

RULES AND REGULATIONS IMPLEMENTING REPUBLIC ACT NO. 8544 (FOR MARINE DECK OFFICERS)

PRC BOARD OF MARINE DECK OFFICERS BOARD RESOLUTION NO. 01, s. 1998, June 09, 1998

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Pursuant to Section 34, Article VI of Republic Act No. 8544, otherwise known as the “Philippine Merchant Marine Officers Act of 1998”, the following rules and regulations for the effective implementation of the said Act is hereby formulated and adopted:

Article I

TITLE, PURPOSE AND DEFINITION OF TERMS

SECTION 1. Title. — This Resolution shall be known and cited as the “Rules and Regulations Implementing the Philippine Merchant Marine Officers Act of 1998.” (RRIPMMOA)

SECTION 2. Purpose. — This Rules and Regulations is formulated and adopted to prescribe the procedures to be observed in carrying out the provisions of R.A. No. 8544 insofar as merchant marine deck officers are concerned in order to ensure the accomplishment of the following objectives:

- a. The examination, assessment, registration and issuance of certificates of registration, competency and endorsement to merchant marine deck officers and the regulation of the profession.
- b. The supervision, control and regulation of the practice of Merchant Marine Deck profession in the Philippines: Provided, That the above objectives shall be attained through compliance with STCW '78 Convention, as amended.

SECTION 3. Definition of Terms. — Unless otherwise provided, the following shall mean:

1. COMMISSION — shall mean the Professional Regulation Commission (PRC) created under P.D. No. 223, as amended.
2. CHAIRMAN OF THE COMMISSION — shall refer to the Commissioner of the Professional Regulation Commission.
3. BOARD — shall mean the Board of Marine Deck Officers.
4. PRACTICE OF MERCHANT MARINE PROFESSION — shall refer to the profession requiring the application of fundamental and known principles of navigation, seamanship and engineering to the peculiar condition and requirements of on board management, operation and maintenance of main propulsion and auxiliary engines, stability and trim of the vessel and cargo handling. It shall also cover but will not be limited to the following:
 - (a) The proper handling and stowage of cargoes on board ship which includes the safe carriage of passengers from port of origin to port of destination.
 - (b) The safe watchkeeping of the vessel’s navigation in accordance with the Rules of the Road at Sea.
 - (c) The Maritime Education and Training of Cadets and other Marine Professionals.

(d) Employment with government, provided such item or position requires the knowledge and expertise of a Merchant Marine Deck Officer.

(e) Employment with private companies/entities as port captains, marine superintendents and those engaged in the recruitment, selection and hiring of Filipino marine deck officers and deck ratings to work on board vessels.

5. **CERTIFICATE OF REGISTRATION** — shall refer to the document issued to a Marine Deck Officer after passing the required examination and upon compliance with all the requirements prescribed by the Board and the Commission.

6. **MERCHANT MARINE VESSEL** — shall apply only to commercial ships, public or private, propelled by machinery, strictly engaged in maritime commerce, both seagoing and/or near-coastal trade; vessels engaged in the training of cadets for the merchant marine profession; and non-combatant vessels of the Philippine Government.

7. **MERCHANT MARINE OFFICER** — shall refer to marine deck or engineer officer.

8. **MERCHANT MARINE DECK OFFICER** — shall refer to a duly registered, certified and licensed master mariner, chief mate, officer-in-charge of navigational watch classified as Second Mate or Third Mate, and Major or Minor Patron.

9. **MASTER** — is a registered and certificated Master Mariner having command of a ship/vessel.

10. **CHIEF MATE** — is a registered and certificated marine deck officer next-in-rank to the Master who shall exercise supervision over the loading and unloading of cargo, the maintenance and upkeep of the ship/vessel and the supervision of the deck personnel of the ship/vessel and upon whom the command of the ship/vessel will devolve/fall in the event of the incapacity of the Master.

11. **SECOND MATE** — is a registered and certificated marine deck officer next-in-rank to the Chief Mate, in charge of a navigational watch duly designated as such, in charge of navigational equipments, the ship/vessel's medical supplies, medicines and the ship's hospital.

