

RULES AND REGULATIONS IMPLEMENTING REPUBLIC ACT NO. 8544, THE “PHILIPPINE MERCHANT MARINE OFFICERS ACT OF 1998” (FOR MARINE ENGINEER OFFICERS)

PRC BOARD OF MARINE ENGINEER OFFICERS BOARD RESOLUTION NO. 48, S. 1999, November 10, 1999

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Pursuant to Section 34, Article VII of Republic Act No. 8544, otherwise known as the ‘Philippine Merchant Marine Officers Act of 1998’, the following rules and regulations for the effective implementation of the said Act is hereby formulated and adopted:

ARTICLE I

TITLE, PURPOSE AND DEFINITION OF TERMS

SECTION 1. Title. — This Resolution shall be known and cited as the “Rules and Regulations Implementing the Philippine Merchant Marine Officers Act of 1998.”

SECTION 2. Purpose. — This Rules and Regulations is formulated and adopted to prescribe the standards and procedures to be observed in carrying out the provisions of R.A. No. 8544 insofar as the merchant marine engineer officers are concerned in order to ensure the accomplishment of the following objectives:

- The examination, assessment, registration and issuance of certificate of registration, certificate of competency and its revalidation, and the endorsement attesting the issue of a certificate and the recognition of a certificate issued to a foreign merchant marine engineer officers.
- The supervision, control and regulation of the practice of Merchant Marine Engineer profession in the Philippines: Provided, That the above objectives shall be attained through compliance with STCW '78 Convention, as amended.

SECTION 3. Definition of Terms. — Unless otherwise provided, the following shall mean:

1. COMMISSION — shall mean the Professional Regulation Commission (PRC) created under P.D. No. 223, as amended.
2. CHAIRMAN OF THE COMMISSION — shall refer to the Commissioner of the Professional Regulation Commission.
3. BOARD — shall mean the Board of Marine Engineer Officers.
4. PRACTICE OF MERCHANT MARINE PROFESSION — shall refer to the profession requiring the application of fundamental and known principles of navigation, seamanship and engineering to the peculiar condition and requirements of on board management, operation and maintenance of main propulsion and auxiliary engines, stability and trim of the vessel and cargo handling. It shall also cover but will not be limited to the following:
 - (a) The proper handling and stowage of cargoes on board ship which includes the safe carriage of passengers from port of origin to port of destination.

(b) The safe watch keeping of the vessel's navigation in accordance with the Rules of the Road at Sea.

(c) The Maritime Education and Training of Cadets and other Marine Professionals.

(d) Employment with government, provided such item or position requires the knowledge and expertise of a Merchant Marine Engineer Officer.

(e) Employment with private companies/entities as port engineers, marine superintendents and those engaged in the recruitment, selection and hiring of Filipino marine engineer officers to work on board vessels.

(f) Service in shipyards, dry-docks, and stationary power plant for marine engineer officer including surveys and certification of ships.

5. **CERTIFICATE OF REGISTRATION** — shall refer to the document issued to a Marine Engineer Officer after passing the required examination and upon compliance with all the requirements prescribed by the Board and the Commission.

6. **MERCHANT MARINE VESSEL** — shall apply only to commercial ships, public or private, propelled by machinery, strictly engaged in maritime commerce, both seagoing and/or near-coastal trade; vessels engaged in the training of cadets for the merchant marine profession; and non-combatant vessels of the Philippine Government.

7. **MERCHANT MARINE OFFICER** — shall refer to marine deck or engineer officer.

8. **MERCHANT MARINE ENGINEER OFFICER** - shall refer to a registered, certificated chief engineer, second engineer and officer-in-charge of an engineering watch in a manned engine-room or designated duty engineer in a periodically unmanned engine-room.

9. **CHIEF ENGINEER OFFICER** — is a registered and certificated marine engineer officer who shall have over-all charge of and shall be responsible for the mechanical propulsion and the operation and maintenance of the mechanical and electrical installations of the ship/vessel.

10. **SECOND ENGINEER OFFICER** — is a registered and certificated marine engineer officer next-in-rank to the Chief Engineer Officer who shall exercise supervision over all the machineries and auxiliaries as well as the engine personnel of the ship/vessel and upon whom shall devolve/fall the responsibilities of the Chief Engineer Officer on board the ship/vessel in the absence of or in the event of incapacity of the Chief Engineer Officer.

11. **THIRD ENGINEER OFFICER** — is a registered and certificated marine engineer officer designated officer-in-charge of an engineering watch in a manned engine-room or designated duty engineer in a periodically unmanned engine-room who shall be responsible for the operation and maintenance of the machineries and equipments assigned to him by the Chief Engineer.

