

14th Congress of the Republic)
of the Philippines)
1st Regular Session)

7 JUL -4 P4:55

SENATE

RECEIVED BY: 

S. No. 1142

Introduced by Senator Aquilino Q. Pimentel, Jr.

EXPLANATORY NOTE

This bill seeks to confer upon the Philippine Coast Guard the primary responsibility of overseeing the safety of life and property at sea of all seafarers. It intends to resolve the confusion that arises in the aftermath of sea disasters where government agencies usually point at each other as being negligent or responsible for the sea mishaps. It does so by delineating the functions of the government agencies involved in the protection of seafarers, sea cargo, and vessels. It tasks the Maritime Industry Authority (MARINA) with the duty of issuing rules, regulations and standards pertaining to the maritime industry, safety and other related matters while the Philippine Coast Guard is tasked with the duty of enforcing and implementing such rules, regulations and standards promulgated by the MARINA.

This bill clearly holds the Philippine Coast Guard responsible in ensuring the safety of all lives and properties at sea. It specifically enumerates the functions of the Philippine Coast Guard in attaining this end.

The early passage of this bill is sought.


AQUILINO Q. PIMENTEL, 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. The roles of these two (2) agencies are hereby defined, namely: Maritime Industry Authority (MARINA) shall be the maritime administrator tasked with the duty of issuing rules, regulations and standards pertaining to the maritime industry, safety and related matters; while the Philippine Coast Guard shall be tasked with the duty of enforcing and implementing the same as promulgated by the MARINA.

SECTION 2. To this end, the Philippine Coast Guard shall have the following functions in addition to those already granted by existing laws and not inconsistent with this Act:

- a) To ensure at all times the seaworthiness of all vessels plying Philippine waters;
- b) To ensure that only competent, properly trained and duly licensed masters, pilots and seafarers are allowed to board and man ships;
- c) To enforce minimum manning level requirements of seafarers;
- d) To prevent the overloading of vessels by ensuring that the ship is only carrying passengers and/or cargoes in accordance with the duly authorized passenger and/or cargo capacity through head counting and compliance with load line limitations as indicated in billboards strategically placed on board the vessels;
- e) 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;
- f) To engage in search and rescue operations and call on other government/nongovernment units in rendering assistance to distressed persons or vessels either on the high seas or on Philippine waters'
- g) To organize, train and supervise the Philippine Coast Guard Auxiliary Group for the purpose of assisting the Philippine Coast Guard in carrying out its mandated functions;
- h) To verify compliance with the following ship and crew documentation:
 - 1) Certificate of Ship Registry;
 - 2) Pleasure Yacht Registration;
 - 3) Certificate of Number;
 - 4) Certificate of Ownership;

- 5) Coastwise License;
 - 6) Bay and River License;
 - 7) Certificate of Inspection;
 - 8) Special Certificate of Inspection;
 - 9) Permit to Operate Fishing Vessels;
 - 10) Special Permit to Navigate;
 - 11) Special Permit to Carry/Load Flammable/Dangerous/Hazardous Cargoes;
 - 12) Seafarer's Identification and Record Book (SIRB);
 - 13) Standards of Training, Certification and Watchkeeping (STCW) Endorsement Certificate;
 - 14) Other seafarer-related documents (e.g. licenses, training certificates, dispensation permit/s);
 - 15) Motorboat Operator's License (MBOL); and
 - 16) Special Permit for Small Boat Captains and Marine Diesel Engine Mechanics License.
- i) To verify compliance with the terms and conditions specified in the Certificate of Public Convenience (CPC), Provisional Authority (PA), Special Permit (SP) or CPC exemption, particularly:
- 1) Route/s and schedule of trips prescribed by the Maritime Industry Authority (MARINA);
 - 2) Validity of passenger insurance policy for passenger-carrying vessels;
 - 3) Maximum authorized passenger and cargo capacity through head counting in case there is clear indication of overloading; and

- 4) Requirement of officers and crew to wear the proper uniform while on duty.
- j) To serve and enforce the cease and desist orders issued by the MARINA and other concerned government agencies on the master, owner or his agents of the ship;
- k) To undertake the issuance of the following in accordance with the rules and regulations that the MARINA may promulgate:
 - 1) Motorboat Operator's License (MBOL);
 - 2) Certificate of Inspection;
 - 3) Special Certificate of Inspection;
 - 4) Special Permit to Navigate/Towing Permit;
 - 5) Special Permit to Carry/Load Flammable/Dangerous/Hazardous Cargoes; and
 - 6) Special Permit for Small Board Captains and Marine Diesel Engine Mechanics License.

