcome-based learning to prevent continued violation and exerting undue influence or pressure on the witnesses against the institution and its concerned personnel liable for the violation.
- BBB. **Panel of STCW Experts (POSE)** refers to the Panel of STCW Experts under the direct supervision of the Executive Director primarily responsible for policy formulation in the implementation of STCW Convention and other maritime manpower concerns.
- CCC. **PRC** refers to the Professional Regulation Commission.
- DDD. **Rating** means a member of the ship's crew other than the master or an officer.
- EEE. **Record of Assessment (ROA)** means a documentary evidence maintained and regularly transmitted within the prescribed period by an approved examination institution to the Administration.
- FFF. **Recognition** is another form of government authority or approval granted to a particular higher education program for operation as a continuing or permanent concern, after having been satisfactorily operated under a government permit, constitutes as basis for the graduation of students, and remains valid unless revoked for cause.
- GGG. **Seafarer** means any person who is employed, engaged or works onboard seagoing ships, whether or not such ships are engaged in the domestic or overseas trade, and to whom the STCW Convention applies.
- HHH. **Seagoing ship** means a ship other than those which navigate exclusively in inland waters or in waters within, or closely adjacent to, sheltered waters or areas where port regulations apply.

- III. **Ship Security Officer (SSO)** means the person on board the ship, accountable to the master, designated by the company as responsible to the security of the ship including implementation and maintenance of the ship security plan and liaison with the company security officer and port facility security officers.
- JJJ. **Standard of competence** refers to the minimum knowledge, understanding and proficiency, as listed in the relevant Column of the STCW Competency Tables, which a seafarer must be able to demonstrate to be entitled to certification, to the satisfaction of the Administration.
- KKK. **STCW Convention or Convention** refers to the 1978 International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, and its subsequent amendments.
- LLL. **Surveillance** refers to the conduct of unannounced visit/inspection of a maritime education, training or assessment institution to ensure that the delivery of its program/course or assessment is in accordance with the existing Policies, Standards, and Guidelines (PSGs) and other relevant rules and regulations.
- MMM. **Suspension** means the action of the Administration in compelling an MHEI, MTI, AC, or OMTP to stop conducting an approved program/assessment/training course as a final punitive measure for non-compliance or commission of a prohibited act.
- NNN. **TESDA** refers to the Technical Education and Skills Development Authority.
- OOO. **TPME** refers to the Technical Panel for Maritime Education which serves as advisory/recommendatory body for review, revision, updating, and implementation of policies, standards and guidelines relating to the Bachelor of Science in Marine Transportation (BSMT), Bachelor of Science in Marine Engineering (BSMarE) and other higher education programs that may be developed in the future which would require compliance with the STCW Convention, 1978, as amended.
- PPP. **Trainee** refers to an individual undergoing the process of learning specific skills in an approved maritime training course.

RULE III

MARINA AS THE SINGLE MARITIME ADMINISTRATION

Section 4. Single and Central Maritime Administration

The MARINA shall act as the Single and Central Maritime Administration for all purposes relating to the full and effective implementation of the STCW Convention and Code.

To carry out an effective regulatory framework conducive to the efficiency, transparency and competitiveness of the Philippine seafaring industry, the Single Maritime Administration shall be organized as follows:

A. MARINA Administrator. The MARINA Administrator shall be responsible for the overall compliance with STCW requirements. As such, it is the Administrator's duty to:

- i. Ensure that all MEPs, including the curricula and training programs of all public and private MHEIs including state universities and colleges (SUCs), are structured and delivered in accordance with the written programs, methods and media of delivery, procedures, and course materials compliant with international standards as prescribed under the STCW Convention by:
 - a. Chairing the Technical Panel for Maritime Education (TPME) of CHED;
 - b. In coordination with the CHED, monitoring and verifying compliance with the policies, standards, and guidelines of maritime education in the conduct of maritime education and training programs, through the responsible officers under the STCW Office; and
 - c. Reviewing and harmonizing the procedures for periodic evaluation, assessment and monitoring of all MHEIs in accordance with the standards of the CHED and other recognized international organizations.
- ii. Ensure active participation of the Administration in international events and forums, relevant to STCW and related agreements;
- iii. Ensure that the substantive and procedural requirements for the Administration's effective and efficient mechanisms are continually identified, updated and in order;
- iv. Develop, formulate and recommend for implementation, strict quality assurance mechanisms and relevant typology for MEPs, ATCs and concerned institutions;

- v. Provide the public with a clear understanding of the consequences of enrolling in a suspended or phased-out program;
- vi. Ensure that the key performance indicators of the QSS reflect measurable outcomes;
- vii. Ensure that all approved instructors, supervisors and assessors are appropriately qualified for the particular types and levels of training or assessment of competence of seafarers either on board or ashore, as provided under Section A-1/6 of STCW;
- viii. Recommend to the Maritime Industry Board the composition and membership of the STCW Advisory Council that the Board may create;
- ix. Ensure that at least one of either the Executive Director or Deputy Executive Director of the STCW Office possesses a merchant marine officer qualification by making the appropriate recommendation to the Secretary of Transportation (SOTr) whenever a vacancy arises in one or both of the above positions; and
- x. Notwithstanding anything contained in other rules and regulations, approve STCW Circulars to effect full compliance with STCW, prepared by the STCW Office, through its Executive Director.

B. Executive Director, STCW Office

The Executive Director of the STCW Office shall:

- i. Conduct a nationwide information dissemination and campaign on proper STCW compliance for all concerned parties;
- ii. Periodically provide the Administrator with a prospective list of compliant, non-compliant and phased-out maritime education and training programs, MHEIs and MTIs;
- iii. Direct the Deputy Executive Director on the operational requirements of the different divisions under the STCW Office;
- iv. Direct the BOMDO, BOMEQ, BODRA, BOERA, EAP, and POSE on all STCW-related matters;
- v. Direct the MARINA Regional Offices, through their Regional Directors, on all STCW-related concerns;
- vi. Recommend to the Administrator, qualified and competent person, as appropriate, for every vacancy in the Board of Examiners (BOE);

- vii. Serve as alternate Chair of the TPME, on behalf of the Administrator, except in cases when the TPME is set to deliberate on recommendations put forward by the MERC;
- viii. Chair the Monitoring, Evaluation and Review Committee (MERC) of CHED;
- ix. Approve Examination and Assessment Procedures as recommended by BOEs; and
- x. Issue requests, orders, decisions or penalties directed to seafarers, MTIs, ACs, shipping companies, and other entities, as appropriate, for proper implementation and administration of STCW.

