BILATERAL

# AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES AND THE GOVERNMENT OF HIS MAJESTY THE SULTAN AND YANG DI-PERTUAN OF BRUNEI DARUSSALAM ON MERCHANT SHIPPING AN...

Read online (full-text search, related cases, audio case brief): https://batas.org/library/533c0d28a8f1/

## PREAMBLE

The Governments of the Republic of the Philippines and His Majesty The Sultan and Yang Di-Pertuan of Brunei Darussalam (hereinafter referred to as the "Contracting Parties"), being desirous of strengthening and promoting their cooperation and improving the efficiency of maritime transport in accordance with the principles of equality and mutual benefit.

**HAVE AGREED AS FOLLOWS:**

ARTICLE I
DEFINITION OF TERMS

For the purpose of this Agreement unless the context, otherwise requires:

a) "Vessel" means merchant marine vessels used in the carriage of cargoes and/or passengers flying the national flag of and registered in either Contracting Party. This term shall not include:

(i) fishing vessels;

(ii) wooden-hulled vessels;

(iii) warships and auxiliary ships of the navy;

(iv) vessels which are performing exclusively administrative or state functions;

(v) scientific research vessels; and

(vi) other vessels used for non-merchant purposes.

b) "Crew members" means all persons, including the Master, who are or actually have been employed for duties on board a vessel of the Contracting Parties, and nationals, of Contracting Parties actually employed for duties on board vessels of a third country with regard to the working or service of the vessel and who are included in its ship's articles or crew list as applicable and possess identity documents as specified in Article IX of this Agreement. The term crew members shall be synonymous to the term "seafarers" whenever the latter appears in this Agreement.

c) "Competent Authority" of the Contracting Parties means:

For the Republic of the Philippines: Maritime Industry Authority, Department of. Transportation and Communications.


Turn this case into an audio lecture - facts, issues, ruling and doctrine - at batas.org

For Brunei Darussalam: Ministry of Communications and the authorized government agencies.

d) "Passengers" means those persons carried in the vessel of either Contracting Party, under the contract of carriage of passengers and who are not employed or engaged in any capacity on board that vessel and whose names are included in the passenger list of the vessel.

e) "Cabotage" refers to the carriage of cargoes and passengers: between ports of one Contracting Party.

f) "Port" means a place where ships may anchor or tie. up for .the; purpose of shelter, repair, embarkation and/or disembarkation of passengers, loading or discharge of cargoes, or for other such activities connected with water-borne commerce, and including all the land and water areas and the structures, equipment and facilities related to these functions which, are declared open to international shipping by the Contracting Party.

g) "Territory" means

In respect, of the Republic of the Philippines, the national territory as defined in Article 1 of the 1987 Constitution.

In respect of Brunei Darussalam, the territory and. adjacent waters over which Brunei Darussalam has sovereign rights or jurisdiction in accordance with international law.

ARTICLE II
TRAFFIC RIGHTS

1. The Contracting Parties agree to cooperate on the basis of equal rights, mutual benefit and the principles of freedom of merchant shipping in order to develop the relations between themselves in the field of merchant shipping.

2. Vessels of either Contracting Party may freely sail for the purpose of embarking and disembarking passengers and loading and. unloading cargoes between the ports of the Contracting Parties which are open to foreign trade or between either Contracting Party and any third country.

3. Vessels of either Contracting Party shall be entitled to sail from one port to another which are Brunei Indonesia Malaysia Philippines-East ASEAN Growth Areas (BIMP-EAGA) ports of the Contracting Parties, to disembark and embark passengers, unload and load cargoes destined to a third country. In this case the transportation will not be regarded as cabotage.

ARTICLE III
CABOTAGE

The provisions of this Agreement shall not apply to cabotage.

ARTICLE IV
OBLIGATION OF CONTRACTING PARTIES

The Contracting Parties shall:

a) promote participation of their vessels in the carriage of cargoes and passengers between the territories of the Contracting Parties;

b) facilitate the issuance of clearances pertaining to entry, berthing, discharging, loading, provisioning, departure of vessels and related operations including the processing of crew members of either Contracting Party, in accordance with international conventions to which the Contracting Parties are signatories;

c) respect and accept the terms and conditions of employment of the crew members of a vessel of either


Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

Contracting Party;

d) respect the employment contracts, social welfare standards and conditions of work approved by each Contracting Party for each crew member employed on board its vessels; and

e) agree to allow the shipping lines of either Contracting Party to establish their representative offices in their respective territories, consistent with the laws and regulations of the Contracting Parties.

ARTICLE V
NON-DISCRIMINATORY TREATMENT

1. Each Contracting Party, in accordance with their respective laws and regulations, shall refrain from any discriminatory measures against the vessels of the other Contracting Party.

