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**SENATE**  
**P.S. Res. No. 704**

RECEIVED BY: 

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Introduced by Senator Grace Poe

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**RESOLUTION**

**DIRECTING THE APPROPRIATE SENATE COMMITTEE/S TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE CAPSIZING OF MB AYA EXPRESS RESULTING IN THE DEATH OF 27 INDIVIDUALS WITH THE END IN VIEW OF SEEKING ACCOUNTABILITY AND DETERMINING WHETHER MARITIME SAFETY REGULATIONS HAVE BEEN COMPLIED WITH PRIOR TO SAILING**

1           WHEREAS, last 27 July 2023, at around 1 p.m., motor banca MB Aya Express,  
2 known as Princess Aya, capsized ten minutes after it left Barangay Kalinawan en route  
3 to Barangay Gulod, Talim Island in Binangonan, Rizal. The boat sank approximately  
4 50 yards from Barangay Kalinawan, 45 minutes away from its destination;<sup>1</sup>

5           WHEREAS, according to the latest count of the Philippine Coast Guard (PCG),  
6 a total of 70 passengers and crew have been accounted for after the incident wherein  
7 27 individuals have died and around 43 were rescued;<sup>2</sup>

8           WHEREAS, initial findings point to overloading as the cause of the capsizing  
9 considering that the number of people accounted for is more than the allowed seating  
10 capacity of said motor banca which is only 42;<sup>3</sup>

11           WHEREAS, witness accounts say the passengers gathered on the left side of  
12 the boat after strong winds hitting the motor banca triggered panic among them. The

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<sup>1</sup> CNN. (27 July 2023). *Sunken boat in Binangonan leaves at least 26 dead.* <https://www.cnnphilippines.com/news/2023/7/27/dozens-feared-dead-from-drowning-binangonan.html>

<sup>2</sup> Manila Bulletin. (28 July 2023). *PCG: Capsized boat was overloaded; 27 confirmed dead.* <https://mb.com.ph/2023/7/28/pcg-capsized-boat-was-overloaded-27-confirmed-dead>

<sup>3</sup> *Ibid.*

1 overloading caused the boat to tilt and its outrigger to break resulting in the capsizing  
2 of the boat;<sup>4</sup>

3 WHEREAS, according to the boat captain, he was not aware that after the  
4 manifest has been accepted and signed by the PCG, his crew allowed more passengers  
5 to board the vessel. The manifest only indicated 22 names which already included the  
6 passengers and the crew;<sup>5</sup>

7 WHEREAS, the passengers who belatedly boarded the boat turned out to be  
8 passengers stranded in Binangonan for several days already due to the earlier sailing  
9 restrictions;<sup>6</sup>

10 WHEREAS, according to PCG Commandant Admiral Artemio Abu, the assigned  
11 PCG personnel no longer conducted a boat inspection because the actual capacity, as  
12 indicated in the manifest submitted, is way below the authorized carrying capacity.  
13 According to him, this is a normal routine. As such, the boat was allowed to sail;<sup>7</sup>

14 WHEREAS, the PCG said search and retrieval operations are still ongoing  
15 although it could not determine if there are still missing persons due to the discrepancy  
16 in the manifest;<sup>8</sup>

17 WHEREAS, the incident happened on the same day Typhoon Egay exited the  
18 Philippine Area of Responsibility and the PCG had already lifted the "no sail policy";<sup>9</sup>

19 WHEREAS, the Office of Civil Defense is likewise validating whether the incident  
20 is related to Typhoon Egay since no tropical cyclone signal was hoisted in the area  
21 when the incident occurred;<sup>10</sup>

22 WHEREAS, the PCG has initiated an investigation to determine whether the PCG  
23 personnel assigned at the Binangonan substation has committed lapses or was  
24 complacent in the fulfillment of their duties.<sup>11</sup> At present, the two personnel were

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<sup>4</sup> Sharma, S. (28 July 2023). *At least 26 people dead after overloaded ferry capsizes in Philippines amid strong winds*. <https://rb.gy/douof>

<sup>5</sup> Lopez, V. & Bordey, H. (28 July 2023). *Death toll from capsized boat in Binangonan at least 26 -officials*. <https://www.gmanetwork.com/news/topstories/nation/877189/pcg-confirms-26-dead-in-sunken-binangonan-boat/story/>

<sup>6</sup> Manila Bulletin. (28 July 2023). *PCG: Capsized boat was overloaded; 27 confirmed dead*. <https://mb.com.ph/2023/7/28/pcg-capsized-boat-was-overloaded-27-confirmed-dead>

<sup>7</sup> Cabalza, D. (29 July 2023). *Binangonan Mayor: PCG shares blame for Egay boat disaster*. <https://newsinfo.inquirer.net/1809005/mayor-pcg-shares-blame-for-egay-boat-disaster>

<sup>8</sup> Ibid.

