

CONGRESS OF THE PHILIPPINES
SIXTEENTH CONGRESS
First Regular Session



Senate
Office of the Secretary

'13 SEP 18 AM 29

SENATE

S. B. No. 1708

RECEIVED BY: *ji*

INTRODUCED BY SENATOR FRANKLIN M. DRILON

Filipino seafarer remittances have taken on a prominent role in our country's economic well-being in recent years. Remittances from sea-based workers keep our economy afloat by fueling domestic consumption, preventing foreign exchange instability, and serving as a buffer against drastic devaluations of the peso currency which could lead to inflation. For the first quarter of the current year alone, Filipino seafarers were able to send home approximately One Billion and Two Million Dollars (\$1.2 B).

At present, our seafarers face a new obstacle to their continued service aboard international vessels. The European Maritime Safety Agency (EMSA) recently threatened to impose an employment ban against Filipino seafarers, claiming that the Philippines has yet to fully comply with its obligations under the 2010 Manila Amendments to the 1978 International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW Convention). The STCW Convention sets the global standard on the education, training and competency certification of seafarers engaged in international shipping.

The bill seeks to avert the imposition of such ban by introducing major structural changes to our maritime regulatory system that will address the bureaucratic inefficiencies in the current scheme and will, thus, ensure our country's complete compliance with the Manila Amendments to the STCW Convention. Pursuant to this objective, the bill aims to designate the Maritime Industry Authority (MARINA) as the sole maritime administrative agency, empowered to enact uniform rules and regulations governing the global maritime professionals, and to regularly monitor our conformity with the STCW Convention and the amendments thereto.

Foregoing considered, the immediate passage of this bill is earnestly sought.


FRANKLIN M. DRILON

CONGRESS OF THE PHILIPPINES
SIXTEENTH CONGRESS
First Regular Session



Senate
Office of the Secretary

73 SEP 18 A8 29

SENATE

S. B. No. 1708

RECEIVED BY: *ji*

INTRODUCED BY SENATOR FRANKLIN M. DRILON

AN ACT ESTABLISHING THE MARITIME INDUSTRY AUTHORITY (MARINA) AS THE SINGLE MARITIME ADMINISTRATION RESPONSIBLE FOR THE ENFORCEMENT OF INTERNATIONAL AGREEMENTS/ COVENANTS GOVERNING MARITIME GLOBAL PROFESSIONALS, AND APPROPRIATING FUNDS THEREFOR.

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

1 **Section 1. Declaration of Policy.** Consistent with the Constitutional principle that the
2 Philippines adopts the generally accepted principle of international law as part of the
3 law of the land, it is hereby declared the policy of the State to comply with the 1978
4 International Convention on Standards of Training, Certification and Watchkeeping for
5 Seafarers (STCW Convention), as amended. Towards this end, the State shall create a
6 maritime administration that would provide an enabling environment, establish
7 appropriate institutional arrangements, and set up effective regulatory framework
8 conducive to efficiency, accountability, transparency and competitiveness consistent
9 with STCW Convention. Likewise, the State shall harmonize all legal and administrative
10 measures which are taken and provided by other government regulatory agencies and
11 ensure that these are appropriate and consistent with STCW Convention.

12 **Section 2. Definition of Terms.** Unless otherwise provided in this Act, the following terms
13 shall mean-

- 14 1. *Maritime global professionals* shall refer to the human complement in the seaborne
15 trade, specifically the seafarers both in domestic and international vessels.
- 16 2. *Certificate of Competency* shall refer to a certificate issued to masters, officers and
17 Global Maritime Distress and Safety System (GMDSS) Radio Operators in
18 accordance with the provisions of Chapters II, III, IV or VII of the Annex to the

- 1 STCW Convention, as amended, qualifying the lawful holder thereof to serve
2 and perform the functions involved at the level of responsibility specified therein;
- 3 3. *Certificate of Endorsement* shall refer to the attestation of the Maritime
4 Administration on the authenticity and validity of the certificates and shall be
5 incorporated in the format of the certificates issued to masters and officers,
6 stating that the issuance of the relevant certificate is in compliance with the
7 requirements of the STCW Convention;
- 8 4. *Certificate of Proficiency* shall refer to a certificate, other than a certificate of
9 competency, issued to a seafarer, stating that the relevant requirements of
10 training competencies or seagoing services in the STCW Convention have been
11 met;
- 12 5. *Certificate of Documentary Evidence* shall refer to the documentation, other than a
13 certificate of competence or certificate of proficiency, used to establish that the
14 relevant requirements of the STCW Convention have been met;
- 15 6. *Maritime Administration* shall refer to the Maritime Industry Authority as the
16 single government agency mandated to ensure the complete and effective
17 implementation of the STCW Convention.
- 18 7. *STCW Convention* shall refer to the 1978 International Convention on the
19 Standards of Training, Certification and Watchkeeping for Seafarers, and its
20 subsequent amendments.

