



MEMORANDUM CIRCULAR NO. SC-2023-02
Series of 2023

TO : All Shipowners, Operators, Managers and Seafarers of Philippine-registered Ships, Recognized Organizations and all concerned

SUBJECT : **RULES AND REGULATIONS ON THE PREVENTION OF DRUGS AND ALCOHOL ABUSE ONBOARD PHILIPPINE-REGISTERED SHIPS ENGAGED IN DOMESTIC AND 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); Executive Order No. 125, as amended; MARINA Circular No. 2015-11, as amended; Republic Act No. 10635 and its 2022 IRR, the following rules on the prevention of drugs and alcohol abuse onboard Philippine-registered ships engaged in domestic and international trade, are hereby provided:

I. OBJECTIVES

1. To establish adequate measures to prevent drug and alcohol abuse in accordance with the provisions of section A-VIII/1, adopting the guidance given in section B-VIII/1 of the STCW Code; and
2. To ensure the fitness and ability of a seafarer to perform watchkeeping duties or duties that involve designated safety, prevention of pollution, and security duties.

II. COVERAGE AND EXEMPTION

This Circular shall apply to shipping companies and seafarers onboard Philippine-registered ships, under the following ship categories:

- a. Passenger High speed crafts;
- b. Fast crafts;
- c. Passenger ships above 100GT;
- d. Passenger ships 100GT and below, carrying 50 passengers and above;
- e. Submersible crafts;
- f. Oil tankers, chemical tankers and gas carriers;
- g. Bulk carriers;
- h. Cargo ships above 100GT;
- i. Tugboats, whenever pulling/pushing non-propelled tanker barges carrying products;
- j. Fish Carriers engaged in Short International voyages and support

- tankers;
- k. Mobile Offshore Drilling Units (MODUS); and
- l. Floating Production and Storage (FPSOs/FSUs).

Excluded from the coverage of this Circular are the following ship categories:

- a. Ships of primitive built;
- b. Warship and naval ships;
- c. Other government ships not engaged in commercial operations;
- d. Non-propelled barges and dredgers;
- e. Fishing boats;
- f. Sailing ships; and
- g. Recreational boats not engaged in commercial trading.

III. DEFINITION OF TERMS

1. **Alcohol** - refers to a most commonly abused substance in liquid form produced by fermentation that depresses the nervous system and removes partly or fully a person's inhibitions;
2. **Compliance monitoring** refers to a random inspection of duly authorized Maritime Administration inspector/enforcer onboard a ship to examine and check the validity, authenticity and completeness of relevant ship and crew certificates and other documents, as well as compliance with national and international rules and regulations;
3. **Dangerous drugs** as defined under Republic Act No. 9165, "An act instituting the comprehensive dangerous drugs act of 2002", and its subsequent amendments;
4. **Document of Compliance (DOC)** refers to a document issued to a company which complies with the requirements of the ISM Code;
5. **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;
6. **International Safety Management (ISM) Code** refers to the International Management Code for the Safe Operation of Ships and for Pollution Prevention adopted by the International Maritime Organization (IMO) by Resolution A.741 (18), as amended;
7. **Maritime Administration** refers to the Maritime Industry Authority (MARINA);
8. **Recognized Organization** 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;

9. **Safety Management Certificate (SMC)** refers to a document issued to a ship which signifies that the company and its shipboard management operate in accordance with the approved Safety Management System (SMS);
10. **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;
11. **Seafarer** refers to any person employed or engaged or works in any capacity onboard Philippine-registered ships;
12. **Ship** refers to a Philippine-registered ship; and
13. **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 the Maritime Administrations, for the purpose of preventing drug and alcohol abuse, to ensure adequate measures are established in accordance with the provisions of section A-VIII/1. Section B-VIII/1 of the STCW Code is likewise taken into consideration in this Circular;
2. The Maritime Administration recognizes the danger of drugs and alcohol abuse that directly affects the fitness and ability of the seafarer to perform watchkeeping duties or duties that involve designated safety, prevention of pollution and security duties;
3. The provisions of this Circular shall be subjected to the compliance, monitoring and enforcement functions of the Maritime Administration;
4. 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
5. The Shipping Company, Master, and seafarers shall be responsible for the compliance of this Circular.

V. SPECIFIC PROVISIONS

1. For the purpose of preventing alcohol abuse, a limit of not greater than 0.05% blood alcohol level (BAC) or 0.25 mg/l alcohol in the breath or a quantity of alcohol leading to such alcohol concentration for masters, officers and other

seafarers while performing designated safety, security and marine environmental duties, shall be allowed;

2. Drug and alcohol abuse directly affect the fitness and ability of a seafarer to perform watchkeeping duties or duties that involve designated safety, prevention of pollution and security duties. Seafarers found to be under the influence of drugs or alcohol shall not be permitted to perform watchkeeping duties or duties that involve designated safety, prevention of pollution and security duties, until they are no longer impaired in their ability to perform those duties;
3. For ships covered by the existing regulations in the implementation of the International Safety Management (ISM) Code, the shipping companies shall establish and implement a clearly written policy of drug and alcohol abuse prevention, including the prohibition to consume alcohol within four (4) hours prior to serving as a member of a watch by inclusion in the company's Safety Management System (SMS) and by means of providing adequate information and education to the seafarers.

