



REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF TRANSPORTATION
MARITIME INDUSTRY AUTHORITY

MARINA CIRCULAR NO. DS-2025-05
Series of 2025

TO : ALL CONCERNED DOMESTIC SHIPPING COMPANIES, OPERATORS, CHARTERERS, OIL COMPANIES, SHIP AGENTS, PRIVATE AND PUBLIC CORPORATIONS, PARTNERSHIPS, ASSOCIATIONS, AND OTHER MARITIME ENTITIES

SUBJECT: OMNIBUS RULES AND REGULATIONS RELATING TO THE ISSUANCE OF SPECIAL PERMITS FOR THE TEMPORARY UTILIZATION OF FOREIGN-REGISTERED SHIPS WITHIN THE PHILIPPINE MARITIME ZONES

Pursuant to Presidential Decree No. 474, Executive Order No. 125, as amended, Sec. 6, Chapter III of Republic Act (RA) No. 9295 and Sec. 6, Rule III of the 2014 Amendments to the Revised Rules and Regulations Implementing RA 9295, and in accordance with the intent of Republic Act (RA) 11032, otherwise known as the "Ease of Doing Business and Efficient Government Service Delivery Act of 2018", this Circular shall govern the temporary utilization of foreign-registered ships within the Philippine maritime zones.

I. OBJECTIVES

1. To establish comprehensive guidelines for the issuance of Special Permits allowing the temporary use of foreign-registered ships within the Philippine maritime zones, thereby ensuring clear, consistent, and accountable regulation;
2. To ensure the availability of essential maritime services that support infrastructure, energy, public welfare, emergency response, research, and surveys particularly in instance where such requirements cannot be adequately met by Philippine-registered vessels;
3. To protect the domestic shipping industry by ensuring that Special Permits are issued only when strictly necessary, and only after confirming that no suitable Philippine-registered vessel is available; and
4. To support national development by strengthening the Philippine maritime industry as a reliable and competitive sector that creates jobs, encourages innovation, and promotes connectivity across the archipelago.

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II. COVERAGE AND EXEMPTIONS

1. **Covered Entities.** This Circular shall apply to all MARINA-accredited domestic shipping companies, operators, charterers, oil companies, ship agents, private or public corporations, partnerships, associations, and other maritime entities.
2. **Scope of Application.** This Circular shall govern all applications for the issuance, renewal, amendment, or extension of Special Permits authorizing the temporary utilization of foreign-registered ships within the Philippine maritime zones, whether for industrial, developmental, humanitarian, or emergency purposes.
3. **Exemptions.** Ships owned by another sovereign entity performing any governmental function or governmental projects in the Philippine maritime zones, pursuant to any treaty or agreement, and those used incidental to such functions, including but not limited to:
 - a. Warships and naval ships;
 - b. Ships of the Coast Guard; or,
 - c. Other sovereign-owned ships
4. **Preservation of Authority.** Nothing in this Circular shall limit or impair the authority of the MARINA or other government agencies to regulate, monitor, or restrict the entry and operation of foreign-registered ships within the Philippine maritime zones, in the exercise of the Philippines' sovereignty and jurisdiction

III. DEFINITION OF TERMS

1. **Foreign-Registered Ship** – refers to any ship duly registered under the flag of a foreign State in accordance with its national laws and applicable international maritime conventions.
2. **Government-Approved Contract** – refers to a valid, notarized contract or charter party duly executed between a Philippine government agency, instrumentality, or government-owned or controlled corporation (GOCC) and the concerned company or entity, signifying official authorization for the maritime services stipulated therein.
3. **Government-Endorsed Project** – refers to a project officially supported or certified by a competent government agency through an endorsement letter or resolution, including all permits, licenses, or clearances required for its lawful implementation.
4. **Notice of Reversion** – refers to the written notification submitted by the Special Permit holder to MARINA confirming that the foreign-registered ship has departed Philippine waters and reverted to international trading operations, upon expiration or termination of the Special Permit.
5. **Philippine Maritime Zones** – refers to the internal waters, archipelagic waters, territorial sea, contiguous zone, exclusive economic zone (EEZ), continental shelf, and other maritime areas over which the Republic of the Philippines has sovereignty, jurisdiction, or sovereign rights, consistent with Republic Act No.

9522, Republic Act No. 12064, and the United Nations Convention on the Law of the Sea (UNCLOS).