C. Deputy Executive Director, STCW Office

The Deputy Executive Director of the STCW Office shall:

- i. Direct and supervise the activities of all the divisions under the STCW Office;
- ii. Act on behalf of the Executive Director on all STCW concerns;
- iii. Ensure that all Certificates of Competence are issued in accordance with Regulation I/2 of STCW, and that a unique number is assigned to each; and
- iv. Assist in developing and formulating strict quality assurance mechanisms and relevant typology for maritime education and training programs of MHEIs and MTIs and other STCW-related institutions.

D. Board of Examiners (BOEs).

- i. Board of Marine Deck Officers (BOMDO); and
- ii. Board of Marine Engineer Officers (BOMEEO).

a. Board of Marine Deck Officers (BOMDO)/ Board of Marine Engineering Officers (BOMEEO)

(1) Composition

Each Board shall be composed of a Chairman and four (4) members who shall be appointed by the Administrator.

(2) Selection, Term of Office, and Compensation

- (a) Qualified applicants shall be recommended by the Executive Director to the Administrator.

The Chairman and members of the Board shall, at the time of the appointment, possess the following qualifications:

- i. Must be a citizen and resident of the Philippines;
 - ii. Must be of proven integrity and with high moral values as evidenced by his past professional conduct;
 - iii. Must be a duly registered Master Mariner/Chief Engineer with a valid Certificate of Competency;
 - iv. Must not have any pecuniary interest, directly or indirectly, in any school, academy, college, university or institution conferring an academic degree necessary for admission to the practice of merchant marine profession; or where review classes in preparation for the licensure examination are being offered or conducted, nor shall he be a member of the faculty or of the administration thereof at the time of his appointment to the Board;
 - v. For the Board of Marine Deck / Engine Officers, he must have served as management level for at least two (2) years onboard sea-going vessel and with an aggregate total of at least seven (7) years of practice as Merchant Marine Officer;
 - vi. The last shipboard experience as Master Mariner or Chief Engineer Officer should not be less than 12 months accumulated within a period of ten (10) years prior to appointment date on seagoing ships of 500 gross tonnage or more (for the marine deck officer) or a main propulsion machinery of 750 kw propulsion power or more (for the marine engineer officer); and
 - vii. Must not have been convicted by any competent court of an offense involving moral turpitude.
- (b) The Chairman and members of the Board shall hold office for a term of three (3) years, however, upon recommendation by the Executive Director, the Chairman or member of the Board may be reappointed for another term but in no case shall serve continuously for more than six (6) years. Each member of the Board shall qualify by taking the proper oath of office prior to entering upon the performance of his duties; and
- (c) The Compensation and allowances of the Board of Marine Deck Officers and Marine engine officers under Art. 4, Sec. 8 of Republic Act No. 8544 shall be comparable to the compensation and allowances being received by the chairpersons and members of other existing regulatory boards under the Professional Regulation Commission (PRC) and as provided under the General Appropriations Act (GAA).

(2) Duties and Responsibilities

- (a) Establish examination and assessment procedures, in compliance with STCW, and with the approval of the ED;
- (b) Create and evaluate a database of questions for competence-based examination, as per the STCW Table of Competencies;
- (c) Develop competency mapping standard for the Practical Assessment of Deck/Engine Officers compliant with existing laws and policies;
- (d) Review and replenish the database of examination questions per required competence at a rate of 20% a year;
- (e) Assess evidence of competence in accordance with the STCW;
- (f) For BOMDO, ensure that all candidates for COCs as Officer-in-Charge of Navigational Watch have completed at least six (6) months of bridge watchkeeping duties conducted during the navigational watch onboard ship, covering a minimum period of six (6) months and that all the requirements appropriate to the operational level of responsibility, consistent with STCW functions and competencies have been complied with.
For BOME0, ensure that all candidates for COCs as Officer-in-Charge of Engineering Watch have completed at least six (6) months of engine-room watchkeeping duties conducted during the watch onboard ship, covering a minimum period of six (6) months and that all the requirements appropriate to the operational level of responsibility, consistent with STCW functions and competencies have been complied with;
- (g) For BOMDO, ensure that all candidates for certification as GMDSS Radio Operator have complied with the requirements of Chapter IV of the STCW;
For BOME0, ensure that all candidates for certification as Electro-Technical Officer (ETO) have complied with all the requirements under Regulation III/6, including the approved seagoing service under Regulation III/6, Par. 2.2;
- (h) Ensure that all candidates for COCs at the management level have complied with all the requirements appropriate to that level of responsibility, consistent with STCW functions and competencies;
- (i) For BOME0, ensure that COCs are issued with appropriate limitations on the type of propulsion machinery and that relevant training has been completed; and

- (j) Perform other duties and responsibilities as may be directed by the ED.

E. Board of Deck Ratings (BODRA)

The composition; selection; term of office and compensation; and duties and responsibilities of the BODRA shall be as follows:

- i. **Composition**

The Board of Deck Ratings (BODRA) shall be composed of five (5) registered deck department personnel, none of whom must be a registered master, with at least five years of sea-going experience on ships of 500 gross tons or more and at least one (1) year as Able Seafarer Deck (or equivalent), are qualified and certificated Assessors, and well-recognized in the industry for integrity and professionalism, subject to the following requirements:

- a. At least one (1) member shall have been certificated on tankers;
- b. At least one (1) member shall have served as Able Seafarer Deck (or equivalent) on their last assignment;
- c. At least one (1) member shall have prior approval as assessor of competence with the use of simulators; and
- d. At least two (2) members must have prior experience as educator/trainer in an MHEI or MTI for at least one (1) year on STCW-related course(s).

- ii. **Selection, Term of Office and Compensation**

- a. The Administrator shall select and appoint the member(s) of the BODRA from among the qualified applicants recommended by the Executive Director to the Administrator;
- b. The members of the BODRA shall be appointed for a period of three (3) years, however, upon recommendation by the Executive Director, the members of the Board may be reappointed for another term but in no case shall serve continuously for more than six (6) years; and
- c. The compensation members of the BODRA shall be comparable to a MARINA Division Chief.