<sup>9</sup> Manahan, J. & Manabat, J. (28 July 2023). *PCG relieves 2 personnel in Binangonan port after motorbanca tragedy, to launch probe*. <https://news.abs-cbn.com/news/07/28/23/pcg-relieves-2-personnel-in-binangonan-port-after-motorbanca-tragedy>

<sup>10</sup> Mendoza, J. (28 July 2023). *Senate probe into Laguna Lake tragedy sought*. <https://newsinfo.inquirer.net/1808884/pimentel-bats-for-senate-probe-in-laguna-lake-tragedy>

<sup>11</sup> Manila Bulletin. (28 July 2023). *PCG: Capsized boat was overloaded; 27 confirmed dead*. <https://mb.com.ph/2023/7/28/pcg-capsized-boat-was-overloaded-27-confirmed-dead>

1 relieved from their post so as not to interfere with the investigation.<sup>12</sup> The result of  
2 the investigation is expected to be released next week. PCG says the Philippine  
3 National Police has been included as part of the investigating panel;<sup>13</sup>

4 WHEREAS, PCG has since heightened inspections and protocol in the ports<sup>14</sup>.  
5 Additional PCG personnel were also deployed to Binangonan Port;<sup>15</sup>

6 WHEREAS, the Maritime Industry Authority (Marina) will likewise conduct a  
7 Marine Safety Investigation (MSI) of the vessel and check its compliance with safety  
8 regulations after the PCG wraps up its search and rescue operation.<sup>16</sup> The agency will  
9 also initiate administrative proceedings related to the vessel owner's Certificate of  
10 Public Convenience once all relevant data is gathered and the MSI is completed;<sup>17</sup>

11 WHEREAS, on 28 July 2023, in accordance with the provisions of Republic Act  
12 No. 9295 or the Domestic Shipping Development Act and its implementing Rules and  
13 Regulations, specifically the Ship Survey System outlined in Marina Memorandum  
14 Circular No. MS-2023-01, and Marina Administrative Order No. 11-19,<sup>18</sup> Marina has  
15 suspended the safety certificate of MB Aya Express as the incident raises concerns  
16 about the "integrity of the ship's hull, integral parts, and other affected  
17 machinery/appliances".<sup>19</sup> The suspension will be lifted after a thorough and  
18 comprehensive evaluation of the boat has been completed<sup>20</sup>;

19 WHEREAS, Marina has also issued a show cause order against the shipowner,  
20 identified as a certain Rufino Antonil, to commence with administrative proceedings;<sup>21</sup>

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<sup>12</sup> Manila Bulletin. (28 July 2023). *PCG: Capsized boat was overloaded; 27 confirmed dead*. <https://mb.com.ph/2023/7/28/pcg-capsized-boat-was-overloaded-27-confirmed-dead>

<sup>13</sup> Patinio, F. (29 July 2023). *Results of Binangonan maritime tragedy probe out next week*. <https://www.pna.gov.ph/articles/1206717>

<sup>14</sup> Domingo, K. (29 July 2023). *PH Coast Guard to heighten port inspections after Binangonan boat tragedy*. <https://news.abs-cbn.com/news/07/29/23/pcg-to-heighten-port-inspections-after-binangonan-boat-tragedy>

<sup>15</sup> Manahan, J. & Manabat, J. (28 July 2023). *PCG relieves 2 personnel in Binangonan port after motorbanca tragedy; to launch probe*. <https://news.abs-cbn.com/news/07/28/23/pcg-relieves-2-personnel-in-binangonan-port-after-motorbanca-tragedy>

<sup>16</sup> CNN. (28 July 2023). *MARINA suspends safety certificate of boat that sank and left 26 dead in Binangonan*. <https://www.cnnphilippines.com/news/2023/7/28/safety-certificate-sunken-motorbanca-binangonan.html>

<sup>17</sup> Cordero, T. (28 July 2023). *MARINA suspends safety certificate of capsized passenger boat in Binangonan*. <https://www.gmanetwork.com/news/topstories/nation/877198/marina-suspends-safety-certificate-of-capsized-passenger-boat-in-binangonan/story/>

<sup>18</sup> CNN. (28 July 2023). *MARINA suspends safety certificate of boat that sank and left 26 dead in Binangonan*. <https://www.cnnphilippines.com/news/2023/7/28/safety-certificate-sunken-motorbanca-binangonan.html>

<sup>19</sup> Chi, C. (28 July 2023). *Safety certificate of capsized boat off Binangonan suspended*. <https://www.philstar.com/headlines/2023/07/28/2284479/safety-certificate-capsized-boat-binangonan-suspended>

