

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

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SENATE

S. B. No. 2440

RECEIVED BY: JA

INTRODUCED BY THE HONORABLE MAR ROXAS

EXPLANATORY NOTE

The importance of coastal and marine ecosystems cannot be taken for granted especially in an archipelagic country like the Philippines, which is naturally endowed with rich and vast marine resources. Our country's marine area measures about seven times its land area. According to the data from Bureau of Fisheries and Aquatic Resources (BFAR), the country has a total territorial water area of about 2,200,200 sq. km., shelf area of about 184,600 sq. km. coral reef area of about 27,000 sq. km. and coastline of about 17,460. These coastal and marine ecosystems provide food, raw materials, and ecological balance. The Philippines is richest in the world in marine biodiversity with around 2,500 fish species. A square kilometer of coral reefs translate into 210,000 tons of fish and other marine products a year. From a hectare of mangroves, 12.5 cubic of fuelwood and 800 kilograms of fish, shrimps, crabs and mollusks can directly be harvested.

Unfortunately, the above-referred marine resources suffer threats from being damaged as the quality of our coastal water continuously deteriorates over time. One of the major causes of such degradation comes from the shipping operations, which according to Greenpeace, accounts for 12% of the total sources of marine pollution.

Accordingly, this bill seeks to prevent and control pollution sourced from ships by enacting a national legislation that would implement International Convention for the Prevention of Pollution from Ships of 1973, as modified by the Protocol of 1978 relating thereto, otherwise known as MARPOL 73/78, to which the Philippines is a signatory.

This bill covers the different types of ship-generated pollution such as oil pollution, pollution from chemicals carried in bulk, pollution from packaged goods, pollutions sewage, pollution from garbage and air pollution from ships. It intends to achieve elimination of intentional pollution of the marine environment by oil and other harmful substances and the minimization and control of accidental discharge of such substances.


In view of the foregoing, the immediate enactment of this measure is earnestly sought.


MAR ROXAS
Senator

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AN ACT
TO PREVENT AND CONTROL POLLUTION FROM SHIPS, PROVIDE PENALTIES
THEREFOR, AND FOR OTHER PURPOSES.

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

CHAPTER I

GENERAL PROVISIONS

SECTION 1. *Short Title.* This Act shall be known as the "Ship Pollution Prevention and Control Act of 2008."

SEC. 2. *Declaration of Policy.* It is hereby declared the policy of the State to prevent and control pollution resulting from the operations of ships, which create hazards to human health, harm and destroy living resources and marine life, damage amenities, or interfere with the legitimate uses of the territorial waters and the exclusive economic zone of the Philippines.

CHAPTER II

DEFINITION OF TERMS

SEC. 3. *Definition of Terms.* As used in this Act:

(a) "Department" means the Department of Transportation and Communications (DOTC);

(b) "Discharge" means, in relation to harmful substances or effluents containing such substances, any release, however caused, from a ship, and includes any escape, disposal, dumping, spilling, leaking, pumping, emitting or emptying;

1 (c) "*En route*" means that the ship is under way at sea on a course, or courses,
2 which so far as practicable for navigational purposes will cause any discharge to be spread
3 over as great an area of the sea as is reasonably practicable;

4 (d) "Exclusive Economic Zone" means such areas as defined in the United Nations
5 Convention on the Law of the Sea of 1982 that extends beyond and adjacent to the territorial
6 sea of the Philippines as that definition may be affected by other regional or international
7 treaties to which the Philippines is a party.

8 (e) "Harmful substance" means any substance which, if introduced into the sea, is
9 liable to create hazards to human health, to harm living resources and marine life, to damage
10 amenities or to interfere with other legitimate uses of the sea, as may be declared harmful or
11 hazardous to human and marine life under the laws of the Philippines, and includes any
12 substance subject to control under this Act;

13 (f) "Incident" means an event involving the actual or probable discharge into the
14 sea of a harmful substance, or effluents containing such a substance;

15 (g) "Marine Casualty" means any accident at sea involving a ship which could
16 result in an incident;

17 (h) "Nearest land" means from the baseline from which the territorial sea of the
18 territory in question is established in accordance with international law;

19 (i) "Oil tanker" means a ship constructed or adapted primarily to carry oil in bulk
20 in its cargo spaces and includes combination carriers and any "chemical tanker" as defined
21 hereunder when it is carrying a cargo or part cargo of oil in bulk;

22 (j) "Philippine Ship" means a ship registered under the laws of the Republic of the
23 Philippines and entitled to carry the flag of the Philippines;

24 (k) "Reception facility" means any facility used for the reception of oil, noxious
25 liquid substances, sewage or garbage from ships at a port or terminal;

26 (l) "Secretary" means the Secretary of the Department of Transportation and
27 Communications (DOTC);

28 (m) "Segregated ballast" means the ballast water introduced into a tank which is
29 completely separated from the cargo oil and oil fuel system and which is permanently
30 allocated to the carriage of ballast or to the carriage of ballast or cargoes other than oil or
31 noxious substances as defined in this Act.

