

AN ACT PROVIDING FOR A BOARD OF MARINE EXAMINERS, FOR THE EXAMINATION AND LICENSING OF WATCH OFFICERS AND ENGINEERS ON PHILIPPINE VESSELS IN THE COASTWISE TRADE AND FOR THE HIGH...

Act No. 2507., February 05, 1915

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By authority of the United States, be it enacted by the Philippine Legislature, that:

SECTION 1. Board of marine examiners.—There shall be maintained in the Bureau of Customs a board of marine examiners to consist of five members, to wit: The Insular Collector of Customs, as ex officio president; the supervising inspector of hulls and boilers; an assistant inspector of hulls; a master in the Philippine merchant marine; and a chief engineer. The three latter members shall be designated by the Secretary of Finance and Justice, and the Insular Collector of Customs shall detail from the clerical force of the Bureau of Customs a competent person to serve as secretary.

Any three members of the board shall constitute a quorum for the transaction of business.

SECTION. 2. Functions of board.—It shall be the duty of this board to conduct examinations of persons applying for certificate as marine officers or engineers under the provisions hereof, to certify the successful examinees in such examinations for certificate as master, mate, or engineer, as the case may be, and to exercise such other powers as are herein conferred.

SECTION. 3. Meetings of board.—The board shall meet at the office of the Insular Collector of Customs at Manila during the last week of each month for the examination and certification of such applicants as may have filed their applications within the preceding month.

SECTION. 4. Qualifications of applicant.—An applicant for certificate or license as master, mate, or engineer shall be:

- (a) A citizen of the Philippine Islands; or
- (b) A citizen of the United States; or
- (c) An honorably discharged soldier, sailor, or marine of the United States.

SECTION. 5. Physical examination.—An applicant shall be examined physically by a competent physician selected by the board and unless found to be physically sound shall not be entitled to take examination: Provided, however, That such applicant may request of the Secretary of Finance and Justice, through the Insular Collector of Customs, a re-examination at the said applicant's expense by another physician who shall be appointed by the Secretary of Finance and Justice.

SECTION. 6. Examination into moral and technical qualifications of applicants.—Except as otherwise specifically provided, an applicant for certificate shall be required to undergo a technical examination, such examination to be restricted only to applicants having served the time required to obtain the certificate for which they are to be examined. To obtain a certificate, he must show a proficiency in the subjects upon which he is examined and shall

answer correctly at least seventy per cent of the questions propounded to him. It shall be the duty of the board of marine examiners to make thorough inquiry into the character of the applicant and to consider the evidence he presents in support of his application and such other relevant evidence as the board shall deem proper or desirable. In this connection the board may consider the statement, written or oral, of any person cognizant of the qualifications of the applicant and may, in its discretion, require the production of ships' journals and log books for inspection.

(a) Watch officers.—The board in examining an applicant for a certificate as watch officer shall inquire into his knowledge of seamanship and navigation in its various branches, his capacity and skill in lading and unlading cargo, and in handling and storing freight under all conditions, and more especially his knowledge of the duties of the particular position which he seeks to fill and his special qualifications for such position.

(b) Engineer.—The board in examining an applicant for a certificate as engineer shall inquire into his knowledge of the operation of steam machinery and especially of engines and boilers, also as to his practical experience, character and habits, and the board may, in its discretion, make such practical tests and examinations of the applicant as it may deem necessary to demonstrate his fitness or unfitness for the position which he seeks.

(c) The holder of a license as master, mate, or engineer under the laws of the United States shall be entitled to obtain a license of the same grade in the Philippine coastwise service without being subject to these requirements other than the physical examination; but if he desires to secure the certificate mentioned in section twelve of this Act, he shall be required to take the necessary examination.

SECTION. 7. Requirement as to past service of masters and mates.— (a) Master: An applicant for certificate as master shall be not less than twenty-five years of age at the time of filing the application, and shall produce to the board evidence, satisfactory to it, showing that he has served on a seagoing vessel in the capacity of first mate, with a certificate as such, for at least one year.

(b) First mate: An applicant for certificate as first mate shall produce to the board evidence, satisfactory to it, showing that he has served on a seagoing vessel in the capacity of second mate, with a certificate as such, for at least one year.

