NATIONAL ADMINISTRATIVE REGISTER · JULY 15, 1998

RULES ON THE ISSUANCE OF CERTIFICATES AND ENDORSEMENTS FOR EXISTING SEAFARERS IN ACCORDANCE WITH THE INTERNATIONAL CONVENTION ON STANDARDS OF TRAINING, CERTIFICATION AND WATCHKE...

MIA MEMORANDUM CIRCULAR NO. 130, July 15, 1998

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Pursuant to Section 12(e) of Executive Order No. 125, as amended, and in consonance with the Philippines' accession to the International Convention on Standards of Training, Certification, and Watchkeeping for Seafarers (STCW), 1978, through the Instrument of Accession dated 11 January 1984, and pursuant further to Section 2, Article II of the 1987 Philippine Constitution which states that the Philippines adopts the generally accepted principles of international law as part of the law of the land, and Executive Order No. 396 designating the Maritime Industry Authority (MARINA) as the lead agency in the implementation of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1978, as amended, the following rules in the issuance of Certificates and Endorsements are hereby prescribed:

I
Objective

To ensure that all Philippine seafarers are properly certificated, qualified, competent and medically fit for the proper performance of functions onboard seagoing ships in accordance with the Convention.

II
Coverage

These rules shall apply to all Philippine seafarers serving onboard seagoing ships who have commenced approved seagoing service, an approved education and training programme or an approved training course prior to 01 June 1998, except those onboard:

1. warships, naval auxiliaries or other ships owned or operated by a State and engaged only on governmental non-commercial service;

2. fishing vessels;

3. pleasure yachts not engaged in trade; or

4. pleasure yachts not engaged in trade; or

5. wooden ships of primitive build.

III
Definition of Terms

For purposes of this Circular:

1. Administration refers to the MARINA pursuant to the Implementing Rules and Regulations of Executive Order

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No. 396.

2. Convention refers to the International Convention of Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1978, as amended. Reference to the Convention constitutes at the same time reference to the Annex and the STCW Code.

3. Existing Seafarers refer to all Philippine seafarers serving onboard seagoing ships who had commenced approved seagoing service, an approved education and training programme or an approved training course prior to 01 June 1998.

4. Certificate refers to the STCW Certificate issued by the Administration authorizing the holder to serve as stated in this document.

5. Endorsement issued by the Administration refers to either of the following:

— Document attesting the issue of a Certificate of Competency by the PRC.

— Document attesting the recognition of a Certificate issued by other Flag States.

6. Fishing Vessel means a vessel ship 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.

7. Seagoing Ship means a ship 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.

8. Management Level means the level of responsibility associated with:

— serving as master, chief mate, chief engineer or second engineer officer onboard a seagoing ship; and

— ensuring that all functions within the designated area of responsibility are properly performed.

9. Operational Level means the responsibility associated with:

— serving as officer-in-charge of a navigational watch or as designated duty engineer for periodically unmanned machinery spaces or as radio operator on board a seagoing ship; and

— maintaining direct control over the performance of all functions within the designated area of responsibility in accordance with proper procedures and under the direction of an individual serving in the management level for that area of responsibility.

10. Support Level means that level of responsibility associated with performing assigned tasks, duties, and responsibilities onboard a seagoing ship under the direction of an individual serving in the operational or management level.

11. Long absence means unable to serve onboard seagoing ships for at least one (1) year within the last five (5) years from the date of issuance of certificate or endorsement.

IV
General Principles and Policies

1. All existing Philippine seafarers serving onboard seagoing ships shall be properly certificated in accordance with this Circular.

2. Certificates issued for masters and officers shall be endorsed by the Administration in a form prescribed under the Convention.

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3. Certificates and Endorsements issued under the provisions of 1978 STCW Convention shall be valid until 01 February 2002.

4. All Philippine seafarers whose Certificates and Endorsements were issued under the provisions of the 1978 STCW Convention including those who have not yet been certificated are enjoined to comply and apply for the issuance under the 1995 Amendments as soon as deemed qualified.

5. Application for issuance of Certificates and Endorsements and other documents is required to be filed personally by the applicant at the MARINA Central Office (MCO) or at any of its authorized Maritime Regional Officers (MROs). The application may, however, be filed, on behalf of the seafarer onboard, by the duly authorized representative of the company in cases of renewal, replacement of lost or damaged Certificates, or promotion onboard.

6. Certificates under Chapters IV (Radiocommunication and Radio Personnel), or V (Special Training Requirements for Personnel on Certain Types or Ships, or VI (Emergency, Occupational Safety, Medical Care and Survival Functions) may be issued together with Certificates under Chapters II (Master and Deck Department) or III (Engine Department) of the Convention, or issued separately as appropriate.

7. The renewal/revalidation and the replacement of lost/damaged certificates and endorsements issued under this Circular shall be governed by MC No. __-A RULES ON THE ISSUANCE OF CERTIFICATES AND ENDORSEMENTS- FOR NEW ENTRANTS IN ACCORDANCE WITH INTERNATIONAL CONVENTION ON STANDARDS OF TRAINING, CERTIFICATION AND WATCHKEEPING FOR SEAFARERS (STCW), 1978, AS AMENDED.

8. Existing seafarers who have not been certificated and endorsed under 1978 STCW Convention may be certificated under this Circular provided the qualification requirements provided under MC No. 126- REVISED GUIDELINES ON THE ISSUANCE OF ENDORSEMENT OF CERTIFICATES IN ACCORDANCE WITH THE 1978 STCW CONVENTION and under this Circular are complied with.

