

AN ACT TO AMEND SECTIONS ELEVEN HUNDRED AND EIGHTY-FOUR, ELEVEN HUNDRED AND EIGHTY-FIVE, ELEVEN HUNDRED AND EIGHTY-NINE; ELEVEN HUNDRED AND NINETY-TWO, AND ELEVEN HUNDRED AND NI...

Act No. 3177, November 24, 1924

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Be it enacted by the Senate and House of Representatives of the Philippines in Legislature assembled and by the authority of the same:

SECTION 1. Section eleven hundred and eighty-four of the Administrative Code, as amended by Act Numbered. Twenty-eight hundred and fifty-two, is hereby further amended to read as follows:

"SEC. 1184. Boards of Examiners for Marine Officers and Engineers.—There shall be maintained in the Bureau of Customs at Manila two boards of examiners, one for Marine Officers and the other for Marine Engineers. The former shall consist of two master mariners in the service of the Philippine Government at Manila and one master mariner in the Philippine merchant marine; and the latter of two chief engineers in the service of the Philippine Government at Manila and one chief engineer in the Philippine merchant marine. The Insular Collector of Customs of Manila shall designate a competent person to act as secretary. The members of said boards shall be appointed by the Secretary of Finance at each call."

SEC. 2. Section eleven hundred and eighty-five of the Administrative Code is hereby amended to read as follows:

"SEC. 1185. Functions of the Boards.—It shall be the duty of said boards of examiners to conduct examinations of persons applying for certificate as marine officers or engineers under the provisions hereof, to certify the successful examinees in such examinations for certificate as master, mate or marine engineer, as the case may be, and to exercise such other powers as are herein conferred."

SEC. 3. The fourth paragraph of section eleven hundred and eighty-nine of said Act is hereby amended and another paragraph added at the end thereof, to read as follows:

"The board in examining an applicant for a certificate as marine engineer shall inquire into his knowledge of the operation of marine machinery of all classes, also into his practical experience, character, and habits, and the board may, in its discretion, make such practical tests and examinations of the applicant as it may deem necessary to demonstrate his fitness for the position for which he seeks a certificate.

"The examinations shall be theoretical and practical and shall be in writing, and the questions shall be chosen by lot from an extensive permanent schedule of subjects prepared for each certificate as marine officer or marine engineer, which schedule shall not be modified or extended except upon one year's notice. The papers shall not be signed, and the authors thereof shall be identified by means of slips enclosed in envelopes. Both the schedule and the regulations by which examinations are to be governed shall be prepared and promulgated by the boards of examiners concerned, with the approval of the Secretary of Finance."

SEC. 4. Section eleven hundred and ninety-two of said Act is hereby amended by adding, at the end thereof, the following:

"(e) In order to give a legal status to persons who, upon or prior to the approval of this Act, served as engineers on motor vessels without having the proper certificate as marine engineer, and who are able to read and write English, Spanish, or any of the Philippine dialects, such persons shall be permitted to take a practical test, without the requisites prescribed in subsections (a), (b), (c), and (d) of this section, for certificates as chief motor engineer, second motor engineer, third motor engineer, and fourth motor engineer, upon compliance with the following conditions :

"1. Chief engineer on motor vessel: Upon presentation of a certificate or certificates of service on motor vessels of one hundred and fifty or more brake horsepower, signed by the masters and owners or operators thereof and duly sworn to before a notary public or other person authorized by law to administer oaths, showing that he served as engineer on such vessels prior to the approval of this Act, for a total period of not less than five years, of which two or more years as chief engineer.

"2. Second engineer on motor vessel: Upon presentation of a certificate or certificates of service on motor vessels of one hundred or more brake horsepower, signed by the masters and owners or operators thereof and duly sworn to before a notary public or other person authorized by law to administer oaths, showing that he served as engineer on such vessels, prior to the approval of this Act, for a total period of not less than four years, of Which two or more as second engineer.

"3. Third, engineer on motor vessel: Upon presentation of a certificate or certificates of service on motor vessels of seventy-five or more brake horsepower, signed by the masters and owners or operators thereof and duly sworn to before a notary public or other person authorized by law to administer oaths, showing that he served as engineer on such vessels, prior to the approval of this Act, for three years, of which two or more as third engineer.

"4. Fourth engineer on motor vessel: Upon presentation of a certificate or certificates of service on motor vessels of twenty or more brake horsepower, signed by the masters and owners or operators thereof and duly sworn to before a notary public or other person authorized by law to administer oaths, showing that he served on such vessel, prior to the approval of this Act, for a total period of not less than two years.

"The certificates mentioned in paragraphs 1, 2, 3, and 4 of this subsection shall be deemed public documents and as such subject to the civil and criminal liabilities prescribed by law.

"For the purposes of the practical tests authorized by this subsection, the Secretary of Finance is hereby empowered to order such tests to be held in the ports of Cebu, Iloilo, and Zamboanga, besides the port of Manila. When said tests are held in the ports of Cebu, Iloilo, and Zamboanga, only two members of the board shall sit in said ports, and in such cases the official boiler inspector of the port concerned or any other engineer having the qualifications prescribed in section eleven hundred and eighty- four who may be appointed in his stead, shall act as third member of the board.

"(f) Persons who have successfully passed the special tests provided for in subsection (e) hereof may only act as engineers on motor vessels subject to the terms and conditions established in subsections (i) and (j) of section twelve hundred and three: Provided, That every motor vessel equipped with auxiliary steam machinery, such as capstans, cargo winches, pumps, ice machines, servomotors, electric-light dynamos, etc., shall, in addition to their complement, carry at least a fourth marine engineer: Provided, further, That nothing provided in this Act shall be construed as depriving the holders of certificates as marine engineer of the right to ship on vessels propelled by engines of any class.

"(g) Persons holding certificates as steam engineers upon or prior to the approval of this Act shall be entitled to have such certificates exchanged free of charge for certificates as marine engineers of the same category."

SEC. 5. Section eleven hundred and ninety-eight of said Act is hereby amended to read as follows:

"SEC. 1198. Suspension or revocation of licenses or certificates.—All charges preferred against the holders of

licenses or certificates in connection with marine accidents shall be filed with the Insular Collector of Customs who, by the Boards of Marine Examiners, acting jointly, with the Insular Collector of Customs or such member of either of said boards as he may designate, presiding, shall investigate and decide the complaint, giving the party an opportunity to be heard in his defense, and the decision of the Insular Collector of Customs by which he may suspend or cancel any officer's license on account of misconduct, intemperate habits, incapacity or inattention to duty on the part of the licensee or holder of a certificate shall not be effective until approved by the Department Head, to whom an appeal shall lie in all such cases."

SEC. 6. This Act shall take effect on its approval.

Approved, November 24, 1924.

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