NATIONAL ADMINISTRATIVE REGISTER · APRIL 18, 2000

GUIDELINES FOR CHECKING UNAUTHORIZED PERSONS ON BOARD DOMESTIC VESSELS

DOTC DEPARTMENT ORDER NO. 2000-25, April 18, 2000

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I
Purpose

To prescribe a set of guidelines and procedures for the checking of unauthorized persons on board domestic passenger vessels in order to ensure that there will be no carriage excess passengers during any voyage and to set forth the responsibilities in this undertaking of all the sectors involved.

II
Scope

This Department Order (D.O.) applies to all Philippine-registered passenger vessels engaged in the domestic trade.

III
Concept/Policies:

A. The sole authority to give permit to be on board is the owner/operator through the vessel Master. However, the authority shall be limited only to the authorized passenger carrying capacity of the vessel including the ship's crew.

B. Embarkation and disembarkation stubs (as appropriate) bearing the ticket number shall be issued by the Company together with the ticket sold.

1. For ships plying multiple routes: The embarkation stub issued by the Company shall be so designed with color codes indicating a passenger's ultimate destination (Attachment "A"). The embarkation stub and the ticket shall then be the sole basis for authorizing a passenger to board the vessel.

2. For ships operating in a single route: The company need not issue disembarkation stubs. However, the vessels shall be subject to spot or random inspection by the Philippine Coast Guard (PCG) to ensure that they do not carry excess passengers.

C. Selling of tickets on board shall not be allowed and no person without a ticket and embarkation stub shall be allowed to board the vessel except registered porters with proper identification and who are only assisting passengers with their baggages.

D. The Master of the vessel and the shipowner/operator are held responsible for anyone or more excess passenger or unauthorized person on board during a voyage and the disembarkation of unauthorized passengers (those refusing to disembark at the destination indicated in the ticket with the intent to proceed to another destination), may be referred to the law enforcement unit, as appropriate, considering its nature, i.e., violation of carriage contract.

F. Access of passengers to and from a vessel shall be controlled through a passenger terminal. In areas where

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there are no passenger terminals available, the Company shall establish a makeshift boarding area in coordination with concerned port authorities such as the Philippine Ports Authority (PPA) and the Cebu Port Authority (CPA). The boarding area shall be so designed to provide maximum and effective control of passengers prior to actual boarding.

G. Only two categories of persons are authorized on board:

1. Ship's personnel with pertinent employment papers as defined below.

a. Ship's crew — persons employed (Officer and Ratings) composing the ship's manning requirement who are directly responsible for the operation (machinery and cargo), navigation and maintenance of the ship.

b. Ship's Ancillary Service Personnel — persons employed or engaged in any capacity on board a ship on the business of that ship, other than the ship's crew, who do not form part of the manning requirement of that ship (i.e., waiters, entertainers, security guards, non-organic maintenance and repair team personnel, etc.)

2. Passengers with official tickets (includes paying and non-paying persons and those with half or discounted fares) as defined below.

a. A passenger, as defined in the International Convention for the Safety of Life at Sea (SOLAS) 1974, is every person other than:

1. The Master and the members of the crew or other persons employed or engaged in any capacity on board a ship on the business of the ship and

2. A child under one year of age.

b. A person carried on board either because of the obligation laid upon the Master to carry shipwrecked, distressed or other person by reason of force majeure is also not considered a passenger.

H. Unauthorized persons shall not be allowed in areas other than passenger accommodation spaces during boarding time and in the duration of the whole voyage of any vessel.

I. During boarding time, only porters wearing uniforms and properly identified are allowed to assist passengers in boarding any vessel.

J. Carriage of excess passengers during a voyage is a ground for the issuance of an Inspection and Apprehension Report (IAR) by the PCG unit in the next port of call of the vessel.

K. Boarding Time:

Actual boarding time for passengers shall be based on the schedule submitted by the Company to the PCG. The Company should not allow boarding of passengers before the scheduled boarding time. The Company may change the boarding time when deemed necessary but the said change should be communicated to the PCG unit not later than 24 hours prior to the desired change. Said change when communicated to the PCG shall be posted at the boarding area and shall be properly disseminated by the Company.

IV
Procedures

A. The Company shall inform the PCG in writing on the schedule of boarding (boarding time) in reference to the vessel schedule of arrival/departure as indicated in its Certificate of Public Convenience (CPC), Provisional Authority (PA or Special Permit).

B. The passenger manifest (indicating the name, age and gender of passengers listed) together with the Master's

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Oath of Safe Departure (MOSD) shall be submitted to the nearest PCG unit at least one (1) hour before the scheduled departure. The list of all late passengers shall be submitted upon boarding of the PCG inspector.