1 (n) "Ship" means a vessel of any type operating in the marine environment and
2 includes, without limitation, pleasure craft, fishing vessels, hydrofoil boats, air-cushion
3 vehicles, submersibles, floating craft, drilling rigs, and fixed or floating platforms.

4 (o) "Special Area" means a sea area designated as such pursuant to this Act where,
5 for recognized technical reasons in relation to its oceanographic and ecological condition and
6 to the particular character of its traffic, the adoption of special mandatory methods for the
7 prevention of sea pollution is required;

8 (p) "Ship owner" means the registered owner of the ship or any person who has
9 assumed the operations of the ship;

10 (q) "Tank" means an enclosed space which is formed by the permanent structure
11 of a ship and which is designed for the carriage of liquid in bulk.

12 (r) "Territorial Waters" means in respect of the Republic of the Philippines has
13 the same meaning as in the Philippine Constitution; and in respect of any other State means
14 the territorial sea of that State as recognized in international law;

15 (s) "Undue delay" means a delay that is unreasonable and unnecessary in light of
16 the particular conditions of the ship, the ship's cargo, destination and schedule, and in light
17 of the purpose and scope of the investigation, inspection or other cause for detaining the
18 ship.

20 CHAPTER III

21 SCOPE AND APPLICATION

22 SEC. 4. *Scope and Application of the Act.* (a) Unless otherwise specified, this Act shall
23 apply to:

24 (1) All Philippine registered ships;

25 (2) All ships operating within the territorial waters or Exclusive Economic Zone
26 of the Philippines;

27 (b) With respect to the application of this Act to ships of States which are not
28 MARPOL 73/78 member States, no more favorable treatment shall be given to such ships
29 than is provided for under this Act.

30 SEC. 5. *Exemptions.* This Act shall not apply to warships and naval auxiliary ships;
31 *Provided*, that, government ships shall be exempted from the coverage of this Act during
32 emergency response cases; *Provided, further*, that the Maritime Industry Authority
33 (MARINA), Philippine Coast Guard (PCG), Philippine Ports Authority (PPA) and other

1 concerned agencies shall ensure that appropriate measures shall be adopted, not impairing
2 the operational capabilities of such ships, that such ship operates in a manner consistent, so
3 far as is reasonable and practicable, with this Act.

4 5 CHAPTER IV

6 INSTITUTIONAL ARRANGEMENTS

7 SEC. 6. *Roles and Responsibilities of the Department.* Unless otherwise provided in
8 this Act, the Department, through its attached agencies, shall be the primary government
9 agency responsible for the implementation and enforcement of this Act. Specifically, the
10 Department shall have the following roles and responsibilities:

11 (a) Oversee the implementation of this Act and coordinate the efforts of concerned
12 agencies;

13 (b) In coordination with the Department of Environment and Natural Resources
14 (DENR), the Department of Agriculture (DA), Department of Interior and Local Government
15 (DILG) and other relevant agencies and stakeholders, formulate a comprehensive program to
16 prevent or minimize marine pollution from ships;

17 (c) Constitute the Marine Pollution Adjudication Board (MPAB) to handle marine
18 pollution incidents and casualties covered by this Act subject to Section 60 hereof;

19 (d) Hear and decide administrative violations of this Act and impose appropriate
20 sanctions;

21 (e) Reorganize or streamline the functions of its different line, staff and attached
22 authorities, agencies or bureaus for purposes of the effective and efficient implementation of
23 the provisions of this Act; and,

24 (d) Exercise such powers and perform such other functions as may be necessary to
25 carry out its duties and responsibilities under this Act.

26 SEC. 7. *Maritime Industry Authority (MARINA).* For purposes of this Act, the
27 MARINA shall perform the following duties and functions:

28 a) Formulate guidelines for approval of ships' plans for installation of any fitting,
29 material, appliance or apparatus deemed appropriate and effective for the prevention of any
30 discharge of pollutant to be fitted in a ship in consonance with MARPOL 73/78.

31 b) Review and revise, where appropriate, the existing system of certification, survey,
32 inspection and monitoring of ships, including registration of fixed, floating and drilling rigs
33 and other platforms, with respect to pollution prevention to ensure efficiency and

1 transparency, consistent with the overall management of the maritime sector and in
2 accordance with this Act and internationally accepted system;

3 c) Survey the ship's structure, equipment, fittings, arrangements and materials in
4 compliance with the requirements and guidelines for purposes of preventing pollution from
5 ships;

6 d) Issue the required certification upon survey of the the ship's structure, equipment,
7 fittings, arrangements and materials;

8 e) Modify, suspend or revoke at any time, upon notice and hearing, any certificate, it
9 may have issued to any ship owner;

10 f) Recommend detention ships in accordance with Section 56 hereof;

11 g) Hear and adjudicate any violation of rules and regulations of the MARINA issued
12 for the implementation of functions of MARINA pursuant to this Act;

13 h) Impose such fines and penalties on, including the revocation of certifications of
14 ships which shall fail to comply with requirements under this Act and its implementing rules
15 and regulations;

16 i) Impose, fix, collect and receive, in accordance with the schedules approved by its
17 Board, such fees necessary for the survey and certification of ships pursuant to this Act. Such
18 fees shall be imposed and collected in order to recover the cost for rendering the service and
19 shall not be used in order to impose a penalty. Excessive fees, multiple fees and duplicative
20 fees shall at all times be avoided.