(c) Second mate: An applicant for certificate as second mate shall produce to the board evidence, satisfactory to it, showing that he has served on a seagoing vessel in the capacity of third mate, with a certificate as such, for at least one year. Service as patron on vessels of two hundred tons shall be deemed the equivalent of service as third mate upon application for examination for a second mate's certificate.

(d) Third mate: An applicant for a certificate as third mate shall be not less than nineteen years of age, and shall be required to present to the board documents properly certified showing that he has served as seaman, quartermaster or agregado for at least two years in a seagoing sailing vessel or steamer: Provided, however, That agregados serving as such on steamships upon the passage of this Act shall be entitled to examination after eighteen months of navigation: And provided further, That an applicant producing a certificate of graduation from the Nautical School of Manila, showing an average of not less than seventy per cent in nautical work, who has served as seaman, quartermaster or agregado for at least fifteen months in a seagoing sailing vessel or at least eighteen months in a seagoing steamer, shall be considered as having furnished sufficient evidence of his technical knowledge and experience, but not of his physical condition, habits, or character.

SECTION. 8. Requirements as to past service of engineers.— (a) Chief engineer: An applicant for certificate as chief engineer shall be not less than twenty-five years of age at the time of filing his application, and shall be required to produce to the board evidence, satisfactory to it, showing that he has served on a seagoing steamer in

the capacity of second engineer, with certificate as such, for at least one year.

(b) Second engineer: An applicant for certificate as second engineer shall be required to produce to the board evidence, satisfactory to it, showing that he has served on a seagoing steamer in the capacity of third engineer, with a certificate as such for at least one year.

(c) Third engineer: An applicant for certificate as third engineer shall be required to produce to the board evidence, satisfactory to it, showing that he has served on a seagoing steamer in the capacity of fourth engineer, with certificate as such, for at least one year.

(d) Fourth engineer: An applicant for certificate as fourth engineer shall produce to the board evidence, satisfactory to it, showing that he has served on steam launches or on steam vessels as agregado, oiler, or fireman at least two years and has been working one year in a machine shop as operative, and he must be at least nineteen years of age.

SECTION. 9. Certification of applicant for certificate; issuance of certificate by Insular Collector of Customs.—If the board of marine examiners shall find that the capacity, experience, habits of life, and character of any applicant are such as to warrant the belief that he can be safely intrusted with the duties and responsibilities of the position for which he makes application, and that the applicant has in other respects complied with the requirements hereof, it shall so certify to the Insular Collector of Customs, who shall thereupon issue the appropriate certificate.

SECTION. 10. Certificates for the high seas.—The board of marine examiners is hereby further authorized to certify for n certificate all applicants for certificate as watch officers and engineers upon seagoing Philippine vessels, where nautical instruments are used to navigate the vessel on the high seas.

(a) An applicant for certificate as master, mate or engineer under this section shall surrender to the board his Philippine coastwise certificate and evidence satisfactory to it, showing that he has served on the surrendered certificate for two years or longer on a vessel of six hundred tons gross or more, for a master or mate, or with an engine of fifty actual horsepower or more, for an engineer, and such other evidence of competency and good character as the board in its discretion may require.

(b) Successful applicants shall be issued an ocean going certificate equivalent to the one surrendered entitling them to serve on vessels operating on the high seas or in the Philippine coastwise trade.

SECTION. 11. Recognition of old licenses.—All existing licenses as master, mate, or engineer in the coastwise trade shall entitle the holder to navigate on the high seas, and to apply for the proper certificate without necessity of further requirements, except the payment of fees as established in section sixteen of this Act.

Any person holding a license as river and harbor engineer may request the exchange thereof for a certificate as fourth engineer and shall be entitled to promotion, upon examination, as in this Act provided, if he is duly qualified. Certificates as master and mate on all seas shall authorize the holder to navigate in the coastwise trade.

The certificate of marine engineer of any class provided in this section shall authorize the holder thereof to navigate on all seas and in ships of any tonnage.