C. At the start of the designated boarding time, passengers shall only be allowed to board passing through the terminal/covered area and upon presentment to the manifest officer of a ticket with the corresponding embarkation stub for the voyage. The Manifest Officer shall collect the embarkation stub while the passenger shall retain the ticket. The Manifest Officer shall reflect remarks in the passenger manifest on the actual boarding.

D. The manifest officer shall reflect in the passenger manifest appropriate remarks to identify all late passengers with official tickets and boarding stubs for accounting purposes.

E. The manifest officer shall count the number of boarding stubs submitted, sorting them out in accordance with their color-coding and reflect his tally in the Passenger Boarding Report (Attachment “B1). This is to determine the actual number of passengers on board and the number of passengers expected to disembark at each port along the vessel’s route.

F. The Manifest Officer accomplishes the Passenger Boarding Report in triplicate indicating the number of stubs collected. The Passenger Boarding Report shall be divided into parts corresponding to the number of ports that the vessel is calling into. The Master shall countersign the Passenger Boarding Report and the PCG inspector shall note the same. The PCG unit in the port of origin shall retain the original copy of the report. The Manifest Officer shall keep the duplicate copy and submit the triplicate to the PCG unit at the ship’s next port of call. The Passenger Boarding Report is accomplished every time a vessel departs from any port along its route.

G. At the ship’s next port of call, disembarking passengers shall submit their disembarkation stubs to the Manifest Officer at the ship’s exit areas. Passengers remaining on board or those destined to other ports who choose to disembark and stay a few hours on shore may be allowed after securing a shore pass from the Manifest Officer. The passenger disembarkation stub shall be exchanged for a temporary shore pass. Upon the return of the passenger to the vessel, the disembarkation stub will be returned in exchange for the shore pass.

H. The disembarkation stubs submitted by the disembarking passengers shall then be tallied by the Manifest Officer against the Passenger Boarding Report forwarded by the PCG unit from the ship’s port of origin. This shall then be the basis for determining the number of passengers that will be allowed to board at the vessel’s present port of call and in accomplishing a new Passenger Boarding Report.

I. If the number of stubs submitted by the disembarking passengers is less than that indicated in the part of the Passenger Boarding Report accomplished in the port of origin, this is an indication that some passengers unscrupulously bought tickets for a short route while intending to travel farther. In this case and if there is still enough time, the Master shall endeavor to locate and disembark these erring passengers. If this shall prove futile, the number of passengers allowed to go on board at that port shall be limited to the number of passengers who actually disembarked based on the number of stubs submitted. Companies, however, may opt to allocate billeting allowance (total tickets based on allowed capacity is not fully sold) to address this potential problem.

J. Procedures A to H shall then be repeated in allowing passengers to board the vessel in the succeeding ports of call. In procedure G, when a passenger submits a disembarkation stub with color different from that designating the destination or if he/she is unable to submit any, he/she will be immediately brought to the attention of the Master or Manifest Officer for proper disposition. A passenger who fails to submit a disembarkation stub shall be dealt with in the same manner. (A fine depending on the scale imposed by the company may be meted out in order to recover the loss incurred for not allowing passengers to board in the last port of origin due to the non-disembarkation of the passengers who were supposed to have disembarked.)

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K. Should mustering of persons on board be necessitated due to flagrant violations, the PCG inspector shall conduct random checking of identities and tickets of mustered persons, simultaneous with the inspection of spaces particularly crew cabin, engine room and other possible hiding places.

L. In case of excess passengers, the Master shall disembark the excess passengers. Immediately, a request shall be forwarded to the PPA for denial of departure clearance of the vessel until such time that the excess passengers have been disembarked. A corresponding request shall be made by the PCG unit for the PPA to lift the denial of clearance if the deficiency is corrected. Flow charts for embarkation and disembarkation procedures are shown in Attachments “C1” and “C2”.

V
Responsibilities:

A. PCG District/Station/Detachment Commanders

1. Shall ensure the strict implementation of the provisions of this D.O.
2. Shall ensure that PCG personnel involved in the implementation of this D.O. are well-versed with procedures required herein.
3. Shall ensure that this D.O. is received and well-understood by vessel owners/operators as to the required procedures and their responsibilities.
4. Shall ensure that the nearest PPA/CPA office is provided a copy of this D.O.
5. Shall conduct information drive for proper dissemination of this D.O. to concerned people in their AOR.
6. Shall ensure that shipping companies submit to the PCG unit concerned shipping schedules and scheduled boarding time for each passenger vessel operating in their AOR. In this connection, the operating units shall ensure that they have a copy of the current and/or updated CPC/PA/SP of vessel operating in their AOR.
7. Shall ensure that the PCG unit at the port of departure properly notes the Passenger Boarding Report.