2. The Contracting Parties shall adopt, within the limits of their laws and regulations, ail appropriate measures to facilitate the turn-around of vessels to prevent unnecessary delays, and to expedite customs and other formalities required at ports.

3. The provisions of this Agreement shall not limit the right of either Contracting Party to take measures for the protection of its security, public health and environment and the prevention of disease and pest in animals and plants.

4. Third flag ships which are chartered by nationals of the Contracting Parties when calling ports of the other Party shall be accorded the courtesies normally extended to ships flying the respective Contracting Parties' flag.

ARTICLE VI
APPLICABILITY OF NATIONAL LAWS

The Contracting Parties hereby agree that all vessels of the Contracting Party, including all cargoes, passengers and crew members thereon, while in the territory of the other Contracting Party shall be subject to all laws and regulations of the other Contracting Party. Each Contracting Party undertakes to take special care to ensure compliance with the health, quarantine, immigration, customs, marine traffic safety, foreign currency and security regulations of the other Contracting Party.

ARTICLE VII
RECOGNITION OF CERTIFICATES

1. The Competent Authority of each Contracting Party shall accept the certificate of registration issued by the Competent Authority of the other Contracting Party as sufficient proof of the nationality of a vessel.

2. Any ship's document which has been issued for a vessel of a Contracting Party, or which has been recognized by one Contracting Party, in accordance with relevant international agreements and which is carried on board such vessel shall also be recognized by the other Contracting Party.

3. The vessels of either Contracting Party, provided with international tonnage certificate, shall be exempt from further measurement in ports of the other Contracting Party. The calculation of tonnage dues shall be made on the basis of the tonnage certificate. Provided mat should the latter Contracting Party has reasonable grounds to question the correctness of a tonnage certificate so issued to a vessel, it may direct a surveyor to inspect and may have such vessel surveyed in accordance with the laws applicable in the Contracting Party.

ARTICLE VIII
ASSISTANCE IN CASES OF MARITIME CASUALTIES


Study hands-free: podcast-style lessons with read-along highlighting - batas.org

1. Whenever a vessel of either Contracting Party be involved in maritime casualties or encounter any danger in the territorial waters of the other Contracting Party, the Competent Authority of the latter shall:

a) provide necessary help and assistance to the vessel, its crew members, passengers and cargoes in accordance, with the applicable laws and regulations of that Contracting Party; and

b) notify promptly, the .diplomatic or consular representatives of the, Contracting Party whose flag the vessel is flying.
All cargoes and properties unloaded or saved from a vessel, involved in maritime casualties referred to in paragraph 1 (a) of this Article shall, be exempt from all taxes in so far as such cargoes and properties are not released for consumption or use in the territory of the other Contracting Party.

ARTICLE IX
SEAFARER'S DOCUMENTS

1. Each Contracting Party shall recognize the seafarer's identity documents issued by the other Contracting Party. These seafarer's identity documents are:

a) For nationals of the Republic of the Philippines, the "Seafarers Identification and Record Book" and/or the "Philippine Passport";

b) For nationals of Brunei Darussalam, the "Seaman's Record Book and Certificates of Discharge" and/or "Brunei Passport"; and

c) For nationals of third countries working on board vessels of either Contracting Party, the identity documents are those issued by the competent third country authorities.

2. The national laws and regulations in force in the territory of each Contracting Party shall apply with regard to entry, stay and departure of crew members of vessels of the Contracting Parties.

3. The Contracting Parties may request from each other samples of the seafarer's valid identity document.
The Contracting Parties reserve the right to deny entry into their respective territories to any holder of Seafarer's identity documents as herein defined.

ARTICLE X
ENTRY OF CREW MEMBERS INTO THE TERRITORY OF THE OTHER
CONTRACTING PARTY

1. Crew members of either Contracting Party shall reciprocally be permitted to go ashore during the period of stay of their vessels in the ports of the other Contracting Party in accordance with the latter Contracting Party's national laws and regulations. The crew members of either Contracting Party shall be allowed to contact their consular officials or their diplomatic representatives.

2. Crew members of vessels of either Contracting Party requiring medical treatment or medical observation of an illness shall be allowed to remain in the territory of the other Contracting Party for the period of time necessary for such treatment in accordance with the laws and regulations of the latter Contracting Party.

3. Crew members of vessels of either Contracting Party may enter the territory or travel through .the territory of the other Contracting Party for the purpose of joining their vessels, repatriation or any other reason acceptable to the competent authorities of the other Contracting Party, after completing necessary formalities in accordance with the national laws and regulations of the latter Contracting Party.

4. Notwithstanding the provision of paragraph one (1) of this Article, either Contracting Party has the right to

refuse any crew member's entry into its territory in accordance with its laws and regulations.