12. **THIRD MATE** — is a registered and certificated marine deck officer next-in-rank to the second mate, in charge of a navigational watch duly designated as such, in charge of the maintenance and upkeep of the lifeboats and all other life saving and firefighting equipments.

13. **MAJOR PATRON** — shall refer to a marine deck officer duly registered and certificated to act as officer or captain of vessel/ship of not more than 500 GT navigating in the major coastwise trade routes within the territorial limits of the Philippines.

14. **MINOR PATRON** — shall refer to a marine deck officer duly registered and certificated to act as officer or captain of vessel/ship of not more than 250 GT navigating within a specified body of water in the minor coastwise trade routes in the Philippines.

15. **STCW CONVENTION** — means the International Convention on Standards of Training, Certification and Watchkeeping of Seafarers, 1978, as amended.

16. **MANAGEMENT LEVEL** — refers to the level of responsibility associated with:

(1) serving as master or chief mate, on board a seagoing ship/vessel, and

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

17. OPERATIONAL LEVEL — refers to the level of responsibility associated with:

- (1) serving as officer in charge of a navigational watch, and
- (2) 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 an individual serving in management level for that area of responsibility.

18. CERTIFICATE OF COMPETENCY — a document issued by the Board to a marine deck officer after payment of the prescribed fees, certifying that the Marine Deck Officer has been found qualified to perform the functions of the level of responsibility involved on board the vessel/ship for which such officer has been examined and assessed and which shall attest to the authority/license of the deck officer to practice the Merchant Marine profession in the capacity specified therein.

19. ENDORSEMENT CERTIFICATE — refers to the document issued by the Board which attests to the issuance of Certificate of Competency to a Marine Deck Officer 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.

20. PARTY — means a State for which the Convention has entered into force.

21. ADMINISTRATION — means the Government of the Party whose flag the ship is entitled to fly.

22. 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 officer named therein to serve in the capacity as stated in the document in accordance with national regulations.

23. CERTIFICATED — refers to the condition or status of a marine deck officer who has been issued a valid certificate of registration and a valid certificate of competency.

24. SEAGOING SHIP/VESSEL — means a ship/vessel other than those which navigate exclusively in inland waters or in waters within, or closely adjacent to, sheltered waters or areas where port regulations apply.

25. SYLLABUS — refers to a table of specifications containing the contents systematically arranged according to topics and subtopics of the subjects in accordance with which the preparation of test questions for the licensure examination shall be strictly within the scope of the syllabus for each subject.

26. LICENSURE EXAMINATION FOR MARINE DECK OFFICERS — refers to the written and practical examinations given by the Board to measure the competence of applicants for registration as marine deck officers on the functions of the levels of responsibility required by law and the STCW Convention for such officer and which must be taken and passed by the applicants to be registered as such marine deck officer.

27. REMOVAL EXAMINATION — is an examination that an examinee must take in the subject or subjects where he obtained a grade lower than sixty percent (60%) in any given licensure examination.

28. INTEGRATION — means the unification or consolidation of the members of the different organizations of marine deck officers into one national organization for recognition by the Board of Marine Deck Officers and the Commission.

29. NEAR COASTAL VOYAGE — shall refer to a short international voyage which, by reciprocal agreements of countries involved, is considered or treated as coastwise voyage, which voyage shall not extend beyond the specified trade routes on which the vessel navigates and trades.

30. SEA-GOING SERVICE — shall refer to the actual service on board a ship/vessel relevant to the issued Certificate or other qualification.

31. WALK-IN EXAMINATION — shall refer to the computer-based system of examination made available at a designated test center conducted for any rank and a definite number of examinees and at any given time as may be determined by the Board and approved by the Commission.

32. CODE OF PROFESSIONAL ETHICS FOR MARINE DECK OFFICERS — a set of rules and regulations governing the conduct and deportment of a marine deck officer in the practice of his profession.

33. SPECIAL DISPENSATION — shall refer to an authorization or recognition issued under certain conditions by the Board to a foreigner holding a Certificate of Competency issued by his national administration in accordance with the requirements of the STCW Convention, as amended, to serve on board a Philippine registered vessel engaged in international trade.

34. TRAINING RECORD BOOK — an official record indicating the activities and performance of a deck cadet or watchkeeping deck officer or other officers on sea-going vessel/ship under the supervision of the Master Officer or a qualified and certificated Deck Officer on board the ship in which the approved seagoing service is performed.