- iii. **Duties and Responsibilities**

The BODRA shall:

- a. Establish of practical assessment scenario for all Deck Ratings, as per STCW Regulation on RFPNW

and AB Deck, in compliance with the STCW Convention and with the approval of the ED;

b. Develop competency mapping standard for the Practical Assessment of Deck Ratings compliant with existing laws and policies;

c. Serve as a technical inspector for the accreditation of Practical Assessment Center for Regulation on RFPNW and AB Deck;

d. Ensure that the Practical Assessment scenarios submitted by the assessment center is in accordance with the STCW Convention and standard set by the Administration based on the approved assessment competence mapping standard prior to accreditation of assessment centers for RFPNW and AB Deck;

e. and ensure submitted assessment scenarios shall undergo proper pilot testing/validation prior to its approval;

f. Serve as a technical inspector in the conduct of monitoring and verification of compliance of assessment centers with the standards of ratings;

g. Harmonize the procedures for periodic evaluation, assessment, and monitoring activities undertaken by accredited institutions with registered programs for ratings; and

h. Perform other duties and responsibilities as may be directed by the ED.

F. Board of Engine Ratings (BOERA)

The composition; selection; term of office and compensation; and duties and responsibilities of the BOERA shall be as follows:

i. Composition

The Board of Engine Ratings (BOERA) shall be composed of five (5) registered engine department personnel, none of whom must be a registered chief engineer officer, with at least five years of sea-going experience on ships powered by main propulsion machinery of 750 kilowatts or more and at least one (1) year as Able Seafarer Engine (or equivalent), are qualified and certificated Assessors, and well-recognized in the industry for integrity and professionalism, subject to the following requirements:

a. At least one (1) member shall have been certificated on tankers;

b. At least one (1) member shall have served as Able Seafarer Engine (or equivalent) on their last assignment;

- c. At least one (1) member shall have served as Electro-Technical Rating (or equivalent) on board ship;
 - d. At least one (1) member shall have prior approval as assessor of competence with the use of simulators; and
 - e. At least one (1) member must have prior experience as educator/trainer in an MHEI or MTI for at least one (1) year on STCW-related course(s).
- ii. Selection, Term of Office, and Compensation
- a. The Administrator shall select and appoint the member(s) of the BOERA from among the qualified applicants recommended by the Executive director to the Administrator;
 - b. The members of the BOERA shall be appointed for a period of three (3) years, however, upon recommendation of the Executive Director, the members of the Board may be reappointed for another term but in no case shall serve continuously for more than six (6) years; and
 - c. The compensation of the members of the BOERA shall be comparable to a MARINA Division Chief.

iii. Duties and Responsibilities

The BOERA shall:

- a. Establish of practical assessment scenario for all Engine Ratings, as per STCW Regulation on RFPEW, AB Engine, and ETR, in compliance with the STCW Convention and with the approval of the ED;
- b. Develop competency mapping standard for the Practical Assessment of Engine Ratings compliant with existing laws and policies;
- c. Examine in accordance with the regulations the qualifications, experience and character of applicants for Certificate of Accreditation for Assessor as per STCW Regulation on RFPEW, AB Engine, and ETR and approve the issuance of such certificate where appropriate;
- d. Serve as technical inspector for the accreditation of Practical Assessment Center under Regulation on RFPEW, AB Engine and ETR;
- e. Ensure that the Practical Assessment scenarios submitted by the assessment center is in accordance with STCW convention and standard set by the Administration based on the approved assessment competence mapping standard prior to accreditation of

assessment centers for RFPEW, AB Engine and ETR and ensure submitted assessment scenarios shall undergo proper pilot testing/validation prior to its approval;

- f. Serve as a technical inspector in the conduct of monitoring and verification of compliance of assessment centers with the standards of ratings;
- g. Harmonize the procedures for periodic evaluation, assessment, and monitoring activities undertaken by accredited institutions with registered programs for ratings; and
- h. Perform other duties and responsibilities as may be directed by the ED.

G. Examiners of Ancillary Proficiencies (EAP)

The composition; selection; term of office and compensation; and duties and responsibilities of the EAPs shall be as follows:

- i. Composition

The Examiners of Ancillary Proficiencies (EAP) shall be composed of five (5) registered officers in the deck and engine department, with at least five years of sea-going experience on ships of 500 gross tons or more or powered by main propulsion machinery of 750 kilowatts or more, are qualified and certificated Assessors, not more than sixty (60) years old, and well-recognized in the industry for integrity and professionalism, subject to the following requirements:

- a. At least one (1) member shall have been certificated and had served in the management level on an oil tanker or on a chemical tanker;
- b. At least one (1) member shall have been certificated and had served in the management level on a gas tanker;
- c. At least one (1) member shall have served as a deck officer on a passenger ship; or have served as a GMDSS Radio Operator on board ship in the last five years; or have served as the Ship Security Officer on board ship in the last five years;
- d. At least one (1) member shall have served as an Electro-technical officer (ETO) or its equivalent in the last five years; and
- e. At least two (2) members must have prior experience as educator/trainer in an MHEI or MTI for at least one (1) year on STCW-related course(s).

ii. Selection, Term of Office and Compensation

- a. The Administrator shall select and appoint the member(s) of the EAP from among the qualified applicants recommended by the Executive Director to the Administrator;
- b. The members of the EAP shall be appointed for a period of three (3) years, however, upon recommendation of the Executive Director, the members of the EAP may be reappointed for another term but in no case shall serve continuously for more than six (6) years; and
- c. The compensation of the members of the EAP shall be comparable to the MARINA Supervising MIDS, respectively.

iii. Duties and Responsibilities

The EAP shall:

- a. Establish minimum standards for all seafarers requiring certification under Chapter V of STCW (Special Training Requirements for Personnel on Certain Types of Ships) Code, and with the approval of the ED;
- b. Conduct evaluation of the application of MTI for the grant of authority to conduct training in compliance with the minimum standards under Chapter V of STCW Code prior to the approval of the application by the Accreditation Service;
- c. Establish minimum standards for all seafarers requiring certification under Chapter VI of the STCW (Emergency, Occupational Safety, Security, Medical Care, and Survival Functions), and with the approval of the ED;
- d. Conduct evaluation of the application of MTI for the grant of authority to conduct training in compliance with the minimum standards under Chapter VI of the STCW Code prior to the approval of the application by the Accreditation Service;
- e. Serve as a technical inspector in the conduct of monitoring and verification of compliance of assessment centers with the minimum standards of MTIs offering courses under Chapter V and Chapter VI of the STCW Code; and
- f. Perform other duties and responsibilities as may be directed by the ED.

