SUPPLEMENTAL RULES AND REGULATIONS FOR THE REGISTRATION OF SMALL BOATBUILDERS

MARINA CIRCULAR NO. 2009-09, March 23, 2009

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Pursuant to Section 2 of Presidential Decree No. 474, Executive Order No. 125/125-A, Republic Act. 9295 and Presidential Decree No. 666, the following additional rules and regulations are hereby adopted to supplement MARINA Circular No. 2007-02.

I. OBJECTIVES

1. To regulate the operations of small boatbuilders.
2. To foster a more favorable atmosphere that will encourage and qualify small boatbuilders to be registered with the MARINA.
3. To help promote the safety of motor bancas to be constructed.

II. COVERAGE

1. Boatbuilders engaged in the construction of wooden hull ships and motor bancas, as well as other shipbuilders.
2. Domestic shipowners/operators.

III. SUPPLEMENTAL REGULATIONS AND GUIDELINES

1. Small boatbuilders unable to meet the requirements for registration provided in MARINA Circular No. 2007-02 shall nevertheless be required to apply for registration with the MARINA Central office or Maritime Regional Offices (MROs) where their operation is based, on or before June 01, 2009.

2. Upon verification by the MARINA of the nature of operation of the boatbuilder, specifically its being a backyard operator, and only contracted occasionally to do boatbuilding projects, a provisional Certificate of Registration shall be issued by the MARINA, valid for one (1) year, upon compliance with the following requirements;

> 2.1 Certification by the applicant that it is a boatbuilder, and providing therein information on the specific location of its boatbuilding yard, tools, equipment owned/available, and list of contracted workers/associates, if any.
> 2.2 Certified list of boatbuilding projects undertaken over the past three(3) years or more.
> 2.3 Notarized Affidavit of undertaking to apply with the MARINA for Authority to Construct a boat/motor banca every time engaged upon to do so, and to secure from the MARINA a Construction Certificate upon completion thereof. (Annex 1[*])

3. For every application with the MARINA for Authority to Construct, upon engagement of a boatbuilding project, the following requirements shall be submitted;

> 3.1 Duly signed Boatbuilding Contract.
> 3.2 Vessel plans (Skeleton Plan) for approval by the MARINA before start of construction.

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3.3 Affidavit on source of woods/logs to be used, inclusive of proof of legal acquisition as well as needed clearances/permits from the Department of Environment and Natural Resources (DENR).
3.4 Certification of availability of the area/yard where the boat/banca will be constructed, inclusive of detailed information such as area, location and ownership (or rental/permit arrangements in case not owned).

4. A Provisional Certificate of Registration issued is extendible, subject to payment of required fees/charges, as well as fines/penalties where applicable. In cases where a registered boatbuilder under this Circular has undertaken at least four (4) boatbuilding projects during the validity of its registration, compliance with the requirements under MARINA Circular No. 2007-02 can instead be imposed for purposes of renewal of registration, subject to MARINA's evaluation and determination.

IV. FEES AND CHARGES

The following fees and charges attendant to this Circular are hereby prescribed and adopted to be paid:

1. Provisional Certificate of Registration - P 200.00

2. Issuance of Authority to Construct - P 500.00

3. Issuance of Construction Certificate - P 310.00

4. Plans Approval - P 500.00

5. Post-Construction Plans Approval Evaluation - P 5,000.00

6. Post-Construction Inspection of boat/banca - P 5,000.00

V. FINES AND PENALTIES

For violations of the herein prescribed rules and regulations, the following fines and penalties shall be imposed and collected, after due process:

1. Non–registration by June 01, 2009 and thereafter - P 5,000.00

2. Construction of ships without Authority to Construct and/or Vessel plans approved by MARINA;

2.1 Motor Bancas - P 5,000.00
2.2 Other ships irrespective of hull materials - P 50,000.00 each for the Shipbuilder and Shipowner.

VI. REPEALING CLAUSE

The provisions of MARINA Circular No. 2007-02, and other issuances which are inconsistent herewith, are hereby repealed, modified or amended accordingly.

VII. EFFECTIVITY CLAUSE

This Circular shall take effect fifteen (15) days after publication once in one (1) newspaper of national circulation.

Adopted: 23 Mar. 2009

By Authority of the Board:

(SGD.) MARIA ELENA H. BAUTISTA
Administrator

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[*] Not Filed with ONAR.

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