Article II

OFFICIAL SEAL OF THE BOARD

SECTION 4. Official Seal of the Board of Marine Deck Officers. — The seal of the Board of Marine Deck Officers shall be circular in form consisting of two concentric circles, the outer circle being 40 mm. in diameter and the inner circle being 20 mm. in diameter. Inside the 10 mm. circular band shall be inscribed the name of the Board, the words equally spread within the full circumference of the band. At the center of the inner circle shall be engraved a silhouette of a two-masted motorship superimposed on two crossed old-fashioned ship anchor.

Article III

COMPOSITION AND MEETINGS OF THE BOARD

SECTION 5. Composition. — The Board of Marine Deck Officers shall be composed of a Chairman and four (4) members who shall be appointed by the President of the Philippines from a list of three (3) recommendees for each position recommended by the Commission from a list of five (5) nominees for each position chosen and ranked by the integrated and accredited association of Marine Deck Officers.

SECTION 6. Board, a Collegial Body. — The Chairman and members of the Board shall act as a collegial body in matters involving the exercise of its powers and functions as well as the implementation of its policies. Official action on such matters by the Board shall be effective only when approved by the Commission.

SECTION 7. Meetings. — The Board shall hold regular meetings at least twice a month within the Commission's premises or in such other places as may be agreed upon by the Board and approved by the Commission. Special meetings as often as may be necessary may be called by the Chairman or any three members.

The Chairman shall preside over the meetings of the Board. The senior member shall act as Presiding Officer in the absence or incapacity of the Chairman.

Article IV

DUTIES AND RESPONSIBILITIES OF THE BOARD

SECTION 8. Duties and Functions of the Chairman of the Board. — The Chairman shall be the head of the Board,

and as such, he shall assign the subjects for examination to the members of the Board. The Chairman shall assign the members to conduct investigation of administrative cases and to undertake/exercise the visitorial powers of the Board. He shall be responsible for the assignment of duties and responsibilities to the members and for the supervision and management of their work. The Chairman shall be the official spokesman of the Board in the Commission.

SECTION 9. Enforcement and Execution. — The Board shall, in the exercise of its powers and performance of its functions and responsibilities under R.A. No. 8544, shall seek the support, assistance and advice of the Commission and, whenever appropriate, the assistance of the duly constituted law enforcement officers to enforce the penal provisions of the Act.

SECTION 10. Promulgation of Decisions. — To promulgate a decision in an administrative case, or issue rules and regulations, resolutions embodying policies, and other issuances for the implementation of the provisions of R.A. No. 8544, the members of the Board shall meet en banc to deliberate and vote on the matters under consideration. Both a quorum and a majority vote shall be required for the validity of the actions of the Board on the foregoing matters. A quorum shall require the presence of three (3) members and a majority vote shall require the votes of three members of the Board. Any action of the Board in an administrative case which is not dispositive in nature may be entered by the Chairman or any member duly authorized by him.

Any official action of the Board other than a decision in an administrative case, shall be valid, effective and enforceable only when approved by the Commission, and published in a newspaper of general circulation or in the Official Gazette. However, publication shall not be required of the actions of the Board which do not affect the public in general or which are internal in nature.

SECTION 11. Official Business with the Commission. — For any dealing, transaction or business with the Commission, the Chairman of the Board or in his absence or incapacity, the senior member shall be the spokesperson or representative of the Board.

SECTION 12. Action on Papers, Communications or Other Documents. — No official communication, certificate, resolution or other documents shall be brought outside the premises of the Commission for action without the written permission from the Chairman of the Commission.

SECTION 13. Interpretation of the Provisions of R.A. No. 8544 and the Board's Rules and Regulations. — The Board, in the discharge of its rule-making power, may issue opinion or ruling on any question or issue arising from the provisions of R.A. No. 8544 and the Board's Rules and Regulations, Code of Ethics for Marine Deck Officers and resolutions embodying policies of the Board. The Board's official opinion or ruling shall be issued by the Chairman of the Board or, in his absence or incapacity, by the senior member.

SECTION 14. Action on Other Matters. — Communications or requests which involve the exercise of ministerial functions shall be acted upon by the Chairman or any member designated by him.

