

ENFORCEMENT OF MARITIME SAFETY RULES AND REGULATIONS

DOTC DEPARTMENT ORDER NO. 98-1180, October 09, 1998

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In the exigency of the service, and in order to further promote the safety of life and property at sea, the Maritime Industry Authority (MARINA) shall be the policy-making agency on maritime safety and the Philippine Coast Guard (PCG), which has been transferred to DOTC pursuant to Executive Order No. 477, shall be the implementing and enforcement agency for maritime safety rules and regulations governing the safe operation of Philippine-Flag vessels engaged in the domestic trade, this order is hereby issued, subject to the following conditions:

I

Delineation of Functions:

A. MARITIME INDUSTRY AUTHORITY (MARINA)

1. To deputize the PCG to undertake the following enforcement activities over Philippine-registered vessels engaged in domestic trade:

1.1 Verification of compliance with Vessel and Crew Documentation:

- a. Certificate of Vessel Registry;
- b. Pleasure Yacht Registration/Permit;
- c. Certificate of Number;
- d. Certificate of Ownership;
- e. Coastwise License;
- f. Bay and River License;
- g. Certificate of Inspection/Interim Certificate of Inspection;
- h. Special Certificate of Inspection;
- i. Permit to Operate Cargo and Fishing Vessels;
- j. Special Permit to Navigate;
- k. Special Permit to Carry/Load Inflammable/Dangerous/Hazardous Cargoes;
- l. Seafarer's Identification and Record Book (SIRB);
- m. Endorsement of Certificates under M.C. No. 83;
- n. Other Seafarer-related Documents (e.g. Licenses, Training Certificates, Dispensation Permit); and
- o. Motor Boat Operator's License (MBOL).

1.2 Verification of compliance with Certificate of Public Convenience (CPC), Provisional Authority (PA), Special Permit (SP) or CPC Exemption with the terms and conditions thereof, specifically:

- a. MARINA-prescribed route/s and schedule trips;
- b. Validity of passenger insurance policy, for passenger-carrying vessels; and,
- c. Maximum authorized passenger capacity through headcounting in case there is clear indication of overloading/overcrowding.

1.3 Service of copy of MARINA-issued Cease and Desist Orders (CDO) on the Master of the vessel and to enforce the same.

2. To deputize the PCG to undertake the issuance of the following:

- 2.1 Pleasure Yacht Registration/Permit;
- 2.2 Certificate of Number;
- 2.3 Coastwise License;
- 2.4 Bay and River License;
- 2.5 Certificate of Inspection/Interim Certificate of Inspection;
- 2.6 Special Certificate of Inspection;
- 2.7 Permit to Operate Cargo and Fishing Vessels;
- 2.8 Special Permit to Navigate/Towing Permit;
- 2.9 Special Permit to Carry/Load Inflammable/Dangerous/Hazardous Cargoes;
- 2.10 Motor Boat Operator's License; and
- 2.11 Dispensation Permit as governed by 1997 PMMRR.

Provided, the conditions stipulated hereunder are satisfied:

- a. Competence Requirement — Qualification requirements for personnel responsible for the issuance of CI, ICI and Special Certificate of Inspection as prescribed by the MARINA shall be observed; and,
- b. Procedures and Forms — The PCG shall adhere closely to the procedures adopted by MARINA in the issuance of certificates. Certificates issued by the PCG shall be deemed as issued by the MARINA and thereby shall bear the official logo of the PCG and the MARINA.

3. To provide the PCG with the following:

- 3.1 List of Maritime Regional Directors and MARINA Central Office Action Officer with whom the PCG will coordinate for the effective implementation of this Order;
- 3.2 Copy each of applicable MARINA circulars; rules and regulations, for the purposes of law enforcement, as well as subsequent amendments thereto;
- 3.3 Qualification requirements for inspectors and issuing officers; and,
- 3.4 Forms and procedures to be used.

4. To review and revoke all existing MOA with LGUs and other government agencies which are in conflict and in duplication to the deputized functions delegated to the PCG.

B. PHILIPPINE COAST GUARD (PCG):

1. To undertake the conduct of enforcement activities;
2. To issue and serve Inspection Apprehension Report (IAR) to the Master of the vessel who fails to comply with MARINA circulars, rules and regulations and conduct appropriate hearing/disposition for purposes of imposing fines and penalties;
3. To provide a copy of the IAR to the Philippine Ports Authority (PPA) in accordance with Executive Order No. 493 with recommendation to deny issuance of departure clearance where detention of the vessel is warranted;
4. To provide a list of inspectors and issuing officers, by area of assignment, with their corresponding qualifications including their specimen signature;
5. To provide a copy of all issuances to the nearest MARINA office on a monthly basis;
6. To conduct the Emergency Readiness Evaluation (ERE)/Material Readiness Evaluation (MARE);
7. To undertake the control of movement of vessels/watercrafts during typhoons and adverse weather condition;
8. To inform the concerned Maritime Regional Director and MARINA Central Office Action officer of any control undertaken on the movement of vessels/watercrafts during typhoon and adverse weather conditions; and,
9. To submit monthly report to the Secretary of the Department of Transportation and Communications (DOTC), copy furnished the MARINA Administrator, on the conduct of the deputized functions including the submission of update reports on maritime incidents.

II**Review and Reporting:**

The MARINA and PCG shall meet regularly to review, assess and/or enhance the conduct of the deputized functions.

III**Revenue:**

Revenues derived from the exercise of the deputized functions shall be properly receipted, recorded and remitted to the Bureau of Treasury in accordance with existing DBM and COA rules and regulations for and in behalf of the MARINA. The duly deposited, remitted income certified by the depository bank and the Bureau of Treasury shall be submitted to the nearest MARINA office within the first seven (7) days of the following month.

All orders and/or issuances in conflict hereto are hereby repealed or modified accordingly.

This Order shall take effect immediately.

For strict compliance.

Adopted: October 9, 1998

(SGD.) VICENTE C. RIVERA, JR.
Secretary

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