H. Panel of STCW Experts (POSE)

i. Composition

The Panel of STCW Experts (POSE) shall be composed of all MARINA Maritime Education and Training Standards Supervisors (METSS) who are qualified, highly competent in their respective fields and in STCW, and well-recognized in the industry for availability, competence, integrity, dedication and professionalism.

ii. Duties and Responsibilities

The POSE shall:

- a. Assist the MARINA Administrator and the STCWO Executive Director in ensuring Philippine compliance with the provisions of the STCW Convention;
- b. In relation to the evaluation, inspection, and monitoring of Maritime Higher Education Institutions (MHEIs) and Maritime Training Institutions (MTIs):
 - (1) Serve as lead auditors/inspectors/evaluators;
 - (2) Prepare monitoring/audit/inspection/evaluation reports;
 - (3) Collate and analyze reports for the purpose of proposing improvements of monitoring procedures in the Philippine maritime education and training (MET) system;
 - (4) Assist the STCWO Executive Director in STCW-related curriculum development; and
 - (5) Assist in the implementation and continuous improvement of the STCWO Quality Standards System (QSS).
- c. Collectively, assist the Administration in the proper administration of STCW;
- d. Contribute in developing better procedures and processes for the implementation of STCW;
- e. Through anyone of its members who have the appropriate qualifications, temporarily act on behalf of any of the members of the MARINA Board of Examiners, upon designation by the Administrator; and
- f. Perform other duties and responsibilities as may be directed by the ED.

I. Divisions under the STCW Office

To effectively implement administrative and operational measures in compliance with STCW, the following Divisions shall function under the STCW Office

i. Quality Management Division (QMD)

The Quality Management Division, through its Division Chief, shall:

- a. Ensure the establishment of QSS;
- b. Ensure that all procedures under the QSS are in accordance with the rules and regulations;
- c. Ensure that the QSS is certified by the ISO certifying body;
- d. Implement appropriate measures for identifying and correcting non-conformance within the system;
- e. Recommend mechanisms and procedures for continual improvement of the system;
- f. In coordination with concerned Divisions and concerned Government Agency, facilitate the review and processing of Bilateral Agreements; and
- g. Perform other duties and responsibilities as may be directed by the ED.

ii. Certification Division (CD)

The Certification Division, through its Division Chief, shall:

- a. Ensure that all procedures for issuance of Certificates (COCs and COPs) are in accordance with STCW;
- b. Issue appropriate certificates to qualified seafarers and implement appropriate measures to ensure speedy, efficient and effective certification processes;
- c. Recommend methods in improving the certification processes to better serve the seafarers, even in remote areas;
- d. Certified True Copies or Authenticated copies of all COCs and COPs it has issued, exclusively;

Certification/Authentication of any documentary evidence, such as training certificates, approved in-service experience, record of

examination or assessment, and other documentary evidence, may only be made by the issuing entity; and

- e. Perform other duties and responsibilities as may be directed by the ED.

iii. Examination and Assessment Division (EAD)

The Examination and Assessment Division, through its Division Chief, shall ensure that:

- a. All examination and assessment procedures are appropriate and compliant to STCW, as approved by the Executive Director;
- b. All regional and remote examination and assessment offices and institutions are properly coordinated and monitored for continued compliance with STCW;
- c. Ensure that all on-going examination and assessment of competence are conducted in an orderly, efficient and simple manner;
- d. Policies and procedures for examination and assessment of all seafarers are properly coordinated and synchronized with their respective Boards;
- e. Act as the Secretariat of all the Boards; and
- f. Perform other duties and responsibilities as may be directed by the ED.

iv. Accreditation Division (AD)

The Accreditation Division, through its Division Chief, shall:

- a. Establish procedures for approval of ATCs and conduct of practical assessment;
- b. Establish accreditation procedures for distance learning, eLearning and other suitable alternative modes of learning, as necessary, with the approval of the STCW Executive Director;
- c. In coordination with CHED, plan and carry out the inspection of any MHEI for accreditation;
- d. In coordination with DepEd, plan and carry out the inspection of any Senior High School with Maritime Strand for accreditation;

- e. Establish procedures for ensuring that all MEPs and ATCs are conducted in accordance with STCW and related international agreements; and
- f. Perform other duties and responsibilities as may be directed by the ED.

v. Monitoring Division (MD)

The Monitoring Division, through its Division Chief, shall:

- a. Establish speedy, efficient and cost-effective monitoring procedures for all ATCs, conduct of practical assessment, accredited MTIs and ACs, in compliance with STCW;
- b. Establish monitoring procedures for distance learning, eLearning and other suitable alternative modes of learning, as necessary, with the approval of the STCW Executive Director;
- c. In coordination with CHED, plan and carry out a schedule of regular and comprehensive monitoring of any MHEI;
- d. In coordination with DepEd, plan and carry out a schedule of regular and comprehensive monitoring of any Senior High School with Maritime Strand;
- e. In coordination with the DOH, plan and carry out a schedule of monitoring of medical practitioners;
- f. Establish procedures for ensuring that all MEPs and ATCs are conducted in accordance with STCW and related international agreements; and
- g. Perform other duties and responsibilities as may be directed by the ED.

vi. Administrative Services Division (ASD)

The Administrative Services Division, through its Division Chief shall:

- a. Establish procedures for ensuring that all the required resources of the STCW Office, especially human resources, are adequately planned, organized, and utilized for speedy, efficient and cost-effective delivery of services;
- b. Recommend improvements in the mechanisms and systems in the totality of the Administration of the STCW Office; and
- c. Perform other duties and responsibilities as may be directed by the ED.

vii. Legal Division (LD)

The Legal Division, through its Division Chief, shall:

- a. Establish procedures for ensuring that all the legalities in STCW implementations are properly handled;
- b. Investigate and implement due process requirements in processing any case, controversy, or violation in the Administration of STCW;
- c. Recommend prohibited acts and sanctions in relation to the implementation of the STCW Convention; and
- d. Perform other duties and responsibilities as may be directed by the ED.

viii. Financial Services Division (FSD)

The Financial Services Division, through its Division Chief, shall:

- a. Establish procedures for ensuring that all the financial requirements of the STCW Office and its related services are adequately managed;
- b. Recommend modes of improving cost controls and efficiency measures in the overall implementation of STCW; and
- c. Perform other duties and responsibilities as may be directed by the ED.

ix. Public Information Division (PID)

The Public Information Division, through its Division Chief, shall:

- a. Establish procedures for regularly and continually informing the public, especially the seafarers on the development, improvement and updates in STCW Administration policies and procedures;
- b. In coordination with concerned MARINA Service units and other concerned divisions, communicate with Administrations in other countries and International Maritime Organization (IMO) on all matters governing STCW implementation in the Philippines; and
- c. Perform other duties and responsibilities as may be directed by the ED.

