NATIONAL ADMINISTRATIVE REGISTER · SEPTEMBER 27, 2005

RULES AND REGULATIONS PRESCRIBING THE ESTABLISHMENT, ADMINISTRATION, OPERATION AND MAINTENANCE OF PRIVATE AIDS TO NAVIGATION

PHTBP MEMORANDUM CIRCULAR NO. 01-05, September 27, 2005

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I. Authority

A. Section 1 (C) & 3 (l), 5 and 6 of RA No. 5173 otherwise known as the "COAST GUARD LAW"

B. P.D. 601

II. Scope

This Memorandum Circular applies to all aids to navigation, regulatory markings, obstruction buoys or beacons owned and/or maintained by private parties, associations and other government agencies (such as the Cebu Port Authority and Philippine Ports Authority), established/installed in navigable waters of the Philippines.

III. Purpose

To prescribe the rules and regulations for the establishment, administration, operations, and maintenance of private aids to navigation in navigable waters in the Philippines.

IV. Definition of Terms

A. Aids to Navigation - means any device external to a vessel or aircraft designed/intended to assist a navigator to determine his position or safe course or to warn him of danger or obstruction to navigation.

B. Private Aids to Navigation - an aid to navigation authorized by the Philippine Coast Guard (PCG) but established, administered, operated and maintained by private parties associations and other government agencies, to include the Philippine Ports Authority in the navigable waters in the Philippines.

C. Navigable Waters - the term navigable waters, singular or plural means waters navigable in fact which itself, or by uniting with other waters, navigable in long forms a continuous highway over which inter-island or international commerce may be conducted in the customary mode of trade and travel on waters.

D. Lateral System - a system of aids to navigation in which buoys, day beacons and minor lights marking navigable channel are assigned colors and numbers in geographical sequence and in accordance with their respective locations in relation to the channel. The Philippines which belongs to Region B of the International Maritime Buoyage System prescribes the color green for buoys and markers on the port side of the channel and red on the starboard, when entering port. (Additional, detailed information may be found in the International Association of Lighthouse Authorities (IALA) handbook of the Maritime Buoyage System).

E. Cardinal Marks - a system of marking according to the four cardinal quadrants, (N.E.S.W.) of the compass to indicate which side of the mark lies the deepest water and which is the safe side to pass or a feature in the channel - a junction, or bifurcation, or end of the shoal.

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F. General Navigation - navigable area, route and/or harbor commonly utilized by all kinds of watercraft, vessels or ships.

V. General Provisions

A. No person, public body, or instrumentality shall establish any aid to maritime navigation without first obtaining permission from the Commandant, PCG.

B. No person, public body or instrumentality shall operate any aids to navigation without first registering the same with the PCG. All private aids to navigation shall be continuously operated without prejudice to liabilities that may be charged to the owner as a result of its malfunction.

C. Private ports and harbors shall conform with public standards in the establishment and operation of navigational aids.

D. All ports under the jurisdiction of local government units, the Philippine Ports Authority and other port authorities shall conform to public standards set by the PCG.

E. Coast Guard authorization for the establishment and maintenance of a private aid to navigation does not authorize any invasion of private rights, nor grant exclusive privilege, nor authorize the levying of charges by private individuals or entities nor does it obviate the necessity of complying with any national or local laws or regulations.

F. Operation of electronic aids to navigation as private aids will not be authorized except for shore based radar stations.

G. No person shall obstruct or interfere with any aid to navigation established and maintained by the Coast Guard or any private aid to navigation established and maintained in accordance with Coast Guard regulations.

H. No person shall take possession of or make use for any purpose, or build upon, alter, deface, destroy, move, injure, obstruct by fastening vessels thereto or otherwise or in manner whatsoever that will impair the usefulness of any aid to navigation established and maintained by the Philippine Coast Guard or any private aid to navigation established and maintained in accordance with Coast Guard regulations.