12. **FOURTH ENGINEER OFFICER** — is a registered and certificated engineer officer designated officer-in-charge of an engineering watch in manned engine-room or designated duty engineer in a periodically unmanned engine-room who shall be responsible for the proper operation and maintenance of the machineries and equipment assigned to him by the Chief Engineer Officer including the inspection, maintenance and repair of electrical installations in the ship/vessel.

13. **STCW CONVENTION** — means the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended.

14. The Engineer Officers complement of a ship shall be of two levels, namely:

A) **MANAGEMENT LEVEL** — refers to the level of responsibility associated with:

- (1) serving as Chief Engineer Officer or Second Engineer Officer on board a seagoing ship; and
- (2) ensuring that all functions within the designated area of responsibility are properly performed.

B) **OPERATIONAL LEVEL** — refers to the level of responsibility associated with:

- (1) serving as officer-in-charge of an engineering watch in a manned engine room or as designated duty engineer in a periodically unmanned engine room or machinery spaces on board a seagoing ship; and
- (2) maintaining direct control over the performance of all functions within the designated area of responsibility in accordance with proper procedures and under the direction and supervision of merchant marine engineer officer serving in management level for that area of responsibility.

15. **CERTIFICATE OF COMPETENCY** — a document issued by the Board to a Marine Engineer Officer after payment of the prescribed fees, certifying that the Marine Engineer Officer has been found qualified to perform the functions of the level of responsibility involved on board the vessel/ship for which such officer has been examined and assessed and which shall attest to the authority/license of the engineer officer to practice the Merchant Marine profession in the capacity specified therein.

16. **ENDORSEMENT CERTIFICATE** — refers to the document issued by the Board which attests to the issuance of Certificate of Competency to a Marine Engineer Officer or attesting the recognition of a Certificate issued by other Flag States in accordance with and upon compliance of all the relevant requirements of the International Convention on the Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended.

17. **PARTY** — means a State for which the Convention has entered into force.

18. **ADMINISTRATION** — means the Government of the Party whose flag the ship is entitled to fly.

19. **CERTIFICATE** — a document, by whatever name it may be known, issued by or under the authority of the national administration attesting or certifying to the authority of the marine engineer officer named therein to serve in the capacity as stated in the document in accordance with national regulations.

20. **CERTIFICATED** — refers to the condition or status of a marine engineer officer who has been issued a valid certificate of registration and a valid certificate of competency.

21. **SEAGOING SHIP/VESSEL** — means a ship/vessel other than those which navigate exclusively in inland waters or in waters within, or closely adjacent to, sheltered waters or areas where port regulations apply.

22. **SYLLABUS** — refers to a table of specifications containing the contents systematically arranged according to topics and subtopics of the subjects in accordance with which the preparation of test questions for the licensure examination shall be strictly within the scope of the syllabus for each subject.

23. **LICENSURE EXAMINATION FOR MARINE ENGINEER OFFICERS** — refers to the written and practical examinations given by the Board to measure the competence of applicants for registration as marine engineer officers on the functions of the levels of responsibility required by law and the STCW Convention for such officer and which must be taken and passed by the applicants to be registered as such marine engineer officer.

24. **REMOVAL EXAMINATION** — is an examination that an examinee must take in the subject or subjects where he obtained a grade lower than sixty percent (60%) in any given licensure examination.

25. **INTEGRATION** — means the unification or consolidation of the members of the different organizations of marine engineer officers into one national organization for recognition by the Board of Marine Engineer Officers

and the Commission.

26. NEAR COASTAL VOYAGE — shall refer to voyages which cover a maximum distance of two hundred (200) nautical miles from the Philippine baseline or voyages which by agreement between the Philippines and another state is considered or treated as coastwise voyage.

27. SEA-GOING SERVICE — shall refer to the actual service on board a ship/vessel relevant to the issued Certificate or other qualification.

28. WALK-IN EXAMINATION — shall refer to the computer-based system of written technical examination similar to the regularly given examination administered at a designated test center for any capacity, function and level, and a definite number of examinees outside of the Board's regular examination schedule.

29. CODE OF PROFESSIONAL ETHICS FOR MARINE ENGINEER OFFICERS — A set of rules and regulations governing the conduct and deportment of a marine engineer officer in the practice of his profession.

30. PROPULSION POWER — shall refer to the total maximum continuous rated output power in kilowatts of the ship's main propulsion machinery which appears on the vessel's certificate of Registry or other official documents.

31. RECOGNITION OF FOREIGN CERTIFICATES — shall refer to the authority of the Commission to issue an Endorsement Certificate to a foreign marine engineer officer holding a Certificate of Competency issued by his national administration complying with the requirements of the 1978 STCW Convention, as amended, to serve on board a Philippine registered ship.

