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AN ACT

ESTABLISHING THE MARITIME INDUSTRY AUTHORITY (MARINA) AS THE SINGLE MARITIME ADMINISTRATION RESPONSIBLE FOR THE IMPLEMENTATION AND ENFORCEMENT OF THE INTERNATIONAL CONVENTION ON THE STANDARDS OF TRAINING, CERTIFICATION, AND WATCHKEEPING FOR SEAFARERS, AS AMENDED, AND INTERNATIONAL AGREEMENTS OR COVENANTS RELATED THERETO

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

1 **Section 1. Declaration of Policy.** – The following are hereby declared to be the
2 policies of the State:

3 1. The State shall ensure compliance with the 1978 International Convention on
4 Standards of Training, Certification, and Watchkeeping for Seafarers (STCW Convention), as
5 amended; all international agreements implementing or applying the STCW Convention; and
6 other international maritime safety conventions or agreements that the STCW Convention
7 seeks to promote compliance with.

8 2. The State recognizes the vital contribution of the seafarers to the national
9 economy. Toward this end, the State shall establish systems and mechanisms for the
10 promotion and protection of the well-being of the seafarers to ensure their professionalism
11 and competitiveness, both in local and international trade, consistent with existing local labor
12 laws and applicable international laws.

13 3. The State shall create an administrative system and structure, to be known as the
14 single maritime administration, that shall provide an enabling environment for the business of
15 Philippine seafaring; establish appropriate institutional arrangements with other agencies of
16 government; and create an effective regulatory framework conducive to the efficiency,
17 transparency and competitiveness of the Philippine seafaring industry consistent with the
18 STCW Convention.

19 4. The State shall harmonise all legal and administrative measures which are taken

1 and provided for by government regulatory agencies and ensure that such measures are
2 appropriate and consistent with the STCW Convention.

3 **Section 2. Definition of Terms.** -- As used in this Act, the following terms shall mean:

4 1. *Certificate of Competency* -- a certificate issued to masters, officers and Global
5 Maritime Distress and Safety System (GMDSS) Radio Operators in accordance with the
6 provisions of Chapters II, III, IV or VII of the Annex to the STCW Convention, as amended,
7 entitling the lawful holder to serve and perform the functions involved at the level of
8 responsibility specified therein;

9 2. *Certificate of Endorsement* -- an attestation of the maritime administration as to
10 the authenticity and validity of the certificates, incorporated in the format of the certificates
11 issued to masters and officers, stating that the issuance of the relevant certificate is in
12 compliance with the requirements of the STCW Convention;

13 3. *Certificate of Proficiency* -- a certificate other than a certificate of competency
14 issued to a seafarer, stating that the relevant requirements of training competencies or
15 seagoing service under the STCW Convention have been met;

16 4. *Documentary evidence* -- all the documentation, other than a certificate of
17 competency or certificate of proficiency, used to establish that the relevant requirements of
18 the STCW Convention have been met;

19 5. *Maritime administration or single maritime administration* -- shall refer to the
20 MARINA, as the single government agency mandated to ensure complete and effective
21 implementation of the STCW Convention;

22 6. *Seafarer* -- any person who is employed or engaged or works onboard seagoing
23 ships, whether or not such ships are engaged in the domestic or overseas trade, and to whom
24 the STCW Convention applies; and

25 7. *STCW Convention* -- the 1978 International Convention on the Standards of
26 Training, Certification and Watchkeeping for Seafarers, and its subsequent amendments.

27 **Section 3. Powers and Functions of the MARINA.** -- In addition to the mandate of
28 MARINA under Presidential Decree No. 474, as amended, and in order to carry out the
29 provisions of this Act, MARINA shall exercise the following powers and functions:

30 1. Act as the single and central maritime administration for all purposes relating to
31 compliance with the STCW Convention.

32 2. Administer and ensure the effective implementation of the STCW Convention, as
33 amended; including all international conventions or agreements implementing or applying the
34 same, as well as international maritime safety conventions or agreements that it seeks to
35 promote compliance with.

1 3. Assume all powers and functions of the Professional Regulation Commission (PRC),
2 Commission on Higher Education (CHED), Technical Education and Skills Development
3 Authority (TESDA), Department of Health (DOH), and National Telecommunications
4 Commission (NTC) relative to the issuance, validation, verification, correction, revocation, or
5 cancellation of Certificates of Competency, Endorsement, Proficiency and Documentary
6 Evidence required of all seafarers and all such other matters pertaining to the implementation
7 of the *STCW Convention*, subject to the provisions herein below.

8 a. MARINA shall ensure that the examination, licensing and certification system for
9 marine deck and engine officers are in accordance with the requirements prescribed under the
10 *STCW Convention*. To this end, Republic Act No. 8544 or the Philippine Merchant Marine
11 Officer Act of 1998 is hereby amended to the effect that all powers, duties, and functions of
12 the PRC mentioned therein shall be exercised by the MARINA insofar as they are related to
13 marine deck and engine officers. The compensation and allowances of the Board of Marine
14 Deck Officers and Marine Engine Officers under Article IV, Section 8 of RA 8544 shall,
15 however, be comparable to the compensation and allowances being received by the Chairmen
16 and members of other existing regulatory boards under the PRC and as provided in the
17 General Appropriations Act.