21 j) Issue such rules and regulations necessary to implement the provisions of this Act:
22 Provided, That such rules and regulations shall be in consonance with the MARPOL 73/78
23 and shall not change or in any way amend or be contrary to the intent and purposes of this
24 Act.

25 k) Provide its officers and personnel with adequate training and continuing
26 education to ensure an efficient and professional pollution regulatory machinery;

27 l) Exercise such powers and perform such other functions as may be necessary to
28 carry out its duties and responsibilities under this Act.

29 **SEC. 8. *Philippine Coast Guard (PCG).*** For purposes of this Act, the PCG shall
30 perform the following duties and functions:

31 a) Establish a system of inquiry and investigation on incidents for the purpose of
32 preliminary determination of violation of this Act;

33 b) Detain ships in accordance with Section 56 hereof;

1 c) Establish procedures for reporting incidents involving any actual or probable
2 discharge which may be in violation of this Act consistent with the reporting requirements
3 under this Act;

4 d) Survey the ship's structure, equipment, fittings, arrangements and materials in
5 compliance with the requirements and guidelines for purposes of issuance of International
6 Oil Pollution Prevention Certificate (IOPPC) and Oil Pollution Prevention Certificate
7 (OPPC);

8 e) Evaluate and approve shipboard oil pollution emergency plan;

9 f) *Issue and inspect oil record book;*

10 g) Upon inquiry or investigation, cause or recommend regulatory or other
11 appropriate actions to be taken in connection with any violation of the provisions of this Act;

12 h) Cooperate with government of other states which are members of international
13 organizations on the prevention of pollution from ships concerning the detection of
14 violations and enforcement of this Act using all appropriate and practicable measures of
15 detection and environmental monitoring, adequate procedures for reporting and
16 accumulation of evidence;

17 i) Provide its officers and personnel with adequate training and continuing
18 education to ensure an efficient and professional pollution regulatory machinery;

19 j) Based on the physical, chemical and biological properties of harmful substances,
20 PCG shall adopt appropriate measures to regulate the washing of leakage overboard,
21 provided, that the compliance with such measure would not impair the safety of the ship and
22 persons on board.

23 k) Adopt a continuing information campaign on marine resources protection aimed
24 at developing public awareness of the health hazards and other adverse effects of ship
25 pollution;

26 l) Exercise such powers and perform such other functions as may be necessary to
27 carry out its duties and responsibilities under this Act.

28 **SEC. 9. *Authority to Board and Inspect Ships.*** In cases of marine disaster within the
29 territorial waters, or any substantial threat to public health and the marine environment,
30 including but not limited to coastal and aquatic resources due to a discharge, or an imminent
31 discharge, of large quantities of oil, noxious liquid substance or other harmful substances
32 from ships, the PCG may (a) coordinate and direct all efforts towards the removal or

1 elimination of such a threat, and (b) summarily remove, by whatever means available, such
2 ship which causes the threat.

3 Other than the circumstances stated in the first paragraph, the PCG is authorized to
4 board, inspect and survey any ship within the territorial sea and the exclusive economic zone
5 (EEZ) of the Philippines, enter port facilities in the Philippines, demand the production of
6 documents, records and other evidence, and take testimony of witnesses under oath, for the
7 purpose of verifying compliance with this Act.

8 **SEC. 10. *Philippine Ports Authority (PPA) and other port authorities.*** For purposes of
9 this Act, the PPA and other port authorities shall perform the following duties and functions:

10 a) Provide adequate reception facilities for oil, oily wastes, oil residues, noxious and
11 liquid substances, harmful substances, sewage and garbage from ships;

12 b) Recommend detention of ships in accordance with Sec. 56;

13 c) Issue detailed requirements on packing, marking, labeling, documentation,
14 stowage, quantity limitations and exceptions for preventing or minimizing pollution of the
15 marine environment by harmful substances from ships;

16 d) Determine and establish the most effective and efficient means for meeting the
17 internationally accepted requirements with respect to reception facilities in public and
18 private ports;

19 e) Formulate and implement integrated waste management systems in ports;

20 f) Coordinate with DENR and concerned local government units (LGU) on the
21 proper handling and disposal of wastes collected at ports;

22 g) Exercise such powers and perform such other functions as may be necessary to
23 carry out its duties and responsibilities under this Act.