32. TRAINING RECORD BOOK — an official record indicating the activities and performance of a cadet engineer or watchkeeping engineer on seagoing ship under the supervision of the Chief Engineer Officer or a qualified and certificated engineer officer on board the ship in which the approved seagoing service is performed in accordance with Regulation III/1 of the STCW Convention.

33. STCW '78 CERTIFICATE — means a certificate recognized under the transitional provisions of Article VII, paragraph (2), or regarded as the equivalent of a certificate issued under the Convention by virtue of paragraph (3) of that same article, or issued in accordance with the provisions of the Convention in force prior to 1 February 1997, or issued on or after that date in accordance with the transitional provisions of Regulation I/15.

34. STCW '95 CERTIFICATE — means a certificate issued on or after 1 February 1997 in accordance with all applicable requirements of the Convention and the STCW Code, or a STCW '78 certificate duly endorsed after 1 February 1997 in accordance with Regulation I/1.

ARTICLE II

OFFICIAL SEAL OF THE BOARD

SECTION 4. Official Seal of the Board of Marine Engineer Officers. — The seal of the Board of Marine Engineer Officers shall be in the form of a gear: the outer gear being 40 mm circular in diameter; the inner circle being 20 mm in diameter; inside the 10 mm circular band shall be inscribed the name of the Board, the words being equally spaced to occupy the full circumference of the band and inside the inner circle shall be engraved a three-bladed propeller with a ship on the background.

ARTICLE III

COMPOSITION AND MEETINGS OF THE BOARD

SECTION 5. Composition. — The Board of Marine Engineer Officers shall be composed of a Chairman and four (4) members who shall be appointed by the President of the Philippines from a list of three (3) recommendees for

each position recommended by the Commission from a list of five (5) nominees for each position chosen and ranked by the integrated and accredited association of Marine Engineer Officers.

SECTION 6. Board, a Collegial Body. — The Chairman and members of the Board shall act as a collegial body in matters involving the exercise of its powers and functions as well as the implementation of its policies. Official action on such matters by the Board shall be effective only when approved by the Commission.

SECTION 7. Meetings. — The Board shall hold regular meetings at least twice a month within the Commission's premises or in such other places as may be agreed upon by the Board and approved by the Commission. Special meetings as often as may be necessary may be called by the Chairman or any three members.

The Chairman shall preside over the meetings of the Board. The senior member shall act as Presiding Officer in the absence or incapacity of the Chairman.

ARTICLE IV

DUTIES AND RESPONSIBILITIES OF THE BOARD

SECTION 8. Duties and Functions of the Chairman of the Board. — The Chairman shall be the head of the Board, and as such, he shall assign the subjects for examination to the members of the Board. The Chairman shall assign the members to conduct investigation of administrative cases and to undertake/exercise the visitorial powers of the Board. He shall be responsible for the assignment of duties and responsibilities to the members and for the supervision and management of their work. The Chairman shall be the official spokesman of the Board in the Commission.

SECTION 9. Enforcement and Execution. — The Board shall, in the exercise of its powers and performance of its functions and responsibilities under R.A. No. 8544 shall seek the support, assistance and advice of the Commission and, whenever appropriate, the assistance of the duly constituted law enforcement officers to enforce the penal provisions of the Act.

SECTION 10. Promulgation of Decisions. — To promulgate a decision in an administrative case, or issue rules and regulations, resolutions embodying policies, and other issuances for the implementation of the provisions of R.A. No. 8544, the members of the Board shall meet en banc to deliberate and vote on the matters under consideration. Both a quorum and a majority vote shall be required for the validity of the actions of the Board on the foregoing matters. A quorum shall require the presence of three (3) members and a majority vote shall require the votes of three members of the Board. Any action of the Board in an administrative case which is not dispositive in nature may be entered by the Chairman or any member duly authorized by him.

Any official action of the Board other than a decision in an administrative case, shall be valid, effective and enforceable only when approved by the Commission, and published in a newspaper of general circulation or in the Official Gazette. However, publication shall not be required of the actions of the Board which do not affect the public in general or which are internal in nature.

SECTION 11. Official Business with the Commission. — For any dealing, transaction or business with the Commission, the Chairman of the Board or in his absence or incapacity, the senior member shall be the spokesperson or representative of the Board.

SECTION 12. Action on Papers, Communications or Other Documents. — No official communication, certificate, resolution or decision, or other documents shall be brought outside the premises of the Commission for action without the written permission from the Chairman of the Commission.

