

THIRTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

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SENATE

S.B. No. 159

RECEIVED BY: 

Introduced by **SENATOR LUISA "LOI" P. EJERCITO ESTRADA**

EXPLANATORY NOTE

The Civil Code, Article 1733 provides that "common carriers, from the nature of their business and for reasons of public policy, are bound to observe extraordinary diligence in the vigilance over the goods and for the safety of the passengers transported by them, according to all the circumstances of each case." This extraordinary diligence required of common carriers including those involved in marine transportation encompasses the duty to report casualties resulting from marine accidents. In the Philippines, marine accidents are considered ordinary occurrences, notwithstanding their pernicious effects such as loss of lives and properties.

It is quite ironic, however, that there is no mandatory reporting of marine casualties to determine the loss of lives and properties resulting from such accidents which would be the basis of the victims in their claim for injury and damages.

Thus, this bill seeks to fill in the void in our existing laws regarding mandatory reporting of casualties of common carriers, particularly marine transportation.

For reasons aforecited, immediate passage of this bill is earnestly sought.



LUISA "LOI" P. EJERCITO ESTRADA
Senator

THIRTEENTH CONGRESS OF THE)
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OFFICE OF THE SECRETARY

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AN ACT
REQUIRING MANDATORY REPORTING OF MARINE CASUALTIES

Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

SECTION 1. **Short Title.** - This Act shall be known as "Marine Casualties Reporting Act"

SEC. 2. **Declaration of Policy.** - It is hereby declared to be the policy of the State to provide adequate remedy to the victims of marine accidents by requiring mandatory reporting of marine casualties.

SEC. 3. --

- (a) *Marine Casualties and Reporting.* - The Secretary of Transportation and Communications, hereinafter referred to as the Secretary, shall prescribe regulations on the marine casualties to be reported and the manner of reporting. The regulations shall require reporting the following marine casualties:
- (1) death of an individual;
 - (2) serious injury to an individual;
 - (3) material loss of property;
 - (4) material damage affecting the seaworthiness or efficiency of the vessel; and
 - (5) significant harm to the environment.
- (b) A marine casualty shall be reported within five (5) days from the occurrence of a marine accident. Each report shall include information as to the causes of the accident and whether the use of alcohol or liquor contributed to the casualty.

- (c) A marine casualty not resulting in the death of an individual shall be classified according to the gravity of the casualty, as prescribed by regulation, giving consideration to the extent of injuries to individuals, the extent of property damage, the dangers that the casualties create, the size, occupation and means of propulsion of each vessel involved.
- (d) The Secretary shall collect, analyze and publish reports, information and statistics on marine casualties together with findings and recommendations the Secretary deems appropriate.

SEC. 4. Investigation of Marine Casualties. - The Secretary shall prescribe regulations for the immediate investigation of marine casualties under this Act, as closely as possible --

- (1) the cause of the casualty, including the cause of any death;
- (2) whether an act of misconduct, incompetence, negligence, unskillfulness or willful violation of law committed by any individual licensed, certified, or documented under this Act, has contributed to the cause of the casualty, or to a death involved in the casualty, so that appropriate remedial action may be taken;
- (3) whether an act of misconduct, incompetence, negligence, unskillfulness or willful violation of law committed by any person, including an officer, employee or member of the Philippine Coast Guard, contributed to the cause of the casualty, or to a death involved in the casualty.
- (4) Whether there is evidence that an act subjecting the offender to a fine under the laws of the Philippines has been committed, so that appropriate action may be undertaken to collect the appropriate fine.
- (5) whether there is evidence that a criminal act under the laws of the Philippines has been committed, the matter may be referred to the appropriate authorities for prosecution; and
- (6) whether there is a need for new laws or regulations, or amendment or repeal of existing laws or regulations, to prevent the recurrence of the casualty.

SEC. 5. Public Investigations. - Each investigation prescribed and conducted under this Act shall be open to the public, except when evidence affecting the national security is to be received.

SEC. 6. **Rights of Parties in Interest.** - In an investigation under this Act, the following shall be allowed to be represented by counsel, to cross-examine witnesses and to call witnesses:

- (1) owner,
- (2) any holder of a license or certificate of registry,
- (3) any holder of a merchant mariner's document;
- (4) any other person whose conduct is under investigation; and
- (5) any other party in interest.

SEC. 7. **Separability Clause.** - If any provision or part hereof, is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SEC. 8. **Repealing Clause.** - Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with the provisions of this Act is hereby repealed, modified or amended accordingly.

SEC. 9. **Effectivity Clause.** - This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,