<sup>20</sup> Argosino, F. (28 July 2023). *Marina suspends safety certificate of capsized motorbanca in Binangonan*. <https://newsinfo.inquirer.net/1808795/marina-suspends-safety-certificate-of-capsized-motorbanca-in-binangonan#ixzz88rYFc6e>

<sup>21</sup> CNN. (28 July 2023). *MARINA suspends safety certificate of boat that sank and left 26 dead in Binangonan*. <https://www.cnnphilippines.com/news/2023/7/28/safety-certificate-sunken-motorbanca-binangonan.html>



1 WHEREAS, the operator, shipowner, and boat captain could be held liable for  
2 exceeding the seating capacity<sup>22</sup> and not providing life vests to the passengers;<sup>23</sup>

3 WHEREAS, PCG could also be held accountable for its failure to monitor the  
4 number of passengers boarding the boat, validate the truthfulness of the manifest,  
5 consider weather conditions despite the absence of a typhoon signal in the area, and  
6 scrutinize the lack of life vests;

7 WHEREAS, Marina could also be held liable under Section 9 of Republic Act No.  
8 9295 which states that: "All vessels operated by domestic ship operators shall at all  
9 times be in seaworthy condition properly equipped with adequate life-saving,  
10 communication, safety and other equipment operated and maintained in accordance  
11 with the standards set by Marina, and manned by duly licensed and competent vessel  
12 crew. The Marina shall have the power to inspect vessels and all equipment on board  
13 to ensure compliance with safety standards";<sup>24</sup>

14 WHEREAS, the Department of Social Welfare and Development will provide  
15 cash assistance worth P10,000 to each of the victims' families, while the Disaster  
16 Response and Management Division will provide psychological first aid to the  
17 survivors.<sup>25</sup> PCG has yet to confirm if the boat provided insurance to its passengers as  
18 required by law;<sup>26</sup>

19 WHEREAS, this is the second maritime disaster this year after 33 people died  
20 in an 8-hour ferry fire in Basilan last March 2023<sup>27</sup>;

21 WHEREAS, despite being an archipelago, the Philippines has a poor maritime  
22 safety record with people dying in sea mishaps yearly, usually on board aging, wooden  
23 motor boats used for fishing or to move people from one small island to another;

24 WHEREAS, this tragedy revealed serious maritime safety compliance lapses that  
25 need to be revisited to determine whether the regulations are insufficient to provide

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<sup>22</sup> Manahan, J. & Manabat, J. (28 July 2023). *PCG relieves 2 personnel in Binangonan port after motorbanca tragedy; to launch probe*. <https://news.abs-cbn.com/news/07/28/23/pcg-relieves-2-personnel-in-binangonan-port-after-motorbanca-tragedy>

<sup>23</sup> ABS-CBN News (28 July 2023). *Survivor sa lumubog na bangka sa Rizal: 'Hindi kami naka-life vest'*. <https://news.abs-cbn.com/news/07/28/23/survivor-sa-trahedya-sa-rizal-hindi-kami-naka-life-vest>

<sup>24</sup> Republic Act No. 9525. [https://lawphil.net/statutes/repacts/ra2004/ra\\_9295\\_2004.html](https://lawphil.net/statutes/repacts/ra2004/ra_9295_2004.html)

<sup>25</sup> Journal. (28 July 2023). *DSWD Calabarzon to assist survivors, families of victims of capsized boat in Binangonan*. <https://journal.com.ph/dswd-calabarzon-to-assist-survivors-families-of-victims-of-capsized-boat-in-binangonan/>

<sup>26</sup> Patinio, F. (29 July 2023). *Results of Binangonan maritime tragedy probe out next week*. <https://www.pna.gov.ph/articles/1206717>

<sup>27</sup> Sarao, Z. (13 April 2023). *PCG retrieves last body in Basilan ferry fire; deaths now at 33*. <https://newsinfo.inquirer.net/1755809/pcg-retrieves-last-body-in-basilan-ferry-fire-deaths-now-at-32>

1 and ensure safe voyage of individuals at sea or whether there is simply complacency  
2 in the implementation;

3 WHEREAS, those responsible for the death of the 27 individuals and the trauma  
4 of the 43 rescued victims shall be held accountable for this incident;

5 WHEREAS, this also strengthens the need for a National Transport Safety Board  
6 that shall independently investigate incidents such as this, determine probable causes,  
7 and issue safety recommendations and studies to prevent the recurrence of such;

8 NOW THEREFORE BE IT RESOLVED, as it is hereby resolved by the Senate of  
9 the Philippines, to direct the appropriate Senate Committee/s to conduct an inquiry,  
10 in aid of legislation on the capsizing of MB Aya Express resulting in the death of 27  
11 individuals with the end in view of seeking accountability and determining whether  
12 maritime safety regulations have been complied with prior to sailing.

*Adopted,*



GRACE POE