SECTION 13. Interpretation of the Provisions of R.A. No. 8544 and the Board's Rules and Regulations. — The

Board, in the discharge of its rule-making power, may issue opinion or ruling on any question or issue arising from the provisions of R.A. No. 8544 and the Board's Rules and Regulations, Code of Ethics for Marine Engineer Officers and resolutions embodying policies of the Board. The Board's official opinion or ruling shall be issued by the Chairman of the Board or, in his absence or incapacity by the senior member.

SECTION 14. Action on other matters. — Communications or requests which involve the exercise of ministerial functions shall be acted upon by the Chairman or any member designated by him.

ARTICLE V

APPLICATION AND EXAMINATION

SECTION 15. Application. — The applicant for examination shall file a computerized application form, duly accomplished, in the Application Division of the PRC or in any of the PRC regional offices accompanied by authentic or authenticated copies of the required documents.

A Filipino citizen who graduated from a foreign maritime institution or academy shall be required to present an endorsement from the Commission on Higher Education in order that he will be allowed to take the marine engineer officers licensure examination.

SECTION 16. Examination and Assessment. — All applicants for registration, certification and admission to the practice of the Marine Engineer Officers Profession at any level and capacity shall be required to take and pass the written and practical/oral examinations and assessments which shall meet the standard of competence prescribed in the relevant Sections of the STCW Code.

Further, not later than the January, 2001 Marine Engineer Officers licensure examinations, the Board shall conduct the Practical/Oral examinations for the assessment of the skills/competence of marine engineer officers. As such, an examinee should pass the appropriate written technical examination in order to qualify him to take the practical/oral examination.

When conditions and circumstances so warrant, the Board may give/administer, subject to the approval of the Commission, walk-in examinations, outside of the regular examination schedule which shall also involve the same examination and assessment described above.

SECTION 17. Qualifications of Applicant for Examination. — Every applicant for examination shall establish the following requisites:

- (a) He is a citizen of the Philippines, at least twenty (20) years of age.
- (b) He must submit an NBI clearance.
- (c) He has met the standards of medical fitness for seafarers as prescribed by the Department of Health (DOH).
- (d) Must have completed the approved education and training requirements, and seagoing service required under the Convention.

SECTION 18. Places and Dates of Examination. — The Marine Engineer Officers Licensure Examination shall be held at least four times a year in the City of Manila and in such other places as determined by the Board and approved by the Commission. The places/venues and dates of examinations for the year shall be included in the Schedule of Professional Licensure Examinations issued by the Commission.

SECTION 19. Program of Examination. — The Board shall prepare and issue not later than twenty (20) days prior to the first day of the examination a program for every scheduled examination which shall contain the subjects for examination with their corresponding percentage weights, the time, date and place of examination. The program

shall include instructions to the examinees and the names and signatures of the Chairman and the members of the Board.

SECTION 20. The Publication of the Examination. — The time, dates and venues of the licensure examinations as determined by the Board and approved by the Commission, shall be published in a newspaper of general circulation and disseminated through schools, colleges and universities offering maritime courses and through the accredited/integrated marine engineer officers association at least two (2) months prior to the first day of examination.

ARTICLE VI

REQUIREMENTS FOR LICENSURE EXAMINATION FOR MARINE ENGINEER OFFICERS

SECTION 21. Licensure examination requirements:

1. CHIEF ENGINEER OFFICER (750 KW or more)

Every candidate for examination as Chief Engineer Officer for seagoing ship powered by main propulsion machinery of 750 KW propulsion power or more:

- a. Must be a holder of Certificate of Registration as Second Engineer Officer on board a seagoing ship powered by main propulsion machinery of 750 KW propulsion power or more.
- b. Must have approved seagoing service as Second Engineer Officer on board seagoing ship powered by main propulsion machinery of 750 KW propulsion power or more for at least twenty four (24) months and have completed the approved education and training requirements and meet the standard of competence specified in section A –III/2 of the STCW Code.

2. SECOND ENGINEER OFFICER (750 KW or more)

Every candidate for examination as Second Engineer Officer for seagoing ship powered by main propulsion machinery of 750 KW propulsion power or more:

- a. Must be a holder of Certificate of Registration as Third Engineer on board seagoing ship powered by main propulsion machinery of 750 KW propulsion power or more.
- b. Must have approved seagoing service as Third Engineer Officer on board seagoing ship powered by main propulsion machinery of 750 KW propulsion power or more for at least twelve (12) months and have completed approved education and training requirements and meet the standard of competence specified in section A-III/2 of the STCW Code.

3. THIRD ENGINEER OFFICER (750 KW or more)

Every candidate for examination as Third Engineer Officer or Officer in Charge of Engineering Watch in a manned engine room or designated Duty Engineer in a periodically unmanned engine room for seagoing ship powered by main propulsion machinery of 750 KW propulsion power or more.

