



MEMORANDUM CIRCULAR NO. SC-2023-01
Series of 2023

TO : All Shipowners, Operators, Managers and Seafarers of Philippine-registered Ships engaged in the international trade, Recognized Organizations and all concerned

SUBJECT : **RULES AND REGULATIONS ON SEAFARERS' REQUIRED HOURS OF REST FOR PHILIPPINE-REGISTERED SHIPS ENGAGED IN INTERNATIONAL TRADE**

Pursuant to the provisions of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers 1978, as amended (1978 STCW Convention, as amended); Republic Act No. 10635 and its 2022 IRR, and MARINA Circular No. 2018-03, as amended, the following rules on hours of rest periods onboard Philippine-registered ships in the international trade are hereby provided:

I. OBJECTIVES

1. To prevent fatigue that may lead to the occurrence of incidents/accidents at sea;
2. To regulate the rest periods for watchkeeping personnel and those whose duties involved designated safety, security and prevention of pollution duties in accordance with the provisions of Section A-VIII/1 of the STCW Code; and
3. To ensure that the ship is safely manned so that the provisions related to hours of rest are met.

II. COVERAGE

This Circular shall apply to shipping companies and seafarers onboard Philippine-registered ships in international trade including ships issued with a special permit for temporary utilization for overseas trade.

III. DEFINITION OF TERMS

1. **Fatigue** is a state of feeling tired, weary, or sleepy that results from prolonged mental or physical work, extended periods of anxiety, exposure to harsh environments, or loss of sleep;

2. **Flag-state inspection** refers to the function of the Maritime Administration to inspect a ship under the flag to ensure that it maintains compliance with the requirements of the applicable national and international regulations in accordance with MC No. MS-2020-02, as amended;
3. **Hours of rest** is a continuous period of at least one hour outside of working hours that the employee is free to use;
4. **Maritime Administration** refers to the Maritime Industry Authority (MARINA);
5. **Recognized Organization (RO)** refers to an organization that has been assessed by the Maritime Administration and have complied with the Recognized Organizations (RO) Code and the provision of MC No. 2018-01, as amended, and has entered into a Memorandum of Agreement with the Maritime Administration;
6. **Safety Management System (SMS)** refers to a structured and documented system enabling the shipping company personnel to effectively implement the company safety and environmental protection policy;
7. **Seafarer** refers to any person employed or engaged or works in any capacity onboard Philippine-registered ships;
8. **Ship** refers to a Philippine-registered ship; and
9. **Shipping company** refers to the owner of the ship or any other organization or person, such as the manager or bareboat charterer, who has assumed the responsibility for the operation of the ship from the shipowner and who on assuming such responsibility has agreed to take over all the duties and responsibilities imposed under this Circular.

IV. GENERAL PROVISIONS

1. Regulation VIII/1 of the STCW Convention, 1978, as amended, requires that watch systems are so arranged that the efficiency of all watchkeeping personnel is not impaired by fatigue and that duties are so organized that the first watch at the commencement of a voyage and subsequent relieving watches are sufficiently rested and otherwise fit for duty;
2. Section A-VIII/1 of the STCW Code requires that all persons who are assigned duty as officer in charge of a watch or as a rating forming part of a watch and those whose duties involve designated safety, prevention of pollution and security duties shall be provided with a rest period;
3. The Maritime Administration recognizes the danger posed by fatigue to seafarers, especially those whose duties involve the safe and secure operation of a ship;

4. The provisions of this Circular shall be subjected to flag-state inspection and enforcement functions of the Maritime Administration;
5. Recognized Organizations are mandated to implement this Circular's provisions in the SMS Audit of shipping companies and Philippine-registered ships and to report non-compliance to the Maritime Administration through the Maritime Safety Service; and
6. The Shipping Company, Master, and seafarers shall be responsible for the compliance of this Circular.

V. SPECIFIC PROVISIONS

1. All seafarers who are assigned duty as officer in charge of a watch or as rating forming part of a watch and those whose duties involve designated safety, prevention of pollution and security duties shall be provided with a rest period of not less than:
 - a. a minimum of 10 hours of rest in any 24-hour period; and
 - b. 77 hours in any 7-day period;
2. The hours of rest may be divided into no more than two periods, of which shall be at least 6 hours in length, and the intervals between consecutive periods of rest shall not exceed 14 hours;
3. The requirements for rest periods under Item Nos. 1 and 2 of this Section need not be maintained in case of an emergency or in other overriding operational conditions. Musters, fire-fighting and lifeboat drills, and drills required by the Maritime Administration, national laws and regulations and by international instruments, shall be conducted in a manner that minimizes the disturbance of rest periods and does not induce fatigue;
4. When a seafarer is on call, such as when a machinery space is unattended, the seafarer shall have an adequate compensatory rest period if the normal period of rest is disturbed by call-outs to work.

