

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



Senate
Office of the Secretary

'18 FEB 21 P7:08

SENATE

RECEIVED BY: 

COMMITTEE REPORT NO. 248

Submitted by the Committee on Foreign Relations on FEB 21 2018

Re: P.S. Res. No. 652, prepared by the Committee

Recommending its approval without amendment.

Sponsor: Sen. Loren Legarda

MR. PRESIDENT:

The Committee on Foreign Relations, to which was referred the Protocol, entitled:

**“PROTOCOL OF 1988 RELATING TO THE INTERNATIONAL
CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1974”**

has considered the same and has the honor to report it back to the Senate with the recommendation that Proposed Senate Resolution No. 652, prepared by the Committee, entitled:

**RESOLUTION
CONCURRING IN THE ACCESSION TO THE PROTOCOL OF 1988
RELATING TO THE INTERNATIONAL CONVENTION FOR THE
SAFETY OF LIFE AT SEA, 1974**

be approved without amendment.

Respectfully submitted:

LOREN LEGARDA

Chair

Committee on Foreign Relations

Vice-Chairs:



EMMANUEL "MANNY" D. PACQUIAO

Joel Villanueva
JOEL VILLANUEVA

Cynthia A. Villar
CYNTHIA A. VILLAR

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Sonny Angara
SONNY ANGARA

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Juan Miguel F. Zubiri
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Maria Lourdes Nancy S. Binay
MARIA LOURDES NANCY S. BINAY

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Antonio "Sonny" F. Trillanes IV
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Ex-Officio Members:

Ralph G. Recto
RALPH G. RECTO

President Pro-Tempore

Vicente C. Sotto III
VICENTE C. SOTTO III

Majority Leader

Franklin M. Drilon
FRANKLIN M. DRILON

Minority Leader

AQUILINO "KOKO" PIMENTEL III

President

Senate of the Philippines

will interpellate
on 12/10/10


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



'18 FEB 21 P7:08

SENATE

P.S. RES. NO. 652

RECEIVED BY: 

Prepared by the Committee on Foreign Relations

RESOLUTION
CONCURRING IN THE ACCESSION TO THE PROTOCOL OF 1988
RELATING TO THE INTERNATIONAL CONVENTION FOR THE
SAFETY OF LIFE AT SEA, 1974

WHEREAS, the Constitution, Article 7, Section 21, states: "No treaty or international agreement shall be valid and effective unless concurred in by at least two-thirds of all the members of the Senate";

WHEREAS, the *Protocol of 1988 relating to the International Convention for the Safety of Life at Sea, 1974* (SOLAS PROTOCOL 88) was adopted on 17 February 1978;

WHEREAS, the SOLAS PROTOCOL 88 introduced a new Harmonized System of Survey and Certification (HSSC) to harmonize with two (2) other Conventions, namely: the International Convention on Load Lines; and the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973, to lessen the problems caused by the variations in the requirements under the said instruments for the survey and certification of ships, and to reduce costs for shipowners and administrations by enabling the required surveys to be carried out at the same time;

WHEREAS, the Protocol, once ratified by the Philippines, a single and uniform system of survey and certification to all types of domestic ships can be applied;

WHEREAS, the President of the Philippines ratified the Protocol on 17 July 2017 and submitted it to the Senate for concurrence, in accordance with the Constitution; and

WHEREAS, in the hearing conducted by the Senate Committee on Foreign Relations on 20 February 2018, the following government agencies endorsed the concurrence to the accession to the Protocol:

1. Department of Foreign Affairs
2. Department of Justice
3. Philippine Ports Authority
4. Maritime Industry Authority

5. Philippine Navy

WHEREFORE, BE IT HEREBY RESOLVED, that the Philippine Senate concur, as it hereby concurs, in the Philippine accession to the *Protocol of 1988 relating to the International Convention for the Safety of Life at Sea, 1974*.