VI. Procedures for the Establishment

A. Applications to establish private aids to navigation shall be made in three (3) copies to the Commandant. PCG thru the Commander of the Coast Guard District with the following information:

1. The necessity/importance for the aid.

2. The proposed position of the aids to navigation by two or more horizontal angles, or bearings and distances from chartered landmarks.

3. A section of the chart or sketch showing the proposed location of the aid to navigation shall be included.

4. For lights: the color, characteristics, height above water, luminous and nominal range, description of illuminating apparatus.

5. For buoys or day beacons: shape, size, color, number or letter depth of water in which located and height above water.

6. Material specifications and drawings of the structure upon which the light shall be installed.

B. The PCG shall review, evaluate, assess and approve said application if found to be in compliance with relevant

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regulations.

C. The PCG approval shall be the basis for the proponent to commence the construction, erection or establishment of the aids to navigation.

D. The PCG shall, during the construction conduct inspections to ensure adherence to the approved plan.

E. The completion of the construction/establishment shall be reported officially to the PCG and in writing as soon as possible.

F. Upon completion, the PCG shall establish the exact position of every aid to navigation installed for immediate and subsequent issuance of Notice to Mariners.

G. The PCG shall likewise report the new aids to navigation to NAMRIA for publication/inclusion in all charts.

VII. Registration

A. The report of completion as maintained in Para IV-E above shall cause the PCG to register the private aids to navigation sequentially in order of date of completion and included in the PCG inventory upon payment of the following fees:

1. Application Fee - P1,000.00

2. Registration Fee

a) Unlighted Buoy - 3,000.00

b) Lighted Buoy - 5,000.00

c) Beacon - 7,500.00

B. A certificate of aids to navigation (ATON) registration shall be issued thereafter.

VIII. Operation of Private Aids to Navigation

A. All private aids to navigation shall be operated continuously at all times, specification/characteristics as approved by the PCG.

B. All private aids to navigation shall at all times conform to the characteristics/specifications as approved by the PCG.

C. All private aids to navigation shall be operated at the expense of its registered owner.

D. Any temporary change or alteration shall be immediately reported to the PCG.

E. Any stoppage in operation shall likewise be reported to the PCG as soon as possible.

IX. Maintenance

A. All private aids to navigation shall be maintained to ensure continuous operation at all times.

B. PCG shall conduct inspections periodically to ensure continuous operation of all aids to navigation.

X. Periodic Inspection

A. The PCG shall conduct yearly inspection of all private aids to navigation to ensure compliance with the

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standards of operation and level of upkeep and maintenance.

B. A yearly ATON inspection certificate shall be issued to all aids to navigation upon payment of corresponding fee.

C. The PCG may conduct random inspection as the need arises as result of reported malfunction due to any cause such as vandalism, poor maintenance, etc.

XI. Penalty Clause

A. The registered owner shall pay a fine of P50,000.00 for violation of Para VIII-A of this Memo-Circular.

B. The registered owner shall pay a fine of P30,000.00 for violation of Para VIII-B of this Memo-Circular.

C. The registered owner shall pay a fine of P25,000.00 for violation of Para VIII-D of this Memo-Circular.

D. The registered owner shall pay a fine of P10,000.00 for failure to report non-operating aids to navigation in violation of Para VIII-E.

E. The registered owner shall pay a fine of P1,000.00 thereafter for each succeeding day of continued of Para VIII-A and VIII-B of this Memorandum Circular.

F. The registered owner shall pay a fine of P20,000.00 for violation of Para V-A of this Memo-Circular.

G. The registered owner shall pay a fine of P30,000.00 for violation of Para VIII-B of this Memo-Circular.

H. The registered owner shall pay a fine of P50,000.00 for violation of Para-V-G of this Memo-Circular.

I. The registered owner shall pay a fine of P100,000.00 for violation of Para V-H of this Memo-Circular.

XII. Recession Clause

All memorandum circulars inconsistent with this Memorandum Circular are hereby rescinded.

XIII. Effectivity:

This Memorandum Circular shall take effect fifteen (15) days after its publication once in a newspaper of general circulation.

(SGD.) ARTHUR N. GOSINGAN
VADM PCG

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