STANDARD OPERATING PROCEDURES MARITIME TRAINING COUNCIL

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PART I

General Provisions

56001. INTRODUCTION: Pursuant to DOLE Memorandum Order dated 17 August 1992, this Standard Operating Procedure (SOP) stipulating the framework and scope of cooperation among the member-agencies of the Maritime Training Council (MTC) is hereby promulgated to maximize the participation and cooperation of concerned government agencies and the private sector in the implementation of the Standard of Training, Certification and Watchkeeping for Seafarers 1978 (STCW-78) Convention.

56002. LEGAL BASES: The promulgation of the Standard Operating Procedure is in pursuant to Sections 1 and 2 (5) of Letter of Instruction No. 1404 (LOI 1404) which establishes the Maritime Training Council to give effect to STCW-78 Convention as well as the following issuances:

56002.01 Technical Education and Skill Development Authority (TESDA) R.A. 7796 and/or Commission on Higher Education (CHED) R.A. 7722, prescribing its powers and functions for other purposes.

56002.02 Executive Order No. 125: Reorganizing the Ministry of Transportation and Communications defining its powers and functions for other purposes.

56002.03 Executive Order No. 125-A: Amending Executive Order No. 125 entitled Reorganizing the Ministry of Transportation and Communication, defining its powers and functions and for other purposes.

56002.04 Executive Order No. 126: Reorganizing the Ministry of Labor and Employment.

56002.05. Executive Order No. 247: Reorganizing the Philippine Overseas Employment Administration (POEA).

56002.06 Republic Act No. 5173: An act creating the Philippine Coast Guard, prescribing its powers and functions, and for other purposes.

56002.07 Presidential Decree No. 97: Regulating the practice of the marine profession in the Philippines.

56003.08 Presidential Decree No. 600 602 and 979 Governing Marine Pollution and establishing Marine Pollution Center in the Philippine Coast Guard.

56003 OBJECTIVES: This Standard Operating Procedure implements LOI 1404 to fulfill the Philippine government obligation to the International Maritime Organization's (IMO) STCW-78 Convention towards achieving the following objectives:

> 56003.01 to give effect to the Philippines accession to the said Convention through a system of standard development, training and certification of seafarers;
>
> 56003.02 to promote safety of life and property at sea through training programs and documentation of seafarers; and

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56003.03 to maintain the Philippines position as a major supplier of seafarers by ensuring the quality of seafarers employed onboard overseas ships through training and upgrading their qualification according to the needs of the world's shipmanning industry and STCW-78 Convention.

56004. DEFINITION OF TERMS: The following terms are used in the Standard Procedure which are construed as stated, unless, otherwise porvided by law and/or competent authority:

56004.01. Accreditation — authorization or permit to offer maritime training course/program.

56004.02. Administration — the Government of the party whose flag the ship is entitled to fly.

56004.03. AWG — Administrative Working Group composed of organic personnel and administrative staff.

56004.04. Approved — approved by the Administration/Government.

56004.05. Certificates — valid document by whatever name it may be known issued by or under the authority of the Administration or recognized by the Administration authorizing the holder to serve as stated in this document or as authorized by national regulations.

56004.06. Certificated — a person properly holding a valid certificate.

56004.07 Certificate of Competency — professional license issued by authorized government agency attesting that the holder possesses the required professional expertise and physical/mental fitness authorizing the holder to practice his/her profession according to the level or degree of competence stated in the certificate.

56004.08 Certificate of Completion — certificate issued certifying that the holder has completed a basic training course or familiarization training program.

56004.09 Certificate of Proficiency — certificate issued attesting that the holder possesses the required level of skill to perform or serve proficiently as stated in the certificate.

56004.10 Council — policy-making Body of MTC comprising the heads of its member agencies.

56004.11 LOI 1404 — Presidential Letter of Instruction which established and created the Maritime Training Council (MTC).

56004.12 MTC — refers to the Maritime Training Council

56004.13 Officer — a licensed member of the crew, other than a Master designated as such by national law or regulation in the absence of such designation by collective agreement or custom.

56004.14 Party — the State for which the Convention has entered into force.

56004.15 Rating — a member of the ship's crew other than the Master or an Officer.

56004.16 Recognition — accreditation of training center to offer maritime training program above the status of accreditation permit to a minimum period of 3 years subject to renewal. Training centers with 100% compliance of the course(s) accreditation requirement and have been operating for at least 5 years with good standing are granted recognition status upon application.