Article V

APPLICATION AND EXAMINATION

SECTION 15. Application. — The applicant for examination shall file a computerized application form, duly accomplished, in the Application Division of the PRC or in any of the PRC regional offices accompanied by authentic or authenticated copies of the required documents.

A Filipino citizen who graduated from a foreign maritime institution or academy shall be required to present an endorsement from the Commission on Higher Education in order that he will be allowed to take the marine deck

officers licensure examination.

SECTION 16. Examination. — All applicants for registration and admission to the practice of the Marine Deck Officers Profession at any or all levels, shall be required to take and pass the appropriate marine deck officers licensure examination.

When conditions and circumstances so warrant, the Board may give/administer walk-in examinations subject to the approval of the Commission.

SECTION 17. Qualifications of Applicant for Examination. — Every applicant for examination shall establish the following requisites:

- (a) He is a citizen of the Philippines;
- (b) He is of good moral character;
- (c) He has met standards of medical fitness, particularly with good eyesight, normal color perception and hearing as certified by a Department of Health (DOH) accredited medical clinic or hospital conducting physical and medical examinations for seafarers;
- (d) He must be a graduate of the degree of Bachelor of Science in Marine Transportation in a school, academy, institute, college or university duly recognized by the Commission on Higher Education (CHED); and
- (e) He must have completed all approved training requirements prescribed by the Board for Marine Deck Officers and approved by the Commission in conformity with STCW '78, as amended.

SECTION 18. Places and Dates of Examination. — The Marine Deck Officers Licensure Examination shall be held at least four times a year in the City of Manila and in such other places as determined by the Board and approved by the Commission. The places/venues and dates of examinations for the year shall be included in the Schedule of Professional Licensure Examinations issued by the Commission.

SECTION 19. Program of Examination. — The Board shall prepare and issue not later than twenty (20) days prior to the first day of the examination a program for every scheduled examination which shall contain the subjects for examination with their corresponding percentage weights, the time, date and place of examination. The program shall include instructions to the examinees and the names and signatures of the Chairman and the members of the Board.

SECTION 20. The Publication of the Examination. — The time, dates and venues of the licensure examinations as determined by the Board and approved by the Commission, shall be published in a newspaper of general circulation and disseminated through schools, colleges and universities offering maritime courses and through the accredited/integrated marine deck officers association at least two (2) months prior to the first day of examination.

Article VI

REQUIREMENTS FOR LICENSURE EXAMINATIONS FOR MARINE DECK OFFICERS

SECTION 21. Licensure examination requirements:

1. MASTER MARINER (500 GT or more)

Every candidate for examination as Master Mariner for seagoing vessel/ship of 500 GT or more.

- a. Must be a holder of Certificate of Competency as Chief Mate of seagoing vessel/ship of 500 GT or more and have met the approved education and training requirements of Section A-II/2 of the STCW Code.
- b. Must have completed a seagoing service as Chief Mater on board seagoing vessel/ship of 500 GT or more for at

least two (2) years.

c. Must be mentally and physically fit, particularly with good eyesight, normal color perception and hearing as certified by DOH accredited Medical Clinic or Hospital conducting physical and mental examination for Seafarers.

d. Must submit an NBI Clearance.

e. Must submit certificate or diploma of completion of mandatory simulator-based training on marine technical and/or upgrading courses for Master Mariner.

2. CHIEF MATE (500 GT or more)

Every candidate for examination as Chief Mate on seagoing vessel/ship of 500 GT or more.

a. Must be a holder of Certificate of Competency as Second Mate or Officer-in-Charge of Navigational Watch on seagoing vessel/ship of 500 GT or more and have met the approved education and training requirements of Section A-II/2 of the STCW Code.

b. Must have completed a seagoing service as Second Mate or Officer-in-Charge of Navigational Watch on board seagoing vessel/ship of 500 GT or more for at least two (2) years.

c. Must be mentally and physically fit particularly with good eyesight, normal color perception and hearing as certified by DOH accredited Medical Clinic or Hospital conducting physical and mental examination for Seafarers.

d. Must submit an NBI Clearance.

e. Must submit certificate or diploma of completion of mandatory simulator-based training in marine technical and/or upgrading courses for Chief Mate.