6. **Protection and Indemnity (P&I) Insurance** - A form of maritime insurance provided by a P&I Club (a mutual, non-profit association of shipowners) that covers third-party liabilities such as cargo loss, pollution, wreck removal, and crew-related claims
7. **Public Interest** – refers to the collective welfare of the Filipino people, including but not limited to ensuring maritime safety, continuity of essential services, protection of trade and commerce, promotion of economic growth, and the assertion of maritime sovereignty.
8. **Ship** – refers to any vessel, other than a small boat, designed, built, and operated for the carriage of passengers, cargo, or both, by sea or other navigable waters, including specialized floating equipment.
9. **Special Permit (SP)** – refers to the official authorization issued by MARINA allowing the temporary utilization of a foreign-registered ship within Philippine maritime zones, under the conditions and limitations prescribed by this Circular.
10. **Temporary Utilization** – refers to the limited-period operation of a foreign-registered ship within the Philippine maritime zones, subject to the maximum validity period and renewal restrictions established under this Circular.

IV. GENERAL PROVISIONS

1. **Issuance under Defined Necessity.** Special Permits shall be issued by MARINA only under clearly defined instances of necessity, as enumerated in Section VI of this Circular. Such issuance shall be exceptional in character, temporary in scope, and shall not prejudice the operations, investments, or development of Philippine-registered ships.
2. **Application Requirements and Fees.** Application for the issuance, renewal, or extension of a Special Permit under this Circular shall be filed with the MARINA subject to the submission of all the documentary requirements, and payment of the corresponding processing fee, as specified under Section VIII of this Circular
3. **Classification Requirement.** Ships covered by this Circular shall be classed by an international organization recognized by their Flag Administration.
4. **Validity and Renewal of Special Permit.** A Special Permit shall be valid for a minimum of one (1) month to a maximum of one (1) year per issuance. Renewal may be granted; however, the total cumulative period of operation shall not exceed two (2) years, except as otherwise provided for existing government-approved contracts or government-endorsed projects which may be co-terminus with the duration of the contract or project.
5. **Specification of Operations.** Each Special Permit shall explicitly specify the areas of operation, and services for which it was issued. No deviation from these conditions shall be allowed except through the formal amendment of the permit, subject to due evaluation and payment of applicable fees.

6. **Amendment of Special Permit.** Amendment of Special Permit may be allowed upon request of the applicant, with justifiable cause and upon payment of the corresponding processing fee. Amendments may cover, among others, the location or period of operation.
7. **Contractual Basis of Applications.** All applications filed under this Circular shall be supported by a valid and notarized Contract/Fixture, Note/Contract of Affreightment or Time/Voyage Charter Contract.
8. **National Security Clearance.** A "No Objection" Clearance from the National Security Council (NSC) shall be required for new applications, in accordance with Section VII.
9. **Letter of Vessel Inspection.** All ships covered by this Circular shall obtain a Letter of Ship Inspection from the MARINA prior to actual operation. The letter shall confirm that the ship has been verified to conform to the identification and particulars of the ship as indicated in the submitted Certificate of Registry or Certificate of Nationality and other ship certificates. In addition, the letter shall likewise confirm that the ship is fit for the particular purpose of the Special Permit being applied.
10. **Certification of Non-Availability of Philippine-Registered Ships.** All applications for the issuance of a Special Permit shall be accompanied by a Certification from the relevant shipping association(s) confirming the non-availability of a suitable Philippine-registered ship capable of providing the required service. This verification is a precondition to the processing of applications.
11. **Mandatory Marine Insurance Coverage.** All ships covered under this Circular shall have a Mandatory Marine Insurance to Cover Liabilities Arising from Pollution and Wreck Removal issued by a recognized International P&I Club.
12. **Reversion and Validity Compliance.** Foreign-registered ships shall be allowed to operate temporarily within the Philippine maritime zones under a Special Permit for a period and validity pursuant to Sec. IV, par. 4 of this Circular and generally, operations beyond this period shall not be permitted. To continue operating after the allowable period, foreign-registered ships must be registered under the Philippine flag. Otherwise, they shall be required to revert to their homeport/country of origin and shall not be granted another Special Permit to operate in the Philippines for the same project.
13. **Entry and Exit Notifications.** Foreign-registered ships with a valid Special Permit may enter and exit Philippine territory, subject to notification to MARINA and NSC or appropriate competent Authority, of the vessel's departure from and return to Philippine territory within the validity period of the Special Permit. Clearance from relevant Agencies shall also be secured/submitted.

