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REVISED RULES AND REGULATIONS IMPLEMENTING LOI NO. 1404 ESTABLISHING THE MARITIME TRAINING COUNCIL

MTC RESOLUTION NO. 10, S. 1999, November 09, 1999

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WHEREAS, under Section 1 of Letter of Instructions No. 1404 dated May 1, 1984, the Maritime Training Council is established to give effect to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers;

WHEREAS, the Maritime Training Council is empowered under Section 2, paragraph 5 of LOI No. 1404, to formulate rules and regulations to implement the 1978 STCW Convention and to attain the objectives of the said Letter of Instructions;

WHEREAS, the Maritime Training Council on October 12, 1986 promulgated the Implementing Rules and Regulations of LOI No. 1404 to establish the rules and functions of its member-agencies in order to fulfill the obligation of the Philippines under the STCW Convention;

WHEREAS, on January 30, 1997, the President of the Philippines issued Executive Order No. 396, “Providing the Institutional Framework for the Administration of Standards of Training, Certification and Watchkeeping for Seafarers in the Philippines” and amended by Executive Order No. 149 which further defines the responsibility of MARINA in the implementation of the STCW Convention;

WHEREAS, it is the national goal to ensure effective and efficient implementation and administration of the 1978 STCW Convention, as amended;

NOW THEREFORE, by virtue of Section 2, paragraph 5 of LOI No. 1404, the Maritime Training Council hereby RESOLVES, as it hereby RESOLVED, to prescribe, issue and promulgate the following Revised Rules and Regulations Implementing LOI No. 1404.

ARTICLE I

TITLE, PURPOSE, OBJECTIVES AND POLICIES

RULE 1. Title . This issuance shall be known as the “1999 Revised Rules and Regulations Implementing LOI No. 1404”;

RULE 2. Purpose. These Rules and Regulations are formulated and adopted to prescribe procedures to be followed and observed in administering and implementing the provisions of LOI No. 1404;

RULE 3. Objectives. These Rules and Regulations aim to achieve the following objectives:

1. To give effect to the 1978 International Convention on Standards of Training, Certification and Watchkeeping of Seafarers, as amended;

2. To promote the highest degree of competence, qualifications and fitness of Filipino seafarers and to ensure safety of life and property at sea, together with the protection of the marine environment;

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3. To maintain the country's position as the world's major source of competent and qualified seafarers.

RULE 4. Policy Statements

1. The Council shall take all necessary steps in order to ensure that the Convention is given full and complete effect;

2. The Council shall accomplish its objectives, policies and functions through the member-agencies and other agencies of the government;

3. The Council shall provide a forum where all concerned agencies can discuss and resolve issues involving the implementation of the Convention and other related matters;

4. The Council, however, may undertake to directly perform activities which it may consider necessary to hasten the effective compliance of the Convention.

ARTICLE II

DEFINITIONS

RULE 5. Definition of Terms . For purposes of these Rules and Regulations, the following terms are defined as follows:

1. Convention — refers to the 1978 STCW Convention, as amended;

2. STCW Code — refers to the Seafarer's Training, Certification and Watchkeeping Code;

3. Party — means a State for which the Convention has entered into force;

4. Administration — means the Government of the Party whose flag the ship is entitled to fly and pursuant to EO 149 refers to the Maritime Industry Authority (MARINA);

5. Council — refers to the Maritime Training Council (MTC) established under LOI No. 1404;

6. Committee — refers to the STCW Executive Committee created by the Council pursuant to E.O. 396, Series of 1997;

7. Council Secretariat — refers to the administrative and technical staff of the Council;

8. Member-agencies — refer to agencies who are members of the Council as provided under LOI 1404;

9. Lead Agency — refers to Maritime Industry Authority pursuant to E.O. 396, Series of 1997 as amended by EO 149, Series of 1999;

10. Other agencies — refer to agencies or organizations that are not members of the Council but whose participation are necessary for the compliance to the Convention and are called upon by the Council for such purpose;

11. Certificate — means a valid document, by whatever name it may be known, issued by or under the authority of the Administration or recognized by the Administration authorizing the holder to serve as stated in this document or authorized by national regulations;

12. Seagoing Ship — means a ship other than those which navigate exclusively in inland waters or areas where port regulations apply.

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ARTICLE III

COMPOSITION, FUNCTIONS, MEETINGS AND FUNDS

RULE 6. Composition . The Council shall be composed of the Secretary of the Department of Labor and Employment as Chairman, with the following as members:

1. The Administrator, Maritime Industry Authority;
2. The Commandant, Philippine Coast Guard;
3. The Chairman, Commission on Higher Education;
4. The Administrator, Philippine Overseas Employment Administration;
5. The Administrator, Overseas Workers Welfare Administration;
6. The Chairman, Professional Regulation Commission;
7. The Representative from the Private Sector

RULE 7. Functions . The Council shall be attached to the Department of Labor and Employment for administrative and policy control and shall have the following functions:

1. Develop and prescribe standards of training for seafarers in accordance with the STCW-78 Convention, as amended; and promulgate rules and regulations for the proper implementation thereof;

2. Issue certificates to seafarer that meets the requirements of the Convention;

3. Regulate and supervise the establishment and operation of maritime training centers;

4. Liaise and coordinate with concerned government agencies/instrumentalities and private entities, and international organizations particularly with the International Maritime Organization, through the Secretary-General, as regards the training, upgrading and qualifying seafarers;

5. Formulate rules and regulations to implement the 1978 STCW Convention, as amended and to attain the objectives of LOI 1404;

6. Amend, revise rules and regulations to conform with the amendments of the 1978 STCW Convention;

7. Prescribe and collect fees from the maritime training centers and the same to be remitted as part of the Seafarers Welfare Fund being administered by the Overseas Workers Welfare Administration;

8. Undertake special programs/projects in furtherance of the objectives of training and upgrading of Seafarers;

9. Study, evaluate and recommend to the Commission on Higher Education the number and maximum enrollment in maritime institutions to ensure employability of graduates;

10. Call on agencies or organizations that are not members of the Council whose participation are necessary for the compliance to the Convention or when the need so arises;

RULE 8. Meetings . Regular meetings shall be held once a month as set by the Council at the Office of the Chairman or at such other venue as may be prescribed by the Council. Special meetings may be called by the Chairman or upon request of at least two (2) members of the Council.

RULE 9. Funds. The Council shall be funded from the proceeds of the Seafarers Welfare Fund (SWF), administered by OWWA, pursuant to Section 4 of LOI 1404 or other funds that may be made available.

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ARTICLE IV

COUNCIL SECRETARIAT

RULE 10. The Council Secretariat shall serve as the administrative, technical and support staff of the Council. It shall be headed by the Executive Director and assisted by a Deputy Executive Director.

RULE 11. Functions of the Council Secretariat . The Council Secretariat shall:

a) Provide administrative support services to the Council;
b) Act as the operating arm of the Council;
c) Implement training standards for seafarers as approved by the Council;
d) Accredit, supervise, monitor course programs of maritime training centers and prescribe table of penalties in violation thereof;
e) Hire the necessary staff to assist the Council in the implementation of the 1978 STCW Convention as amended;
f) Perform other functions as may be directed by the Council.

RULE 12. Principal Office . The Council Secretariat shall hold office at the POEA Building located at Ortigas Avenue corner EDSA, Mandaluyong City, or any other venue selected for the purpose.

RULE 13. Organization. The Council Secretariat shall be composed of four (4) divisions: The Accreditation and Monitoring Division; Planning Division; The Administrative Division; and The Quality Assurance Division.

RULE 14. Appointment of Officers and Employees of the Council Secretariat . Subject to existing laws, the Executive Director and Deputy Executive Director shall be appointed by the Chairman with the concurrence of the Council members. All other employees shall be appointed by the Chairman.

RULE 15. Qualifications :

1. The Executive Director shall at least be a holder of a Bachelors degree or Master Mariner or Chief Engineer with at least five (5) years of experience in the administration or planning of programs on seafarers training or employment;

2. The Deputy Executive Director shall at least be a holder of Bachelors degree or a Master Mariner or Chief Engineer with at least three (3) years experience in the administration or planning of programs on seafarers training or employment;

3. The other employees shall have the appropriate qualifications and experience necessary in the performance of their duties.

RULE 16. Duties and Functions of the Executive Director . The Executive Director shall:

a) Ensure that the functions of the Council in giving effect to the 1978 STCW Convention, as amended are properly implemented;

b) Ensure that the resolutions, orders or instructions or policies promulgated by the Council are carried out;

c) Submit semestral and annual accomplishment reports to the Council;

d) Recommend to the Chairman the hiring of employees and technical staff;

e) Perform other duties as directed by the Council.

RULE 17. Functions of the Deputy Executive Director . The Deputy Executive Director shall assist the Executive

Director in attaining the objectives of Letter of Instructions No. 1404. He shall assume the duties of the Executive Director in the absence of the latter.

RULE 18. Committees . The Chairman may organize ad hoc committees composed of representatives from the member agencies and other entities to assist the Council in formulating policies, standards, procedures or undertake tasks that shall enable the Council to achieve its objectives.

ARTICLE V

RESPONSIBILITIES AND FUNCTIONS OF MEMBER-AGENCIES AND OTHER AGENCIES

RULE 19. Functions of the member-agencies . The individual member agencies shall have the following functions:

1. Professional Regulation Commission (PRC)

a) Issue Certificate of Competency to marine officers and its corresponding endorsement as provided under RA 8544 otherwise known as “An Act Regulating The Practice Of The Merchant Marine Profession In The Philippines”;

b) Apply the sanctions provided under P.D. No. 223 as amended, and RA 8544, including the rules and regulations issued to implement said laws as well as the duly promulgated Code of Ethics for the Marine Deck and Marine Engine Officers.

2. Philippine Overseas Employment Administration (POEA)

a) Issue Seafarers Registration Certificate (SRC);

b) Provide the Council the required information and statistics regarding the manpower requirement and the demand of overseas shipmanning industry; and

c) Provide the necessary administrative and technical support to the Council.

3. Overseas Workers Welfare Administration (OWWA)

a) Provide funds for the operation of the Maritime Training Council;

b) Establish a system for the collection of fees generated from the operation of the Council’s Secretariat.

c) Provide training grants and loans in furtherance of the training needs of Filipino seafarers who are OWWA contributors.

4. Commission on Higher Education (CHED)

a) Prescribe the curriculum for BSMT and BSMarE to conform with the requirements of the STCW Convention as amended;

b) Undertake the accreditation of maritime degree programs in maritime schools and revocation of the same; and

c) Formulate processes and identify the requirements for the issuance and cancellation of accreditation of maritime education and training programs.

5. Maritime Industry Authority (MARINA)

a) Act as the lead agency in the implementation of the 1978 STCW Convention, as amended;

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a.1 Communicate to the IMO and other concerned parties/agencies any supplemental information necessary including subsequent amendments to its rules, regulations and/or procedures relative to the Philippine compliance with or implementation of the Convention;

a.2 Issue jointly with the Professional Regulation Commission (PRC), the endorsement attesting the issue of a certificate under the provisions of the 1978 STCW Convention, as amended in 1995. Upon issuance of the certificates of competency by the PRC under Republic Act No. 8544;

a.3 Serve as the central repository of information relative to Regulation I/9 of the Convention and maintain copies of the certificates of competency and its corresponding STCW endorsement;

a.4 Coordinate, monitor and verify compliance by concerned government agencies as they pertain to the implementation of the Convention;

a.5 Facilitate requests from other maritime administrations in coordination with other government agencies involved regarding confirmation of Philippine compliance with the Convention in accordance with Regulation I/10, paragraph 1.1 thereof; and

a.6 Prepare annual work program in the implementation of the 1978 STCW Convention, as amended;

b) Issue certificate of dispensation in accordance with Article VIII of the Convention;

c) Provide the Council with statistics, research studies and other information in the development and trends in the shipping industry, technology and manpower training needs and qualification requirements for Philippine registered vessels;

6. Philippine Coast Guard (PCG)

a) Ensure that the safety of life at sea requirements are covered adequately in all training programs and requirements under the 1978 STCW Convention, as amended;

b) Implement Port State Control provisions of the 1978 STCW Convention, as amended and apply appropriate sanctions within its rules for violations committed against the safety at sea provisions.