56004.17 Secretariat — the implementing arm of MTC composed of the TWG and AWG headed by an Executive Officer and assisted by an Asst. Executive Officer.

56004.18 STCW-78 — Refers to Standard of Training Certification and Watchkeeping, 1978.

56004.19 Training Permit — authority to offer maritime training program/course issued by CHED (previously DECS) thru recommendation of MTC.

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56004.20 TWG — Technical Working Group composed of representatives of MTC member-agencies.

PART II

Operating Procedures

56005. ADMINISTRATIVE PROCEDURES: The procedural provisions contained herein shall be implemented according to the following:

56005.01. Training Administration — The MTC Secretariat shall coordinate with MTC member-agencies in implementing all duly approved policies of the Council; and

The following guidelines in regulating training activities shall be followed:

56005.01.01. Training centers applying for renewal of permit(s) shall submit their application to MTC Secretariat, POEA Building, EDSA corner Ortigas Avenue, Mandaluyong City, at least three (3) months before expiry date of their original permits.

56005.01.02. Upon receipt of the application, the MTC-TWG shall re-evaluate the relevance and viability of the course/s. If this meets the foregoing requirements, the MTC Secretariat shall direct the TWG to inspect the physical facilities, training aids/equipment, library, administrative and teaching staff.

56005.01.03. Accreditation of training programs/courses shall require the training center concerned to have its own training facilities/structures, equipments and other training materials for the training program it is applying for permit to operate. The same shall be checked against the MTC accreditation Check list which shall be graded objectively at minimum overall passing grade of 75% (provided, that no major item is below 75%). Otherwise, renewal of permit shall be deffered until such deficiency is corrected.

56005.01.04. The MTC-TWG shall submit inspection results and recommendations to the MTC Secretariat within seven (7) working days after inspection. Training center concerned shall be informed officially of the results of such inspection as well as the status of their application.

56005.01.05. Holding of theoretical classes and practical exercises shall only be conducted in authorized places as indicated in their training permits.

56005.01.06. Regulation of training fees shall be determined by MTC in consultation with concerned government agencies, industry association and seafarers' group.

56005.01.07. Imposition of tuition fee increase of at least 15% of the actual per capita cost is allowable subject to the approval of the MTC (this is for not more than 24 students per class based on one (1) year operating expenses.

56005.01.08. Training centers shall only issue certificate of completion to students who have completed the course requirements.

56005.01.09. Training programs or courses which are not covered by MTC training modules (without the need of MTC supervision) shall be considered as in-house or in-company training program and shall be recognized and offered as special training requirements by foreign principals or shipowners of manning agency concerned (the training certificates shall not be authenticated/endorsed by MARINA).

56005.01.10. In-house/in-company training program shall only be recognized provided that it complies with the accreditation process of MTC.

56005.01.11. Submission of enrollment and graduate reports shall be done every quarter of the year to the MTC

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Secretariat. Format of the report should conform with the existing MTC Standard.

56005.01.12. Year-end graduates' report shall also be submitted according to the existing procedures and format in matrix form for each course indicating the ranks or ratings and names of graduates including their batch number. The report shall also include brief summary of training operations and graphical plot of graduates per month to show comparative trend of actual graduates.

56005.01.13. Failure to comply with the above reports shall be dealt with the following administrative sanctions:

56005.01.13.01 — For first offense, written warning;

56005.01.13.02 — For second offense, written reprimand; and

56005.01.13.03 — For third offense, non-recognition of training certificates.

56006. TRAINING STANDARDS : The IMO Model Courses shall be adopted as training standards, however, when the prescribed training materials/aids are not available, substitute devices may be used. In such case, training standards shall be developed/revised without degrading the minimum requirements of the STCW-78 Convention in conformity with the following guidelines and procedures:

56006.01 The MTC Secretariat thru its TWG shall conduct research and studies on the training needs of seafarers based on the STCW-78 and other qualification requirements of the shipmanning industry.

56006.02. Based on the results of research and studies appropriate training curriculum or module shall be developed in consultation with concerned maritime sectors.

56006.03. Developed curriculum and accreditation instruments shall be officially adopted as training standard upon approval by the Council.