24 **SEC. 11. *Department of Environment and Natural Resources (DENR).*** For purposes of
25 this Act, the DENR shall have the following powers and functions:

26 a) Constitute and lead the interagency committee concerning the designation of
27 special areas in accordance with Section 59 hereof;

28 b) Issue guidelines for the identification of harmful substances in packaged form.
29 For the purposes of this item, "harmful substances" are those substances which are identified
30 as marine pollutants by the DENR in consonance with international standards; and,

31 c) Set emission standards for ships.

1 garbage from ships. For this purpose, MARINA shall establish a system in conducting the
2 survey of ships in consonance with the MARPOL 73/78.

3 Except for direct replacement, no change in the ship's structure, equipment, fittings,
4 arrangements and materials shall be made without the approval of MARINA.

5 **SEC. 18. *Certification for Compliance.*** – MARINA shall issue the necessary
6 certification for compliance of ships with the regulations and requirements on the structure,
7 equipment, fittings, arrangements and materials for purposes of preventing pollution by oil,
8 oily mixture, oil residues, noxious and liquid substances harmful substance, sewage and
9 garbage from ships.

10 **SEC. 19. *Immediate Report of an Accident.*** - Whenever an accident occurs to a ship
11 or a defect is discovered which substantially affects the integrity of the ship or the efficiency
12 or completeness of its equipment covered by the rules and regulations of the PCG, the master
13 or the ship owner shall report such incident immediately to the PCG.

14 **SEC. 20. *Obligations of the ship owner.*** - The ship owner is required to:

15 (a) Install appropriate devices or facilities on board ships for the storage or processing
16 of waste, such as oil, noxious liquid substances, garbage and sewage, as may be required by
17 regulations issued by the concerned agencies pursuant to this Act;

18 (b) Comply with requirements as to the carriage of harmful substances in packaged
19 form as may be required by regulations issued by the concerned agencies pursuant to this
20 Act;

21 (c) Obtain appropriate certificates required by the concerned agencies pursuant to
22 this Act;

23 (d) Follow procedures or take action for the prevention of pollution from ships as may
24 be required by regulations issued by the concerned agencies pursuant to this Act;

25 (e) Notify the PCG of any incident involving its ship or other ships in accordance
26 with regulations issued pursuant to this Act;

27 (f) Undergo immediate cleaning operations in the event of oil spill within the
28 country's territorial sea pursuant to applicable laws.

29 **Article 2. - Pollution by Oil, Oily Mixture, Oil Residues**

30 **SEC. 21. *Discharge of Oil, Oily Mixture, and Oil Residues.*** – Any discharge into
31 territorial waters or Exclusive Economic Zone of the Philippines of oil or oily mixture from
32 or out of any ship, vessel, barge, or any other floating craft, or other man-made structures at
33 sea, by any method, means or manner, is prohibited, except in the following instances:

1 (a) when the discharge is necessary for the purpose of securing the safety of a ship
2 and those on board or saving life at sea; or

3 (b) if the discharge into the sea of oil or oily mixture results from damage to ship or
4 its equipment, provided that all reasonable precautions have been taken after the occurrence
5 of the damage or the discovery of the discharge for the purpose of preventing or minimizing
6 the discharge; and except if the owner or the master acted either with intent to cause
7 damage, or recklessly and with knowledge that damage would probably result; or

8 (c) if the discharge is for the purpose of combating specific pollution incidents in
9 order to minimize the damage from pollution.

10 The MARINA shall issue guidelines on allowable discharge of oil, oily mixture and oil
11 residues and requirements relating to the prevention of pollution by oil from ships including,
12 but not limited to, retention of oil, oily wastes and oil residues or sludge, shipboard oil
13 pollution emergency plan, unloading arrangements, consistent with the provisions of this
14 Act and in consonance with the MARPOL 73/78.

15 *SEC. 22. Discharge of Clean or Segregated Ballast or Unprocessed/Processed Oily*
16 *Mixtures.* - Prohibition provided for in the preceding section shall not apply to the discharge
17 of clean or segregated ballast or unprocessed oily mixtures which without dilution have oil
18 content within the allowable standards under applicable laws and which do not originate
19 from cargo pump-room bilge and are not mixed with oil cargo residues. The prohibition shall
20 not also apply when the ship has in operation adequate oil filtering equipment required
21 under this Act.

22 *SEC. 23. On-board Retaining and Discharge to Reception Facility of Oil Residues.* -
23 Oil residues prohibited to be discharged from ships under the two immediately preceding
24 sections shall be retained on board and discharged to reception facilities in accordance with
25 this Act.

26 *SEC. 24. Oily-Water Separating Equipment and Oil Discharge Monitoring and*
27 *Control System.* - For existing ships and ships of less than 400 tons gross tonnage, alternative
28 equipment or system approved by MARINA may be provided in lieu of the oily-water
29 separating equipment or unit. All new ships of 400 gross tons and above shall be equipped
30 with efficient oily-water separating equipment or unit. *Provided,* that ships of 10,000 gross
31 tons and above shall be fitted with oil discharge monitoring and control system and oil
32 filtering equipment, in addition to oily-water separating equipment.

1 SEC. 25. *Oil Record Book.* - All oil tankers and other passenger-cargo vessels above
2 400 gross tons shall be provided on board with an Oil Record Book which shall be
3 maintained and up-dated every after any reception or transfer operation of oil on board.

4 **Article 3. - Pollution by Noxious and Liquid Substances in Bulk**

5 SEC. 26. *Discharge of Noxious or Liquid Substances.* - Any discharge of noxious liquid
6 substances into territorial sea or on the bank of territorial sea whether or not the same shall
7 float or be washed into such water is prohibited except in cases provided for under first
8 paragraph of Section 21, and subject to the conditions provided under this section and the
9 rules and regulations issued by MARINA pursuant to this Act.

10 The rules and regulations on allowable discharge of noxious or liquid substances to be
11 issued by MARINA, in coordination with relevant agencies, shall take into account the
12 MARPOL Convention and shall be subject to public hearing and consultation. Such rules and
13 regulations shall be reviewed five (3) years following the effectivity of this Act, and every
14 three (3) years thereafter or whenever it is deemed necessary to protect the marine
15 environment and public health.

16 SEC. 27. *Cargo Record Book.* - Every ship under this article shall be provided with a
17 Cargo Record Book, whether as part of the ship's official log-book or otherwise, in the form
18 to be specified by MARINA.

19 **Article 4. - Carriage of Harmful Substances in Packaged Form**

20 SEC. 28. *Discharge of Harmful Substances in Packaged Form.* Any discharge by
21 jettisoning of harmful substances carried in packaged forms, freight containers, portable
22 tanks, or road and rail tank wagons into territorial sea, or on the bank of territorial sea,
23 whether or not the same shall float or be washed into such water is prohibited except in
24 cases provided for under the first paragraph of Section 21.

25 SEC.29. *Carriage of Harmful Substances in Packaged Form.* - The carriage of harmful
26 substances in packaged forms, or in freight containers, portable tanks or road and rail tank
27 wagons is prohibited except in accordance with Republic Act No. 6969 and other applicable
28 laws, rules and regulations.

29 For the purposes of this article, "harmful substances" are those substances which are
30 identified as marine pollutants by the DENR in consonance with international standards.

31 SEC. 30. *Guidelines for the identification of harmful substances.* For purposes of this
32 Act, the DENR shall issue guidelines for the identification of harmful substances in packaged
33 form taking into account the following criteria:

1 (a) bio-accumulated to a significant extent and known to produce a hazard to aquatic
2 life or to human health;

3 (b) bio-accumulated with attendant risk to aquatic organisms or to human health with
4 a short retention of the order of one week or less;

5 (c) liable to produce tainting of seafood; and

6 (d) highly toxic to aquatic life, defined by a LC50/96 hour less than 1 ppm.

7 **SEC. 31. *Packing, marking, labeling, documentation, stowage, quantity limitations***
8 ***and exceptions.*** - The PPA shall issue detailed requirements on packing, marking, labeling,
9 documentation, quantity limitations and exceptions for preventing or minimizing pollution
10 of the marine environment by harmful substances from ships. Such packing, marking,
11 labeling, documentation, quantity limitations and exceptions of harmful substances shall be
12 undertaken by the shipper in coordination with the shipping company. The PCG shall issue
13 detailed requirements on stowage of harmful substances,

14 **SEC. 32. *Washing of Leakage Overboard.*** - Based on the physical, chemical and
15 biological properties of harmful substances, PCG shall adopt appropriate measures to regulate
16 the washing of leakage overboard; *Provided*, that the compliance with such measure would
17 not impair the safety of the ship and persons on board.

18 **Article 5. - Pollution by Sewage and Garbage from Ships**

19 **SEC. 33. *Discharge of Sewage.*** - The discharge of sewage into territorial, or on the
20 bank of territorial water, whether or not the same shall be washed into such navigable water,
21 is prohibited, except in the following cases, in addition to exceptions provided for in the first
22 paragraph of Section 21:

23 (a) the sewage escaped from the ship in consequence of unintentional damage to the
24 ship or its equipment, and all reasonable precautions are taken before and after the
25 occurrence of the damage for the purpose of preventing or minimizing the discharge;

26 (b) the ship is discharging comminuted and disinfected sewage at a distance of more
27 than four (4) nautical miles from the nearest land, or sewage which is not comminuted or
28 disinfected at a distance of more than twelve (12) nautical miles from the nearest land;
29 *Provided*, that in any case, the sewage that has been stored in holding tanks shall not be
30 discharged instantaneously at a moderate rate when the ship is *en route* and proceeding at
31 not less than 4 knots; the proper rate of discharge shall be approved MARINA based on
32 international standards; and

1 (c) the ship has in operation an approved sewage treatment plant or alternative
2 arrangements to meet the operational requirements of the PCG and other concerned
3 agencies issued pursuant to this Act and other applicable laws

4 **SEC. 34. *Marine Sewerage Sanitation Devices.*** All new ships certified to carry more
5 than 50 persons or new ships of 200 gross tonnage and above shall be provided with marine
6 sewage sanitation devices and sewage treatment plant system in accordance with the rules
7 and regulations or guidelines issued by the DENR. For existing ships of 200 gross tonnage and
8 above and carrying more than 50 persons, they may utilize and maintain holding tanks
9 unless otherwise disallowed under this Act and subject to such rules and regulations as may
10 be prescribed by the DENR.

11 **SEC. 35. *Disposal of Garbage.*** - Except in cases provided under this Act, the disposal
12 into territorial water, or tributary, or on the bank of territorial and tributary of any navigable
13 water, whether or not the same shall float or be washed into such navigable water, of
14 garbage is prohibited. All garbage from ships shall be disposed of to port reception facilities.

15 **SEC. 36. *Garbage Comminuter and Grinder.*** - The disposal into the sea of garbage
16 may be permitted when it has passed through a comminuter or grinder, whenever possible,
17 and made, as far as practicable, from the nearest land subject to rules and regulations issued
18 by the PCG pursuant to this Act and in consonance with the MARPOL Convention.

19 **Article 6. – Air Pollution from Ships**

20 **SEC. 37. *Ozone Depleting Substances.*** Any deliberate emission of ozone depleting
21 substances (ODS) shall be prohibited. Deliberate emissions include emissions occurring in
22 the course of maintaining, servicing, repairing or disposing of systems or equipment, except
23 minimal releases associated with the recapture or recycling of an ODS; *Provided*, that
24 emissions resulting from leaks are likewise prohibited. For purposes of regulating emission
25 of ODS from ships, the DENR, in coordination with relevant agencies, shall issue appropriate
26 guidelines in consonance with the MARPOL 73/78; *Provided*, that port authorities shall
27 ensure that port reception facilities and equipment shall be adequate to receive and manage
28 ODS and equipments containing ODS, when removed from ships.

29 **SEC. 38. *Setting allowable standards.*** The DENR shall formulate and issue allowable
30 emission standards for ships in consonance with the MARPOL 73/78 and subject to public
31 consultation.

1 rail tank wagons in violation of this Act shall be punished by a fine of not exceeding Ten
2 Million pesos (Php 10,000,000.00) to be imposed by the Secretary on the either or both the
3 ship owner and shipper.

4 SEC. 44. *Absence of Shipboard Garbage Management System.* Any ship without a
5 shipboard garbage management system shall be liable for a fine of not exceeding One
6 Hundred Thousand pesos (Php100,000.00) to be imposed by the Secretary.

7 SEC. 45. *Refusal to Dispose Wastes at Reception Facilities.* – Unless allowed under
8 this Act, any ship which refuses to dispose of oil residues or oily mixture, sewage wastes and
9 garbage at the authorized reception facilities shall be liable for a fine not exceeding One
10 million pesos (Php1,000,000.00) to be imposed by the port authority.

11 SEC. 46. *Unauthorized change in the ship's structure, equipment, fittings,*
12 *arrangements and materials.* - Unless authorized under this law, any ship owner who made,
13 or cause the making of changes in the structure, equipment, fittings, arrangements and
14 materials of the ship without the approval of MARINA shall be punished by a fine of not
15 exceeding One Hundred Thousand pesos (Php100,000.00) to be imposed by the
16 Administrator of MARINA.

17 SEC. 47. *Operating without the required certification.* - Any ship owner who shall
18 allow the ship to operate without the required certification pursuant to this Act shall be
19 liable for a fine of not exceeding One million pesos (Php1,000,000.00) to be imposed by the
20 Administrator of MARINA.

21 SEC. 48. *Failure to Report an Accident.* - Any ship owner who fails to report an
22 accident that occurs to a ship or a defect that is discovered which substantially affects the
23 integrity of the ship or the efficiency or completeness of its equipment to the PCG within
24 twenty four (24) hours shall be punished by a fine of not exceeding One million pesos
25 (Php1,000,000.00) to be imposed by the PCG Commandant.

26 SEC. 49. *Absence of Oily-Water Separating Equipment and Oil Discharge Monitoring*
27 *System.* - Any ship without an oily-water separating equipment or unit, or Oil Discharge
28 Monitoring system, when required under this Act, shall be liable for a fine not exceeding
29 Ten Million pesos (Php 10,000,000.00) to be imposed by the Administrator of MARINA.