Adopted,

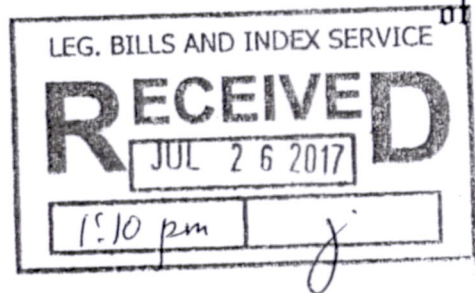


LOREN LEGARDA
Chair
Committee on Foreign Relations

OSAP-EP 110818 7/7

DTB# 36267 7/20

Office of the President
of the Philippines
Malacañang



OFFICE OF THE SENATE PRESIDENT
AQUILINO "KOKO" PIMENTEL III
TEL. NO: 5526601 loc. 5548 FAX: 5526813
Date: JUL 20 2017 Time: 2:23
Received by: Valerie

Legis
17 July 2017

Senator AQUILINO PIMENTEL III
Senate President
Senate of the Philippines
Pasay City

Sir:

May we respectfully transmit the attached letter to the Senate President and the Members of the Senate signed by President Rodrigo Roa Duterte, submitting the Instrument of Accession to the "Protocol of 1988 relating to the International Convention for the Safety of Life at Sea, 1974" for the Senate's consideration and concurrence.

For your information and appropriate action.

Very truly yours,


SALVADOR C. MEDIALDEA
Executive Secretary

Encl.: a/s

cc.: Sec. Alan Peter S. Cayetano
Department of Foreign Affairs
Pasay City

GGAO/RE1650396
MPO/LDM/AMG/jddt



MALACAÑAN PALACE
MANILA

17 July 2017

**The Honorable Senate President
and Members of the Senate**

Senate of the Philippines
Pasay City

Gentlemen and Ladies of the Senate:

I have the honor to submit, for the Senate's consideration and concurrence, the *Protocol of 1988 relating to the International Convention for the Safety of Life at Sea, 1974 (SOLAS Protocol 88)*, which was adopted on 11 November 1988 in London.

The SOLAS Protocol 88 introduced a new Harmonized System of Survey and Certification to harmonize with two (2) other Conventions namely, the International Convention on Load Lines and the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973, to lessen the problems caused by the variations in the requirements under the said instruments for the survey and certification of ships, and to reduce costs for shipowners and administrations by enabling the required surveys to be carried out at the same time.

I have read SOLAS Protocol 88 and each and every article and clause thereof, and have deemed it necessary to accede thereto.


RODRIGO ROA DUTERTE



REPUBLIC OF THE PHILIPPINES
PRRD 2016 - 002878

THE PRESIDENT OF THE PHILIPPINES

MALACAÑANG
MANILA

INSTRUMENT OF ACCESSION

TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

KNOW YE, that whereas, the *Protocol of 1988 Relating to the International Convention for the Safety of Life at Sea, 1974 (SOLAS Protocol 88)* was adopted on 11 November 1988 in London; and

WHEREAS, the SOLAS Protocol 88 introduced a new Harmonized System of Survey and Certification to harmonize with two (2) other Conventions namely, the International Convention on Load Lines and the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973, to lessen the problems caused by the variations in the requirements under the said instruments for the survey and certification of ships, and to reduce costs for shipowners and administrations by enabling the required surveys to be carried out at the same time;

NOW, THEREFORE, be it known that I, **RODRIGO ROA DUTERTE**, President of the Republic of the Philippines, after having seen and considered the *Protocol of 1988 relating to the International Convention for the Safety of Life at Sea, 1974*, do hereby accede and confirm the same and each and every article and clause thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the seal of the Republic of the Philippines to be affixed.

GIVEN under my hand at the City of Manila, this 17th day of July in the year of Our Lord Two Thousand and Seventeen.




By the President:


SALVADOR C. MEDIALDEA
Executive Secretary



REPUBLIC OF THE PHILIPPINES
PRRD 2016 - 002877



IV. PROTOCOL OF 1988 RELATING TO THE INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1974 (SOLAS PROTOCOL 88)

A. BACKGROUND

The SOLAS Convention in its successive forms is generally regarded as the most important of all international treaties concerning the safety of merchant ships. The first version was adopted in 1914, in response to the Titanic disaster, the second in 1929, the third in 1948, and the fourth in 1960.