56007. ACCREDITATION OF TRAINING CENTER: In accordance with pertinent provisions of LOI 1404 and CHED/TESDA accreditation and issuance of training Permit, the following procedures shall be followed:

56007.01. Application to operate maritime training center shall be assessed and evaluated prior to the endorsement to the proper government agency.

56007.02. Submission of the application to operate training center or program shall include the following:

a. duly accomplished form

b. feasibility study

c. approved copy of SEC or BDT certificate (original and photo copies)

d. financial statement

e. location plan of sites and training facilities

f. library holdings

g. administrative and teaching staff supported by their respective bio-data and certificates

h. copy of Transfer Certificate of Title to ownership of the land site, if 5 years for school building and land site, if leased.

Above requirements shall be submitted in 7 copies.

56008. INSPECTION AND EVALUATION OF TRAINING CENTERS shall be conducted as follows:

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56008.01. Ocular/visitorial inspection shall be conducted any time only with valid order of inspection issued by the MTC Secretariat.

56008.02. The composition of the inspection team shall include representatives of MTC member-agencies.

56008.03. At least five (5) members present during the inspection shall compose a team. The team leader shall be designated by the members.

56008.04. Inspection of training centers shall only be conducted in the presence of authorized representative of training center using the standard checklist.

56008.05. After inspection, the team shall meet with the representative of the training center to discuss the result of the inspection. Accomplished checklist containing the result of the inspection shall be initialed by representative of training center concerned.

56008.06. Inspection report shall be decided/concurred by majority of the inspection team.

56008.07. Report and recommendation of the team shall be submitted to the MTC Secretariat within seven (7) working days from date of inspection and same shall be endorsed for approval/disapproval for issuance of permit.

56008.08. For inspection outside National Capital Region (NCR) where a regular member cannot attend, the member-agency concerned shall coordinate with their respective regional office to provide representative in the inspection.

56009. RENEWAL OF TRAINING PERMIT: Training permit or recognition shall be renewed according to the following:

56009.01. Renewal of permit or recognition shall be filed with MTC Secretariat three (3) months prior to expiration of the permit or recognition.

56009.02. Upon submission of application for renewal of permit or recognition, schedule of inspection shall be made.

56009.03. Upon issuance of permit or recognition, concerned training centers shall furnish the MTC Secretariat a copy of said permit.

56009.04. When a training center fails to correct their major deficiencies within the prescribed period, it shall not be allowed to operate until such time said deficiencies are corrected.

56009.05. Training permit or recognition not renewed within one (1) year from the date of expiration shall be treated as new application.

56010. RECOGNITION STATUS: The application for recognition of training center or program shall be filed to concerned agency through MTC Secretariat at least three (3) months prior to expiry date of the permit. Recognition status of training program shall be processed according to the following provisions:

56010.01. Training center must have at least 5 years continuous operation with excellent track record;

56010.02. One hundred percent (100%) compliance with the MTC prescribed accreditation requirements for the particular training program;

56010.03. Transfer Certificate of Title (TCT) of the training site should be in the name of the training center or institution concerned or the proof of lease contract of training site and building facilities (at least for 5 years with option to renew lease contract).

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56011. TRAINING CERTIFICATE: Certificate of completion and proficiency shall be issued according to the existing standard format.

56011.01. Only training centers duly accredited thru the recommendation of MTC shall issue training certificates signed by its President and Training Director or by officially designated officer of training center.

56011.02. In case of tie-up thru a Memorandum of Agreement (MOA) between a maritime school and accredited training center to train the students of the former, the training center that actually conduct the practical training shall issue the certificates.

56001.03. Authentication and/or validation of training certificates shall be construed as the process of determining the authenticity of the certificates. The agency which validates/authenticates said certificates reserves the right to determine the qualification of certificate holders.

56012. GENERAL POLICIES: Pursuant to Section 1 of LOI 1404, all administrative and policy control in the implementation of STCW-78 Convention shall emanate from the Maritime Training Council and in accordance with the following rules and regulations:

56012.01. Private sector representative in the MTC shall be limited to members of shipping sector and/or seafarers' sector provided that the association is duly registered with the Securities and Exchange Commission (SEC).

56012.02 The Chairperson of the MTC shall appoint the private sector representative.

56012.03 Implementation of all administrative and operational policies shall be properly coordinated with the MTC Secretariat.

56012.04 All administrative sanctions imposed or to be imposed by MTC member-agencies in violation with the provisions of this Standard Procedure shall be properly coordinated with the Secretariat.