V. SPECIFIC PROVISIONS

1. **Maintenance of Registry and Classification.** The registry of the ship and all applicable Statutory Certificates shall be valid at all times during its temporary utilization within the Philippine Maritime Zones.
2. **Operational LRIT and AIS Requirements.** The Long-Range Identification and Tracking (LRIT) equipment of the ship, as applicable, and its Automatic Identification System (AIS) equipment shall be fully operational upon entry and during the entire operation of the ship within the Philippine Maritime Zone.

VI. SPECIFIC INSTANCES FOR ISSUANCE OF SPECIAL PERMIT

The Special Permit may be issued when any of the following instances exists, subject to compliance with all applicable requirements:

1. **Absence of Suitable Philippine-Registered Vessel.** When there is no readily available and suitable Philippine-registered vessel operating within the Philippine maritime zones that can meet the specific requirements.
2. **Government-Approved or Endorsed Projects.** When the foreign-registered ship is engaged under a duly government-approved contract or government-endorsed project for infrastructure, energy, humanitarian, emergency, or other strategic services requiring specialized maritime support.
3. **Support to Maritime-Related Infrastructure Projects.** When the ship is required to support maritime-related activities such as but not limited to port construction, dredging, reclamation, offshore energy exploration, subsea cabling, or major infrastructure projects, and no suitable Philippine-registered vessel is available.

VII. DOCUMENTARY REQUIREMENTS

A. Pre-approval Requirements

1. Letter of Application indicating the service(s) proposed to offer and the routes or location, particularly, the project(s) or contract(s) for which the service will be rendered, the area(s) of operation, the charterer(s), the nature of the service(s) to be rendered and the relevant particulars/features of the ship(s), and the intended duration of the project, originally signed by the authorized representative.
2. Valid notarized Fixture Note or Contract of Affreightment or authenticated and notarized Time or Voyage Charter Agreement duly signed by the ship's registered owners, operators, and charterers or their duly authorized representative with names of signatories printed on the Agreement.
3. Duly notarized Resolution of the company's Board of Directors, certified by the Board Secretary, authorizing the filing of the application, and designating the officials/authorized representative(s) to sign the duly authenticated/notarized Time or Voyage Charter, for and in behalf of the applicant-company and the registered owners.

4. If the application for the issuance of Special Permit is filed by an agent, the said agent shall submit an authorization, in the form of a Special Power of Attorney or an Appointment Letter, authorizing such agent to file the application for and in behalf of the applicant-company or charterer.
5. Ship's valid Certificate of Registry/Nationality.
6. Ship's valid Class Certificate, latest Class Status Report, and Survey Report issued for the last six (6) months issued by an International organization recognized by their Flag Administration.
7. Endorsement letter and permit/s for government-endorsed projects, as applicable.
8. Government-approved contract/s, as applicable.
9. Certification from the concerned shipping association/s on the non-availability of suitable ships in the Philippines for the intended purpose.
10. No Objection Clearance from the National Security Council (NSC), for new applications.
11. International Safety Management (ISM)-related certificates, as applicable.
12. International Ship and Port Facility Security (ISPS) Certificate and/or International Ship Security Certificate (ISSC), as applicable.
13. Valid Safety Certificates and applicable Statutory, including but not limited to:
 - a. Cargo Ship Safety Certificate;
 - b. Certificate of Fitness (chemical or gas carrier);
 - c. Manning Certificate;
 - d. International Tonnage Certificate (ITC);
 - e. International Load Line Certificate (ILLC)
 - f. International Oil Pollution Prevention Certificate (IOPPC)
 - g. International Air Pollution Prevention Certificate (IAPPC)
 - h. International Sewage Pollution Prevention Certificate (ISPPC)
 - i. International Energy Efficiency Certificate (IEEC)
 - j. International Ballast Water Management Certificate (IBWMC)
 - k. International Anti-Fouling System Certificate (IAFSC)
 - l. Ship Radio Station License
14. Mandatory Marine Insurance to Cover Liabilities Arising from Pollution and Wreck Removal from recognized International Protection and Indemnity Club.
15. LRIT conformance test certificate, as applicable.
16. International Maritime Organization (IMO) crew list format (FAL Form 5) and valid crew documents.
17. SEC Registration for branch offices of foreign owners/charterers/ship representative(s).

18. Valid MARINA Accreditation Certificate under MC No. DS2023-03/MC No. DS202002 or subsequent amendments, as applicable
19. Other related documents/contracts that would trace the operation/project involving the utilization of the vessel (If there are two or more other companies involved in the project).
20. For Special Permits covering a period of more than two (2) years, a Performance Bond in the amount of Php 5,000,000.00 shall be required covering the period of the validity of the SP to guarantee/ensure compliance with its terms and conditions.