The main objective of the SOLAS Convention is to specify the standards for the construction, equipment and operation of ships, compatible with their safety. Flag States are responsible for ensuring that ships under their flag comply with its requirements, and a number of certificates are prescribed in the Convention as proof that this has been done.

B. SUMMARY OF SOLAS PROTOCOL 88

In summary, the amendment of the 1988 SOLAS Protocol include amendments to reflect the changes to SOLAS Chapter V, such as the details of navigational systems and equipment referred to in the records of equipment attached to the certificates.

The Protocol introduced a new Harmonized System of Survey and Certification (HSSC) to harmonize with other two (2) Conventions, the Load Lines and MARPOL 73/78. The purpose of harmonizing these two Conventions is to alleviate the problems caused by the fact that as requirements in the three instruments vary, ships may be obliged to go into drydock for a survey required by one Convention shortly after being surveyed in connection with another. By enabling the required surveys to be carried out at the same time, the system is intended to reduce costs for shipowners and administrations.

In implementing the harmonized system of survey and certification, it should be applied to all types of ships and in respect to all relevant instruments.

DOTC
JSD-RECORDS SECTION
Page 9/BRIEFERS - Philippines
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JAN 18 2016

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REQUESTED BY _____
NOLAN B. SANTIAGO
RECORDS OFFICER

The global and uniform implementation of the HSSC and certification by all States could avoid possible problems or confusion by contributing to the determination of the duration and validity of the certificates issued.

C. PARTIES TO THE CONVENTION

There are 101 State Parties which are signatories to this Convention, representing of about 95.32% of the world merchant shipping tonnage.

D. BENEFITS TO BE DERIVED IN RATIFYING SOLAS PROTOCOL 88

1. The Philippines' ratification to SOLAS Protocol 88 will accord her the status of a responsible Flag State which adopts and implements the IMO instruments. The Philippines has not acceded to the Convention but the rules have been applied to Philippine-registered ships.
2. It shall strengthen the Philippines' performance as a Flag State.
3. Once the Philippines ratifies this Convention, we can apply a single and uniform system of survey and certification to all types of domestic ships.

E. RECOMMENDATION

The Philippines must ratify the Protocol of 1988 relating to the International Convention for the Safety of Life at Sea, 1974 (SOLAS Protocol 88)

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NOLAN C. SANTIAGO
RECORDS OFFICER

CERTIFICATION

I **HEREBY CERTIFY** that the attached documents are true and correct copies of the official text of *Protocol of 1988 relating to the International Convention for the Safety of Life at Sea, 1974 (SOLAS Protocol 88)*.

IN WITNESS WHEREOF, I, PERFECTO R. YASAY, JR., Secretary of Foreign Affairs, have caused the seal of the Department of Foreign Affairs to be affixed and my name subscribed to before the Acting Assistant Secretary for Legal Affairs of the Department, in Pasay City this ___ day of _____ 2016.



PERFECTO R. YASAY, JR.
Secretary of Foreign Affairs

SUBSCRIBED AND SWORN to before me this ___ day of _____ 2016 by the Honorable PERFECTO R. YASAY, JR., Secretary of Foreign Affairs.



LEO TITO L. AUSAN, JR.
Acting Assistant Secretary

PROTOCOL OF 1988 RELATING TO THE
INTERNATIONAL CONVENTION FOR THE
SAFETY OF LIFE AT SEA, 1974

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DEPARTMENT OF FOREIGN AFFAIRS
Information Technology, Communications
and Records Division

14 DEC 2016

FOR THE DIRECTOR OF TCRD:

ARTEMIO C. DEDIL

PROTOCOL OF 1988 RELATING TO THE INTERNATIONAL
CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1974

THE PARTIES TO THE PRESENT PROTOCOL,

BEING PARTIES to the International Convention for the Safety of Life at
Sea, done at London on 1 November 1974,

RECOGNIZING the need for the introduction into the above-mentioned
Convention of provisions for survey and certification harmonized with
corresponding provisions in other international instruments,

CONSIDERING that this need may best be met by the conclusion of a
Protocol relating to the International Convention for the Safety of Life at
Sea, 1974,

HAVE AGREED as follows:

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DEPARTMENT OF FOREIGN AFFAIRS
Information Technology, Communications
and Records Division
14 DEC 2016
FOR THE DIRECTOR OF TCRD:
ARTEMIO C. DEDIL

ARTICLE I

General obligations

1 The Parties to the present Protocol undertake to give effect to the provisions of the present Protocol and the Annex hereto, which shall constitute an integral part of the present Protocol. Every reference to the present Protocol constitutes at the same time a reference to the Annex hereto.