- a. Must be a holder of Certificate of Registration as Fourth Engineer Officer on board seagoing ship powered by main propulsion machinery of 750 KW propulsion power or more.
- b. Must have approved seagoing service as Fourth Engineer Officer or Officer in Charge of an Engineering Watch on board seagoing ship powered by main propulsion machinery of 750 KW propulsion power or more for at least twelve (12) months and have completed approved education and training requirements and meet the standard of competence specified in section A-III/1 of the STCW Code.

4. FOURTH ENGINEER OFFICER (750 KW or more)

Every candidate for examination as Fourth Engineer Officer or Officer in Charge of Engineering Watch in a manned engine room or designated Duty Engineer in a periodically unmanned engine room for seagoing ship main propulsion machinery of 750 KW propulsion power or more:

- a. He must be a graduate of the degree of Bachelor of Science in Marine Engineering in a school, academy, institute, college or university duly recognized by the Commission on Higher Education (CHED).
- b. Must have approved seagoing service on board seagoing ship powered by main propulsion machinery of 750 KW propulsion power or more as provided in the curricular requirements of the Bachelor of Science in Marine Engineering course.
- c. Must submit authentic or authenticated copy of certificate of birth/certificate of live birth.

SECTION 22. Scope of Examination — The scope of the examination shall consist of the following subjects which shall cover the major functions for both levels of responsibility:

A. Management Level

- (1) Naval Architecture & Ship Construction
- (2) Control Engineering (Marine Automation)
- (3) Main and Auxilliary Machineries
- (4) Engineering Knowledge
- (5) Management and Maritime Law

B. Operational Level

- (1) Watchkeeping and Safe Operations
- (2) Engineering Knowledge
- (3) Main Auxilliary Machineries
- (4) Marine Electrotechnology

The scope of the examination shall be as provided in the syllabi of the subjects in the Marine Engineer Officers Licensure Examination adopted by the Board and approved by the Commission.

SECTION 23. Required Rating to pass the Examination. — To pass the licensure examination for Marine Engineer Officer, a candidate must obtain a weighted general average rating of at least seventy percent (70%) with no grade lower than sixty percent (60%) in any given subject.

Upon implementation of the practical/oral examination provided in Section 16 hereof, the candidate's passing weighted general average rating of at least seventy percent (70%) shall be computed as follows:

70 % for the written technical examination; and

30% for the Practical/Oral examination.

SECTION 24. Removal Examination. — An examinee who obtained a weighted general average rating of at least seventy percent (70%) but obtained a rating below sixty percent (60%) in any given subject must take an examination only in the subject or subjects where he obtained a grade below sixty percent (60%) within a period of one (1) year from the last examination taken; Provided, That if such examinee fails to obtain a rating of at least sixty percent (60%) in each of the subject/s re-examined, he shall be considered to have failed in both examinations which shall however be deemed as one failure for purposes of the succeeding Section.

The foregoing provision shall also apply to an examinee in the practical/oral examinations who obtains a weighted general average rating of at least seventy percent (70%) or more but obtained a rating below sixty percent (60%)

in any given subject.

SECTION 25. Re-Examination. — An applicant who failed to pass the licensure examination for the third time shall be allowed to take another examination only after the lapse of one year from the last examination taken.

SECTION 26. Formulation of Syllabus. — The Board shall formulate and adopt a syllabus for each of the subjects for the licensure examination. Test questions that will be prepared shall be strictly within the scope of the syllabus of the subject. The syllabi of the subjects for examination shall be based on the curricula of the course approved by the Commission on Higher Education for the operational level.

SECTION 27. Full Computerization of Examination. — The licensure examination for Marine Engineer Officers shall be fully computerized. A new member of the Board shall prepare at least five hundred (500) questions for each of the subjects assigned to him. These questions shall be inputted in the Test Question Bank from which the questions to be given in a particular licensure examination shall be extracted at random. The Test Question Bank for a particular subject shall be replenished by three hundred (300) questions within sixty (60) days from the release of the results of the examination.

The replenishment shall be equal to the number of questions extracted after the Test Question Bank levels of at least two thousand (2,000) questions. The correction of the answer sheets of the examinees shall be done by the computers.