30 SEC. 50. *Failure to Maintain an Oil Record Book.* – Any oil tanker or passenger-cargo
31 vessels above 400 gross tons which does not maintain an updated Oil Record Book on board
32 shall be penalized with a fine not exceeding One Hundred Thousand pesos (Php100,000.00)
33 to be imposed by the Commandant of PCG.

1 SEC. 51. *Failure to Maintain Cargo Record Book.* – Any ship which does not
2 maintain an Cargo Record Book on board shall be penalized with a fine not exceeding One
3 Hundred Thousand pesos (Php100,000.00) to be imposed by the Commandant of PCG.

4 SEC. 52. *Absence of Marine Sewage Sanitation Device or Sewage Treatment Plant*
5 *System.* - Unless allowed under this Act, any ship without a marine sewage sanitation device
6 or sewage treatment plant system shall be liable for a fine of not exceeding One million pesos
7 (Php1,000,000.00) to be imposed by the Administrator of MARINA.

8 SEC. 53. *Deliberate Emission of Ozone Depleting Substances.* - Any person who
9 causes the deliberate emission of ozone depleting substances (ODS) shall be penalized by a
10 fine not exceeding Ten Million pesos (Php 10,000,000.00) to be imposed by the Secretary.

11 SEC. 54. *Continuing Violation.* Where an offense under this Act is a continuing one,
12 every person who commits that offense, in addition to any other liability, is liable to a fine or
13 fifty thousand pesos (P50,000.00) for every day or part thereof during which the offence
14 continues.

15 SEC. 55. *Obstruction of Investigation.* - Any person who shall, without justifiable
16 reason, obstruct or hamper the conduct of investigation of a violation of this Act, shall be
17 liable to pay a fine not exceeding One hundred thousand pesos (P100,000).

18 SEC. 56. *Neglect of Duty.* - Any government official or employee charged with the
19 responsibility of implementing the provisions of this Act, who is found guilty of gross
20 negligence of duty or connives with or permits the commission of any violation of this Act,
21 shall be dismissed from the service without possibility of reinstatement and without
22 prejudice to the filing of the appropriate criminal and/or administrative cases in court.

23 SEC. 57. *Arrest and Detention of Foreign Ships.* - Any ship apprehended for violation
24 of this Act may be subjected to arrest and detention to be undertaken by the PCG in
25 coordination with MARINA.

26 SEC. 58. *Violations of Administration Regulations.* Any person found in violation of
27 rules and regulations issued by concerned agencies pursuant to this Act shall be liable to the
28 following fines:

29 (1) First violation - a fine not to exceed One hundred thousand pesos
30 (Php100,000.00);

31 (2) Second violation - a fine more than One hundred thousand pesos
32 (Php100,000.00) but not to exceed Two hundred thousand pesos
33 (Php200,000.00);

1 (3) Third violation - a fine of at least Two hundred thousand pesos (P200,000) but
2 not to exceed One million pesos (Php1,000,000) and suspension of vessel
3 registration for six (6) months to one (1) year;

4 (b) MARINA may order the cancellation or revocation of the license or seaman's
5 book of any ship captain or crew who has committed more than three violations under this
6 Act.

7 (c) The concerned agency shall promulgate rules and regulations for the summary
8 imposition of administrative sanctions for failure to comply with any order, decision, rules or
9 regulations of the Department issued pursuant to this Act.

10 **SEC. 59. *Automatic Adjustment of Penalties and Fines.*** - The fines prescribed in this
11 Act shall be automatically increased by ten per cent (10%) every three (3) years from the
12 effectivity of this Act.

14 CHAPTER VIII

15 MISCELLANEOUS PROVISIONS

16 **SEC. 60. *Designation of Special Areas.*** A committee is hereby created for purposes of
17 designating special areas defined under this Act in territorial waters and EEZ. The committee
18 shall be composed of the following:

- 19 a) The Secretary of the DENR or its duly authorized representative, as Chairperson;
- 20 b) The Secretary of the DOTC or its duly authorized representative, as Co-
21 chairperson;
- 22 c) The Secretary of the Department of Agriculture or its duly authorized
23 representative;
- 24 d) The Secretary of the Department of Foreign Affairs or its duly authorized
25 representative;
- 26 e) The Commandant of the PCG;
- 27 f) The Administrator of MARINA;
- 28 g) Representative of the shipping industry; and
- 29 h) President of the League of Municipalities of the Philippines.

30 The special area shall be designated consistent with the requirements of MARPOL
31 73/78 and taking into account the area's oceanographic and ecological condition and the
32 particular character of its traffic. The committee shall adopt special mandatory methods for
33 the prevention of pollution from ships in the designated areas.

1 SEC. 61. *Marine Pollution Adjudication Board.* There is hereby constituted a Marine
2 Pollution Adjudication Board under the Office of the Secretary. The Board shall be composed
3 of the Secretary as Chairman, two (2) Undersecretaries as may be designated by the
4 Secretary; the Administrator of MARINA, and the Commandant of the PCG. The Board shall
5 handle adjudication of marine pollution incidents and casualties falling under Sections 41,
6 42, 43 and 44 hereof.

