

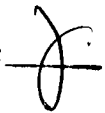


Senate
Office of the Secretary

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

'16 JUL 20 P3:03

SENATE
S.B. No. 656

RECORDED BY: 

Introduced by: Senator Paolo Benigno "Bam" A. Aquino IV

AN ACT MANDATING SHIOWNERS, SHIP CREW, AND CONCERNED GOVERNMENT AGENCIES TO PROVIDE FOR AND ENSURE THE SAFETY OF PASSENGERS AT SEA, PROVIDING PENALTIES FOR VIOLATIONS THEREOF, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

A large part of Philippine trade, commerce, and travel is reliant on sea travel as we are a nation composed of islands. Many workers around the country commute to and from their jobs by Ro-Ro ships that unfortunately are often overloaded and are lacking in safety equipment and protocols. Despite numerous tragic incidents at sea involving commercial vessels, the problems still persist: many poorly maintained sea vessels are plying heavy traffic routes with inadequate safety measures on board.

This bill seeks to assign the Maritime Industry Authority, aided by the Philippine Coast Guard, to be the implementing body that shall monitor all commercial vessels that engage in the carriage of goods or passengers. Such vessels covered under this act shall be required to provide standard safety features to passengers such as an on-board informational video about the safety and emergency protocols. In addition, vessels will be required to have functional and quality safety equipment and adequate emergency features such as emergency lights and exits. This bill shall also outlaw passenger overloading and bar any vessel from departing without a prepared passenger list.

To encourage compliance with minimum safety standards, this bill seeks to penalize companies for non-compliance with a fine of PHP 50,000 – PHP 200,000 depending on the offense and how many times it has been committed. This bill also seeks to discourage repeat offenders by making the third offense punishable by imprisonment.

In a country where hundreds of thousands must travel by sea on a daily basis, we must hold companies to high standards in providing affordable and safe transport for Filipinos. Improving the safety of sea transport will further boost national business development by strengthening the transport infrastructure needed to move people and goods around. Doing so will surely help our national sail toward the path of inclusive growth.

In view of the foregoing, the passing of this bill is earnestly sought.

A handwritten signature in black ink, reading "Ben Aquino". The signature is written in a cursive, flowing style with a large initial "B".

Senator Pablo Benigno "Bam" A. Aquino IV

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

1 **SECTION 1. Short Title.** - This Act shall also be known as the "*Maritime Passenger*
2 *Safety Act*".

3 **SEC. 2. Declaration of Policy.** - It is hereby declared the policy of the State to:

- 4 a) Enhance and ensure the safety and quality of passenger-transport services in
5 the country through the provision on board the ship of adequate safety
6 equipment, strict observance by ship owners, ship crew, and passengers of
7 minimum safety measures and standards, and the provision of qualified and
8 competent crew personnel to man and operate the vessels;
- 9 b) Provide for the effective supervision and regulation of operations of all
10 water transport utilities in the country, particularly those engaged in the
11 commercial carriage of passengers by sea, through the
12 rationalization of functions and responsibilities of various government
13 agencies involved in the enforcement of maritime safety laws; and
- 14 c) Provide the basis for the criminal liability of shipowners and crew
15 members of ships for any injuries suffered by, or loss of lives of their
16 passengers resulting from their malicious or culpable negligence in the
17 course of performance of their contracts of carriage with such passengers.

18 **SEC. 3. Scope.** – The provision of this Act shall apply to:

- 19 a) All vessels engaged in the carriage of passengers and goods for hire
20 regardless of tonnage, including such vessels of foreign registry temporarily
21 used in Philippine waters; and
- 22 b) All types of vessels required to be registered in the Philippines under existing
23 laws.

1 Warships, naval vessels, non-motorized bancas, sailboats and other watercrafts of
2 less than three (3) gross registered tonnage (GRT) shall not be covered by this Act.

3 **SEC. 4. *Mandatory Minimum Safety Standards and Measures.*** – All vessels covered
4 by the provisions of this Act shall strictly observe the following:

- 5 a) The showing of a film, at least of ten (10) minutes length and dubbed in the
6 local dialects of the points of origin and destination of the vessel, pertaining
7 to the ship's safety, health and sanitation in such places in the vessel, and in
8 such times that will ensure that most if not all passengers on board have
9 effectively seen and heard the same;
- 10 b) All watertight doors, portholes, ramps and manholes shall be securely
11 locked and checked prior to leaving port and must be regularly inspected
12 during the voyage;
- 13 c) During any emergency, the posting of crew members and other
14 personnel of the vessel on strategic areas or points in the vessel as
15 may be indicated in its general emergency plan for the purpose of
16 assisting the passengers to, or prioritizing and ensuring their safety;
- 17 d) The clearing, at all times, of all passageways of any obstruction. Safe and
18 convenient storage for passengers' hand carried luggages must be
19 provided; and
- 20 e) The wearing of the prescribed uniform and identification cards by the
21 ship's officers and crew, including security personnel, while they are on
22 duty.