21 **Section 3. Powers and Functions of the Maritime Industry Authority.** The Maritime Industry
22 Authority (MARINA) shall be the single and central maritime administration of the
23 government. For this purpose, it shall administer and ensure the effective
24 implementation of STCW Convention provisions governing the global maritime
25 professionals.

26 **Section 4. Transfer of Functions to the Maritime Industry Authority.** All powers and
27 functions of the Professional Regulation Commission (PRC), Commission on Higher
28 Education (CHED), Technical Education and Skills Development Authority (TESDA),
29 Department of Health (DOH) and National Telecommunications Commission (NTC),
30 pertaining to the issuance, validation, verification, correction, revocation, or cancellation
31 of Certificates of Competency, Endorsement, Proficiency and Documentary Evidence
32 required to be secured by the global maritime professionals under STCW Convention
33 shall be transferred to MARINA.

34 Any provision of law to the contrary notwithstanding, MARINA shall:

1 1. Ensure that the examination and certification system for marine deck and engine
2 officers are in accordance with the requirements prescribed under STCW
3 Convention.

4 For this purpose, Republic Act No. 8544 or the "Philippine Merchant Marine
5 Officers Act of 1998" is hereby amended to the effect that all the powers, duties
6 and functions of PRC vested therein shall be exercised by MARINA insofar as
7 they relate to marine deck and engine officers. The compensation and allowances
8 of the Board for Marine Deck Officers and Marine Engine Officers under Article
9 IV, Section 8 of RA 8544 shall, however, still be comparable to the compensation
10 and allowances being received by the Chairmen and members of other existing
11 regulatory boards under PRC, as provided in the General Appropriations Act.

12 2. Ensure that all maritime education, including the curricula, written and practical
13 training programs, methods and media of delivery, procedures, and course
14 materials, are structured and delivered in accordance with the international
15 standards prescribed under the STCW Convention. For this purpose, MARINA,
16 as head of the Technical Panel on Maritime Education of CHED, shall:

17 a. Review and approve maritime education programs and curricula;

18 b. Monitor and verify, in coordination with CHED, compliance with the
19 international standards for the conduct of maritime education and training
20 programs; and

21 c. Review and harmonize, in coordination with CHED and recognized
22 organizations, the procedures for periodic evaluation, assessment, and
23 monitoring of all maritime education and training institutions.

24 3. Adopt rules and regulations, in accordance with STCW Convention, governing
25 watchkeeping, able-bodied deck and engine Ratings. MARINA shall also:

26 a. Monitor and verify compliance with the standards for Ratings;

27 b. Harmonize the procedures on periodic evaluation, assessment and
28 monitoring activities undertaken by accredited institutions for Ratings; and

29 c. Issue Certificates of Proficiency to Ratings.

30 4. Coordinate with DOH in ensuring that the medical standards established to
31 ascertain the medical fitness of seafarers are in accordance with the international
32 conventions/treaties and existing applicable laws. For this purpose, MARINA
33 shall:

- 1 a. Ensure that all seafarers are medically fit to perform the duties that they will
2 be required to carry out at sea, in accordance with STCW Convention;
- 3 b. Ensure that medical examinations and issuance of medical certificates by
4 DOH accredited hospitals, medical clinics and laboratories, and medical
5 practitioners, are in accordance with the standards prescribed by STCW
6 Convention; and
- 7 c. Ensure that medical certificates are issued by a duly qualified medical
8 practitioner recognized and accredited by DOH and, for this purpose, a
9 register of recognized medical practitioners shall be maintained and made
10 available to seafarers, shipping companies and State parties to the STCW
11 Convention.
- 12 5. MARINA shall ensure that radio licenses are issued in accordance with STCW
13 Convention. For this purpose, MARINA shall assess, revalidate and issue
14 GMDSS radio operator's certificate under the STCW Convention.
- 15 **Section 5. Authority to charge fees.** MARINA, in the exercise of its regulatory powers
16 under this Act, is hereby authorized to charge reasonable fees.
- 17 **Section 6. Appropriations.** The amount of Ten Million Pesos (P10 Million) shall be
18 allocated to MARINA for the first year of implementation of this Act. Thereafter, such
19 sums as may be necessary to the continued implementation of this Act shall be included
20 in the General Appropriations Act.
- 21 **Section 7. Implementing Rules and Regulations.** MARINA shall issue the required
22 implementing rules and regulations (IRR), in accordance with the provisions of this Act,
23 within ninety (90) days from the effectivity hereof. A copy of the IRR shall be furnished
24 to Congress upon its promulgation.
- 25 **Section 8. Separability Clause.** If, for any reason, any section or provision of this Act is
26 declared unconstitutional or invalid by the Supreme Court, the other section, or
27 provisions hereof not affected by such declaration shall remain in force and in effect.
- 28 **Section 9. Repealing Clause.** All existing laws, orders, decrees, rules and regulations or
29 parts thereof inconsistent with the provisions of this Act are hereby repealed or
30 modified accordingly.
- 31 **Section 10. Effectivity.** This Act shall take effect fifteen (15) days from its publication in at
32 least two (2) national papers of general circulation.

Approved,