# FISHING VESSEL CLEARANCE SYSTEM FOR VESSELS THREE GROSS TONNAGE (3GT) AND BELOW

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Adopted: 26 December 2017
Date Filed: 18 January 2018

**1. REFERENCES:**

a. Executive Order (EO) No. 305 "Devolving to Municipal and City Governments the Registration of Fishing Vessels Three (3) Tonnage and Below;

b. Implementing Rules and Regulations of EO No. 305 and its implementing Guidelines;

c. Administrative Order 257 and Joint DILG-DBM Circular No. 1-92;

d. Legal Service Comment;

e. Undated Memorandum from OIC, DC;

f. Memorandum from D, FS dated November 8, 2016;

g. Memorandum from D, ITMS dated June 27, 2017 (Specification and Costing, Request for); and

h. Previous proposed Memorandum on Boat Clearance that was forwarded to TADO then to TDC.

**2. RATIONALE:**

This PNP Memorandum Circular (PNPMC) prescribes the guidelines and standard procedures that will govern all PNP units tasked in the implementation of Fishing Vessels Boat Registration Clearance.

**3. SITUATION:**

The marginalized fisher folks nationwide are facing difficulty in registering their fishing vessels three (3) tonnage and below with the national government, especially in areas where Philippine Coast Guard Offices are inaccessible. Hence, through the initiative of the National Anti-Poverty Commission, a pro-poor EO No. 305 was signed by Her Excellency President GLORIA MACAPAGAL ARROYO on April 2 2004, devolving to municipal and city government the registration of fishing vessels three tonnage and below. This is in line with Sec.
139 of RA No. 7160 otherwise known as "The Local Government Code of 1991" which provides that the Sangguniang Bayan shall issue license for the operation of fishing vessels three tonnage or less and Sec. 16, 17, 18 of RA No. 8550 known as "The Philippine Fisheries Code of 1998," which also provides that the Local Government Units shall have jurisdictions on municipal waters.

Paragraph 3 Section 5 of the implementing guidelines of EO 305 states that "The LGUs shall require the applicants to secure a clearance from the PNP Maritime Group (MG) Office or in its absence, from the local PNP, certifying that the fishing vessel is not involved in any criminal offense."


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Based on records, several fishing vessels involved in some form of criminal offenses were seized by the MG, local police units and other law enforcement agencies concerned. There are also individuals who utilized stolen motor engines and engines with questionable source of origin that are attached to their fishing vessels.

Therefore, there is a need to intensify the monitoring of these vessels with criminal records, enhance the coordinative effort among all PNP units to orchestrate its campaign against all forms of criminality involving fishing vessels operating in the territorial waters of the country.

**4. PURPOSE:**

This PNPMC will establish a Single database of all fishing vessels three (3) GT and below operating nationwide. In the implementation of EO 305, the PNP, spearheaded by the Maritime Group, supported by local police office/stations

shall issue Fishing Vessel Clearance Certificate to all fishing vessel three (3) gross tons and below certifying that these vessels are not involved in any criminal offense prior registration by the LGU.

5. GUIDELINES:

a. Procedures:

1) Applicant applying for fishing vessel registration shall secure Fishing Vessel Clearance from PNP Maritime Group through it's Maritime Group Clearance Office (MGCO) and its regional, Maritime Station offices and special boat units prior issuance of certificate to fishing vessel three gross tonnage and below. In case of absence of MGCO line offices in the area, the clearance shall be given by the local PNP units instead.

2) The applicant will be given an order of payment by the MGCO Clearance Officer or by the COP of City Police Station/Municipal Police Station of a coastal area, deputized by C, MGCO, as the case maybe. The deputized collection agent shall issue Official Receipt upon receipt of payment.

3) The clearance application documents will then be verified by the Information Management and Processing Section (IMPS) MGCO Headquarters which in turn initially examines the completeness and regularity of the documents presented. If complete, the IMPS will conduct data base verification whether the fishing vessel is involved in any criminal offense or if the vessel or the engine installed is among the list of wanted/stolen vessels and engines. If the vessel has no criminal record, it will be processed up to the printing of Clearance Certificate;

4) Upon verification of records- a "Fishing Vessel Clearance Certificate" will be issued by the C, MGCO or the deputized officer, if there is no derogatory record found.

5) However, if the fishing vessel being applied for clearance is found to
have a criminal offense or among the list wanted/stolen fishing vessels, the person applying for clearance together with the fishing vessel shall be 'endorsed to the Intelligence and Investigation Section (IIS) for further investigation and disposition. If the vessel is included in the Summary of Information, then it will be validated by the IIS. After validation and/or investigation and the IIS found no reason for denial of clearance, said application will be re-transmitted to the IMPS for re-processing.