x. Research and Development Division (RDD)

The Research and Development Division, through its Division Chief, shall:

- a. Continually develop/review education and training programs to ensure that the training requirements are updated and will respond to the needs of the industry;
- b. Conduct continuous research to improve the delivery of services of the STCW Office nationwide and internationally;
- c. Through research, recommend progressive modes in ensuring the competence of the Filipino seafarers, as per STCW; and
- d. Perform other duties and responsibilities as may be directed by the ED.

xi. Surveillance Division (SD)

The Surveillance Division, through its Division Chief, shall:

- a. Establish surveillance procedures for the conduct of ATCs, conduct of practical assessment, accredited MTIs and ACs, in compliance with the STCW;
- b. Plan and carry out an efficient and cost-effective schedule of random surveillance of all ATCs conducted by MTIs and all practical assessment conducted by ACs;
- c. Establish surveillance procedures for distance learning, eLearning, and other suitable alternative modes of learning, as necessary, with the approval of the STCW Executive Director;
- d. With the approval of the STCW Executive Director, conduct random surveillance of MHEIs and SHS with Maritime Strand; and
- e. Perform other duties and responsibilities as may be directed by the ED.

xii. Information and Communication Technology Management Division (ICTMD)

The Information and Communication Technology Management Division, through its Division Chief, shall:

- a. Establish procedures for ensuring that all the required ICT resources of the STCW Office, are adequately planned, organized, and utilized for speedy, efficient and, cost-effective delivery of services;

- b. Ensure that the STCW Office is capable of ensuring the security of its ICT systems in the central and regional offices;
- c. Recommend improvements in the ICT mechanisms and systems in the totality of the administration of the STCW Office; and
- d. Perform other duties and responsibilities as may be directed by the ED.

J. MARINA Regional Offices (MRO)

All Regional Offices shall:

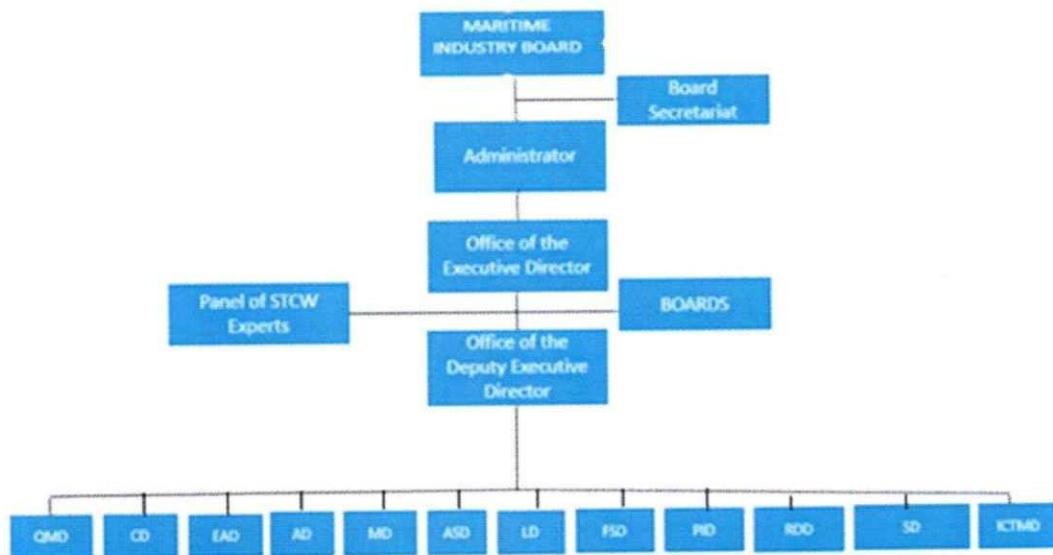
i. Through the Regional Director:

- a. Encourage and support campaigns and capability-building activities on STCW compliance by MHEIs and MTIs;
- b. Review all policies adopted by MHEIs and MTIs as required by this IRR and submit consolidated reports to MARINA, through the STCW Office;
- c. Consolidate reports on incidents and cases of non-compliance and prohibited acts within the Region, including reports from Satellite Offices within the Region, and periodically submit a corresponding Regional Report to MARINA, through the STCW Office, relating to all matters in the implementation of the STCW;
- d. Monitor and evaluate the implementation and enforcement of this IRR;
- e. Coordinate with appropriate offices and other agencies or instrumentalities for such assistance as it may require in the performance of its functions;
- f. Provide administrative support to the STCW Office and CHED, as appropriate, when monitoring and enforcement activities are conducted;
- g. Effect sanctions and penalties as ordered by the Executive Director on erring MHEIs and MTIs; and
- h. Recommend to the Administrator a list of candidates as Regional Evaluators, who are registered deck officers or engineer officers with at least five years of sea-going experience on ships of 500 gross tons or more or powered by main propulsion machinery of 750 kilowatts or more, and are qualified and certificated Assessors, with tanker certification, and well-recognized in the industry for integrity and professionalism.

ii. Through the Regional Evaluator:

- a. Assess and evaluate evidence of competence, including documentary evidence, for the issuance, revalidation of replacement of COPs and/or COCs, for officers and ratings, as appropriate; and
- b. Issue appropriate COPs/COCs upon satisfactory compliance with (a) above.

K. Organizational Chart



RULE IV

POWERS AND FUNCTIONS OF MARINA

Section 5. The MARINA shall exercise the following powers and functions:

- A. Act as the single and central maritime administration for all purposes relating to compliance with the STCW Convention.
- B. Administer and ensure the effective implementation of the STCW Convention; including all international conventions or agreements implementing or applying the same, as well as international maritime safety conventions or agreements that it seeks to promote compliance with.
- C. Assume all powers and functions of the Professional Regulation Commission (PRC), the Commission on Higher Education (CHED), the Technical Education and Skills Development Authority (TESDA), the Department of Health (DOH) and the National Telecommunications Commission (NTC) relative to the issuance, validation, verification, correction, revocation or cancellation of certificates of competency,

endorsement, proficiency and documentary evidence required of all seafarers and all such other matters pertaining to the implementation of the STCW Convention, subject to the following:

i. The MARINA shall ensure that the examination, licensing and certification system for marine deck and engine officers are in accordance with the requirements prescribed under the STCW Convention.