3. OFFICER-IN-CHARGE OF A NAVIGATIONAL WATCH (SECOND MATE)

Every candidate for examination as Second Mate on seagoing vessel/ship of 500 GT or more.

a. Must be a holder of Certificate of Competency as Third Mate or as an Officer-in-Charge of a Navigational Watch on seagoing vessel/ship of 500 GT or more, and must have met the approved education and training requirements of Section A-II/1 of the STCW Code.

b. Must have completed a seagoing service of at least 12 months as Third Mate on seagoing vessel/ship of 500 GT or more.

c. Must be mentally and physically fit particularly with good eyesight, normal color perception and hearing as certified by DOH accredited Medical Clinic or Hospital conducting physical and mental examination for Seafarers.

d. Must submit an NBI clearance.

e. Must submit certificate or diploma of completion of mandatory simulator-based training in Maritime Technical and/or upgrading courses for Second Mate.

4. OFFICER-IN-CHARGE OF A NAVIGATIONAL WATCH (THIRD MATE)

Every candidate for examination as Third Mate on seagoing vessel/ship of 500 GT or more.

- a. Must be a graduate of Bachelor of Science in Marine Transportation (BSMT) in a school, academy or institution duly recognized by the Commission on Higher Education (CHED).
- b. Must have completed sea going service of at least 12 months, six months of which must be on a bridge watchkeeping duties under the supervision of the Master or a Qualified Officer as documented by an approved Training Record Book.
- c. Must be mentally and physically fit particularly with good eyesight, normal color perception and hearing as certified by DOH accredited Medical Clinic or Hospital conducting physical and mental examination for Seafarers.
- d. Must submit an NBI clearance.
- e. Must submit authentic or authenticated copy of Certificate of Birth/Certificate of Live Birth,.
- f. Must submit certificate or diploma of completion of mandatory simulator-based training in marine technical and/or upgrading courses for Third Mate.

5. PATRON — (IN MAJOR COASTWISE TRADE-UNLIMITED PHILIPPINE WATERS) — for vessel/ship of not more than 500 GT

Every candidate for examination as Patron for Major Coastwise Trade in Philippine waters (Unlimited) for seagoing vessel/ship of not more than 500 GT.

- a. Must be a graduate of High School/Secondary Education in an institution/school duly recognized by the Department of Education, Culture and Sports (DECS).
- b. Must have completed a seagoing service of ten (10) years as boatswain, quartermaster/GP or able-bodied seaman on board vessel/ship of at least 500 GT or five (5) years seagoing service on board vessel/ship of at least 250 GT as Patron in a Minor Coastwise trade in Philippine waters.
- c. Must be mentally and physically fit particularly with good eyesight, normal color perception and hearing as certified by DOH accredited Medical Clinic or Hospital conducting physical and mental examination for Seafarers.
- d. Must submit an NBI clearance.
- e. Must submit authentic or authenticated copy of Certificate of Birth/Certificate of Live Birth.

6. PATRON — (IN MINOR COASTWISE TRADE-LIMITED PHILIPPINE WATERS) — for vessel/ship of not more than 250 GT

Every candidate for examination as Patron for Minor Coastwise trade in Philippine waters (limited) for seagoing vessel/ship of not more than 250 GT.

- a. Must be a graduate of High School/Secondary Education in an institution/school duly recognized by the Department of Education, Culture and Sports (DECS).
- b. Must have completed a seagoing service of five (5) years as boatswain, quartermaster/GP or able-bodied seaman on board vessel/ship of at least 250 GT.

c. Must be mentally and physically fit particularly with good eyesight, normal color perception and hearing as certified by DOH accredited Medical Clinic or Hospital conducting physical and mental examination for Seafarers.

d. Must submit an NBI clearance.

e. Must submit authentic or authenticated copy of Certificate of Birth/Certificate of Live Birth.

