

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

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04 JUN 30 10 55

SENATE

RECEIVED BY: 

S. No. 786

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INTRODUCED BY HON. MANUEL B. VILLAR JR.

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**EXPLANATORY NOTE**

Time and again, our inter-island vessels have been overloading on cargoes and passengers. And this has contributed to a number of sea tragedies. The tragedies notwithstanding, ship overloading continues unabated.

In same manner, these inter-island vessels have been sailing without the necessary equipment and paraphernalia mandated by the safety of the vessels and their cargo passengers.

It is time to impose criminal sanctions for these violations.

For the foregoing reasons, approval of this proposed measure is earnestly prayed for.

  
MANUEL B. VILLAR, JR.

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**AN ACT STRENGTHENING THE PHILIPPINE COAST GUARD AND VESTING IN IT THE PRIMARY RESPONSIBILITY OF ENFORCING MARITIME SAFETY RULES AND REGULATIONS AS WELL AS ANY OTHER MATTER RELATED TO THE PERFORMANCE OF SAFETY OF LIFE AND PROPERTY FUNCTION WITHIN PHILIPPINE TERRITORIAL WATERS AND FOR OTHER PURPOSES**

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

SECTION 1. The Philippine Coast Guard shall be primarily responsible for the enforcement of maritime safety rules and regulations as promulgated by the Maritime Industry Authority (MARINA), to ensure the safe operation of all inter-island ships.

SEC. 2. To this end, the Philippine Coast Guard shall have the following functions:

- (a) To ensure at all times the seaworthiness of all vessels plying Philippine waters;
- (b) To approve plans for the construction, repair, or alteration of vessels under bareboat charter, approve materials, equipment and appliances of vessels in connection with the safety of life and property at sea. *Provided, That, MARINA's approval shall be required as to the economic and commercial aspects of the design, approve the classification of vessels; inspect vessels and their equipment and appliances; administer load line requirements; promulgate and enforce other provisions for the safety of life and property on vessels, Provided, That, certification and approval of any plans, equipment and any vessels by internationally known classification societies which are recognized by the Philippine government shall be deemed to have complied with this section;*

- (c) To ensure that only competent, properly trained and duly licensed masters, pilots and seafarers are allowed to board and man ships;
- (d) To enforce minimum manning level and competency requirements of seafarers;
- (e) To undertake the issuance of licenses to qualified seafarers, harbor, bay and river pilots within Philippine territorial waters;
- (f) To prevent the overloading of vessels by ensuring that the ship is only carrying passengers and/or cargo capacity through head counting and compliance with load line limitations as indicated in billboards strategically placed on board vessels;
- (g) To assist in the supervisions of maritime schools and maritime training programs, in coordination with the Commission on Higher Education (CHED) and the Maritime Training Council (MTC), in order that such schools and programs live up to the highest educational standards of the maritime profession;
- (h) To establish and maintain adequate aids to navigation including rescue centers to serve as lookout points in accident prone areas at sea and which shall provide aid assistance and facilities for the promotion of safety;
- (i) To engage in search and rescue operations and may call on other government / non-government units in rendering assistance to distressed persons or vessels either on the high seas or on Philippine waters;
- (j) To verify compliance with the following ship and crew documentation:
  - (1) Certificate of ship registry;
  - (2) Pleasure yacht registration/permit;
  - (3) Certificate of number;
  - (4) Certificate of ownership;
  - (5) Coastwise license;
  - (6) Bay and river license;
  - (7) Certificate of inspection/interim certificate of inspection;
  - (8) *Special certificate of inspection*;
  - (9) Permit to operate cargo fishing vessels;

- (10) Special permit to navigate;
  - (11) Special permit to carry/load inflammable/dangerous/hazardous cargoes;
  - (12) Seafarer's identification and record book (SIRB);
  - (13) Standard of Training Certificate and Watch Keeping (STCW) endorsement under Memorandum Circular No. 83;
  - (14) Other seafarer-related documents (e.g. licenses, training certificates, dispensation permit);
  - (15) Motor boat operator's license (MBOL); and
  - (16) Special permit for unlicensed officers (SPUO)
- (k) To verify compliance with requirements of the certificate of public convenience (CPC), provisional authority (PA), special permit (SP) or CPC exemption with the terms and conditions thereof , specifically:
- (1) Route/s and schedule of trips prescribed by the Maritime Industry Authority (MARINA);
  - (2) Validity of passenger insurance policy for passenger-carrying vessels; and
  - (3) Maximum authorized passenger and cargo capacity through head counting in case there is clear indication of overloading.
- (l) To serve and enforce the cease and desist orders issued by MARINA and other concerned government agencies on the master, owner or his agents, of the ship;
- (m) To undertake issuance of the following:
- (1) Certificate of number;
  - (2) Certificate of inspection/interim certificate of inspection;
  - (3) Special certificate of inspection;
  - (4) Special permit to navigate/towing permit;
  - (5) Special permit to carry/load inflammable/ dangerous/hazardous cargoes;
  - (6) Dispensation permit as governed by the 1997 Philippine marine merchant rules and regulations; and
  - (7) Special permit for unlicensed officers (SPOU);