6) After the signature of the Chief of the Clearance Office, it will be transmitted back to the Admin and Records Section for the release of the certificate to the applicant or to the local police unit where the application originates indicating therein the time and the date of the release of the clearance.

7) A macro etching procedure shall be conducted by the PNP-Crime Laboratory personnel in case of transfer of ownership and Changed engine.


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8) In case the clearance is to be issued by the local PNP unit being deputized by C, MGCO, the Chief of Police shall submit to the nearest MG unit, a periodic report pertaining to the issued clearances in their areas. However, payment of clearance fees shall be collected by the MG Deputized Collection Agent.

9) All concerned sections of the clearance office shall submit periodic reports to the national clearance office for data base updating. Likewise, the finance section shall remit collection regularly based on the existing guidelines in remittance and submit the corresponding financial reports; and

10) These step-by-step procedure set forth in this PNPMC shall be followed strictly by all implementing units.

b. General Guidelines:

This PNPMC standardizes and integrates the planning process among different PNP units involved in order to effectively and efficiently execute its respective tasks.

The Fishing Vessel Clearance System has dictated 16 mandatory requirements in order to ensure its efficient and effective operation, such as:

1) Determine the number of unregistered vessels 3 Gross Tonnage and below countrywide;
2) Provision of appropriate “Data Processing System” to be used as a tool in the conduct of boat registration clearance processes;
3) Determine appropriate fees that will be charged to clients per clearance
that is equivalent to the expenses incurred in the entire clearance system operations;
4) Determine the manning requirements of the unit which will manage and implement the operations of MGCO;
5) Determine the logistical requirements needed in the initial as well as in the long-term operations of the Clearance Office;
6) Preparation of documentary requirements to be submitted to DILG and/or to National Tax Research Center-Department of Finance (NTRC- DOF) for approval prior implementation of any fees to be charged to clients requesting for Fishing Vessels Clearance;
7) Formulation of a fiscal directive based on the DILG/NTRC-DOF
approved fees to be charged per fishing boat clearance documents;
8) Formulation of SOP on fishing vessels clearance application process that will serve as guide for all personnel in-charge in the management and operations;
9) Creation of MGCO which will manage the administrative and operational affairs of the fishing vessels clearance system;
10) Collaboration among PNP Units through information and database sharing;
11) Utilization of unit’s technical expertise for the effective and efficient management and operations of MGCO;
12) Data base system security and “clearance” security features or markings;
13) Coordination with other agencies/institutions relative to issuance of receipts, payments of fees, and other related requirements;
14) Information disseminations through quad-media regarding SOP in the implementation of Fishing Vessels Clearance System, its Fiscal Directives, and other relevant information; and
15) Coordination with LGUs regarding implementation of the clearance system as per EO 305, series of 2004.

c. Specific Guidelines:

The Headquarters Philippine National Police Maritime Group concurrent with its duties and functions shall establish a Fishing Vessel Clearance System under the Office of the MGCO envisioned to have a reliable, competent and efficient professionalized organization capable of providing a systematic database for Fishing Vessels, sustaining maritime environment conducive to economic growth held in respect, and supported by the


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fisher folks. The MGCO is composed of the Maritime Police National Database Center, wherein information will be processed in a data bank and which will consolidate all pertinent records and come-up with a comprehensive clearance result; Maritime Police Regional Data Center which shall coordinate with other Regional PNP units involved in the concept of this purpose; Maritime Police Station Data Center and the Maritime Police Municipal Data Center which will perform other related task.

The MG shall be the sole PNP unit which shall supervise, manage, and control the operation in the issuance of the said clearance. In places where there are no MG Offices, the local police station that has jurisdiction in the area shall support the MG in the initial evaluation and facilitation of the clearance application. The local police shall then coordinate with the nearest MG Offices in their AOR to submit all documents of the applicants, thereafter; the MG will continue the processing of the clearance application.

After the completion of clearance application process conducted by the MG, a clearance certificate will be issued by the Regional Maritime Clearance Office, to where the application had originated or to the local police unit which initially received the said application, and the personnel in-charge thereat will release the same to the applicant.

Other PNP Offices/Units will also be tasked in the implementation of this
PNP MC.

d. Tasks:

**1) DI**

a) Provide timely intelligence/information to all tasked offices/units on fishing vessels and operators involved in criminal activities; and
b) Perform other tasks as directed.

**2) DO**

a) Guide MG in the drafting of Standard Operating Procedure (SOP) on the processing of fishing vessels clearance 3GT and below;
b) Oversee and monitor the implementation of this MC; and c) Perform other tasks as directed.

**3) DL**

a) Support the logistical requirements of tasked units; and b) Perform other tasks as directed.