In an emergency or when unforeseen events, and in cases wherein unavoidable changes to the schedule of rest hours occur, records should reflect all deviations from the hours of rest schedule;

5. The Master or the authorized person shall be responsible for ensuring that records of seafarers' daily hours of rest shall be maintained in a standardized format as prescribed under Annex "A", in the working language or in English, to allow monitoring and verification of compliance with the provisions of this Section. The seafarers shall receive a copy of the records pertaining to them, which shall be endorsed by the Master or by a person authorized by the Master and by the seafarers.

Records referred under Item No. 5, seafarer's daily hours of rest, shall be kept and be available on board for at least 6 months after they have been completed. Further, records of seafarers' hours of rest shall be kept by the shipping company for a minimum of 3 years. The Maritime Administration may at all times require access to documentation confirming the seafarers' registration of hours of rest;

6. The shipping company shall establish watch schedules to be posted where they are easily accessible and visible. The watch schedules shall be established in the working language or languages of the ship and in English, as applicable.

The shipping company shall likewise observe the principles of safe manning prescribed by the IMO Resolution A.1047 (27), and its future amendment;

7. Nothing in this Section shall be deemed to impair the right of the Master of a ship to require a seafarer to perform any hours of work necessary for the immediate safety of the ship, persons on board or cargo, or for the purpose of giving assistance to other ships or persons in distress at sea. Accordingly, the Master may suspend the schedule of hours of rest and require a seafarer to perform any hours of work necessary until the normal situation has been restored. As soon as practicable after the normal situation has been restored, the Master shall ensure that any seafarers who have performed work in a scheduled rest period are provided with an adequate period of rest;
8. Exceptions from the required hours of rest under Item Nos. 1.b and 2 of this Section shall be allowed provided, that the rest period is not less than 70 hours in any 7-day period. Exceptions from the weekly rest period provided for in Item No. 1.b of this Section shall not be allowed for more than two consecutive weeks. The intervals between two periods of exceptions on board shall not be less than twice the duration of the exception. The hours of rest provided for in Item No. 1.a of this Section may be divided into no more than three periods, one of which shall be at least 6 hours in length and neither of the other two periods shall be less than one hour in length. The intervals between consecutive periods of rest shall not exceed 14 hours. Exceptions shall not extend beyond two 24-hour periods in any 7-day period; and
9. Shipping companies shall ensure that proper guidance is provided on the management of fatigue, its impact on safety and the regulation of hours of work and rest. Said guidance shall be included as part of the Safety Management System (SMS). The SMS should have a clear guidance to Masters on the actions to be taken in the event of non-conformance. Addressing non-conformance shall include the suspension of operations until seafarers are properly rested.

VI. SANCTIONS, FINES AND PENALTIES

Violation of Item Nos. 1 and 2 of Section V found during flag-state inspection, which does not fall under the exceptions provided for under Item No. 8 of Section V of this Circular, shall, after the observance of due process, be sanctioned as follows:

	Fines and Penalties	
	1 st Offense	2 nd and Succeeding Offense
Shipping Company	\$3,000.00	\$5,000.00
Master	\$1,500.00	\$3,000.00

VII. REPEALING CLAUSE

Rules and regulations issued by the Maritime Administration prior to the effectivity of this Circular are hereby repealed.

VIII. EFFECTIVITY

This Circular shall take effect fifteen (15) days following its publication in the Official Gazette or a newspaper of general circulation in the Philippines and a copy filed with the UP Law Center.

Manila, Philippines FEB 03 2023.

By the Authority of the MARINA Board


ATTY. HERNANI N. FABIA
Administrator

SECRETARY'S CERTIFICATION

This is to certify that Memorandum Circular No. SC-2023-01 has been approved by the MARINA Board during its Special Board Meeting held on 02 February 2023.


Atty. SHARON L. DE CHAVEZ-ALEDO
Board Secretary

Date of Publication: 09 February 2023
The Manila Times
Date of Submission to ONAR: _____

RECORD OF HOURS OF REST

ANNEX "A"

Name of Ship: _____
 Seafarer (full name): _____
 Month/Year: _____

IMO Number (if any): _____
 Position/Rank: _____
 Watchkeeper: Yes ☐ No ☐ (check as appropriate)

Mark hours of rest with an X or using a continuous line or arrow in the record on page 2 following every 24-hour period. The first 24-hour period starts when your watch/work starts and lasts until the same time the following day. The provision of minimum hours of rest applies in any 24-hour period.

Date	Hours																								Hours of rest in 24-hour period	Comments (If a planned rest period has been interrupted and/or omitted, please state a reason.)	To be completed by the Master or Authorized Person								
	01	02	03	04	05	06	07	08	09	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24			Hours of work or rest, as applicable, in any 24-hour period	Hours of work or rest, as applicable, in any 7-day period							
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The following national laws, regulations and/or collective agreements governing limitations of minimum rest periods apply to this ship:

I confirm that this record accurately reflects the hours of rest of the seafarer concerned.

Name of Master or person authorized by Master to sign this record
 (in printed letters)

Signature of Master or authorized person

Signature of seafarer

A copy of this record is to be given to the seafarer and to the company.
 The form must be kept on board for at least 6 months and by the company for at least 2 years after it has been filled in and signed.