2 As between the Parties to the present Protocol, the provisions of the International Convention for the Safety of Life at Sea, 1974, as amended, (hereinafter referred to as "the Convention") shall apply subject to the modifications and additions set out in the present Protocol.

3 With respect to ships entitled to fly the flag of a State which is not a Party to the Convention and the present Protocol, the Parties to the present Protocol shall apply the requirements of the Convention and the present Protocol as may be necessary to ensure that no more favourable treatment is given to such ships.

ARTICLE II

Prior treaties

1 As between the Parties to the present Protocol, the present Protocol replaces and abrogates the Protocol of 1978 relating to the Convention.

2 Notwithstanding any other provisions of the present Protocol, any certificate issued under, and in accordance with, the provisions of the Convention and any supplement to such certificate issued under, and in accordance with, the provisions of the Protocol of 1978 relating to the Convention which is current when the present Protocol enters into force in respect of the Party by which the certificate or supplement was issued, shall remain valid until it expires under the terms of the Convention or the Protocol of 1978 relating to the Convention, as the case may be.

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ARTEMIO C. DEDIL

3 A Party to the present Protocol shall not issue certificates under, and in accordance with, the provisions of the International Convention for the Safety of Life at Sea, 1974, as adopted on 1 November 1974.

ARTICLE III

Communication of information

The Parties to the present Protocol undertake to communicate to, and deposit with, the Secretary-General of the International Maritime Organization (hereinafter referred to as "the Organization"):

- (a) the text of laws, decrees, orders and regulations and other instruments which have been promulgated on the various matters within the scope of the present Protocol;
- (b) a list of nominated surveyors or recognized organizations which are authorized to act on their behalf in the administration of measures for safety of life at sea for circulation to the Parties for information of their officers, and a notification of the specific responsibilities and conditions of the authority delegated to those nominated surveyors or recognized organizations; and
- (c) a sufficient number of specimens of their certificates issued under the provision of the present Protocol.

ARTICLE IV

Signature, ratification, acceptance, approval and accession

1 The present Protocol shall be open for signature at the Headquarters of the Organization from 1 March 1989 to 28 February 1990 and shall thereafter remain open for accession. Subject to the provisions of paragraph 3, States may express their consent to be bound by the present Protocol by:

- (a) signature without reservation as to ratification, acceptance or approval; or

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- (b) signature subject to ratification, acceptance or approval, followed by ratification, acceptance or approval; or
- (c) accession.

2 Ratification, acceptance, approval or accession shall be effected by the deposit of an instrument to that effect with the Secretary-General of the Organization.

3 The present Protocol may be signed without reservation, ratified, accepted, approved or acceded to only by States which have signed without reservation, ratified, accepted, approved or acceded to the Convention.

ARTICLE V

Entry into force

1 The present Protocol shall enter into force twelve months after the date on which both the following conditions have been met:

- (a) not less than fifteen States, the combined merchant fleets of which constitute not less than fifty per cent of the gross tonnage of the world's merchant shipping, have expressed their consent to be bound by it in accordance with article IV, and
- (b) the conditions for the entry into force of the Protocol of 1988 relating to the International Convention on Load Lines, 1966, have been met,

provided that the present Protocol shall not enter into force before 1 February 1992.

2 For States which have deposited an instrument of ratification, acceptance, approval or accession in respect of the present Protocol after the conditions for entry into force thereof have been met but prior to the date of entry into force, the ratification, acceptance, approval or accession shall take effect on the date of entry into force of the present Protocol or three months after the date of deposit of the instrument, whichever is the later date.

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3 Any instrument of ratification, acceptance, approval or accession deposited after the date on which the present Protocol enters into force shall take effect three months after the date of deposit.