In establishing drug and alcohol abuse prevention policy and programmes, shipping companies should take into account the guidance contained in the ILO publication Drug and Alcohol Prevention Programmes in the Maritime Industry (A Manual for Planners), as may be amended;

4. The SMS Manual pertaining to the prohibition of drug/alcohol intake at the workplace shall be strictly observed and enforced;
5. Relative to Item Nos. 3 and 4 of this Section, the testing for drug and alcohol use shall be conducted on a random basis, while the ship is at port or in transit, and the expense/s incurred therein shall be borne by the shipping company;
6. In case of a maritime incident or accident, the Maritime Administration, in coordination with the appropriate government agencies, shall immediately conduct mandatory testing for drug and/or alcohol on all seafarers and other personnel of the ship/s involved therein, but not later than twenty-four (24) hours or the soonest possible time, after the occurrence of such accident or incident;
7. The Maritime Administration, in coordination and agreement with appropriate government agencies, may conduct random alcohol and drug testing; and
8. The Maritime Administration, in implementing this Circular shall ensure that the dignity, privacy, confidentiality and fundamental legal rights of the seafarers concerned are protected and not compromised.

VI. ADMINISTRATIVE SANCTIONS, FINES AND PENALTIES

1. During the conduct of company audit, non-conformity under Item No. 3 of Section V, shall cause non-endorsement or non-renewal of the DOC.
2. Violations found during the flag-state inspection and compliance monitoring of the provisions under Item Nos. 1 to 5, Section V of this Circular shall be subject to the following fines and penalties, after due process:

a. For Philippine-registered ships in the international trade

	Fines and Penalties	
	1 st Offense	2 nd and Succeeding Offense
Shipping Company	\$3,000.00 + suspension of Safety Management Certificate (SMC) until compliance	\$5,000.00 + suspension of SMC until compliance
Master	\$1,500.00	\$3,000.00

b. For Philippine-registered ships in domestic operation

1st Offense

Gross Tonnage (GT)	Fines and Penalties	
	Shipping Company	Master
Below 500 GT	₱50,000.00 + Suspension of Safety Management Certificate (SMC) until compliance	₱25,000.00
Above 500 GT	₱100,000.00 + Suspension of SMC until compliance	₱50,000.00

2nd and Succeeding Offenses

Gross Tonnage (GT)	Fines and Penalties	
	Shipping Company	Master
Below 500 GT	₱75,000.00 + Suspension of Safety Management Certificate (SMC) until compliance	₱50,000.00
Above 500 GT	₱150,000.00 + Suspension of SMC until compliance	₱75,000.00

3. If a seafarer is found to exceed the alcohol limit set under Item No. 1 of Section V, the following penalties shall be imposed, after due process:

First Offense	Suspension of Seafarer's Record Book (SRB) for 1 month
Second Offense	Suspension of SRB for 3 months and inclusion in the Maritime Administration Watchlist
Third and succeeding offenses	Suspension of SRB for 6 months + inclusion in the Maritime Administration Watchlist + proof of rehabilitation prior to the lifting of SRB suspension

4. In the implementation of Item No. 7 of Section V, if a seafarer is found to be positive for the use of dangerous drugs, the following sanctions shall be imposed, after due process:

First Offense	Suspension of SRB for 6 months + proof of rehabilitation prior to the lifting of SRB suspension
Second Offense	Cancellation of SRB + inclusion in the Maritime Administration Watchlist (without prejudice to the penalties that may be imposed under the existing applicable penal laws)

5. In addition to the above sanctions and penalties to the seafarer, in the event of incidents and accidents which resulted in physical injury, loss of life, damage to property or environment, penalties and sanctions shall be imposed under existing Maritime Administration rules and regulations; and, without prejudice to the penalties that may be imposed under the existing applicable penal laws.

VII. TRANSITORY PROVISION

For new shipping companies, an SMS Manual shall be submitted for the approval of the Maritime Administration. Existing shipping companies and ships shall be subjected to the strict compliance of this Circular in the ensuing ISM audits.

VIII. REPEALING CLAUSE

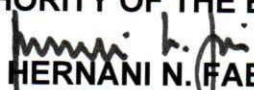
Memorandum Circular No. 191 and other rules and regulations issued by the Maritime Administration prior to the effectivity of this Circular are hereby repealed.

IX. EFFECTIVITY CLAUSE

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 AUTHORITY OF THE BOARD:


Atty. **HERNANI N. FABIA**
Administrator

SECRETARY'S CERTIFICATION

This is to certify that Memorandum Circular No. SC-2023-02 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: