IMPLEMENTING GUIDELINES FOR VESSEL SAFETY REGULATIONS

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The Maritime Industry Authority Board in its meeting on 07 October 1994, has approved and promulgated the following guidelines in the implementation of vessel safety regulations pursuant to the provisions of Executive Order No. 125, as amended, Department of Transportation and Communications Memorandum dated 07 September 1994 and MARINA Memorandum Circular No. 88, s. 94, approved by the MARINA Board on 15 September 1994.

I
Objective

This Circular serves to provide implementing guidelines to ensure the following:

1. Compliance with safety regulations prior to registration under Philippine Laws; and

2. Maintenance of safety qualifications.

II
Coverage

This Guidelines shall apply to:

1. All types of vessels required to be registered in the Philippines under existing laws;

2. All vessels engaged in towing/pushing and/or carrying goods and passengers for hire regardless of tonnage;

3. All vessels acquired under PD 760 as amended; and

4. All vessels of foreign registry temporarily used in Philippine waters.

The following vessels shall not be covered:

1. Warships and naval vessels;

2. Non-motorized bancas, sailboats and other waterborne contrivance of less than 3 GRT.

III
General Provision

The Maritime Industry Authority (MARINA) is vested with the vessel safety regulatory functions over all vessels registered under Philippine laws.

IV
Specific Guidelines

A. Plans Approval

1. Vessel plans must be submitted to MARINA for approval prior to any construction, conversion, alteration or rehabilitation to ensure-compliance with safety rules and regulations.

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2. For vessels approved by MARINA for acquisition, the plans are to be submitted for approval prior to the vessel's registration.

B. Admeasurement of Vessel

1. All vessels 3 GRT and above shall be admeasured prior to their registration.

2. The admeasurement of vessels shall be conducted/required upon the completion of her construction conversion/alteration/rehabilitation, or prior to registration.

3. All classed vessels shall not be readmeasured. The shipowner shall submit the Tonnage Certificate issued by IACS — member classification society recognized by the Philippine government.

4. Admeasurement of vessels shall be conducted by MARINA. The pro forma Admeasurement Report Data shall be forwarded to the MARINA office which has jurisdiction over the vessel's homeport.

5. The information in the Admeasurement Data Report shall be conclusive. Should there be any change thereof caused by alteration/conversion/rehabilitation, the vessel shall undergo another admeasurement which shall be the basis for the issuance of an amended certificate of Vessel Registry, save correction of typographical or arithmetical errors in measurement which shall be certified by the admeasuring officer and annotated at the back of the said certificate.

C. Inspection of Vessel

1. All Philippine registered vessels shall be inspected by MARINA to ascertain manning requirements and/or the detailed requirements regarding the condition of the hull, machineries, auxiliaries, navigational, firefighting and life-saving equipment as provided for in the Revised Philippine Merchant Marine Rules and Regulations (RPMMRR).

2. Vessels shall be inspected under the following circumstances:

a) Vessels not yet registered

1. upon completion of local construction

2. if acquired abroad, prior to release from the custody of the Bureau of Customs

3. prior to registration under Philippine flag

b) Vessels already registered

1. upon completion of repair/conversion/ alteration/ rehabilitation

2. upon drydocking

3. renewal of vessels certificates

4. change of trading status from domestic to overseas.

5. in cases of reported breakdowns/related complaints.

6. compliance with SOLAS/Loadline and other safety requirements

7. upon request of other government entities

D. Certificate of Inspection

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1. Vessels which are above three (3) gross registered tonnage (GRT) shall be issued a Certificate of Inspection (CI)/Interim Certificate of Inspection (ICI).

2. Vessels which are three (3) gross registered tonnage (GRT) and below shall be issued a Special Certificate of Inspection (SCI) if utilized to carry passengers/ passengers and cargoes.

3. Cargo of three (3) gross registered tonnage (GRT) and below shall be issued a Permit to Operate (PO).

4. The Certificate of Inspection (CI) shall indicate wherein the vessel is allowed to operate.

5. Certificate of Inspection (CI) shall be valid as follows:

5.1 Steel-Hulled Vessels

1.1. Passenger/Cargo vessels shall have a validity of one (1) year.

1.2 Cargo, Tanker and Fishing Vessels shall have a maximum validity of one (1) year.

5.2 Wooden-hulled vessels shall have a validity of one (1) year.

5.3 Interim Certificate of Inspection (ICI) shall have a maximum validity of six (6) months.

5.4 Special Certificate of Inspection (SCI) shall have a validity of one (1) year.

5.5 Permit to Operate (PO) shall have a validity of one (1) year.

E. Manning Requirement

1. All Philippine registered vessels operating in the domestic or overseas trade shall be manned exclusively by duly certificated Filipino seafarers in accordance with existing rules and regulations.

2. All Philippine registered vessels shall be manned in accordance with the minimum level required under the RPMMRR and other rules and regulations.

3. A Manning Certificate shall be issued to Philippine — registered overseas vessels.

4. Validity of Manning Certificate shall be issued for a period not exceeding five (5) years unless the vessel has undergone major renovation in which case a new Manning Certificate shall be issued.

F. Dispensation Permit

1. A Dispensation Permit shall be granted to an officer to occupy the next higher rank in a particular ship only during emergency cases as determined by MARINA, provided that the period shall not exceed three (3) months.

2. A Dispensation Permit shall not be granted to a Master or Chief Engineer, except in cases of force majeure or fortuitous event and shall be valid until the next port, provided that this Dispensation shall not be granted to vessels operating in the Domestic Trade.

G. Safety Certificates

1. The following safety certificates shall be required of Philippine registered overseas vessels by the MARINA whenever applicable:

1.1. Passenger Ship Safety Certificate

1.2. Ship Safety Construction Certificate

1.3. Cargo Ship Safety Certificate

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1.4. Ship Safety Equipment Certificate

1.5. International Loadline Certificate

1.6. International Tonnage Certificate

1.7. Grain Loading Certificate

1.8. Cargo Oil Record Book

1.9. Certificate of Fitness to Carry LPG in Bulk

1.10. Radio Telephone/Telegraphy Certificate

1.11 Oil Pollution Prevention Certificate

2. Exemption Certificate shall be issued to Philippine registered domestic vessels engaged temporarily in the overseas trade.

V
Enforcement/Monitoring

The MARINA shall undertake periodic, random inspection of vessels calling any Philippine port, to ensure compliance and maintenance with safety rules and regulations, in accordance with established guidelines.

VI
Penalty

Violations of any of the provisions of this Circular shall be governed by existing laws and regulations.

VII
Saving Clause

The provisions of the Revised Philippine Merchant Marine Rules and Regulations as amended which are not inconsistent with this Circular are hereby adopted by reference.

VIII
Repealing Clause

Any provisions of existing MARINA rules and regulations, circulars and orders which are inconsistent with this Circular are hereby repealed or modified accordingly.

IX
Effectivity

This Memorandum Circular shall be published once in a newspaper of general circulation in the Philippines and shall take effect on 15 October 1994.

Adopted: 7 Oct. 1994

(SGD.) PACIENCIO M. BALBON, JR.
Administrator

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