SECTION 22. Scope of Examination. — The scope of examination covering the major functions are:

MARINE DECK OFFICERS LICENSURE EXAMINATION

A. Management Level

- (1) Navigation and Voyage Planning
- (2) Management and Maritime Laws
- (3) Collision Regulations
- (4) General Ship Knowledge and Cargo Operations
- (5) Deck Safety and Maintenance of Ship

B. Operational Level

- (1) Ocean and Offshore Navigation
- (2) Navigation Problems
- (3) Watchkeeping and Safe Operations
- (4) Collision Regulations
- (5) Deck Safety

The scope of the examination for Master Mariner, Chief Mate, Second Mate, Third Mate, Patrons in the major or minor coastwise trade shall be as provided in a realigned syllabi of the subjects in the Marine Deck Officers Licensure Examination adopted by the Board and approved by the Commission.

SECTION 23. Required Rating to Pass the Examination. — To pass the licensure examination for Marine Deck Officer, a candidate must obtain a weighted general average rating of at least seventy percent (70%) with no grade lower than sixty percent (60%) in any given subject.

SECTION 24. Removal Examination. — An examinee who obtained a weighted general average rating of at least seventy percent (70%) but obtained a rating below sixty percent (60%) in any given subject must take an examination only in the subject or subjects where he obtained a grade below sixty percent (60%) within a period of one (1) year from the last examination taken; Provided, That if such examinee fails to obtain a rating of at least sixty percent (60%) in each of the subject/s re-examined, he shall be considered to have failed in both examinations which shall however be deemed as one failure for purposes of the succeeding Section.

SECTION 25. Re-Examination. — An applicant who failed to pass the licensure examination for the third time shall be allowed to take another examination only after the lapse of one year from the last examination taken.

SECTION 26. Formulation of Syllabus. — The Board shall formulate and adopt a syllabus for each of the subjects for the licensure examination. Test questions that will be prepared shall be strictly within the scope of the syllabus of the subject. The syllabi of the subjects for examination shall be based on the curricula of the course approved by the Commission on Higher Education for the operational level.

SECTION 27. Full Computerization of Examination. — The licensure examination for Marine Deck Officers shall be fully computerized. A new member of the Board shall prepare at least five hundred (500) questions for each of

the subjects assigned to him. These questions shall be inputted in the Test Question Bank from which the questions to be given in a particular licensure examination shall be extracted at random. The Test Question Bank for a particular subject shall be replenished by three hundred (300) questions within sixty (60) days from the release of the results of the examination. The replenishment shall be equal to the number of questions extracted after the Test Question Bank levels of at least two thousand (2,000) questions. The correction of the answer sheets of the examinees shall be done by the computers.

Article VII

REGISTRATION AND ISSUANCE OF CERTIFICATES OF REGISTRATION, COMPETENCY AND ENDORSEMENT

SECTION 28. Registration of Successful Examinees; Issuance of Certificates of Registration, Competency and Endorsement. — An examinee who passed the licensure examination shall, unless specifically deferred for cause by the Board, be registered after taking the oath of a professional before the Board or any government official or person authorized by law to administer oaths and payment of the prescribed fees. Upon compliance with the other requirements for registration prescribed by the Board and the Commission, the name of the professional shall be entered/enrolled in the Roll of Marine Deck Officers and shall be issued Certificate of Registration which shall bear the signatures of the Chairman and members of the Board and the Chairman of the Commission attested by the official seals of the Board and the Commission.

A marine deck officer shall likewise be issued a certificate of competency bearing his registration number signed by the Chairman of the Board and a certificate of endorsement bearing his registration number signed by the Chairman of the Commission, attested by the official seal of the Board and the Commission, respectively, indicating therein the date of issuance and date of expiration.

Every Marine Deck Officer shall be assigned a permanent registration number which shall appear in his certificate of registration, certificate of competency and endorsement.

Upon the effectivity of this Rules and Regulations, Marine Deck Officers shall be assigned new registration numbers when they are issued their new certificates of registration which shall however retain the original date of registration in his present grade/rank, certificates of competency and endorsement in accordance with the guidelines to be adopted by the Board and approved by the Commission.

SECTION 29. Renewal of Certificates of Competency and Endorsement. — The Certificates of Competency and Endorsement shall be valid for five (5) years, and unless the holder thereof is exempt from CPE requirement, shall be renewed after five (5) years on the birth month of the marine deck officer upon presentation of the required Continuing Professional Education (CPE) credit units earned and upon payment of the fees for the period under license.