23 **SEC. 5. *Provision of Standard Safety Equipment.*** – All vessels covered by the
24 provisions of this Act shall at all times be provided with:

- 25 a) Life vests or life jackets on board the vessel in the quantity of twenty (20)
26 units or pieces more than the passenger load capacity of such vessel as
27 determined and authorized by the MARINA imprinted with the vessel's name,
28 conspicuously stored in any locker and must be readily accessible for use in
29 any case of emergency;
- 30 b) Lifeboats or rubber boats on board the vessel in the quantity of two (2)
31 units more than what is sufficient to accommodate the passenger load
32 capacity of such vessel, including the crew members of the vessel,
33 imprinted with the vessel's name conspicuously located in strategic
34 points or areas of the vessel, and must be readily accessible for use in any
35 case of emergency;
- 36 c) At least two (2) accessible emergency exits or escape openings in all
37 general areas, and the location of such shall be indicated by luminous
38 signs visible in all passenger areas showing the proper direction thereto;
- 39 d) Independent red blinking lights as a part of, and indicating each
40 emergency exit or escape opening for the purpose of assisting the
41 passengers in identifying such exits in cases of emergency;
- 42 e) Emergency lights, in good working condition, in all passenger
43 accommodations, passageways and stairways that shall automatically
44 switch on in any case of power failure in the vessel; and

- 1 f) Sketches of the vessel indicating the locations of lifejackets and lifeboats,
2 firefighting equipment, emergency exits, and the major sections of the
3 vessel, passageways and stairways, including the vessel's general
4 emergency plan, must be conspicuously displayed in the passenger
5 lounges and inside cabins and suites.

6 **SEC. 6. Passenger Overloading.** – No vessel shall:

- 7 a) Leave a port unless its manifest or passenger list has been prepared and
8 made available by the concerned ship officer;
9 b) Leave the port carrying more than or in excess of its authorized passenger
10 load capacity;
11 c) Accept persons or passengers without a valid ticket issued by the ship owner
12 or its authorized agent;
13 d) Allow selling or issuance of tickets on board.

14 **SEC. 7. Delineation of Functions.** – Notwithstanding existing laws, rules and
15 memoranda and issuances the Maritime Industry Authority or MARINA shall promulgate
16 rules and regulations for the effective implementation of the provisions of this Act.

17 The Philippine Coast Guard (PCG) shall assist the MARINA in the enforcement of this
18 Act and its implementing rules and regulations. For this purpose, it shall be primarily
19 responsible for enforcing the provisions of this Act before any vessel leaves, or as it calls on,
20 any port, and whenever, allowed by law, or when necessary in the interest of the safety of
21 the passengers, while any such vessel is on its voyage at sea.

22 **SEC. 8. Penalties.** – Any violation of the provisions of this Act shall be punished
23 accordingly:

- 24 a) Any violation of the provisions of Section 4 of this Act shall be punished with
25 a fine not less than Fifty thousand pesos (P50, 000.00) but not more than One
26 hundred thousand pesos (P100, 000.00) to the ship owners or juridical entity
27 concerned. For the third violation of the same provisions, the ship owners
28 and other responsible officers, as the case may be, shall be punished by an
29 imprisonment of two (2) years and one (1) day;
30 b) Any violation of the provisions of Section 5 of this Act shall be punished
31 with a fine not less than One hundred thousand pesos (P100, 000.00)
32 but not more than Two hundred thousand pesos (P200, 000.00) to the
33 shipowners or juridical entity concerned. For the third violation of the
34 same provisions, the shipowners and other responsible officers, as the
35 case may be, shall be punished by an imprisonment of three (3) years and
36 one (1) day;
37 c) Any violation of the provisions of Section 6 of this Act shall be punished with
38 a fine not less than One hundred thousand pesos (P100, 000.00) but not
39 more than Two hundred thousand pesos (P200,000.00) to the ship owners or
40 juridical entity, or employee or agent concerned. For the third violation of the
41 same provisions, the ship owners and other responsible officer, or agent or
42 employee, as the case may be, shall be punished by an imprisonment of three
43 (3) years and one (1) day.

1 **SEC. 9. *When Injuries or Deaths Occur.*** - Whenever less grave or serious physical
2 injuries or death of any passenger occur as a direct and efficient cause of any violation of
3 Section 4, 5 and 6 of this Act as may be shown by evidence in a judicial proceeding, the
4 responsible persons of the entity shall be punished with imprisonment of not less than six
5 (6) years but not more than twelve (12) years, without prejudice to the penalties imposed
6 in the abovementioned sections.

7 **SEC. 10. *Jurisdiction of Courts.*** - The jurisdiction over a case arising from any
8 violations of this Act shall be in accordance with the pertinent provisions of Batas Pambansa
9 Bilang 129 as amended: *Provided*, That if the violation occurred at sea, the court whose seat
10 is the most proximate in distance to such location of the vessel at sea shall have jurisdiction.

11 **SEC. 11. *Implementing Rules and Regulations.*** – Within sixty (60) days from the
12 effectivity of this Act, the Department of Transportation and Communications (DOTC), in
13 coordination with its relevant attached agencies, MARINA, Coast Guard , and private sector
14 shipping practitioners, shall promulgate the necessary Implementing Rules and Regulations
15 for the effective implementation of this Act.

16 **SEC. 12. *Repealing Clause.*** – All laws, decrees, executive orders, rules and
17 regulations or other issuances, or parts thereof, inconsistent with this Act are hereby
18 repealed or modified accordingly.

19 **SEC. 13. *Separability Clause.*** – If any portion or provision of this Act is declared
20 unconstitutional, the remainder of this Act or any provisions not affected thereby shall
21 remain in force and effect.

22 **SEC. 14. *Effectivity.*** – This Act shall take effect fifteen (15) days after its publication
23 in the Official Gazette or two (2) newspapers of general circulation in the Philippines.

24 *Approved,*