4 After the date on which an amendment to the present Protocol is deemed to have been accepted under article VI, any instrument of ratification, acceptance, approval or accession deposited shall apply to the present Protocol as amended.

ARTICLE VI

Amendments

The procedures set out in article VIII of the Convention shall apply to amendments to the present Protocol, provided that:

- (a) references in that article to the Convention and to Contracting Governments shall be taken to mean references to the present Protocol and to the Parties to the present Protocol respectively;
- (b) amendments to the articles of the present Protocol and to the Annex thereto shall be adopted and brought into force in accordance with the procedure applicable to amendments to the articles of the Convention or to chapter I of the Annex thereto; and
- (c) amendments to the appendix to the Annex to the present Protocol may be adopted and brought into force in accordance with the procedure applicable to amendments to the Annex to the Convention other than chapter I.

ARTICLE VII

Denunciation

1 The present Protocol may be denounced by any Party at any time after the expiry of five years from the date on which the present Protocol enters into force for that Party.

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2 Denunciation shall be effected by the deposit of an instrument of denunciation with the Secretary-General of the Organization.

3 A denunciation shall take effect one year, or such longer period as may be specified in the instrument of denunciation, after its receipt by the Secretary-General of the Organization.

4 A denunciation of the Convention by a Party shall be deemed to be a denunciation of the present Protocol by that Party. Such denunciation shall take effect on the same date as denunciation of the Convention takes effect according to paragraph (c) of article XI of the Convention.

ARTICLE VIII

Depositary

1 The present Protocol shall be deposited with the Secretary-General of the Organization (hereinafter referred to as "the depositary").

2 The depositary shall:

(a) inform the Governments of all States which have signed the present Protocol or acceded thereto of:

(i) each new signature or deposit of an instrument of ratification, acceptance, approval or accession, together with the date thereof;

(ii) the date of entry into force of the present Protocol;

(iii) the deposit of any instrument of denunciation of the present Protocol together with the date on which it was received and the date on which the denunciation takes effect;

(b) transmit certified true copies of the present Protocol to the Governments of all States which have signed the present Protocol or acceded thereto.

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FOR THE DIRECTOR OF ITCRD:

ARTEMIO C. DEDIL

3 As soon as the present Protocol enters into force, a certified true copy thereof shall be transmitted by the depositary to the Secretariat of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

ARTICLE IX

Languages

The present Protocol is established in a single original in the Arabic, Chinese, English, French, Russian and Spanish languages, each text being equally authentic. An official translation into the Italian language shall be prepared and deposited with the signed original.

DONE AT LONDON this eleventh day of November one thousand nine hundred and eighty-eight.

IN WITNESS WHEREOF the undersigned, being duly authorized by their respective Governments for that purpose, have signed the present Protocol.

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ARTEMIO C. DEDIL

ANNEX

MODIFICATIONS AND ADDITIONS TO THE ANNEX TO THE
INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1974

CHAPTER I
GENERAL PROVISIONS

PART A - APPLICATION, DEFINITIONS, ETC.

Regulation 2
Definitions

The existing text of paragraph (k) is replaced by the following:

"(k) "New ship" means a ship the keel of which is laid or which is at a similar stage of construction on or after 25 May 1980."

The following paragraph is added to the existing text:

"(n) "Anniversary date" means the day and the month of each year which will correspond to the date of expiry of the relevant certificate."

PART B - SURVEYS AND CERTIFICATES

Regulation 6
Inspection and survey

The existing text is replaced by the following:

"(a) The inspection and survey of ships, so far as regards the enforcement of the provisions of the present regulations and the granting of exemptions therefrom, shall be carried out by officers of the Administration. The Administration may, however, entrust the inspections and surveys either to surveyors nominated for the purpose or to organizations recognized by it.

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(b) An Administration nominating surveyors or recognizing organizations to conduct inspections and surveys as set forth in paragraph (a) shall as a minimum empower any nominated surveyor or recognized organization to:

(i) require repairs to a ship;

(ii) carry out inspections and surveys if requested by the appropriate authorities of a port State.

The Administration shall notify the Organization of the specific responsibilities and conditions of the authority delegated to nominated surveyors or recognized organizations.