7. Representative from the Private Sector

a) Maintain linkages with the maritime industry;

b) Provide an up-to-date information on the education and training needs of seafarers and the current trends of the industry; and

c) Perform such other functions, as the Council may deem proper in furtherance of the objectives of LOI No. 1404.

All of the above agencies shall provide the Council with reports, data, statistics, rules and sanctions imposed as required by the Convention.

RULE 20. Responsibilities of other agencies . Other agencies of the government shall have the following responsibilities:

1. Technical Education and Skills Development Authority (TESDA)

a) Supervise, monitor and regulate maritime programs for ratings (support level);
b) Issue certificate of competency (COC) for ratings.

2. National Telecommunications Commission (NTC)

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a) Supervise, monitor and regulate training centers offering radio communication courses in accordance with Regulation IV/2 of STCW Convention, as amended in coordination with the MTC Secretariat.
b) Administer licensure examination for radio personnel;
c) Issue appropriate certificate for radio personnel.

3. Department of Health (DOH)

a) Set medical standards on seafarers' fitness;
b) Supervise, monitor and regulate medical hospitals/clinics; and
c) Provide assistance in the inspection and monitoring of training centers offering medical related courses as required under the 1978 STCW Convention, as amended.

ARTICLE VI

STCW EXECUTIVE COMMITTEE

RULE 21 . The STCW Executive Committee of the Council shall provide the overall policy and operational direction in the implementation of the STCW Convention consistent with the provisions of LOI 1404 and its implementing rules and regulations.

In providing overall policy and operational direction, the Committee shall:

a) Perform oversight functions on the work programs undertaken by the operating agencies and ensure that the requirements of the Convention are fully and completely met in accordance with the established guidelines;

b) Recommend to the Council representatives to meeting or conferences that may be called by the IMO including the experts required; and

c) Perform other functions as required by the Council.

ARTICLE VII

GUIDELINES IN THE IMPLEMENTATION OF THE REQUIREMENTS OF THE CONVENTION AS AMENDED

RULE 22 .

a) The guidelines in the implementation of the requirements of the Convention shall be established by the Council for the effective implementation thereof, which shall form part of this Implementing Rules and Regulations;

b) The Council shall ensure that all issuances issued by the Council member and other concerned agencies are consistent with the requirements of the Convention.

ARTICLE VIII

SANCTION, SEPARABILITY AND EFFECTIVITY CLAUSES

RULE 23. Sanction . Any member-agency of the Council shall take appropriate action against violators of the provisions of these rules and regulations, if such violations also constitute a violation of their respective rules and regulations for which they are authorized to impose penalties;

RULE 24. Repealing Clause . The rules and regulations implementing LOI No. 1404 promulgated in October 12, 1986 is hereby repealed;

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RULE 25. Separability Clause . Should any part of these Revised Rules and Regulations, or the application thereof is declared invalid or unconstitutional, no other sections or provisions of this Rules and Regulations shall be affected thereby;

RULE 26. Effectivity Clause . These Revised Rules and Regulations shall take effect 15 days after publication in the Official Gazette or in newspaper of general circulation.

Adopted: 09 Nov. 1999

Approved:

(SGD.) BIENVENIDO E. LAGUESMA
Secretary, Department of Labor and Employment
and Chairman, Maritime Training Council

(SGD.) HERMOGENES P. POBRE
Chairman, Professional Regulation Commission (PRC)

(SGD.) REYNALDO A. REGALADO
Administrator, Philippine Overseas Employment Administration (POEA)

(SGD.) ELEUTERIO N. GARDINER
Administrator, Overseas Worker Welfare Administration (OWWA)

(SGD.) AGUSTIN R. BENGZON
Administrator, Maritime Industry Authority (MARINA)

(SGD.) COMMO. EUGEO E. FAJARDO
Commandant, Philippine Coast Guard (PCG)

(SGD.) ESTER A. GARCIA
Chairman, Commission on Higher Education (CHED)

(SGD.) VICENTE F. ALDANESE, JR.
Private Sector Representative Filipino Association for Mariners Employment (FAME)

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Attested to:

(SGD.) LORNA O. FAJARDO
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