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GUIDELINES IN THE RECOGNITION OF CERTIFICATES PURSUANT TO REGULATION I/10 OF THE 1978 STCW CONVENTION, AS AMENDED

PRC MEMORANDUM CIRCULAR NO. 99-47, August 31, 1999

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I. AUTHORITY

Section 28, Article VI of Republic Act No. 8544, otherwise known as the "PHILIPPINE MERCHANT MARINE OFFICERS ACT OF 1998", as implemented by Section 32, Article VIII, Resolution No. 1, series of 1999, of the Board of Marine Deck and Marine Engineer Officers, to comply with the requirements/standards of Regulation I/10 of the 1978 STCW Convention, as amended, to which the Philippines has acceded through the Instrument of Accession dated January 11, 1984.

II. OBJECTIVE
To ensure that the requirements of Regulation I/10 of the 1978 STCW Convention, as amended, and Republic Act No. 8544 are met when recognizing by endorsement in accordance with Regulation I/2 of the Convention the Certificates issued by or under the authority of another Party.

III. COVERAGE
This memorandum circular shall apply to Certificates issued by or under the authority of a Party to the Convention in accordance with the standards/requirements of the 1995 amendments.

IV. DEFINITION OF TERMS
1. Board — shall mean the Board of Marine Deck Officers or Board of Marine Engineer Officers.

2. Commission — shall mean the Professional Regulation Commission (PRC) created under Presidential Decree No. 223.

3. Certificate — a document, by whatever name it may be known, issued by or under the authority of the national administration attesting or certifying to the authority of the marine deck or marine engineer officer named therein to serve in the capacity as stated in the document in accordance with national regulations.

4. Certificate of Competency — a document issued by the Board to a marine deck or marine engineer officer certifying that such marine officer has been found qualified to perform the functions of the level of responsibility involved on board the ship for which such officer has been examined and assessed and which shall attest to the authority of the marine deck or marine engineer officer to practice the Merchant Marine profession in the capacity specified therein.

5. Endorsement Certificate — refers to the document issued by the Commission attesting the issue of Certificate of Competency to a marine deck or marine engineer officer or attesting the recognition of a Certificate issued by other Flag States in accordance with and upon compliance of all the relevant requirements of the International Convention on the Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended.

6. Management level — refers to the level of responsibility associated with:

(a) serving as Master, Chief Mate, Chief Engineer Officer or Second Engineer Officer on board a seagoing ship, and

(b) ensuring that all functions within the designated area of responsibility are properly performed.

7. Operational level — refers to the level of responsibility associated with:

(a) serving as officer-in-charge of a navigational or engineering watch, and

(b) maintaining direct control over the performance of all functions within the designated area of responsibility in accordance with proper procedures and under the direction and supervision of a merchant marine deck or marine engineer officer serving in the management level for that area of responsibility.

8. STCW ’95 Certificate — means a certificate issued on or after 1 February 1997 accordance with all applicable requirements of the Convention and the STCW Code, or a STCW ’78 certificate duly endorsed after 1 February 1997 in accordance with Regulation I/11.

9. STCW Convention — means the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended.

10. Philippine Registered Ships — merchant marine ships registered under Philippine laws.

11. Foreign Marine Officer — Certificated Marine Officers of other Flag Administrations who are Parties to the STCW Convention which complied with the 1995 amendments.

12. Philippine Maritime Laws — Laws enacted by Congress of the Republic of the Philippines pertaining to maritime relative activities and functions.

V. POLICIES

1. An undertaking is agreed with the Party concerned that prompt notification will be given of any significant change in the arrangements for training and certification provided in compliance with the Convention.

2. Marine Officers of other Flag Administration, who present for recognition, certificates issued under the provisions of Regulations II/2, III/2 or III/3 or issued under VII/1 at the management level, as defined in the STCW Code must have an appropriate knowledge of the maritime legislation of the Philippines relevant to the functions they are permitted to perform, the Code of professional ethics for Filipino marine officers and the Rules and Regulations applicable to Philippine registered ships engaged in international trade.

3. Information provided and measures agreed upon under Regulation I/10 shall be communicated to the Secretary-General in conformity with the requirements of Regulation I/7.

4. Certificates issued by or under the authority of a non-Party shall not be recognized.

5. Endorsements issued by the Commission under the provisions of Regulation I/10 in recognition of, or attesting the recognition of, a certificate issued by another Party, shall not be used as the basis for further recognition by another Administration.

6. Endorsement Certificates issued to a Foreign or Non-Filipino marine officer shall be valid for five (5) years from date of issuance unless sooner withdrawn, suspended or revoked.

7. The Boards and the Commission may recognize certificates issued by or under the authority of other Flag Administration provided that such Party is in the list of complying Parties to the Convention, or that the Philippines has confirmed, through necessary means, that the requirements concerning standards of competence, the issue and endorsement of certificates and record keeping are fully complied with by that Party.

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8. The Board shall ensure that reciprocal recognition of Philippine certificates is also granted by the other Party.

9. The Boards and the Commission in coordination with the Department of Foreign Affairs (DFA) and other concerned government agencies shall identify Parties which it intends to recognize and shall enter into a bilateral agreement with that Party.

10. The terms of the bilateral agreement shall contain provisions that both Parties.

1. are committed to comply with the requirements of the STCW Convention.

2. shall allow inspection of facilities and procedures concerning the requirements of the standards of competence, the issue and endorsement of certificates and records keeping.

3. undertake to promptly notify each Party of any significant change in the arrangement for training and certification in compliance with the STCW Convention.

4. measures are established to ensure that marine officers who present for recognition of certificates issued under the provisions of Regulations II/2, III/2 or VII/1 have appropriate knowledge of the maritime legislations or rules and regulations of each Party which are relevant to the functions, they are permitted to perform.

5. the agreement shall be communicated to the IMO Secretary General in conformity with the requirements of Regulation I/7 of the Convention.

VI. QUALIFICATION REQUIREMENTS

The foreign or Non-Filipino marine deck or marine engineer officer has been certificated and endorsed by his Administration which is a Party to the Convention.

VII. DOCUMENTARY REQUIREMENTS

1. The Certificate of Competency issued by or under the authority of the Administration of such particular party and its corresponding endorsement.

2. A commitment under oath by the applicant that he shall abide by the laws of the Republic of the Philippines, including the maritime laws of the Philippines, and the Code of Ethics for Marine Officers.

VIII. PROCEDURE

1. Application:

1.1 Application for Recognition of Certificates may be filed personally, or on behalf of the Marine Officer, by the authorized representative duly recognized by the Commission, at the STCW Certificates Section located at the third Floor of the three-storey building infront of the Annex Building. At the STCW Certificates Section, the applicant shall secure from the Information Counter the Application for Endorsement [ACE (Form No. 11)] and fills up the same.

1.2 The applicant shall submit his duly accomplished ACE and other documentary requirements.

2. Verification and approval of application:

2.1 The application and documentary evidence shall be checked and verified as to completeness and authenticity.

2.2 If complete and authentic, the Board shall recommend approval of the application for endorsement attesting the recognition of a certificate under the provisions of the 1978 STCW Convention, as amended.

2.3 The Commission shall issue the Endorsement Certificate in accordance with the prescribed form.

IX. EFFECTIVITY

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This Memorandum Circular shall take effect after fifteen (15) days from its publication in the Official Gazette or in a newspaper of general circulation.

Adopted: 31 August 1999

(SGD.) HERMOGENES P. POBRE
Commission Chairman

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