

RULES AMENDING CHAPTER XV, REGULATION 8 OF THE 1997 PMMRR ON THE OFFICIAL NUMBER AND MARKING OF SHIPS AND PROVIDING FOR ITS ANNUAL VALIDATION

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Pursuant to Republic Act No. 9295 and its Implementing Rules and Regulations, as well as Sec. 2 (c) of P.D. No. 474, Sec. 5 (d) of E.O. No. 125 as amended and the Public Service Act as amended, and in relation to Regulation XV/8 of the 1997 Philippine Merchant Marine Rules and Regulations (PMMRR) the following rules are hereby adopted:

I. Objective

1. To foster a more effective and easy identification, supervision and monitoring of all shipping transport service in the country;
2. To generate a more accurate and realistic profile of the country's domestic operating fleet for purpose of formulating promotional and developmental programs for the industry; and
3. To periodically verify and insure, in the interest of maritime safety, that the required certificates/documents for the operation of ships remain valid and updated.

II. Coverage

The coverage of this Circular shall be all types of ships of domestic ownership, regardless of tonnage, issued with a Certificate of Vessel/Philippine Registry, including ships acquired under P.D. Nos. 760/866/1711 documented for domestic trade.

The following ships are not covered by this Circular:

1. Warships, naval and coast guard vessel;
2. Non-motorized bancas, sailboats and other waterborn contrivance of less than three (3) gross tons capacity; and
3. Fishing vessels with three (3) gross tons and below where the registration of the same are lodged with the Local Government Units (LGU) concerned, as provided for under Executive Order No. 305, and its Implementing Rules and Regulations.

III. General Provisions

1. Issuance of Marking Plate with the Corresponding Ship's Official Number;

1.1 All ships, upon the renewal of its safety documents, as provided for in the Ship Safety Inspection System (SSIS), shall obtain before the Maritime Industry Authority (MARINA) a Ship Marking Plate (SMP) herein attached as Annex "A" [*] to form as an integral part hereof, with an assigned Official Number as indicated in its Certificate of Ownership and/or Certificate of Vessel Registry, which shall be plainly visible, clear of any other markings on the hull and shall be permanently fixed and secured in the ship's superstructure.

1.2 The SMP issued to ships covered under this Circular shall be the basis of the MARINA to validate the registration of ships issued and currently operating in the domestic trade.

1.3 The MARINA shall maintain an annual inventory of registered ships operating during the current year, to be referred to as "Domestic Operating Fleet" by obtaining the number of SMP issued within one year from the effectivity of this Circular.

2. Annual Validation of Ship Official Number and Markings:

2.1 All ships covered under Sec. II hereof shall apply with the MARINA an annual validation of ship registration reckoned within one year from the issuance of its SMP.

2.2 Upon compliance with the prescribed documentary requirements and payment of pertinent fees thereof, the annual validation of ship registration shall be effected with the issuance of a Ship Validation Receipt (SVR), herein attached as Annex "B"[*] to form part as an integral part hereof, which shall be renewable every year thereafter.

2.3 A corresponding sticker shall be issued reflecting the year when the ship registration was validated and shall be attached to the lower right hand portion of the SMP issued to the ship.

2.4 The annual validation of registration shall be effected at the Maritime Regional Offices wherein the SMP was issued.

2.5 Duly authenticated copy of the valid SVR shall be kept on board the ship at all times, together with the original or duly authenticated copy of the CVR/CPR.

2.6 The CVR/CPR of a ship, which fails to have its registration certificate validated for three (3) consecutive years shall be cancelled/revoked and shall not form part of the Domestic Operating Fleet.

2.7 The SMP of a ship may be surrendered with the Maritime Regional Offices wherein the said Plate was issued prior to the date of renewal of SVR in order to avoid payment of surcharge and/or the filing of administrative charges.

3. Requirements for Renewal:

3.1 Submission of photocopies of registration certificates:

- i. Certificate of Vessel/Philippine Registry;
- ii. Previous Ship Validation Receipt, if applicable;
- iii. Valid Ship Safety Certificate.

3.2 Payment of Appropriate Fees

IV. Validity

The SVR shall be valid for one (1) year from date of issuance, renewable every year thereafter.

V. Fees and Charges

The following fees shall be paid which corresponds to the Gross Tonnage of the ship:

- A one time payment of two thousand pesos (Php 2,000.00) shall be paid to the payment of the Ship Marking Plate.

- The fees for the Annual Ship Validation shall be one peso (Php1.00) per gross tonnage of the ship or a minimum of one hundred fifty pesos (Php150.00).

VI. Penalties and Sanctions

1. Surcharge for the late renewal of SVR:

1.1 Not exceeding thirty (30) days reckoned from the date of the CVR/CPR or from the date of the previous SVR issued, whichever is applicable _ 1% of applicable fees and charges per day of non renewal;

1.2 Thirty (30) days or more but not exceeding ninety (90) days reckoned from the date of the CVR/CPR or from the date of the previous SVR issued, whichever is applicable _ 50% of applicable fees and charges per month of non renewal or fraction thereof;

1.3 Ninety (90) days or more reckoned from the date of the CVR/CPR or from the date of the previous SVR issued, whichever is applicable _ 200% of applicable fees and charges per month of non-renewal or fraction thereof.

The imposition of the surcharge as stated above shall in no case preclude the MARINA to institute an administrative case for operating without or expired Ship Registration Validation Receipt.

2. Operating Without SVR:

2.1 For ships operating without SVR, the following administrative penalties shall be imposed, after compliance of due process of notice and hearing:

Corresponding Fees and Charges

Level of Less than 35 GT up to 500 GT up to 2000 GT and

Violation 35 GT less than 500 GT less than 2000GT above

First Violation 2,000.00 5,000.00 10,000.00 15,000.00

Second Violation 5,000.00 10,000.00 15,000.00 30,000.00

Third Violation 10,000.00 20,000.00 30,000.00 60,000.00

2.2 For ships operating without obtaining the MARINA issued SMP, the same penalties as mentioned above shall be imposed, after compliance of due process of notice and hearing;

2.3 For operating with expired SVR, fifty percent (50%) of the prescribed penalty as specified above shall be imposed.

Furthermore, ships without or with expired SVR shall be issued a Cease and Desist Order for operating the particular ship without the required SVR, after due notice and hearing, which shall only be lifted upon proof of compliance with this Circular.

VII. Repealing Clause

The pertinent chapters, regulations and provisions of the PMMRR 1997, and relevant MARINA Memorandum Circulars which are inconsistent herewith are deemed amended/repealed accordingly.

VIII. Effectivity

This Circular shall take effect immediately after fifteen (15) days from publication in a newspaper of national circulation.

Adopted: 19 Oct. 2005

By the Authority of the Board:

(SGD.) VICENTE T. SUAZO, JR.

Administrator

[*] Text Available at National Administrative Register, U.P. Law Complex, Diliman, Quezon City.

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