**4) DC**

a) Support the fund requirements of tasked offices/units;
b) Assist MG in the preparation of documents required in the approval of the request for charging fees/clearance fees of fishing vessels 3
GT and below; and
c) Perform other tasks as directed.

**5) DPCR**

a) Supervise the conduct of information dissemination of EO 305, SOP on the application of Fishing Vessels Clearance System, Fiscal Directive, and other relevant information addressed to the target communities concerned; and
b) Perform other tasks as directed.


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### 6) DPL

a) Issue provisional activation order to Maritime Group Clearance Office;
b) Recommend to NAPOLCOM en banc the approval of the proposed organizational structure/staffing pattern of Maritime Group Clearance Office; and
c) Perform other tasks as directed.

### 7) ITMS

a) Design a “Database System” for Maritime Group Fishing Vessels Clearance operations;
b) Periodically update the installed “Database System” or upon request of PNP Maritime Group; and
c) Perform other tasks as directed.

### 8) MG

a) Shall be the lead PNP Unit in the implementation of this MC;
b) Supervise, manage, and control the issuance of fishing vessel police clearance;
c) Formulate an SOP to be followed and complied strictly by all involved PNP units;
d) Establish the Maritime Group Clearance Office to carry out specific tasking as stipulated in EO 305;
e) Establish single central information and processing data bank and consolidate all pertinent records and come up with a comprehensive clearance result;
f) Formulate a security clearance form and other documents equipped with security features;
g) Coordinate with other PNP Offices/Units involved in the concept of this MC and coordinate with other government agencies concerned;
h) Provide estimate of the initial logistical and manning requirements of Maritime Group Clearance Office;
i) Prepare the necessary documents that need to be submitted to DILG and/or National Tax Research Center for the approval of the proposed fees on fishing boat registration clearance in coordination with DC;
j) Prepare Fiscal Directive on Fishing Boat Registration Clearance Fees based on the DILG approval on the same in coordination with DC;
k) Coordinate with concerned LGU regarding the implementation of Fishing Vessel Clearance System;
l) Initiate the conduct of consultations with different stakeholders in three different areas (Luzon, Visayas, and Mindanao);
m) Initiate the publication of approved Fiscal Directive on Fishing Vessel Clearance Certificate Fee with the appropriate outlet; and
n) Perform other tasks as directed.

9) RDs, PROs NCR, 1-13, and ARMM

a) Support the MG in the implementation of this MC;
b) Disseminate the concept of this MC to the line Offices/Units involved in the operation;
c) Support the MG in providing information and necessary inputs/data needed in crime reporting involving fishing vessels as well as criminal records of fishing vessels operators and its crew; and
d) Perform other tasks as directed.


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### 10) IG

a) Support the Maritime Group in providing intelligence/information report on fishing vessels and their operators involved in any form of criminal activities; and
b) Perform other tasks as directed.

### 11) HPG

a) Coordinate and provide information and necessary data on all reported stolen motor vehicle engines to the MG;
b) Allow time access to motor vehicle database for immediate information on stolen vehicles;
c) Periodically update the record in MGCO central information data base; and
d) Perform other tasks as directed.

### 12) CLG

a) Conduct forensic examinations by way of macro-etching procedures on all motor vehicle engines as needed and as required prior to the issuance of clearance from the MG; and
b) Perform other tasks as directed.

### 13) FS

a) Support the MG through provision of PNP official receipt (OR), that will serve as proof of payment for the fishing vessel clearances issued;
b) Coordinate with Land Bank of the Philippines and BIR regarding
payment deposit scheme and TIN for use in Fishing Vessels
Clearance System in coordination with MG;
c) Facilitate the application for bond to deputized collection agents of
Maritime Group Clearance Office; and
d) Perform other tasks as directed.
e) Coordinating Instructions:

1) Concerned PNP units involved in the tasking are required to have concerted efforts in the monitoring of all criminal activities that involve fishing vessels nationwide;

2) All information concerning this matter shall be consolidated and be coursed through the Maritime Group Clearance Office (MGCO); and

3) Lateral and vertical coordination is highly encouraged/authorized.

**7. PENALTY CLAUSE:**

Any violation of this PNPMC shall be dealt with in accordance with existing disciplinary policies.

**8. REPEALING CLAUSE:**

All existing PNP directives and other issuances which are contrary to or inconsistent with the provision of this PNPMC are hereby rescinded or modified accordingly.

9. SEPARABILlTY CLAUSE:

Any portion of this PNPMC inconsistent with the organic law or declared unconstitutional shall not affect the validity of the other provisions.

10. EFFECTIVITY:

This PNP MC shall take effect after 15 days from filing a copy thereof at the UP Law Center on consonance with Section 3, Chapter 2, Book VII of Executive Order 292 otherwise known as the “Revised Administrative Code of 1987,” as amended.

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