B. Post-Approval Requirements

1. **Submission of Letter of Vessel Inspection.** For new applications, submission of Letter of Ship Inspection issued by the MARINA
2. **Submission of Proof of Payment of Taxes.** Submission of proof of payments, clearances, or equivalent documents from the Bureau of Internal Revenue (BIR) establishing payments of corresponding taxes
3. **Notice of Reversion to Overseas Trading.** Notice that the vessel has reverted to its overseas trading operations within five (5) working days from the date of departure of the ship from the Philippines.

VIII. FEES AND CHARGES

1. **Table of Fees and Charges.** Below are the applicable fees for the issuance of Special Permits.

a. Endorsement Letter to National Security Council (NSC)	Php1,000.00/ship
b. Issuance/New-Issuance	Php600,000.00/month/ship
c. Extension/Renewal	Php1,000,000.00/month/ship
d. Any Amendment	Php300,000.00/amendment

2. **Periodic Review and Adjustment of Fees.** The foregoing fees and allocation scheme shall be reviewed every three (3) years or earlier, if warranted, to ensure continuing adequacy, fairness, and alignment with national maritime development objectives. MARINA may, through a separate issuance, adjust the rates or allocation percentages to better serve the objectives of this Circular.

IX. SANCTIONS AND PENALTIES

1. The following fines and penalties shall be imposed for violation of this Circular after due notice and hearing:

Operation of foreign-registered ship within the Philippine maritime zones without valid Special Permit	Php5,000,000.00 per ship
Continued operation of foreign-registered ship within the Philippine maritime zones after the expiration of its Special Permit.	Php3,000,000.00 per ship
Operation of foreign-registered ship outside the designated areas of operation, or services indicated in the Special Permit.	Php2,000,000.00 per ship
Violation of any provisions of the Special Permit or non-compliance with the post-approval conditions set forth in the Special Permit	Php 1,000,000.00 per condition and Revocation of Special Permit

2. The imposition of the foregoing fines shall be without prejudice to administrative sanctions, such as suspension or revocation of MARINA accreditation.
3. Repeat violators shall be subject to escalating penalties, including permanent disqualification from securing Special Permits.
4. In cases where the violation poses serious threats to maritime safety, national security, or the public interest, the MARINA may, in accordance with existing laws, rules, and regulations, impose appropriate administrative sanctions within its authority.

Where the circumstances of the violations warrant, or when the matter falls under the jurisdiction of other government agencies, the MARINA shall elevate or refer the same to the appropriate agency for proper investigation and disposition.

X. TRANSITORY PROVISIONS

1. **Coverage of New Applications.** All new applications for the issuance, renewal, extension, or amendment of Special Permits shall be governed by the provisions of this Circular upon its effectivity.
2. **Recognition of Existing Permits.** Special Permits issued prior to the effectivity of this Circular shall remain valid until their original date of expiration, unless sooner revoked for a cause.
3. **Renewal of Existing Permits.** Renewal or extension of Special Permits issued before the effectivity of this Circular shall comply with the requirements, conditions, and limitations prescribed herein.
4. **Alignment of Government-Endorsed Projects.** Foreign-registered ships operating under government-approved or government-endorsed contracts prior to effectivity may continue until contract completion. Subsequent renewals or extensions shall be subject to this Circular.

XI. SEPARABILITY CLAUSE

If any provision or part of this Circular is declared invalid or unconstitutional by a competent authority, the remaining provisions shall not be affected thereby and shall remain in full force and effect.

XII. REPEALING CLAUSE

All existing MARINA Circulars, rules, regulations, orders, and issuances inconsistent with the provisions of this Circular are hereby repealed, amended, or modified accordingly.

XIII. EFFECTIVITY

This Circular shall take effect upon its publication once in a newspaper of general circulation and submission of a copy to the Office of the National Administrative Register (ONAR) of the U.P. Law Center, in accordance with existing laws

BY THE AUTHORITY OF THE MARINA BOARD



SOMIA B MALALUAN
Administrator

SECRETARY'S CERTIFICATE

This is to certify that the foregoing MARINA Circular No DS-2025 05 was approved by the MARINA Board during its 316th Board Meeting held on 23 October 2025.



ATTY EUSEBIA A. CADLUM-BOCO
Board Secretary

Date of Publication: _____
Name of Publication: _____
Date of Submission to ONAR: _____