On February 1, 2002, holders of certificates issued prior thereto, shall show proof to the satisfaction of the Board that they have undergone training in the appropriate marine technical and upgrading course/s or assessment in compliance with the requirements of the 1995 amendments to the STCW 1978 Convention.

SECTION 30. Lifting of Deferment of Registration. — An examinee who passed the licensure examination whose oath-taking has been deferred by the Board may be allowed to take the oath of a professional and register as marine deck officer if the reason for the deferment of his oath-taking has been complied with or no longer exists.

SECTION 31. Reinstatement of Certificate of Competency. — After two (2) years from the finality of the Order revoking his Certificate of Competency, a marine deck officer may file a petition for the reinstatement of said certificate and the Board may, for good and just cause shown or for reasons deemed proper and sufficient, grant

the petition and enter an Order reinstating the Certificate of Competency of the petitioner.

A duplicate certificate of registration/competency to replace the lost, destroyed, or mutilated certificate may be issued upon application and payment of the prescribed fees.

Article VIII

RECOGNITION OF FOREIGN CERTIFICATES

SECTION 32. Registration and Issuance of Special Dispensation. — The Board may, with the approval of the Commission, issue Special Dispensation to a foreign Marine Deck Officer holding a Certificate of Competency issued by his national administration in accordance with STCW '78, as amended, to serve on board a Philippine registered vessel/ship engaged in international trade if the Foreign Marine Deck Officer complies with the following requirements:

1. The applicant foreign Marine Deck Officer shall file an application for issuance of a Special Dispensation and registration as foreign Marine Deck Officer with the Commission to which shall be appended the following documents.

(a) Authentic or authenticated copy of law or provisions of law of his country/state allowing a foreigner holding a Certificate of Competency issued and endorsed by his national administration in accordance with the requirements of STCW '78 Convention, as amended, to serve on board the vessel engaged in the international trade registered in the country/state of the applicant.

(b) An authentic document issued by the head of the national administration of his country/state under seal of his office certifying and attesting to the firm commitment of the national administration of his country/state to recognize the Certificate of Competency issued and endorsed by the Philippine Board of Marine Deck Officers and to issue special dispensation to the Filipino merchant marine deck officers to practice their profession on board the foreigner's flag vessel.

(c) Authentic/authenticated copy of document issued by proper government official certifying that the applicant is a registered/certificated marine deck officer in his country/state and that he is licensed to practice his profession in his country/state.

(d) Personal Data Sheet under oath containing such information as: Name of applicant; citizenship/nationality; place and date of birth; civil status; residence address in his country or state; status of stay in the Philippines; residence and mailing address in the Philippines; profession; date admitted/registered as marine deck officer; name of employer; place of work or employment; length of engagement; educational qualifications; and other relevant data/information.

2. The Board of Marine Deck Officers shall evaluate the documents submitted. If found to be qualified under the provisions of the law invoked, the applicant shall upon payment of the prescribed fees, be entered/enrolled in the roster of foreign Marine Deck Officers and that he shall be issued a Special Dispensation to serve on board a Philippine registered vessel engaged in international trade.

SECTION 33. Submission of Other Requirements/Documents. — The Board may require the submission of other documents, papers, or records as it may find necessary and relevant to properly evaluate and assess the qualifications of the applicant.

SECTION 34. Oath of Professional. — Marine Deck Officers allowed to serve on board Philippine registered vessels/ships engaged in international trade should be required to take the oath of office of a professional and shall sign a commitment under oath that they shall abide by the professional regulatory laws of the Philippines as well as the Code of Ethics for Marine Deck Officers.

SECTION 35. Record of Foreign Merchant Marine Deck Officers. — The Commission shall make a roster of foreign Merchant Marine Deck Officers who were issued Special Dispensation through reciprocity which shall contain the complete name of the professional, his signature, his place and date of birth, civil status, citizenship/nationality, profession, status of his stay in the Philippines, name of company/employer and vessel.

Article IX

Administrative Proceedings

SECTION 36. Administrative Investigation. — The conduct of and procedures in the investigation of cases initiated by the Board or by an offended/aggrieved party against a registered and certificated Marine Deck Officer or applicant/examinee for licensure examination for marine deck officers shall be governed by the “Rules and Regulations Governing the Regulation and Practice of Professionals”, as amended, issued by the Commission. The Revised Rules of Court shall be suppletory to the foregoing rules.