B. Vessel Owner/Operator

1. Shall provide policies for the proper implementation of this D.O. on all its vessels that are allowed to carry passengers.
2. Shall ensure that vessel Master, Manifest Officer and crew comply strictly with the provisions stipulated herein.
3. Shall ensure that vessel master is given proper instructions on immediate/automatic disembarkation of unauthorized persons/passengers prior vessel departure.
4. Shall ensure that no tickets are sold exceeding the vessel’s authorized/allowed passenger capacity, and that no tickets will be sold on board the vessel in compliance with the relevant provisions hereof.
5. Shall ensure that all tickets issued (whether from an authorized booking outlet or from the terminal ticket booth, if so established), are reflected in the passenger manifest containing names of passengers, gender, and age, among others.
6. Shall ensure that the boarding time for each vessel is submitted to the PCG unit and is posted prominently at the pier entrance and designated boarding area.
7. Shall submit to the PCG unit a copy of the updated and/or current CPC/SP/PA of all vessels they operate that are covered by this D.O.
8. Authenticate the embarkation and disembarkation stubs issued together with the passenger ticket.

C. Vessel Master

1. Shall be responsible for the strict implementation of this D.O. on board his vessel.
2. Shall ensure that no unauthorized persons can board his vessel, and as such, shall adopt strict guarding system (in coordination with the vessel owner/operator) to prevent boarding of unauthorized persons.
3. Shall ensure close coordination with the manifest officer on the correct information and recording in the

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passenger main manifest of identities of passengers who actually boarded the vessel.
4. Shall effect the immediate/automatic disembarkation of unauthorized persons on board.
5. Shall designate from among the Deck Officers and crew a Manifest Officer and an Assistant Manifest Officer (as necessary) who shall be deemed cognizant of his/her duties and responsibilities as stipulated herein.
6. Together with the Manifest Officer, shall countersign the Passenger Boarding Report at every port of departure after ensuring correctness of entries entered therein.

D. Manifest Officer/Assistant Manifest Officer

1. Shall act as the only person authorized to collect boarding/disembarkation stubs from passengers. In this connection, shall also act as the only authority to give temporary shore passes to passengers.
2. Shall ensure the proper accounting of passengers in the passenger manifest.
3. Shall ensure the proper accomplishment of the Passenger Boarding Report to be countersigned by the Master.
4. Shall ensure that the Passenger Boarding Report is duly submitted to the PCG unit in every port of call of the vessel.

VI
Penalty Clause:

A. The following shall be considered as offenses and shall be assessed administrative fines as indicated:

OFFENSE

FINE

1st Offense

2nd Offense

3rd and Succeeding Offense/s

1. Selling ticket/s on board

P5,000.00 per ticket sold

P10,000.00 per ticket sold

P20,000.00 per ticket sold

2. Non-accomplishment of the Passenger Boarding Report.

P10,000.00

P20,000.00

P30,000.00

3. Wrong entries in the Passenger Boarding Report

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P10,000.00

P20,000.00

P30,000.00

4. Non-issuance of embarkation/disembarkation stubs

P30,000.00

P50,000.00

P100,000.00

5. Failure to collect and accurately tally number of embarkation stubs

P10,000.00

P20,000.00

P30,000.00

6. Embarkation and disembarkation stubs not containing any of the required entries, i.e. ports of origin and destination, date of passage, number and authentication P10,000.00

P20,000.00

P30,000.00

7. Allowing boarding of unauthorized persons on or after the designated boarding time P30,000.00

P50,000.00

P100,000.00

8. Not posting the boarding time in the vicinity of the boarding area. P10,000.00

P20,000.00

P30,000.00

9. Not posting the departure schedule in the vicinity of the departure area. P10,000.00

P20,000.00

P30,000.00

10. Posted departure schedule not in accordance with the CPC/PA/SP submitted to the PCG unit. P10,000.00

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P20,000.00

P30,000.00

11. Non-submission of current/updated CPC/PA/SP P10,000.00

P20,000.00

P30,000.00

12. Overcrowding or the carrying of passengers beyond the authorized passengers capacity — total excess passengers multiplied by 200% x passage rate for the complete/entire voyage.

B. Inspection and Apprehension Reports (IARs) issued for any of the above-mentioned violations shall be adjudicated by the Commander of the issuing PCG unit who shall act as Adjudicating Officer. Appeals on the decision of the Adjudicating Officer shall first be addressed to the District Commander who has jurisdiction over the issuing PCG unit. A final appeal may be addressed to the Commandant, PCG whose decision shall be final and executory.

VII
Repealing Clause

All orders, circulars and other issuances inconsistent herewith are deemed amended or revoked.

VIII
Effectivity

This Order shall take effect fifteen (15) days after publication in a newspaper of general circulation.

Adopted: 18 April 2000

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

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