ii. The MARINA shall adopt rules and regulations, in accordance with the STCW Convention, governing able-bodied deck and engine ratings including:

a. Monitoring and verification of compliance with the standards of ratings;

b. Harmonization of the procedures for periodic evaluation, assessment and monitoring activities undertaken by accredited institutions with registered programs for ratings; and

c. Issuance of certificates of proficiency to ratings.

iii. The MARINA shall ensure that all legal and administrative measures relative to the issuance of certificates of competency of GMDSS radio operators are in accordance with the STCW Convention. For this purpose, the MARINA shall assess, revalidate and issue GMDSS radio operator's certificate in accordance with the provisions under the STCW Convention.

iv. The MARINA shall ensure that all maritime education, including the curricula and training programs, are structured and delivered in accordance with the written programs, methods and media of delivery, procedures, and course materials compliant with international standards as prescribed under the STCW Convention. For this purpose, the MARINA shall:

a. Chair the Technical Panel on Maritime Education (TPME) of the CHED; the TPME shall among others, formulate, review and recommend to the CHED en banc all policies, standards, and guidelines for maritime education, including curricula, facilities and guidelines;

b. Monitor and verify, in coordination with the CHED, compliance with the policies, standards, and guidelines of maritime education in the conduct of maritime education and training programs;

c. Review and harmonize the procedures for periodic evaluation, assessment and monitoring of all maritime education and training institutions in accordance with the standards of the CHED and other recognized international organizations;

d. Develop, formulate and recommend for implementation, strict quality assurance mechanisms and relevant typology for maritime education programs and institutions;

- e. Recommend to the CHED en banc the closure/phase-out of substandard maritime education institutions, in accordance with the rules and regulations, as well as recommend alternative schemes or options for the affected maritime educational institution;
 - f. Maintain an updated list of compliant and phased-out maritime education and training programs, publish such lists in appropriate media, and provide the public with a clear understanding of the consequences of enrolling in a phased-out program; and
 - g. Formulate and issue appropriate rules and regulations relative to operations of MTIs, ACs and OMTPs.
- v. The MARINA shall coordinate with the DOH to ensure that the medical standards established to ascertain the medical fitness of seafarers are in accordance with the international conventions/treaties and existing laws. For this purpose, the MARINA shall:
- a. Ensure that the medical examinations and issuance of medical certificates by the DOH accredited hospitals, medical clinics, and laboratories, including medical practitioners are in accordance with the standards prescribed by the STCW Convention; and
 - b. Ensure that medical certificates are issued by a duly-qualified medical practitioner recognized by and accredited with the DOH, and for this purpose, a register of recognized medical practitioners shall be maintained and made available to seafarers, shipping companies, and State parties to the STCW Convention.
- vi. The MARINA shall conduct periodic evaluation of QSS of government agencies involved in the implementation of the STCW Convention.

RULE V

COMPOSITION OF THE MARITIME INDUSTRY BOARD AND STCW ADVISORY COUNCIL

Section 6. The Maritime Industry Board

To ensure the proper implementation and enforcement of the STCW Convention in relation to international maritime safety and environmental agreements, the Commandant of the Philippine Coast Guard (PCG), in lieu of the Secretary of National Defense, shall be included as member of the Maritime Industry Board, which shall accordingly be composed as follows:

A. Voting members

- i. The Secretary of the Department of Transportation (Chairman);
- ii. The MARINA Administrator (Vice Chairman)
- iii. The Executive Secretary (Member);
- iv. The Secretary of the Department of Trade and Industry (Member);

- v. The Chairman of the Development Bank of the Philippines (Member);
- vi. The General Manager of the Philippine Ports Authority (Member);
- vii. The Commandant of the Philippine Coast Guard; and
- viii. The Chairman of the Society of Naval Architects and Marine Engineers, Inc. (Member).

B. Non-voting members

- i. Secretary of the Department of Foreign Affairs;
- ii. Private Sector Representative for overseas shipping; and
- iii. Private Sector Representative for domestic shipping.

Section 7. The STCW Advisory Council (SAC)

A. Composition

The SAC shall consist of not more than eleven (11) members, who shall be appointed from the concerned maritime sectors representing, but not limited to, ship owners, seafarers, maritime education and training, and shipbuilders in the following manner:

- | | |
|--|-----|
| i. Ship-owners | - 1 |
| ii. Professional Association of Seafarers | - 2 |
| iii. Members of the Academe teaching professional STCW courses | - 2 |
| iv. Maritime Education and Training Institutions | - 1 |
| v. Maritime Business Service Providers (Manning) | - 2 |
| vi. Maritime Regulatory Experts | - 2 |
| vii. Listed STCW Competent Persons of PH | - 1 |

The SAC members shall designate a Chairman and Vice-Chairman from among themselves.

B. Appointment and Term of Office.

The MARINA Board shall appoint the members of the SAC from the list of nominees submitted by concerned stakeholders taking into consideration the following criteria:

- i. integrity;
- ii. exemplary leadership;
- iii. advocacy for transparency and good governance; and,
- iv. commitment to participate in the works of SAC.

The SAC members shall serve for a period of three (3) years subject to reappointment not to exceed a total period of six (6) years.

C. Frequency of Meetings and Quorum.

The SAC shall meet at least once a month and may hold special meetings to consider urgent matters upon call of the Chairman or any three members thereof. A majority shall constitute a quorum for the transaction of business.

D. Roles and responsibilities

The primary role of SAC is to assist the Administration on the orderly and proper implementation of the STCW Convention, 1978, as amended, taking into consideration the best interest of the Philippine Maritime Industry. Towards this end, the SAC shall:

- i. provide advice to MARINA pertaining to the formulation of appropriate, clear and coherent policies and regulatory document frameworks as it implements the requirements of the STCW Convention, 1978, as amended;
- ii. assist MARINA by providing information and updates on new developments in the maritime industry and in identifying key issues which affect the country's maritime education and training;
- iii. propose amendments or recommend alternative solutions and enhancement on existing policies and regulations, as well as emerging critical issues particularly covering maritime education, training, certification and assessment to ensure the effective and complete implementation of the STCW Convention, 1978, as amended;
- iv. participate in meaningful dialogues and exchanges between MARINA and stakeholders in matters affecting policies and regulations promulgated, or to be promulgated pertaining to the implementation of the STCW Convention, 1978, as amended; and
- v. undertake any other activities the MARINA Board or STCW Administration may so identify.