- (n) To issue and serve Inspection Apprehension Report (IAR) to the Master, Owner of his agent, of the ship who fails to comply with Marina and other concerned government agencies' policies, rules and regulations;
- (o) To clear ships for departure where there is compliance with all maritime safety related rules and regulations;
- (p) TO provide the MARINA a list of inspectors and issuing officers, by area of assignment, with their corresponding qualifications including their specimen signature;
- (q) To conduct the Emergency Readiness Evaluation (ERE)/Material Readiness Evaluation (MARE);
- (r) To undertake the control of movement of vessels/water crafts during typhoons and adverse weather condition;
- (s) To inform the concerned maritime regional director and MARINA central office action officer of any control undertaken on the movement of vessels/water crafts during typhoon and adverse weather conditions;
- (t) To submit monthly report to the Secretary of the Department of Transportation and Communications (DOTC), copy furnished the MARINA administration on the conduct of the functions under this Act, including the submission of update reports on maritime casualties.

SEC. 3. Results and findings of all inspections conducted pursuant to Sec. 2 (j) and (k), shall be reflected in appropriate forms drawn for the purpose.

SEC. 4. Revenues derived from the exercise of the foregoing functions shall be properly receipted, recorded and remitted to the Bureau of Treasury in accordance with existing Department of Budget and Management (DBM) and Commission on Audit (COA) rules and regulations.

SEC. 5. The Philippine Coast Guard shall promulgate the necessary rules and regulations to implement its mandate under this Act.

SEC. 6. Nothing herein shall be construed as to absolve vessel owners, masters, pilots and seamen from their criminal and civil liabilities in cases of loss of lives or injuries to passengers or loss or damage to property in accordance with existing criminal and civil laws.

SEC. 7. Any person or the principal officers and directors of corporations, partnerships or other juridical entities, who shall violate any provision of this Act or any rules and regulations promulgated pursuant thereto shall upon conviction, be liable to a fine of not less than Five hundred thousand pesos (P500,000.00) nor more than One million pesos (P1,000,000.00), imprisonment of not less than six (6) years nor more than ten (10) years and suspension for one (1) year of the Master's license. *Provided, That, if death to any passenger shall have occurred as a result of the violation, the penalty shall be a fine of not less than Five million pesos (P5,000,000.00) nor more than Ten million pesos (P10,000,000.00) and imprisonment of not less than twelve (12) years nor more than twenty (20) years; and Provided, further, That, if death occurred on board a motorized banca or any similar motorized water craft, the penalty shall be a fine of not less than Three hundred thousand pesos (P300,000.00) nor more than Five hundred thousand pesos (P500,000.00) and imprisonment of not less than six (6) years nor more than ten (10) years; Provided, furthermore, That, in all cases, the administrative penalty shall be without prejudice to civil and/or criminal liability under existing laws; in the case of the captain of the vessel, including motorized banca or any other similar motorized water craft; Provided, finally, That, in the case of the members of the Philippine Coast Guard, they shall suffer the additional penalties of dismissal from the service, forfeiture of retirement benefits, and be perpetually disqualified from holding public office.*

SEC. 8. The Philippine Coast Guard is a civilian agency shall, in all aspects, be under the Department of Transportation and Communications (DOTC).

SEC. 9. If any provision of this Act is declared invalid, the provisions thereof not affected by such declaration shall remain in force and effect.

SEC. 10. Any provision of law, decree, executive order, rules or regulation, or any part thereof, in conflict with, or contrary to this Act, is hereby repealed or modified accordingly.

SEC. 11. This Act shall take effect after fifteen (15) days following its publication in the *Official Gazette* or any newspaper of general circulation.

Approved,