ARTICLE XI
RULES ON LABOR DISPUTES

The Competent Authority of either Contracting Party shall not consider any civil disputes arising exclusively between the ship owner, master and crew members concerning the contract of employment and employment condition on board the vessel of the other Contracting Party.

ARTICLE XII
OFFENSES COMMITTED BY CREW ON BOARD THE VESSEL

The Competent Authority of either Contracting Party shall not exercise criminal jurisdiction over crimes committed on board the vessels of the other Contracting Party passing through their territorial sea, to arrest any person or to conduct any investigation in connection with any crime committed on board the ship during its passage, except only in the following cases:

a) if the consequences of the crime extend to the coastal State;

b) if the crime is of a kind to disturb the peace of the country or the good order of the territorial sea;

c) if the assistance of the local authorities has been requested by the master of the ship or by a diplomatic agent or consular officer of the Flag State; or

d) if such measures are necessary for the suppression of the illicit traffic of persons particularly women and children, narcotic drugs, psychotropic substances, firearms and explosives.

ARTICLE XIII
PAYMENTS, INCOME AND TRANSFER OF EARNINGS

All proceeds accruing from shipping services or other related services by the Contracting Party shall be effected in freely convertible currencies. Such proceeds may be used-for making payments in the territory of the other Contracting Party or be freely remitted from that country.

ARTICLE XIV
APPLICABILITY OF INTERNATIONAL CONVENTIONS

The provisions of this Agreement shall not affect the rights and obligations of the Contracting Parties arising out of international conventions on maritime law and shipping to which they are parties.

ARTICLE XV
SETTLEMENT OF DISPUTES

Disputes concerning the interpretation or implementation of this Agreement shall be settled by consultations and negotiations between the Contracting Parties, through diplomatic channels.

ARTICLE XVI
CONSULTATIONS

1. In a spirit of close cooperation, both Contracting Parties shall consult each other from time to time to ensure the implementation of, and satisfactory compliance with the provisions of this Agreement and shall consult when necessary to provide for modification thereof.

2. Either Contracting Party .may request consultation, which may be through discussion or by correspondence and


Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

shall begin within a period of sixty (60) days from the date of receipt of the request, unless both Contracting Parties agree to an extension of this period.

ARTICLE XVII
JOINT COMMITTEE ON MARITIME AFFAIRS

Establish a Joint Committee on Maritime Affairs which shall meet once every two years to tackle matters arising out of this Agreement and .any related maritime cooperation/issues. It may however meet also on request by either of the Contracting Parties ninety (90) days at the latest after the date of that request. The agenda of the Joint Committee meeting shall be fixed by common agreement by the competent authorities. Each Contracting Party shall determine the composition of its delegation at the Joint Committee meeting.

ARTICLE XVIII
AMENDMENT

This Agreement may be amended and/or supplemented by mutual consent of the Contracting Parties. Any amendments to this Agreement agreed upon by the Contracting Parties shall be done in writing through diplomatic channels and shall enter into force in accordance with the provisions on entry into force of Article XX of this Agreement.

ARTICLE XIX
TERMINATION

Either Contracting Party may at any time give notice to the other through diplomatic channels if it desires to terminate this Agreement. If such notice is given, this Agreement shall terminate six (6) months after the date of receipt of the notice by the other Contracting Party, unless the notice to terminate is withdrawn by agreement in writing before the expiry of this period.

ARTICLE XX
ENTRY INTO FORCE

This Agreement shall enter into force on the date, of the later written, notification by the Parties through diplomatic channels indicating that the domestic requirements for its entry into force have been complied with.

IN WITNESS WHEREOF, the undersigned being authorized by their respective Governments, have signed this Agreement.

Done at Manila, Philippines on this 27th day of January 2003, in two original texts in English and Malay languages. In case of divergence of interpretation, the English language text shall prevail.

**FOR THE GOVERNMENT OF THE FOR THE GOVERNMENT OF**

**REPUBLIC OF THE PHILIPPINES HIS MAJESTY THE SULTAN**

**AND YANG DI-PERTUAN OF**

**BRUNEI DARUSSALAM**

(Sgd.) ATTY. OSCAR M. SEVILLA (Sgd.) PEHIN ORANG KAYA SERI

Administrator UTAMA DATO SERI PADUKA


Study hands-free: podcast-style lessons with read-along highlighting - batas.org

Maritime Industry Authority AWANG HAJI YAHYA BIN

**BEGAWAN MUDIM DATO**

**PADUKA HAJI BAKAR**

Permanent Secretary

The Prime Minister's Office

Entry into Force: April 22, 2004

ABOUT BATAS.ORG

# Study smarter at BATAS.org

*The Philippine bar review and law-school companion built around how your brain actually remembers.*

### The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

### Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

### Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

### The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

### Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

### A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

**Start free at https://batas.org**

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.