RULE VI

POWERS AND FUNCTIONS OF CONCERNED GOVERNMENT AGENCIES

Section 8. Commission on Higher Education (CHED)

The CHED shall:

A. In coordination with MARINA, issue and review all existing Policies, Standards and Guidelines (PSGs) governing BSMT and BSMarE programs, including the methods and media of delivery, procedures, and course materials thereof, to ensure that they are:

- i. Structured and delivered in accordance with written programs, as are necessary to achieve the prescribed standard of competence; and

- ii. Supported by persons who are appropriately qualified for the type and level of training or assessment involved as provided under Regulation I/6 and Section A-I/6 of the STCW Convention.

Anent thereto, the result of joint review shall be forwarded to the TPME for subsequent review and recommendation to the CHED en banc;

B. In coordination with MARINA, issue guidelines on the evaluation and inspection of existing MHEIs, including, among others, those that pertain to the decisions, resolutions and/or orders issued relevant to the phasing out/closure of the maritime education programs or revocation of permit or recognition;

C. Revoke the authority to operate Maritime Education Programs previously granted to any existing MHEI upon the recommendation of the MARINA based on the result of the evaluation and inspection if found not compliant with the relevant CHED PSGs in line with the STCW Convention; and

D. Appropriately act on the result of all monitoring and surveillance activities submitted by MARINA.

Section 9. Technical Panel on Maritime Education (TPME)

The TPME shall:

A. Formulate, review and recommend to CHED en banc all policies, standards, and guidelines (PSGs) for maritime education, including curricula, facilities and guidelines;

B. Provide technical expertise to CHED in conceptualizing and developing PSGs, rules and regulations concerning the operation of maritime higher education programs with STCW component;

C. Provide technical expertise to CHED in evaluating compliance by Higher Education Institutions (HEIs) with the minimum standards for maritime higher education programs with STCW component for purposes of issuance of permit/recognition and certificate of program compliance (COPC), provision of appropriate incentives and imposition of sanction such as program termination or closure;

D. Provide technical expertise to CHED in developing assessment instruments in undertaking monitoring and evaluation tasks;

E. Represent CHED in meetings, workshops conferences, consultations, hearings as appropriate and as the need arises; and

F. Perform other tasks as may be assigned by CHED.

Section 10. Philippine Coast Guard (PCG)

The PCG shall:

A. In coordination with MARINA, establish the control procedures to verify and ensure that seafarers on board seagoing ships calling Philippine ports are certificated or have been issued appropriate dispensations in accordance with the STCW Convention, without prejudice to its Port State Control functions.

B. Verify Filipino cadets undergoing Shipboard Training onboard all ships calling Philippine ports to check if such cadets:

- i. receive systematic practical training and experience in the tasks, duties, and responsibilities of an Office-In-Charge of a watch;
- ii. are closely supervised and monitored by qualified officers onboard the ship in which the Shipboard Training is being undertaken;
- iii. perform the required watchkeeping duties under the supervision of the Master or a qualified officer; and
- iv. have adequately documented their training activities in the Training Record Book or similar document.

C. In coordination with MARINA, issue the corresponding policy detailing the control procedures and guidelines in the verification of certificates of seafarers and Filipino cadets on board seagoing ships calling Philippine ports, without prejudice to its Port State Control functions.

Section 11. Department of Health (DOH)

The DOH shall:

A. In coordination with MARINA, establish policies and standards for medical fitness and requirements for the recognition of medical practitioners who will be responsible for assessing the medical fitness and the procedures for the issuance of medical certificates to Filipino seafarers in accordance with Regulation I/9 of the STCW Convention;

B. In coordination with MARINA, ensure that all assessment activities conducted by recognized medical practitioners are subjected to regular monitoring to verify that the same are in accordance with the STCW Convention;

C. In coordination with MARINA, conduct surveillance of assessment activities conducted by recognized medical practitioners to further ensure that the same are implemented in accordance with the existing applicable laws, circulars, and guidelines issued by MARINA and DOH and the STCW Convention; and

D. Establish and maintain an electronic uploading system and submit a summary of medical report of seafarers to MARINA. The DOH-accredited

medical clinics/practitioners shall submit/upload their medical reports to the system established by the DOH or, pending its establishment, to the MISMO System, and medical clinics/practitioners not connected to the system shall not be allowed to conduct pre-employment medical examination for seafarers.

Medical Facilities for Overseas Workers and Seafarers (MFOWS) and Medical Practitioners

Medical Facilities for Overseas Workers and Seafarers (MFOWS), through their Owner/s, Board of Directors, Presidents, Training Directors, or any person who holds a comparable role, responsible for the implementation of STCW, and oversight within the MFOWS, and Medical Practitioners shall:

- i. Adhere to all rules and regulations, orders or directives of the DOH and MARINA;
- ii. Conduct pre-employment medical examination (PEME) of seafarers within the premises as accredited and recognized by the DOH;
- iii. Ensure that PEME for seafarers is personally conducted only by those accredited and recognized by the DOH;
- iv. Allow the unannounced entry of the monitoring team of DOH provided they show the proper written authority;
- v. Ensure the safety and privacy of seafarers during the conduct of PEME;
- vi. Ensure that all the medical equipment/instruments are in good working condition during operating hours and has an effective preventive maintenance system in place;
- vii. Ensure adequate number and availability of medical staff to accommodate the medical assessment necessary to accomplish the PEME;
- viii. Ensure that all clients' complaints/feedback are addressed accordingly; and
- ix. Shall execute a Memorandum of Agreement with MARINA for the purpose of registration to the MISMO System.

Section 12. Department of Education (DepEd)

The DepEd shall:

- A. Evaluate and approve applications of schools, public and private, intending to offer Senior High School (SHS) Maritime Programs/Specializations upon the recommendation of MARINA; and
- B. In coordination with MARINA, monitor and evaluate the implementation of Senior High School (SHS) Maritime Programs/Specializations in accordance with all the pertinent regulations under the STCW Convention and the existing PSGs of DepEd.