18 b. MARINA shall adopt rules and regulations, in accordance with the *STCW*
19 *Convention*, governing able-bodied deck and engine Ratings including:

- 20 i. monitoring and verification of compliance with the standards of Ratings;
- 21 ii. harmonization of the procedures for periodic evaluation, assessment and
22 monitoring activities undertaken by accredited institutions with registered programs for
23 Ratings; and
- 24 iii. Issuance of Certificates of Proficiency to Ratings

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

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

- 34 i. Chair the Technical Panel on Maritime Education (TPME) of the
35 Commission on Higher Education; the TPME shall among others, formulate, review and

1 recommend to the CHED Commission *en banc* all policies, standards, and guidelines for
2 maritime education, including curricula, facilities and guidelines;

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

6 iii. Review and harmonize, in accordance with CHED or other recognized
7 international organizations, the procedures for periodic evaluation, assessment and
8 monitoring of all maritime education and training institutions;

9 iv. Develop, formulate and recommend for implementation, strict quality
10 assurance mechanisms and relevant typology for maritime education programs and
11 institutions;

12 v. Recommend to the CHED *en banc* the closure/phase out of sub-standard
13 maritime education institutions, in accordance with the existing rules and regulations as well
14 as recommend alternative schemes or options for the affected maritime educational
15 institution;

16 vi. Maintain an updated list of compliant and phased-out maritime education
17 and training programs, publish such lists in appropriate media, and provide the public with a
18 clear understanding of the consequences of enrolling in a phased-out program.

19 c. MARINA shall coordinate with the DOH to ensure that the medical standards
20 established to ascertain the medical fitness of seafarers are in accordance with the
21 international conventions/treaties and existing laws. For this purpose, MARINA shall:

22 i. ensure that the medical examinations and issuance of medical certificates
23 by DOH accredited hospitals, medical clinics, and laboratories, including medical
24 practitioners are in accordance with the standards prescribed by the STCW Convention;

25 ii. ensure that medical certificates are issued by a duly-qualified medical
26 practitioner recognized by and accredited with the DOH and for this purpose, a register of
27 recognized medical practitioners shall be maintained and made available to seafarers,
28 shipping companies and State parties to the STCW Convention.

29 **Section 4. Establishment of STCW Services within MARINA and Hiring of**
30 **Specialist Personnel.** — MARINA shall establish an STCW Services within its office, to be
31 headed by persons who are also qualified seafarers, such as licensed Master Mariners and/or
32 Chief Engineers who are well-versed or specially trained in the STCW Convention. For this
33 purpose, the position of Senior Maritime Education and Training Specialist (SMETS) with an
34 equivalent civil service salary grade of 26 is hereby created. The hiring of 10 SMETSs
35 personnel in accordance with MARINA's existing rules and regulations is hereby initially

1 approved: Provided, that of the SMETSs herein appointed, three (3) shall be duly registered
2 Marine Deck Officers who have navigated at Management Level for at least two (2) years on
3 board ship; another three (3) shall be duly registered Marine Engineer Officers who have
4 navigated at Management Level for at least two (2) years on board; and four (4) shall be
5 appointed from among MARINA organic non-merchant marine officers. As a minimum
6 requirement, the SMETSs shall be fully qualified as lead auditors and have demonstrated
7 expertise and competence in the STCW Convention. MARINA shall include the
8 appropriations for the STCW Services, its personnel and maintenance and operating expenses
9 in the budget beginning from the next succeeding fiscal year.

10 **Section 5. *Composition of the Maritime Industry Board.*** -- To ensure the proper
11 implementation and enforcement of the STCW Convention in relation to international
12 maritime safety and environmental agreements, the Commandant of the Philippine Coast
13 Guard (PCG), in lieu of the Secretary of National Defense, shall be included as member of
14 the Maritime Industry Board established pursuant to Presidential Decree No. 474. The
15 Maritime Industry Board may create an advisory council that will assist MARINA in
16 ensuring compliance with STCW Convention, as it may deem proper. The number and
17 members of this council shall be identified and determined by the Maritime Industry Board.

18 **Section 6. *Appropriations.*** -- The Secretary of Transportation and Communications,
19 through MARINA, shall immediately include in its programs the operationalization
20 requirement of the STCW Services, the initial funding of which shall be charged against the
21 savings or current year's appropriations of the MARINA. Thereafter, such sums as may be
22 necessary for the continued implementation of this Act shall be included in the Annual
23 General Appropriations Act.

24 **Section 7. *Implementing Rules and Regulation.*** -- MARINA shall issue the required
25 implementing rules and regulations in accordance with the provisions of this Act within six
26 (6) months from the effectivity hereof. In the formulation of such rules and regulations,
27 MARINA shall ensure that the processes and procedures for issuance, validation, verification,
28 correction, revocation, or cancellation of Certificates of Competency, Endorsement,
29 Proficiency and Documentary Evidence required of seafarers under the STCW Convention
30 shall be the most efficient and convenient possible for the seafarers, including but not limited
31 to the establishment of one-stop shop arrangements, computerization and automation, and
32 elimination of redundant fees and charges.

33 **Section 8. *Transitory Provisions.*** -- All Certificates of Competency, Endorsement,
34 Proficiency and Documentary Evidence issued prior to the effectivity of this Act shall be
35 deemed valid without necessity of revalidation or re-issuance until the date of expiration as

1 stated in such certificates or other documents. Thereafter, new certificates or other documents
2 shall be revalidated or re-issued only in accordance with the implementing rules and
3 regulations issued pursuant to this Act, in conformity with the STCW requirements.

4 **Section 9. *Separability Clause.*** -- If for any reason any section or provision of this Act
5 is declared unconstitutional or invalid, the other sections, or provisions hereof not affected by
6 such declaration shall remain in force and in effect.

7 **Section 10. *Repealing Clause.*** -- All existing laws, orders, decrees, rules and
8 regulations or part thereof inconsistent with the provisions of this Act are hereby repealed or
9 modified accordingly.

10 **Section 11. *Effectivity.*** - This Act shall take effect fifteen (15) days from its
11 publication in at least two (2) national papers of general circulation.