9. The Administration reserves the right to waive/modify the requirements in the issuance of Certificates and Endorsements in cases deemed meritorious.

V
Qualification Requirements

The Administration hereby prescribes the following qualification requirements[*]:

VI
Documentary Requirements

A. New Issuance[1] B. Long Absence

1. Duly accomplished application form 1. Duly accomplished application form

2. Valid PRC and/or NTC Certificates 2. Previously issued certificate

3. Photocopy of medical certificate[2] 3. Photocopy of medical certificate[2]

4. SIRB — one photocopy each of pages one and two and all other pages reflecting sea service (In case of lost/ damaged SIRB, any acceptable substitute documentary proof of sea service and affidavit shall be required) 4. Photocopy of SIRB reflecting sea service with at least one year within the last five years.

5. Training certificates as appropriate

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VII
Validity of Certificate

The Certificate and Endorsement shall be valid for five (5) years from date of issuance.

Renewal/Revalidation of Certificate of Endorsement shall be in compliance with Regulation 1/11 of the Convention.

VIII
Schedule of Fees

1. New Issuance of Certificate/Renewal/Revalidation

a. Regular Processing -P 500.00 per issuance

b. Expedite Processing -P 700.00 per issuance

2. Replacement of Lost/Damaged Certificates P 600.00 per certificate

3. Authentication of Certificates/Documents P 25.00 per certificate/type of document

XI
Administrative Penalties/Measures

1. Any seafarer who shall go onboard a seagoing ship, and/or a shipping company/manning/shipping agency which will allow a seafarer to go onboard/join a seagoing ship without holding a Certificate appropriate to his function as required by the Convention shall be held jointly and severally liable as follows:

Seafarer Manning Agency Shipping
Company

First
Violation P 2,000.00 P 10,000.00 P 15,000.00

Second
Violation P 3,000.00 P 15,000.00 P 25,000.00

Third
Violation P 5,000.00 P 20,000.00 P 50,000.00

2. A seafarer who shall misrepresent, or submit any false statement, fraudulent or tampered or irregularly issued licenses in the application for the issuance of Certificate shall be liable to pay the following fines:

Position/Violation First Second Third and
Succeeding

Master Mariner P 7,000.00 P 14,000.00 P 28,000.00

Chief Engineer P 6,000.00 P 12,000.00 P 20,000.00

Chief Mate/Second
Engineer P 5,000.00 P 10,000.00 P 20,000.00

Second Mate/Third
Engineer Radio
Officer P 4,000.00 P 8,000.00 P 16,000.00

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Ratings and Others P 2,000.00 P 4,000.00 P 8,000.00

2.1 Penalties for third and succeeding violations shall include recommendation to appropriate government agency for suspension or disqualification to practice profession.

3. Any seafarer/company found to have secured or in possession of fake or fraudulent Certificate or has obtained said Certificate by fraud, shall be liable to pay the aforecited fines and shall be subject to criminal prosecution under the Revised Penal Code.

4. Shipowners/operators, manning/shipping agencies requesting the issuance of Certificates for and in behalf of seafarers shall be liable for the false statement or misrepresentation, fraudulent or spurious or tampered licenses, or documents submitted where said shipowners /operators, manning/shipping agencies or any of their employees or liaison officers/messengers have consented or participated in the misrepresentation, or in tampering/securing the questioned licenses, and/or documents from any source:

First violation P 25,000.00

Second Violation P 30,000.00

Third and Succeeding violation P 100,000.00 and recommendation for cancellation of the company's license issued by appropriate government agency

4.1 In addition to the foregoing fines, the responsible official of the company or agency and employee, liaison officer/messenger shall be subject to criminal prosecution under the Revised Penal Code.

4.2 The above penalties shall not prejudice other actions taken or to be taken by other concerned agencies/entities.

5. Shipping companies, shipping agencies and manning agencies shall be required to post or cause the posting of this Circular in conspicuous places in their offices and onboard vessels with Philippine seafarers employed. Failure of concerned shipping/manning companies/agencies to comply with this requirement shall be subject to an administrative fine of Ten Thousand Pesos (P 10,000.00).

X
Repealing Clause

Any circular, rules, issuances, or any part thereof inconsistent herewith are hereby repealed.

XI
Effectivity

This Memorandum Circular shall take effect on 01 August 1998 immediately after its publication once in a newspaper of general circulation.

Adopted: 15 July 1998

(SGD.) AGUSTIN R. BENGZON
Administrator

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[*] See Appendix 4

[1] The original copies of pertinent documents or their authenticated copies must be available for verification purposes.

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[2] Medical certificate must have been issued within the current year and shall cover the following:

1. Complete physical examination
2. Chest X-ray using plates not smaller than 11 "x 14"
3. Complete blood count (CBC) including hemoglobin determination
4. Blood typing
5. Urinalysis
6. Stool Examination
7. Dental Examination
8. Psychological Examination
9. Visual acuity with emphasis on color perception:

    a. For deck officers and ratings with navigational watchkeeping duties-Ishihara test; and
    b. For engine officers and ratings performing watchkeeping duties in the Engine room — Primary color test

10. Hearing and audiometry tests for all officers, deck/engine watchkeepers and Radio officers
11. Speech clarity test for radio officers
12. Test for HIV antibodies, hepatitis-B antigen or VDRL when required by a country or destination

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