ARTICLE VII

REGISTRATION, ISSUE AND ENDORSEMENT OF CERTIFICATES

SECTION 28. Registration of Successful Examinees; Issuance of Certificates of Registration, Competency and Endorsement. — An examinee who passed the licensure examination shall, unless specifically deferred for cause by the Board, be registered after taking the oath of a professional before the Board or any government official or person authorized by law to administer oaths, and payment of the prescribed fees. Upon compliance with the other requirements for registration prescribed by the Board and the Commission, the name of the professional shall be entered/enrolled in the Roll of Marine Engineer Officers and shall be issued Certificate of Registration which shall bear the signatures of the Chairman and members of the Board and the Chairman of the Commission with the official seat of the Commission.

A marine engineer officer shall likewise be issued a Certificate of Competency bearing his registration number signed by the Chairman of the Board and an Endorsement Certificate bearing his registration number signed by the Chairman of the Commission indicating therein the date of issuance and the date of expiration.

The Endorsement Certificate shall be issued in a separate document, the form to be used shall be that set forth in paragraph 2 of section A-I/2 of the STCW Code, while the Certificate of Competency shall be the format set forth in paragraph 1 of section A-I/2 of the STCW Code.

The Endorsement Certificate shall be assigned a unique number, and shall expire as soon as the certificate endorsed expires or is withdrawn, suspended or cancelled by the Board and, in no case, not more than five years from date of issue.

The Certificate of Registration shall be in the Filipino language with English translation while the Certificate of Competency and Endorsement Certificate shall be in the English language.

The capacity in which the holder of a certificate is authorized to serve shall be identified in the form of endorsement in terms identical to those used in the applicable safe manning requirements of the administration.

Every Marine Engineer Officer shall be assigned a permanent registration number which shall appear in his new

Certificate of Registration, Certificate of Competency and Endorsement Certificate. However, he shall retain his original date of registration in his present grade/rank in accordance with the guidelines to be adopted by the Board and approved by the Commission.

Non-holders of Certificates are prohibited to perform functions requiring a Certificate.

The Board, pursuant to Regulation I/9 of the 1978 STCW Convention, as amended, shall:

- Maintain a register or registers of all certificates and endorsements for Chief Engineers and officers which are issued, have expired or have been revalidated, suspended, cancelled or reported lost or destroyed and of dispensations issued; and
- Make available information on the status of such certificates, endorsement and dispensations and medical details, including the photograph of the marine officer, to other parties and companies which request verification of the authenticity and validity of certificates produced to them by seafarers seeking recognition of their certificates under Regulation I/10 or employment on board ship.

SECTION 29. Revalidation of Certificates. — A marine deck officer holding a certificate issued or recognized under any chapter of the STCW Convention other than Chapter VI thereof, who is serving at sea or intends to return to sea after a period ashore, shall, in order to continue to qualify for seagoing service, be required at intervals not exceeding five years to:

- Meets the standards of medical fitness as prescribed by the Department of Health.
- Established continued professional competence in accordance with section A I/11 of the STCW Code and the Continuing Professional Education (CPE) required by the Board.

A marine engineer officer shall, for continuing seagoing service on board ships for which special training requirements have been internationally agreed upon, successfully complete approved relevant training.

The Board shall compare the standards of competence which it required of candidates for certificates issued before 1 February 2002 with those specified for the appropriate certificate in part A of the STCW Code, and shall determine the need for requiring the holders of such certificates to undergo appropriate refresher and updating training or assessment.

A comparison of standards between the 1978 STCW Convention and the 1995 amendments thereto has shown that the upgrading to be done for engineer officers holding STCW '78 certificates, includes training or demonstrating competence by assessment in:

- the operation of life saving appliances, including the ability to organize abandon ship drills and operate survival craft and rescue boats and their radio and other equipment.
- the application of advanced fire-fighting principles and techniques for fighting fires aboard ships.

Training to achieve proficiency in these functions and/or assessment of satisfactory competence, as appropriate, will be arranged in modules for officers with the relevant baccalaureate degree seeking the issue of a 1995 STCW certificate.

All certificates and endorsements which entitle the holder to serve as engineer officer on seagoing ships are required to be revalidated under Regulation I/II at intervals of no longer than five (5) years, provided that the holders of these certificates can show continued professional competence and medical fitness. Revalidation shall be done by issuing new certificates and endorsements. This requirement concerns:

- Certificates issued under the provisions of the 1978 STCW Convention-Chapters II, III and IV.
- Certificates issued under the provisions of the 1978 STCW Convention, as amended in 1995- Chapters II, III and IV.

Continued professional competence shall be established as set out in section A- I/II, paragraph 1 of the STCW Code and presentation of the required Continuing Professional Education (CPE) credit units earned.

If certificates and endorsements are revalidated for service beyond 01 February 2002, the holders of the certificates and endorsements should meet the standards of the 1995 STCW amendments.