RULE VII

COMPLIANCE MECHANISMS AND VIOLATIONS & PENALTIES

Section 13. Compliance Mechanisms

Pursuant to Section 7 of RA 10635 mandating the MARINA to ensure that the processes and procedures for issuance, validation, verification, correction, revocation or cancellation of certificates of competency, endorsement, proficiency, and documentary evidence required of seafarers under the STCW Convention shall be the most efficient and convenient way for the seafarers, the following compliance mechanisms are hereby instituted:

A. One-Stop Shop Arrangements

i. Establishment of One-Stop Shop Arrangements

A one-stop shop facilitation service shall be established in places as may be determined by the MARINA Board. The one-stop shop arrangement shall serve as the system for the issuance, validation, verification, correction, revocation, or cancellation of certificates of competency, endorsement, proficiency and documentary evidence required of seafarers under the STCW Convention or certification.

ii. Guiding Principles

To ensure that the processes and procedures be the most efficient and convenient way for the seafarers, the Administration shall be guided by the following principles in the establishment of one-stop-shop arrangement:

- a. Retain only such steps, procedures and requirements that are necessary to allow it to fulfill its legal mandate and the policy objectives of its enabling law;
- b. Remove redundant and unduly burdensome processes, procedures, and requirements; and
- c. Adopt such process or procedure and impose such requirements that are the least costly to the transacting public, giving due regard to its legal mandate and the policy objectives of its enabling law, including but not limited to the single-window approach and the zero-contact policy.

B. Computerization and Automation

i. Online Electronic Mechanism.

Within six (6) months from the effectivity of these Rules, the Administration shall have an online or electronic mechanism

in assessing fees, collecting/accepting payments, and sharing/exchange of other relevant data for the issuance, validation, verification, correction, revocation, or cancellation of certificates of competency, endorsement, proficiency and documentary evidence required of seafarers under the STCW Convention or certification.

ii. **Electronic submission and acceptance**

- a. There shall be a fully-functioning online portal for the processing of applications licenses, clearances, permits, certifications or authorizations.
- b. This Administration shall develop electronic versions of licenses, clearances, permits, certifications or authorizations with the same level of authority as that of the signed hard copy, which may be printed by the applicants or requesting parties in the convenience of their offices. These electronic copies shall be accepted in place of hard copies, unless a hard copy of the requirement is required by law.

C. Elimination of Redundant Fees and Charges

The MARINA, in coordination with relevant government agencies, shall ensure that only rationalized fees and charges are collected from seafarers and other private stakeholders in applications related to compliance with the requirements of the STCW Convention.

It shall also issue policies and guidelines on the elimination of redundant fees and charges and constantly monitor existing fees and charges being charged by covered entities from seafarers, learners, candidates, and trainees as well as exercise regulatory intervention where it is established after due process that public interest needs to be protected and safeguarded.

D. Other Similar Mechanisms

The MARINA and other government agencies covered herein may establish other similar mechanisms consistent with the previously mentioned mandate under Section 7 of RA 10635 and existing laws and regulations including the RA 11032 ("Ease of Doing Business and Efficient Government Service Delivery Act of 2018") and policies issued by the Anti-Red Tape Authority (ARTA).

E. Verification of Compliance Under Regulation I/16 of the STCW Convention, 1978, as amended

- i. Being the duly established Maritime Administration of the Philippines mandated to implement and enforce the STCW Convention, MARINA shall use the provisions of the IMO

Instruments Implementation Code (III Code) in the execution of the country's obligations and responsibilities as a Party to the said Convention, such as but not limited to the following:

- a. Review and enhancement of existing legislations, policies, associated rules and regulations, and administrative procedures, as well as in the development of new ones;
 - b. Implementation and enforcement of new provisions or amendments to the present Convention; and
 - c. All other aspects necessary for the Philippines to give full and complete effect to the relevant STCW provisions.
- ii. The Philippines through the MARINA shall undergo the mandatory periodic audits by the IMO in accordance with the audit standard and the guidelines developed by the Organization, covering the areas specified under Section A-I/16 of the STCW Code, for the country demonstrate compliance with and implementation of the relevant provisions of the STCW Convention.

Relative thereto, MARINA shall ensure close coordination with other agencies of government involved in the execution of Philippine obligations and responsibilities under the said Convention.

- iii. MARINA shall facilitate the conduct of the said audit and shall ensure implementation of all actions necessary to fully address the findings arising thereof pertaining to the STCW Convention.
- iv. Further details, activities, and administrative procedures relative to the verification of compliance under Regulation I/16 shall be covered and issued in the form of circulars, orders, or advisories subject to Section 6 of PD 474 and the Maritime Industry Board Resolution No. 2022-09-04, and shall be sufficiently covered by the Quality Management System of MARINA and the other government agencies concerned.

Section 14. Violations and Penalties

The MARINA shall issue and revise appropriate circulars to prescribe corresponding fines and penalties for violations of relevant rules, regulations, and policies to effectively implement RA 10635 and this Implementing Rules and Regulations without prejudice to the imposition of fines and penalties by concerned government agencies in the exercise of their respective mandates to ensure compliance by persons and entities subject to their regulation.

Section 15. Jurisdiction and Venue

To effectively carry out the provisions of this IRR, the MARINA, through the Legal Service or MARINA Regional Office concerned, shall exercise original and

exclusive jurisdiction to hear and decide all cases involving violations of RA 10635, these Implementing Rules and Regulations, or any circular, ruling and order issued committed by Filipino seafarers, instructors, assessors, MTIs, OMTPs, and ACs. The Legal Division for Maritime Manpower under the Legal Service shall formulate appropriate rules and regulations to carry out this function.

Complaints against and violations by MHEIs shall be within the exclusive jurisdiction of MARINA and CHED, through the TPME.

Complaints against and violations by Senior High Schools and MFOWS shall be within the exclusive jurisdiction of the Department of Education and the Department of Health, respectively.

RULE VIII

MISCELLANEOUS PROVISIONS

Section 16. Separability Clause

Any part or provision of this IRR, which may be held invalid or unconstitutional shall not affect the validity and effectivity of the other provisions.

Section 17. Repealing Clause

The 2021 IRR of RA 10635 dated 29 December 2021 is hereby repealed.

All other rules and regulations, policies and issuances or parts thereof inconsistent with this IRR are hereby repealed, revised or modified accordingly.

Section 18. Effectivity

This IRR shall take effect immediately after its publication in the Official Gazette or in a newspaper of general circulation and upon filing of three (3) certified copies thereof with the Law Center, University of the Philippines, Diliman, Quezon City.

Manila, Philippines, NOV 24 2022 20__.

BY AUTHORITY OF THE BOARD:


ATTY. HERNANI N. FABIA
Administrator

SECRETARY'S CERTIFICATE

This is to certify that the 2022 Implementing Rules and Regulations of Republic Act No. 10635 was approved during the 293rd Regular Meeting of the Maritime Industry Board held on 20 September 2022.


ATTY. SHARON L. DE CHAVEZ-ALEDO
Board Secretary

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