SECTION 37. Grounds for Disciplinary Action. — The grounds for proceeding against a registered and certificated Marine Deck Officer or an applicant/examinee in licensure examination for marine deck officers shall include but shall not be limited to the following acts:

1. Use or perpetration of any fraud or deceit in obtaining a Certificate of Registration, Competency or Endorsement.
2. Incompetence
3. Negligence
4. Illegal practice
5. Fraudulent Application (Section 15)
6. Violation of the Rules and Regulations Implementing R.A. No. 8544
7. Violation of the policies of the Board
8. Violation of the Code of Ethics for Marine Deck Officers
9. Violation of any provision of R.A. No. 8544.

A marine deck officer may likewise be proceeded against administratively for violation of any of the provisions of the STCW '78 Convention, as amended.

Article X

MISCELLANEOUS PROVISIONS

SECTION 38. Quality Standards. — The Board shall establish a quality standards system that shall be subject to external assessment or audit in accordance with the STCW '78 Convention, as amended.

SECTION 39. Integration of Marine Deck Officers. — All marine deck officers shall be integrated into one (1) national organization which shall be recognized by the Board and the Commission as the one and only integrated and accredited association of Marine Deck Officers. A Marine Deck Officer duly registered with the Board shall automatically become a member of the integrated and accredited association of Marine Deck Officers, and shall receive the benefits and privileges appurtenant thereto upon payment of the required fees. Membership in the integrated and accredited association shall not be a bar to membership in other association of marine deck officers.

SECTION 40. Code of Ethics for Marine Deck Officers. — The integrated and accredited national association of Marine Deck Officers shall prescribe a Code of Ethics for Marine Deck Officers which shall be adopted by the Board and approved by the Commission.

Article XI

REPORT ON THE PERFORMANCE OF THE CANDIDATES OF SCHOOLS, COLLEGES AND UNIVERSITIES IN LICENSURE EXAMINATIONS

SECTION 41. Report of the Board. — The Board shall, with the assistance of the Public Information and Statistics Division of the Professional Regulation Commission, prepare a report on the performance of the examinees of schools, colleges or universities in the licensure examinations. The Board may recommend to the Commission on Higher Education: (1) the monitoring of the schools, colleges and universities, whether public or private, whose successful examinees in the three [3] consecutive licensure examination is less than 5% of the total number of its candidates who took the said licensure examinations; (2) the publication of the names of schools, colleges and universities whose successful examinees in five successive licensure examinations is less than 5% of the total number of examinees in each of the licensure examination taken; and (3) the phase out of the course/program.

Article XII

APPLICABILITY OF RULES AND REGULATIONS PROMULGATED BY THE COMMISSION IMPLEMENTING P.D. NO. 223, AS AMENDED

SECTION 42. Rules and Regulations Applicable. — The “Rules and Regulations Governing the Regulations and Practice of Professionals”, as amended, promulgated by the Professional Regulation Commission shall be applicable to the application, examination, registration, regulation and investigation of marine deck officers.

SECTION 43. Separability Clause. — If any provision, section, paragraph or article of this Rules and Regulations be declared unconstitutional or invalid, such judgment shall not affect, invalidate or impair any other part thereof, but such judgment shall be merely confined to the provision, section, paragraph or article directly involved in the controversy in which such judgment has been rendered.

Article XIII

EFFECTIVITY

SECTION 44. Effectivity. — This Rules and Regulations shall take effect after thirty (30) days following the completion of its publication in a newspaper of general circulation or in the Official Gazette, whichever comes earlier.

Adopted: 09 June 1998

(SGD.) MARIO K. ALFELOR
Chairman

(SGD.) EUGENIO J. YNION
(SGD.) VIRGILIO A. PATOC
Members

Attested:

(SGD.) CARLOS G. ALMELOR
Secretary, Professional Regulatory Boards

(SGD.) ARISTOGERSON T. GESMUNDO
Executive Director

Approved:

(SGD.) HERMOGENES P. POBRE

Commissioner

(SGD.) ALFONSO G. ABAD

(SGD.) AVELINA DE LA REA-TAN

Associate Commissioners

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