

} OFFICE OF THE CLERK
SENATE
}
} 11-14-15

SENATE
S. No. 125

Introduced by Senator S. R. Osmeña III

EXPLANATORY NOTE

The archipelagic nature of the Philippines makes sea travel a major facet of domestic trade and commerce, and travel. The Philippine record of domestic maritime services has recently been marred by mishaps and sea tragedies that took a heavy toll of both life, limb and property. On hindsight, these tragedies could have been avoided by appropriate safeguards that should have been institutionalized by the appropriate laws.

Among the most obvious causes of the more recent tragic incidents overloading and overcrowding of ships beyond their authorized load capacities; the sea unworthiness of vessels plying the domestic inter-island routes; and the incompetence and dereliction among crew members.

This bill seeks to strengthen the existing provisions of law in order to prevent recurrences of these sea tragedies. Most of the existing regulations on maritime safety are in the form of Memoranda issued by the Maritime Industry Authority (MARINA) which lack the necessary deterrents against violations of the regulations. This bill specifies safety measures that should be observed, and safety equipment that must be required of every vessel, and provides for the adequate penalties to strengthen the enforcement of the law.

This bill also seeks to improve the coordination between the MARINA and the Coast Guard, by delineating their respective responsibilities in the enforcement of the law.

To date, no shipowner, officer or government personnel has been actually taken to account for the recent tragedies that claimed numerous lives, and inflicted countless injuries. The poor and underprivileged who can afford only the services and facilities available from the local maritime fleet have a right to better safeguards, better laws and regulations that will ensure their safety.

In view of the foregoing, the immediate approval of this bill is earnestly requested

SERGIO OSMEÑA III
Senator

SENATE

S. No. 125

Introduced by Senator S. R. Osmeña III

AN ACT
MANDATING SHIPOWNERS, 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

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

1 SECTION 1. *Title.* – This Act shall be known as the “**Maritime Safety**
2 **Act**”.

3 SEC. 2. *Declaration of Policies.* – It is hereby declared the policy of the
4 State to:

5 a) Enhance and ensure the safety and quality of passenger-transport
6 services in the country through the provision on board the ship of adequate
7 safety equipment, strict observance by shipowners, ship crew, and passengers of
8 minimum safety measures and standards, and the provision of qualified and
9 competent crew personnel to man and operate the vessels;

10 b) Provide for the effective supervision and regulation of operations of all
11 water transport utilities in the country, particularly those engaged in the
12 commercial carriage of passengers by sea, through the rationalization of
13 functions and responsibilities of various government agencies involved in the
14 enforcement of maritime safety laws; and

1 c) Provide the basis for the criminal liability of shipowners and crew
2 members of ships for any injuries suffered by, or loss of lives of their passengers
3 resulting from their malicious or culpable negligence in the course of
4 performance of their contracts of carriage with such passengers.

5 SEC. 3. *Coverage.* – The provisions of this Act shall apply to:

6 a) All vessels engaged in the carriage of passengers and goods for hire
7 regardless of tonnage, including such vessels of foreign registry temporarily used
8 in Philippine waters; and

9 b) All types of vessels required to be registered in the Philippines under
10 existing laws.

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

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

16 a) The showing of a film, at least of ten (10) minutes length and dubbed in
17 the local dialects of the points of origin and destination of the vessel, pertaining to
18 the ship's safety, health and sanitation in such places in the vessel, and in such
19 times that will ensure that most if not all passengers on board have effectively
20 seen and heard the same.

21 b) All watertight doors, portholes, ramps and manholes shall be securely
22 locked and checked prior to leaving port and must be regularly inspected during
23 the voyage.

24 c) During any emergency, the posting of crew members and other
25 personnel of the vessel on strategic areas or points in the vessel as may be
26 indicated in its general emergency plan for the purpose of assisting the
27 passengers to, or prioritizing and ensuring their safety;

28 d) The clearing, at all times, of all passageways of any obstruction. Safe
29 and convenient storage for passengers' hand carried luggages must be provided.

1 e) The wearing of the prescribed uniform and identification cards by the
2 ship's officers and crew, including security personnel, while they are on duty.

3 SEC. 5. *Provision of Standard Safety Equipment.* – All vessel covered
4 by the provisions of this Act, shall at all times be provided with:

5 a) Lifevests or lifejackets on board the vessel in the quantity of twenty
6 (20) units or pieces more than the passenger load capacity of such vessel as
7 determined and authorized by the Maritime Industry Authority (MARINA),
8 imprinted with the vessel's name, conspicuously stored in any locker, and must
9 be readily accessible for use in any case of emergency.