The existing patron's licenses shall continue in force and effect, and new patron's licenses may be issued in the same manner as heretofore, and the holders thereof shall have the same rights and duties as they have at present.

SECTION. 12. Issuance of certificates; rights inherent in them.—The several certificates provided for in this Act shall be issued in the form of diplomas by the Insular Collector of Customs and shall be signed by him and

countersigned by the Department Secretary and shall entitle the holders thereof to navigate in accordance with the authorization contained in them; and shall not be suspended or revoked except upon the filing of charges and proceedings as provided in section fourteen hereof but none of the provisions of this section shall be construed as preventing an annual physical examination of the holders of such certificates, and any person whom such examination shows to be unfit to continue navigating, shall be disqualified from doing so. Any person so disqualified may, within fifteen days after notification thereof, appeal to the Secretary of Finance and Justice, subject to the provisions of section five hereof.

SECTION. 13. Reinstatements.—Any citizen of the United States or of the Philippine Islands who has held the office of captain, mate, master, or engineer and whose license or certificate has been revoked on account of physical defects shall be entitled to reinstatement without further examination upon the favorable certificate of the physician designated in section five of this Act.

SECTION. 14. Suspension or revocation of licenses or certificates; procedure.—All charges against the holders of licenses or certificates shall be filed with the Insular Collector of Customs who, by the board of marine examiners, shall investigate and decide the complaint, giving the party an opportunity to be heard in his defense, and the decision of the Insular Collector of Customs by which he may suspend or cancel any officer's license on account of misconduct, intemperate habits, incapacity or inattention to duty on the part of the licensee or holder of a certificate shall be subject to appeal to the Secretary of Finance and Justice: Provided, That the license or certificate shall not be canceled by the Insular Collector of Customs until a decision unfavorable to the licensee shall have been rendered by the Secretary of Finance and Justice.

SECTION. 15. Licenses to foreigners; their duration.—All licenses issued to foreigners under section seven of Act Numbered Seven hundred and eighty are hereby confirmed and ratified: Provided, however, That said licenses shall be valid only until six months from and after the enactment of a Philippine citizenship law.

SECTION. 16. Fees for licenses and certificates.—Any person desiring a certificate or license as master, mate, or engineer shall pay:

(a) For each certificate or license as master or chief engineer—

1. Coastwise, thirty pesos.
2. Ocean going, fifty pesos.

(b) For each certificate or license as mate or engineer—

1. Coastwise, twenty pesos.
2. Ocean going, thirty pesos.

SECTION. 17. Compensation of members of the board of marine examiners.—Members of the board of marine examiners who are not in the service of the United States or the Government of the Philippine Islands shall be paid a per diem of ten pesos during the period of time required in the examination of applicants or in the transaction of any other business intrusted to them by this Act.

SECTION. 18. Limiting number of foreign officers and engineers on board vessels; penalty.—Every Philippine vessel operating in the coastwise trade or on the high seas shall not be permitted to have on board more than one master or one mate and one engineer who are not citizens of the United States or of the Philippine Islands, but who obtained licenses under section fifteen hereof. Any such vessel which fails to comply with the terms of this section shall be required to pay an additional tonnage tax of fifty centavos per net ton per month during the continuance of said failure.

SECTION. 19. Number and class of marine officers on board , vessels; penalty.—The Insular Collector of

Customs, with the prior approval of the Secretary of Finance and Justice, shall prescribe the number and class of marine officers to be carried on Philippine vessels, and in case any such vessels shall navigate without its full complement of duly licensed or certificated officers, the same not being due to a cause beyond the control of the master, agents, or owners, such vessel may be fined not more than one hundred pesos for each offense, but shall not be so fined for such offense oftener than once in thirty days.

SECTION. 20. Repealing provisions.—Acts Numbered Seven hundred and eighty, except the part concerning patrons, Ten hundred and twenty-five, Thirteen hundred and seventeen, Fifteen hundred and twenty-two, Sixteen hundred and two, Sixteen hundred and ten, and all other Acts or parts of Acts inconsistent with the provisions of this Act, though not specifically mentioned herein, are hereby repealed.

SECTION. 21. This Act shall take effect on its passage.

Enacted, February 5, 1915.

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