NOTICE OF ARRIVALS AND DEPARTURES OF VESSELS

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By authority of Sec. 3 of the Philippine Immigration Act of 1940, as amended, and to further ensure the effective enforcement of the pertinent provisions of said Act, the following rules and regulations are hereby prescribed and promulgated for the guidance of and compliance by all shipping companies, ship owners, operators or charterers of ocean-going vessels and person acting on their behalf:

1. All shipping companies, ship owners, operators or charterers of ocean-going vessels, and persons acting as agents on their behalf, shall send to the Commissioner of Immigration in advance a shipping notice of arrival and departure of their vessels arriving at any port or place in the Philippines from a port or place outside thereof, and departing after completion of its itinerary in the Philippines for a foreign port or place, so that the corresponding assignment of personnel to perform immigration boarding, clearance, and departure formalities, and other services while in Philippine ports shall be made. A similar notice shall also be sent to the head of the Immigration District or Field Office under whose area of responsibility the first and/or next port(s) of call in its itinerary is located, if other than the Port of Manila or Manila International Container Port. In cases where the vessel's first port of call is the Port of Manila (POM) and the next port in its itinerary is the Manila International Container Port (MICP) or vice versa, only one notice shall be sent considering that both are situated adjacent to each other, not-withstanding the fact that both are separate ports of entry for customs purposes: Provided, that the next port in the itinerary of the vessel, in either case, is indicated in the proper space on the shipping notice. For purposes of this order the term "vessel" shall mean any ship or boat or other description of watercraft used in navigation such as but not limited to a cargo or passenger vessel, tanker, tugboat, fishing boat, trawler, and yacht; and the term "port" shall refer to principal ports of entry and subports of entry designated as such for immigration purposes.

2. (a) The shipping notice shall be transmitted to the Commissioner and to the head of the Immigration District or Field Office concerned at least twenty-four (24) hours before but not later than 12:00 noon of the day prior to the vessel's arrival: Provided, however, that if a vessel's first port call is outside POM or MICP, the notice to the Commissioner shall be transmitted not later than 9:00 a.m. of the day prior to the vessel's arrival in the outport.

(b)

In the case of passenger vessels to be boarded by Immigration Officers at its last port of departure en route to the Philippines, any request therefor shall be transmitted to the Commissioner at least thirty (30) days prior to its estimated date of arrival: Provided, that notice of the date and time of its actual arrival must in all cases be received by 12:00 noon or 9:00 a.m., as the case may be, as provided for in the preceding subsection.

3. (a) Shipping notices in duplicate shall be filed with the Central Office Boarding Section in Manila and its equivalent unit in the Immigration District Office or Field Office concerned, whose receiving clerk shall indicate thereon the date and time of receipt, and affix his signature. A copy of the notice shall be furnished the person who filed the same. For control purposes, notices shall be assigned consecutive control numbers, beginning with number 001 at the start of each calendar year. (Example: Control No. 001-95)

(b)

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For uniformity and to provide essential data for immigration operational requirements, shipping notices shall be on legal size paper and conform to the format hereto attached as Annex "A"[*] and made an integral part of this Order. It shall be completely filled up: Provided, that other matters that must be brought to the attention of immigration officers such as but not limited to number of crew to be discharged/paid off/signing off or joining/signing on or for repatriation, conversion of the vessel to domestic trade, transit/transfer passengers, etc. shall be indicated in the "REMARKS" portion thereof. Should there be a need to correct or amend any particular in a shipping notice already filed, another notice cross-referred to the original one shall be filed at least three (3) hours before the vessel's actual time of arrival.

4. In cases where an immigration personnel is needed to escort an alien seaman arriving at the airport to join a vessel in port or an alien seaman from a vessel in port to the airport of departure for repatriation, a written advice thereof stating the name of the alien seaman concerned shall be submitted to the Chief, Boarding Section, Manila Central Office, or his equivalent in the Immigration District or Field Office under whose area of responsibility the port where the vessel is berthed or anchored is located, so that the corresponding assignment of Immigration personnel to escort the alien seaman shall be made. Such advices shall be submitted at least twelve (12) hours before the scheduled time of arrival or departure of the alien seaman, as the case may be, at the airport. No alien seaman referred to in this section shall be permitted to leave the Immigration Area at the airport or to disembark from a vessel in port and go ashore without being escorted by the assigned Immigration personnel.

5. If the shipping notice is received after the cut-off times specified in Sec. 2(a), the master, owner, operator, charterer, consignee, or agent of the vessel shall be charged an overtime processing fee of One Thousand Pesos (P1,000.00), to be credited to the Bureau's trust fund.

6. If a vessel enters the Philippines without giving advance shipping notice, the master, owner, operator, charterer, consignee, or agent thereof shall be subject to an administrative fine of Five Thousand Pesos (P5,000.00) in addition to the overtime processing fee of One Thousand Pesos (P1,000.00). No passenger or crew member shall be permitted to go ashore and the vessel shall not be given the Immigration Port Clearance for its departure until the fine has been paid or provision for its payment made: Provided, however, that the Commissioner may waive such fine if the master, owner, operator, charterer, consignee, or agent of the vessel satisfactorily shows that the failure to give the shipping notice in advance is due to any of the following circumstances:

a.

The vessel is in distress and has to make an emergency call for repairs due to engine or technical trouble which makes it unseaworthy or unsafe for the vessel to proceed to its port or place of destination outside the Philippines;

b.

The vessel has to seek temporary refuge or shelter due to bad weather or force majeure; or

c.

The vessel has on board a passenger or crew member in need of immediate medical attention not available thereon, or has to unload a cadaver.

7. All orders, circulars, letters, and other issuances previously issued by this Bureau and inconsistent with this Order are hereby revoked or amended accordingly.

This Order shall become effective fifteen (15) days from the date of filing thereof with the U.P. Law Center as provided for in Sec. 3, Chapter 2 of Book VII, of the Administrative Code of 1987.

Adopted: 29 Apr. 1994

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(SGD.) ZAFIRO L. RESPICIO
Commissioner

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[*] Text available upon request at the Office of the National Administrative register (ONAR), U.P. Law Center, Diliman Quezon City.

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