10 b) Lifeboats or rubber boats on board the vessel in the quantity of two (2)
11 units more than what is sufficient to accommodate the passenger load capacity
12 of such vessel, including the crew members of the vessel, imprinted with the
13 vessel's name conspicuously located in strategic points or areas of the vessel,
14 and must be readily accessible for use in any case of emergency.

15 c) At least two (2) accessible emergency exits or escape openings in all
16 general areas, and the location of such shall be indicated by luminous signs
17 visible in all passenger areas showing the proper direction thereto.

18 d) Independent red blinking lights as a part of, and indicating each
19 emergency exit or escape opening for the purpose of assisting the passengers in
20 identifying such exits in cases of emergency.

21 e) Emergency lights, in good working condition, in all passenger
22 accommodations, passageways and stairways, that shall automatically switch on
23 in any case of power failure in the vessel.

24 f) Sketches of the vessel indicating the locations of lifejackets and
25 lifeboats, firefighting equipment, emergency exits, and the major sections of the
26 vessel, passageways and stairways, including the vessel's general emergency
27 plan, must be conspicuously displayed in the passenger lounges and inside
28 cabins and suites.

1 SEC. 6. *Passenger Overloading.* – The following measures shall also be
2 strictly complied with:

3 a) No vessel shall leave port unless its manifest or passenger list shall
4 have been prepared and made available by the concerned ship officer.

5 b) No vessel, under any circumstance, carrying more than or in excess of
6 its authorized passenger load capacity shall be allowed to leave port.

7 c) No person or passenger without a valid ticket issued by the shipowner
8 or its authorized agents shall be allowed to board the vessel.

9 d) No shipowner, or its agent, or any of its authorized employee shall
10 issue tickets on board.

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

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

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

23 a) Any violation of the provisions of Section 4 of this Act, except
24 paragraphs (d) and (e), shall be punished with a fine not less than Fifty thousand
25 pesos (P50,000.00) but not more than One hundred thousand pesos
26 (P100,000.00) imposable on the shipowners or juridical entity concerned. For
27 the third violation of the same provisions, the shipowners and other responsible
28 officers, as the case may be, shall be punished by an imprisonment of two (2)
29 years and one (1) day.

1 b) Any violation of the provisions of Section 5 of this Act shall be
2 punished with a fine not less than One hundred thousand pesos (P100,000.00)
3 but not more than Two hundred thousand pesos (P200,000.00) imposable on
4 the shipowners or juridical entity concerned. For the third violation of the same
5 provisions, the shipowners and other responsible officers, as the case may be,
6 shall be punished by an imprisonment of three (3) years and one (1) day.

7 c) Any violation of paragraph (d) of Section 4 of this Act shall be punished
8 with a fine not less than Ten thousand pesos (P10,000.00) but not more than
9 Twenty thousand pesos (P20,000.00).

10 d) Any violation of paragraph (e) of Section 4 of this Act by any person
11 enumerated therein shall be punished with automatic suspension for the first two
12 infractions, and with summary dismissal from the service upon the third
13 infraction: *Provided, That, due process has been sufficiently complied with.*

14 e) Any violation of the provisions of Section 6 of this Act shall be
15 punished with a fine not less than One hundred thousand pesos (P100,000.00)
16 but not more than Two hundred thousand pesos (P200,000.00) impossible on the
17 shipowners or juridical entity, or employee or agent concerned. For the third
18 violation of the same provisions, the shipowners and other responsible officer, or
19 agent or employee, as the case may be, shall be punished by an imprisonment of
20 three (3) years and one (1) day.

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

27 a) The captain of the ship and/or any crew member, except upon a
28 showing that they have exercised due diligence in the discharge of their
29 respective functions, and that they have exerted all possible efforts to avert the

1 same given the particular circumstances attending the occurrence of the
2 incidents.

3 b) The shipowners or any responsible officer of the juridical entity
4 concerned upon a showing that they induced, facilitated, tolerated, or allowed the
5 commission of any violation of this Act which efficiently caused the injuries or
6 death suffered by any of the passengers, or had knowledge, actually or
7 constructively, of the same and failed to take reasonable steps to restrain the
8 violation, or avert the occurrence of the resulting injuries or deaths.

9 Nothing in this Section shall be construed to prejudice existing causes of
10 action of affected passengers against the vessel's owners and crew members
11 arising from the breach of their contracts of carriage under pertinent laws.

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

17 SEC. 11. *Repealing Clause.* – All laws, decrees, executive orders, rules
18 and regulations, or parts hereof inconsistent with the provision of this Act are
19 hereby repealed, amended or modified accordingly.

20 SEC. 12. *Effectivity.* – This Act shall take effect fifteen (15) days after its
21 publication in the *Official Gazette* or in at least two (2) newspapers of general
22 circulation whichever comes earlier.

Approved,