Marine Engineer Officers holding 1978 STCW certificates, in order to be issued an appropriate certificate under the 1995 STCW Convention, shall have to undergo refresher and updating training or assessment in the following areas:

- monitoring and controlling compliance with legislative requirements and measures regarding safety of life at sea and protection of the marine environment, and using recommended measures and procedures for personnel management and shipboard training;
- using correct techniques for fire-fighting with particular emphasis on applying proper tactics for organizing and commanding fire-fighting teams fighting fires in open and confined spaces;
- launching and taking charge of a survival craft or rescue boat;
- testing and evaluating fuel oils and engine performance, and perform recommended adjustments and corrections to achieve optimal engine performance;
- testing and detecting faults in electrical and electronic control equipment and restore the equipment to normal condition; and
- using the International Medical Guide for Ships and for the Medical First Aid Guide for Use in Accidents Involving Dangerous Goods to organize and manage the provisions of medical care on board.

SECTION 30. Lifting of Deferment of Registration. — An examinee who passed the licensure examination whose oath-taking has been deferred by the Board may be allowed to take the oath of a professional and register as marine engineer officer if the reason for the deferment of his oath-taking has been complied with or no longer exists.

SECTION 31. Reinstatement of Certificate of Competency. — After two (2) years from the finality of the Order revoking his Certificate of Competency, a marine engineer officer may file a petition for the reinstatement of said certificate and the Board may, for good and just cause shown or for reasons deemed proper and sufficient, grant the petition and enter an Order reinstating the Certificate of Competency of the petitioner.

A duplicate certificate of registration/competency/endorsement to replace the lost, destroyed, or mutilated certificate may be issued upon application and payment of the prescribed fees.

ARTICLE VIII

RECOGNITION OF FOREIGN CERTIFICATES

SECTION 32. Registration, and Recognition of Foreign Certificates. — The Commission may recognize Foreign Certificates, through an Endorsement Certificate, to a foreign Marine Engineer Officer holding a Certificate of Competency issued by his national administration in accordance with STCW '78 Convention, as amended, to serve on board a Philippine registered ship the requirements of Regulation I/10 of the STCW Convention 1978, as amended, have been complied.

The Commission shall confirm through necessary measures, that the requirements concerning standard of competence, the issue and endorsement of certificates and record keeping are fully complied with.

An undertaking shall be agreed upon with the party concerned that prompt notification will be given of any significant change in the arrangements for training and certification provided in compliance with the Convention.

Measures shall be established by the Commission to ensure that marine officers who present for recognition, certificates issued under the provisions of Regulation III/1 or III/2, or issued under VII/1 at the management level, as defined in the STCW Code have an appropriate knowledge of the maritime legislation of the administration relevant to the functions they are permitted to perform.

Information provided and measures agreed upon under this regulation shall be communicated to the Secretary-General in conformity with the requirements of Regulation I/7.

SECTION 33. Submission of other Requirements/Documents. — The Commission may require the submission of other documents, papers, or records as it may find necessary and relevant to properly evaluate and assess the qualifications of the applicant.

SECTION 34. Record of Foreign Merchant Marine Engineer Officers. — The Commission shall make a roster of foreign Merchant Marine Engineer Officers who were issued Special Dispensation through an endorsement certificate, which shall contain the complete name of the professional, his signature, his place and date of birth, civil status, citizenship/nationality, profession, status of his stay in the Philippines, name of company/employer and vessel.

ARTICLE IX

ADMINISTRATIVE PROCEEDINGS

SECTION 35. Administrative Investigation. — The processes and procedures for the impartial investigation of any reported incompetency, act or omission, that may pose a direct threat to safety of life or property at sea or to the marine environment, by a registered and certificated marine engineer officer in connection with their performance of duties related to their certificates and for the withdrawal, suspension and cancellation of such certificates for such cause and for the perpetuation of fraud shall be governed by the “Rules and Regulations Governing the Regulation and Practice of Professionals”, as amended, issued by the Commission. The Revised Rules of Court shall be supplementary to the foregoing rules. The Board shall impose penalties or disciplinary measures for violation of the provisions of R.A. No. 8544 and this Rules and Regulations giving effect to the Convention.

The foregoing provision shall likewise apply to an applicant/examinee in the marine engineer officers licensure examination.

SECTION 36. Grounds for Disciplinary Action. — The grounds for proceeding against a registered and certificated Marine Engineer Officer or an applicant/examinee in licensure examination for marine engineer officers shall include but shall not be limited to the following acts:

- Use or perpetration of any fraud or deceit in obtaining a Certificate of Registration, Competency or Endorsement.
- Incompetence
- Negligence
- Illegal practice
- Fraudulent Application (Section 15)

- Violation of the Rules and Regulations Implementing R.A. No. 8544.
- Violation of the policies of the Board.
- Violation of the Code of Ethics for Marine Engineer Officers.
- Violation of any provision of R.A. No. 8544.