56012.05. The Secretariat shall issue guidelines rules and regulations in the imposition of administrative sanctions to training centers/institutions violating the prescribed requirements for issuance of training certificates.

PART III

Organization

56013. ORGANIZATIONAL STRUCTURE — Pursuant to LOI 1404 the Maritime Training Council is attached to the Department of Labor and Employment for administrative and policy control. It is financially supported by OWWA. The MTC is organized according to the following structure:

56013.01. The COUNCIL PROPER is composed of the Secretary of Labor and Employment as Chairman, and the following as members: the Administrator of the Maritime Industry Authority (MARINA), the Director of Bureau of Higher Education (BHE) (now Commissioner on Higher Education (CHED), the Administrator of the Philippine Overseas Employment Administration (POEA), the Chairman of the Professional Regulation Commission (PRC), the Administrator of the Overseas Workers Welfare Administration (OWWA) and one (1) representative from the private sector appointed by the Chairman.

56013.02 The SECRETARIAT is the operating arm of the Council Proper with office at POEA to closely monitor and implement the training needs of the overseas shipmanning industry in compliance with STCW-78 Convention. It is composed of the following divisions:

56013.02.01 Administrative Working Group (AWG) composed of Executive Officer, Assistant Executive

Officer, Finance and Budget Officers, 1 Supply Officer and 2 Clerical staff.

56013.02.02. Technical Working Group (TWG) is operationally under the supervision of the Council Proper thru the AWG and is composed of a representative each from the eight (8) agencies/entities represented in the Council Proper, three (3) curriculum development officers, one (1) record and evaluation officer and two (2) clerical staff.

57001. MANDATED FUNCTIONS: Pursuant to LOI 1404 and the above cited objectives, the MTC shall perform, through its member-agencies in coordination with the Council Proper and Secretariat.

57001.01. The Council Proper is the policy making body in the implementation of STCW-78 Convention and thus shall establish policy guidance to member agencies with the following general functions:

57001.01.01. Develop, formulate and prescribed training standards for seafarers as required by the Convention;

57001.01.02. Issue certificates of proficiency or competency to seafarers who met the training requirements of the Convention;

57001.01.03. Assist the DECS (TESDA and/or CHED) in regulating and supervising the establishment and operation of seafarer training centers throughout the country;

57001.01.04. Liaise and coordinate with international organizations particularly with the International Maritime Organization (IMO) as regards to training, upgrading and qualifying seafarers;

57001.01.05. Formulate rules and regulations to implement STCW-78 Convention and to attain the objectives of this Letter of Instruction;

57001.01.06. Impose and collect fees from seafarer training centers subject to clearance from the National Tax Research Center and to be remitted to OWWA which shall constitute as part of seafarers welfare fund;

57001.01.07. Undertake special programs/projects in furtherance of the objectives of training and upgrading of seafarers; and

57001.01.08. Study, evaluate and recommend to CHED the number and maximum enrollment of nautical schools to ensure their graduates employed onboard ship after graduation.

57002. COMMON FUNCTIONS: The Secretariat shall implement thru its AWG and TWG the following common undertakings based on MTC's general functions and corresponding policies set by the Council Proper:

57002.01. The Administrative Working Group (AWG) shall provide the necessary personnel, administrative and financial support to the operations of MTC in implementing the above functions.

57002.02. The Technical Working Group shall be composed of qualified technical personnel and shall render assistance to MTC on the following tasks:

57001.02.01. Formulation and implementation of rules and regulations set by the Council Proper as well as to implement the provisions of STCW-78 Convention in order to attain the objectives of LOI 1404;

57002.02.02. Prescription and imposition of fees on seafarers' training centers and other related services related to training and certification of seafarers;

57002.02.03. Undertake special programs/projects to further attain the objectives of training and upgrading of seafarers;

57002.02.04. Formulation and validation of training curricula and accreditation instruments;

57002.02.05. Conduct of studies to evaluate and recommend to CHED number of maximum enrollment of

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nautical schools to ensure their graduates employment opportunities;

57002.02.06. Inspection and evaluation of training centers applying for accreditation of new training programs of renewal of training permit.

57002.02.07. Conduct of ocular inspection, supervision and regulation of training centers in coordination with TESDA or CHED to ensure compliance with required training and certification standards;

57002.02.08. Liaison and coordination with international organizations particularly as regards to training, upgrading and qualifying seafarers;

57002.02.09. Research and studies other training needs of seafarers;

57002.02.10. Formulation and recommendation of policies for the Council's approval; and

57002.02.11. Resolve issues and problems (for Council approval) confronting the implementation of STCW-78 Convention, LOI 1404 and other related issuances.

57003. SPECIFIC FUNCTION: - Member agencies shall inform and coordinate with MTC in its performance of following functions/responsibilities:

57003.01. The COMMISSION ON HIGHER EDUCATION (CHED) shall:

57003.01.01. In coordination with the MTC Secretariat undertake the MTC accreditation of training programs or issuance of permits and/or revocation of the same based on the standard accreditation requirements and curricula developed by MTC;

57003.01.02. Formulate and implement prescribed procedures in the issuance or cancellation or permit/recognition of maritime training programs;

57003.01.03. Impose appropriate sanctions to erring training centers found violating the conditions, policies, rules and regulations governing the operation of training centers or program; and

57003.01.04. Coordinate with MTC in the implementation of Section 2 (8) of LOI 1404 as regards to the maximum number of enrollment of maritime schools.

57003.02. The PHILIPPINE COAST GUARD (PCG) shall:

57003.02.01. Ensure that the safety of life and property at sea requirements are covered in all training programs required under the STCW-78 Convention;

57003.02.02. Ensure the prevention and control of marine pollution in shore land and coastal waters in accordance with PD 979;

57003.02.03. In coordination with MARINA and other concerned agencies implement and impose Port State Control in accordance with Regulation I/4 and Article X and regulation I/5 of STCW 1991 Amendment; and

57003.02.04. Impose sanctions within its rules for violations of the conditions of accreditation and related matters.

57003.03. The PROFESSIONAL REGULATION COMMISSION shall:

57003.03.01. Formulate and prepare marine licensure examinations to all grades in accordance with PD 97 as amended incorporating the qualification requirements of STCW-78 Convention;

57003.03.02. Administer licensure examination for Marine Officers and issue the corresponding certificates of competency or licenses to successful candidates as well as furnishing MTC and MARINA with updated

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official list of licensed marine officers; and

57003.03.03. Apply sanctions within its rules to those who are found violating the above regulations.

57003.04. The MARITIME INDUSTRY AUTHORITY (MARINA) shall:

57003.04.01. Provide the MTC with statistics and other information on the development and trends in the Philippine shipping industry as well as manpower training needs and qualification requirements for Philippine registered vessels both domestic and overseas vessels;

57003.04.02. Issue Certificate of Proficiency and/or endorsement of certificates to Marine Officers and ratings who are qualified in accordance with the provisions of STCW-78 Convention;

57003.04.03. In coordination with PCG and other concerned agencies, implement and impose Port State Control in accordance with Regulation I/4 and Article X and regulation I/5 of STCW 1991 Amendment; and

57003.04.04. Impose sanctions within its rules to those found violating the foregoing regulations.

57003.05. The PHILIPPINE OVERSEAS EMPLOYMENT ADMINISTRATION (POEA) shall:

57003.05.01. Provide necessary administrative support to MTC;

57003.05.02. Assist MARINA and PRC in attesting to the qualification of seafarers in terms of age, educational background, sea experience and other services rendered according to records on file at Manpower Registry Division and POEA Central Records and;

57003.05.03. Provide MTC the required information and statistics on the maritime manpower qualification requirement and corresponding demand of overseas shipmanning industry;

57003.05.04. Perform other duties/tasks as the Council may direct.

57003.06. The OVERSEAS WORKERS WELFARE ADMINISTRATION (OWWA) shall:

57003.06.01. Allocate funds for the operation of theMTC; and

57003.06.02. Establish a system for the collection and management of fees generated from the operation of the Council.

57003.07. The PRIVATE SECTOR REPRESENTATIVE shall:

57003.07.01. Maintain linkage with the entire maritime industry;

57003.07.02. Provide up-to-date information on the training, manpower needs and trends of the industry;

57003.07.03. Perform other activities or functions as the Council may direct.

58001. REPEALING CLAUSE: Any procedures contrary to or inconsistent with the Standard Procedures are hereby repealed or modified accordingly.

58002. EFFECTIVITY: This Standard Operating Procedure shall take effect immediately upon its approval.

Adopted: 3 May 1995

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Chairperson
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