In all of the above cases, the MARINA shall be furnished with a list of such issuances on a quarterly basis.

- l) To issue and serve Inspection Apprehension Report (IAR) to the master, owner or his agent of the ship who fails to comply with the MARINA and other concerned government agencies' policies, rules and regulations in cases where it is deputized by such agencies;
- m) To clear ships for departure where there is compliance with all maritime safety-related rules and regulations and after payment of the necessary port dues and charges;
- n) To provide the MARINA a list of inspectors and issuing offices, by area of assignment, with their corresponding qualifications

including their specimen signatures as well as copies of all issuances pursuant to Section 2 (k);

- o) To conduct the Emergency Readiness Evaluation (ERE)/Material Readiness Evaluation (MARE);
- p) To undertake the control of movement of vessels/watercrafts during typhoons and adverse weather conditions;
- q) To inform the concerned MARINA regional director and his central office action officer and other concerned government agencies of any control undertaken on the movement of vessels/watercrafts during typhoons and adverse weather conditions;
- r) To submit a monthly report to the Secretary of the Department of Transportation and Communications (DOTC), copy furnished the MARINA administrator, on the conduct of the functions under this Act, including the submission of updated reports on maritime casualties; and
- s) To designate vessels traffic separation scheme and/or system where appropriate.
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SECTION 3. Results and findings of all inspections conducted pursuant to Sections 2(h) and 2(i) shall be reflected in appropriate forms drawn for the purpose.

SECTION 4. Revenue 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.

SECTION 5. The Philippine Coast Guard shall promulgate the necessary rules and regulations to implement its mandate under this Act with the prior concurrence of the MARINA.

SECTION 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.

SECTION 7. Any person or the principal officers and directors of corporations, partnerships or other judicial entities, who shall violate any provision of this Act or who shall fail to comply with any of the requirements mentioned in Section 2(h), 2(i) and 2(k) thereto shall, upon conviction, be liable to pay a fine of not less than Two Hundred Fifty thousand pesos (₱250,000) nor more than Five Hundred Thousand Pesos (₱500,000) or imprisonment of not more than six (6) years or suspension for four (4) years from the practice of the maritime profession or both, upon the discretion of the court: *Provided,* That if death to any passenger shall have occurred as a result of such violation, the penalty shall be a fine of not less than Three million pesos (₱3,000,000) nor more than Five million pesos (₱5,000,000) or imprisonment of not more than twelve (12) years or both, upon the discretion of the court; and that in the case of motorized bancas and similar motorized watercrafts, violation hereof shall be subject to imprisonment of not less than six (6) months nor more than one (1) year or a fine of not less than Ten thousand pesos (₱10,000) nor more than Twenty thousand pesos (₱20,000) or both, upon the discretion of the court: *Provided, further,* That if death occurred on board a motorized banca or any similar motorized watercraft, the penalty shall be a fine of not less than One

hundred thousand pesos (₱100,000) nor more than Three hundred thousand pesos (₱300,000) or imprisonment of not more than six (6) years or both, upon the discretion of the court: *Provided, furthermore,* That in all cases, the penalty hereof 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 watercraft, he shall further be disqualified perpetually from acting as an officer of such vessel, motorized banca or other similar motorized watercraft: *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.

SECTION 8. If any provision of this Act is declared invalid, the provisions thereof not affected by such declaration shall remain in force and effect.

SECTION 9. Any provision of law, decree, executive order, rules or regulations, or any part thereof, in conflict with, or contract to this Act, is hereby repealed or modified accordingly.

SECTION 10. This Act shall take effect after fifteen (15) days following its publication in the *Official Gazette* or a newspaper of general circulation, whichever comes first.

Approved,