A merchant marine engineer officer who has obtained by fraud or forged documents an engagement to perform any function or serve in any capacity required by the regulations of the Convention shall likewise be administratively charged.

ARTICLE X

MISCELLANEOUS PROVISIONS

SECTION 37. Quality Standards. — The Board shall establish a quality standards system that shall be subject to external assessment or audit in accordance with Regulation I/8 of the STCW '78 Convention, as amended. The Board shall ensure that an evaluation is periodically undertaken in accordance with the provisions of Section A-I/8 of the STCW Code by qualified persons who are themselves not involved in the activities concerned.

SECTION 38. Integration of Marine Engineer Officers. — All marine engineer officers shall be integrated into one (1) national organization which shall be recognized by the Board and the Commission as the one and only integrated and accredited association of Marine Engineer Officers. A Marine Engineer Officer duly registered with the Board shall automatically become a member of the integrated and accredited association of Marine Engineer Officers, and shall receive the benefits and privileges appurtenant thereto upon payment of the required fees. Membership in the integrated and accredited association shall not be a bar to membership in other association of marine engineer officers.

SECTION 39. Code of Ethics for Marine Engineer Officers. — The integrated and accredited national association of Marine Engineer Officers shall prescribe a Code of Ethics for Marine Engineer Officers which shall be adopted by the Board and approved by the Commission.

SECTION 40. Transitory Provisions. — The Board shall continue to issue, renew/validate professional license in accordance with the provisions of Presidential Decree No. 97 with respect to applicants who have commenced education and training and approved seagoing service before June 1, 1998. Such professional license shall be valid only up to 31 January 2002.

The Board shall issue endorsement certificate of the above professional license pursuant to Section 10 (c) of R.A. No. 8544. Such endorsement shall be valid only up to 31 January 2002.

ARTICLE XI

REPORT ON THE PERFORMANCE OF THE CANDIDATES OF SCHOOLS, COLLEGES AND UNIVERSITIES IN LICENSURE EXAMINATIONS

SECTION 41. Report of the Board. — The Board shall, with the assistance of the Public Information and Statistics Division of the Professional Regulation Commission, prepare a report on the performance of the examinees of schools, colleges or universities in the licensure examinations. The Board may recommend to the Commission on Higher Education: (1) the monitoring of the schools, colleges and universities, whether public or private, whose successful examinees in the three (3) consecutive licensure examination is less than 5% of the total number of its candidates who took the said licensure examinations; (2) the publication of the names of schools, colleges and universities whose successful examinees in five successive licensure examinations is less than 5% of the total number of examinees in each of the licensure examinations taken; and (3) the phase out of the course/program.

ARTICLE XII

APPLICABILITY OF RULES AND REGULATIONS PROMULGATED BY THE COMMISSION IMPLEMENTING P.D. NO. 223, AS AMENDED

SECTION 42. Rules and Regulations Applicable. — The “Rules and Regulations Governing the Regulation and Practice of Professionals”, as amended, promulgated by the Professional Regulation Commission shall be applicable to the application, examination, registration, regulation and investigation of marine engineer officers.

SECTION 43. Separability Clause. — If any provision, section, paragraph or article of this Rules and Regulations be declared unconstitutional or invalid, such judgment shall not affect, invalidate or impair any other part thereof, but such judgment shall be merely confined to the provision, section, paragraph or article directly involved in the controversy in which such judgment has been rendered.

ARTICLE XIII

REPEALING CLAUSE

SECTION 44. Board Resolution No. 01, Series of 1999, is hereby superseded or repealed.

ARTICLE XIV

EFFECTIVITY

SECTION 45. Effectivity. — This Revised Rules and Regulations shall take effect after fifteen (15) days following the completion of its publication in a newspaper of general circulation or in the Official Gazette, whichever is earlier.

Adopted: 10 Nov. 1999

(SGD.) EUGENIO L. EBRO, JR.

Chairman

(SGD.) HONORIO D. CALICA

(SGD.) CHRISTOPHER P. MAAMBONG

(SGD.) RODELIO J. LAGAT

(SGD.) ARTURO D. CARMEN

Members

Attested:

(SGD.) ARISTOGERSON T. GESMUNDO

Executive Director

Approved:

(SGD.) HERMOGENES P. POBRE

Commissioner

(SGD.) ALFONSO G. ABAD

(SGD.) AVELINA DE LA REA-TAN

Associate Commissioners

[*] This repeals Board Resolution No. 01, series of 1999.

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