- (c) When a nominated surveyor or recognized organization determines that the condition of the ship or its equipment does not correspond substantially with the particulars of the certificate or is such that the ship is not fit to proceed to sea without danger to the ship, or persons on board, such surveyor or organization shall immediately ensure that corrective action is taken and shall in due course notify the Administration. If such corrective action is not taken the relevant certificate should be withdrawn and the Administration shall be notified immediately; and, if the ship is in the port of another Party, the appropriate authorities of the port State shall also be notified immediately. When an officer of the Administration, a nominated surveyor or a recognized organization has notified the appropriate authorities of the port State, the Government of the port State concerned shall give such officer, surveyor or organization any necessary assistance to carry out their obligations under this regulation. When applicable, the Government of the port State concerned shall ensure that the ship shall not sail until it can proceed to sea, or leave port for the purpose of proceeding to the appropriate repair yard, without danger to the ship or persons on board.
- (d) In every case, the Administration shall fully guarantee the completeness and efficiency of the inspection and survey, and shall undertake to ensure the necessary arrangements to satisfy this obligation."

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Regulation 7
Surveys of passenger ships

The existing text is replaced by the following:

- "(a) A passenger ship shall be subject to the surveys specified below:
- (i) an initial survey before the ship is put in service;
 - (ii) a renewal survey once every 12 months, except where regulation 14(b), (e), (f) and (g) is applicable;
 - (iii) additional surveys, as occasion arises.
- (b) The surveys referred to above shall be carried out as follows:
- (i) the initial survey shall include a complete inspection of the ship's structure, machinery and equipment, including the outside of the ship's bottom and the inside and outside of the boilers. This survey shall be such as to ensure that the arrangements, materials and scantlings of the structure, boilers and other pressure vessels and their appurtenances, main and auxiliary machinery, electrical installation, radio installations including those used in life-saving appliances, fire protection, fire safety systems and appliances, life-saving appliances and arrangements, shipborne navigational equipment, nautical publications, means of embarkation for pilots and other equipment fully comply with the requirements of the present regulations, and of the laws, decrees, orders and regulations promulgated as a result thereof by the Administration for ships of the service for which it is intended. The survey shall also be such as to ensure that the workmanship of all parts of the ship and its equipment is in all respects satisfactory, and that the ship is provided with the lights, shapes, means of making sound signals and distress signals as required by the provisions of the present regulations and the International Regulations for Preventing Collisions at Sea in force;

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FOR THE DIRECTOR, ITCRD:

ARTEMIO C. DEDIL

- (ii) the renewal survey shall include an inspection of the structure, boilers and other pressure vessels, machinery and equipment, including the outside of the ship's bottom. The survey shall be such as to ensure that the ship, as regards the structure, boilers and other pressure vessels and their appurtenances, main and auxiliary machinery, electrical installation, radio installations including those used in life-saving appliances, fire protection, fire safety systems and appliances, life-saving appliances and arrangements, shipborne navigational equipment, nautical publications, means of embarkation for pilots and other equipment is in satisfactory condition and is fit for the service for which it is intended, and that it complies with the requirements of the present regulations and of the laws, decrees, orders and regulations promulgated as a result thereof by the Administration. The lights, shapes, means of making sound signals and distress signals carried by the ship shall also be subject to the above-mentioned survey for the purpose of ensuring that they comply with the requirements of the present regulations and of the International Regulations for Preventing Collisions at Sea in force;

- (iii) an additional survey either general or partial, according to the circumstances, shall be made after a repair resulting from investigations prescribed in regulation 11, or whenever any important repairs or renewals are made. The survey shall be such as to ensure that the necessary repairs or renewals have been effectively made, that the material and workmanship of such repairs or renewals are in all respects satisfactory, and that the ship complies in all respects with the provisions of the present regulations and of the International Regulations for Preventing Collisions at Sea in force, and of the laws, decrees, orders and regulations promulgated as a result thereof by the Administration.

- (c) (i) the laws, decrees, orders and regulations referred to in paragraph (b) of this regulation shall be in all respects such as to ensure that, from the point of view of safety of life, the ship is fit for the service for which it is intended.

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FOR THE DIRECTOR OF ITCRD:

ARTEMIO C. DEDIL