7 SEC. 62. *Marine Management Fund.* - There is hereby established a Marine
8 Management Fund to be administered by the Department as a revolving fund to support
9 research, enforcement and monitoring activities and capabilities of the Department and its
10 attached agencies in the implementation of this Act. The fund shall be sourced from the fees,
11 charges, fines imposed herein, donations, endowments, administrative fees, and grants in the
12 form of contributions; *Provided*, that the fund shall likewise be utilized for the containment,
13 removal, and clean-up operations of PCG in all oil pollution cases, including those covered
14 under the Oil Pollution Compensation Act. For this purpose, the Oil Pollution Management
15 Fund created under the Oil Pollution Act shall form part of the Marine Management Fund,
16 subject to the following conditions:

- 17 1. All fines imposed pursuant to the Oil Pollution Compensation Act shall accrue to
18 the Marine Management Fund;
- 19 2. All grants, donations, endowment from various sources and amounts specifically
20 appropriated for the Oil Pollution Management Fund under the General
21 Appropriations shall form part of the Marine Management Fund.
- 22 3. The Marine Management Fund shall also finance research, enforcement and
23 monitoring activities concerning oil pollution prevention and control of relevant
24 agencies such as the PCG, MARINA and PPA and other ports authority of the
25 Department of Transportation and Communications, Environmental Management
26 Bureau of the Department of Environment and Natural Resources, and the
27 Department of Energy .
- 28 4. Ninety percent (90%) of the funds collected or received in connection with the
29 Oil Pollution Compensation Act shall be maintained annually for the
30 containment, removal, and clean-up operations of PCG in all oil pollution cases.
31 *Provided, further*, that the amounts specifically appropriated for Oil Pollution
32 Management Fund under the General Appropriations Act shall be used

1 exclusively for the activities authorized under the Oil Pollution Compensation
2 Act;

3 **SEC. 63. *Ship Pollution Prevention Program.*** - The Department, in coordination with
4 concerned agencies and stakeholders, shall establish a Ship Pollution Prevention Program to
5 enhance government implementation of this Act particularly on (a) awareness building and
6 capacity building; (b) databanking; (c) development of reception facilities; (d) marine
7 environment protection; and (e) research;

8 **SEC. 64. *Implementing Rules and Regulations.*** The Department and the concerned
9 agencies, in coordination with the Committees on Environment and Ecology of the Senate
10 and the House of Representatives, respectively, shall promulgate the implementing rules and
11 regulations for this Act, within one (1) year after the enactment of this Act consistent with
12 MARPOL 73/78 and other relevant instruments. The draft of the implementing rules and
13 regulations shall be the subject of public consultations with affected sectors.

14 The rules and regulations issued by other government agencies and instrumentalities
15 for the prevention of marine pollution not inconsistent with this Act shall supplement the
16 rules and regulations issued by the Department pursuant to this Act.

17 **SEC. 65. *Appropriations.*** The amount necessary to carry out the provisions of this Act
18 shall be charged against the current year's appropriation of the concerned agencies
19 Thereafter, such sums as may be necessary for the operation and maintenance of this Act
20 shall be included in the General Appropriations Act.

21 **SEC. 66. *Joint Congressional Oversight Committee.*** - There is hereby created a Joint
22 Congressional Oversight Committee to monitor the implementation of this Act. The
23 Committee shall be composed of five (5) Senators and five (5) members of the House of
24 Representatives to be appointed by the Senate President and the Speaker of the House of
25 Representatives, respectively. The Oversight Committee shall be co-chaired by the
26 Chairpersons of the Committee on Environment of the Senate and the Committee on
27 Ecology of the House of Representatives.

28 **SEC. 67. *Transitory Provisions.*** This Act shall apply to all ships which navigate
29 international routes immediately upon the effectivity of this Act.

30 The Department through its attached agencies shall formulate a transitory
31 implementation plan for the phasing-in of its operations under this Act including a schedule
32 for the application and enforcement of this Act and of the regulations issued pursuant to this
33 Act, on domestic ships or ships which do not navigate international shipping routes.

1 SEC. 68. *Separability Clause.* In the event that any provision of this Act is declared
2 unconstitutional, the validity of the remainder shall not be affected thereby.

3 SEC. 69. *Repealing Clause.* Republic Act No. 6969, Presidential Decree Nos. 979, and
4 601, Republic Act No. 9483 (Oil Pollution Compensation Act) are hereby amended and
5 modified accordingly. All laws, decrees, rules and regulations, and executive orders contrary
6 to or inconsistent with this Act are hereby repealed or modified accordingly.

7 SEC. 70. *Effectivity Clause.* This Act shall take effect immediately upon its
8 publication in the *Official Gazette* or in at least two (2) national newspapers of general
9 circulation.

 Approved,