REVISING BOARD RESOLUTION NO. 1, SERIES OF 1998, ENTITLED RULES AND REGULATIONS IMPLEMENTING REPUBLIC ACT NO. 8544, THE “PHILIPPINE MERCHANT MARINE OFFICERS ACT OF 1998” (FOR MA...

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WHEREAS, it has been noted by the Board during the course of the implementation of the Rules and Regulations issued to carry out the provisions of the Philippine Merchant Marine Officers Act of 1998, that there are provisions which should be improved, modified or amended or provisions which should be added to ensure an effective implementation of the provisions of R.A. No. 8544 and compliance with the requirements of the 1978 STCW Convention, as amended.

WHEREFORE, the Board resolved, as it hereby resolves, to revise Board Resolution No. 1, Series of 1998, as follows:

RULES AND REGULATIONS IMPLEMENTING REPUBLIC ACT NO. 8544
Pursuant to Section 34, Article VII 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 certificate of registration, certificate of competency and its revalidation, and the endorsement attesting the issue of a certificate and the recognition of a certificate issued to a foreign merchant marine deck officers.

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.

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3. BOARD- shall mean the Board of Marine Deck Officers.

4. PRA CTICE 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, certificated 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 of the deck personnel of the ship; the loading and unloading of cargo; the maintenance and upkeep of the ship; perform such other function as the Master and/or the owner/s of the ship may assign to him from time to time; and upon whom the command of the ship shall| devolve in the event of death or 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 PA TRON -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

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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. The Deck Officers complement of a ship shall be of two levels, namely:

A) MANAGEMENT LEVEL - refers to the level of responsibility associated with:
(1) serving as master or chief mate, on board a seagoing ship; and

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

B) 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 a merchant marine deck officer serving in management level for that area of responsibility.

17. CERTIFICA TE 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.

18. 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.

19. PARTY- means a State for which the Convention has entered into force.

20. ADMINISTRATION - means the Government of the Party whose flag the ship is entitled to fly.

21. 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.

22. 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.

23. SEAGOING SHIPA/ESSEL - 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.

24. 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.

25. LICENSURE EXAMINATION,FOR MARINE DECK OFFICERS - refers to the written and practical

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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.

26. 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.

27. 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.

28. NEAR COASTAL VOYAGE - shall refer to voyages which cover a maximum distance of two hundred (200) nautical miles from the Philippine baseline or voyages which by agreement between the Philippines and another state is considered or treated as coastwise voyage.

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

30. WALK-IN EXAMINATION - shall refer to the computer- based system of written technical examination similar to the regularly given examination administered at a designated test center for any capacity, function and level, and a definite number of examinees outside of the Board's regular examination schedule.

32. SPECIAL DISPENSATION - shall refer to the authority or recognition issued by the Board, with the approval of the Commission, to a foreign marine deck officer holding a Certificate of Competency issued by his national administration complying with the requirements of the 1978 STCW Convention, as amended, to serve on board a Philippine registered ship.

33. TRAINING RECORD BOOK - an official record indicating the activities and performance of a deck cadet or watchkeeping deck officer on sea-going ship under the supervision of the Master or a qualified and certificated Deck Officer on board the ship in which the approved seagoing service is performed in accordance with Regulation II/1 of the STCW Convention.

34. STCW 78 CERTIFICATE - means a certificate recognized under the transitional provisions of Article VN, paragraph (2); or regarded as the equivalent of a certificate issued under the Convention by virtue of paragraph (3) of that same article, or issued in accordance with the provisions of the Convention in force prior to 1 February 1997, or issued on or after that date in accordance with the transitional provisions of Regulation 1/15.

35. STCW'95 CERTIFICATE - means a certificate issued on or after 1 February 1997 in 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.

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. On the upper half portion of the circular band shall be inscribed "Board of Marine Deck Officers", and the lower half portion shall be inscribed "Professional Regulation Commission". Both inscriptions shall be with the circumference of the band and separated by two (2) screws. At the center of the inner circle shall be engraved two (2) crossed anchors signifying the Marine Deck Officer's profession, with two (2) ropes entwined around both anchors signifying unity in the profession and the Philippine Flag being

superimposed thereon signifying the Board's authority: Above the emblem is the lighthouse with five (5) rays representing the five (5) Board Members serving as guide to the profession: Below the emblem are two (2) crossed leaves signifying honor in the profession: The upper half of the inner circle is colored white at the top and light blue at the bottom signifying the integrity of the Board and the lower half, colored blue signifying the oceans and seas of the world.

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.

SECTION9. 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 bane 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

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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 and Assessment - All applicants for registration, certification and admission to the practice of the Marine Deck Officers Profession at any capacity, function and level, shall be required to take and pass the appropriate written technical examination and assessment which shall meet the standard of competence prescribed in the relevant Sections of the STCW Code.

Further, not later than the January, 2001 Marine Deck Officers licensure examination, the Board shall conduct the Practical/Oral examinations for the assessment of the skills/ competence of marine deck officers. As such, an examinee should pass the appropriate written technical examination in order to qualify him to take the practical/oral examination.

When conditions and circumstances so warrant, the Board may give/administer, subject to the approval of the Commission, walk-in examinations, outside of the regular examination schedule which shall also involve the same examination and assessment described above.

SECTION 17. Qualification of Applicant for Examination and Assessment.- Every applicant for examination shall establish the following requisites:

(a) He is a citizen of the Philippines, at least twenty (20) years of age;

(b) He shall show proof of his good moral character by submitting a written testimonial from a respectable leader of the community in which he resides, which testimonial shall be valid only for six (6) months from date of issuance;

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(c)He must submit an NBI clearance;

(d) He has met standards of medical fitness and normal hearing acuity. Additionally the candidate must meet the minimum in-service eyesight standards as prescribed by Table B-l/9 of the STCW Code. The examination should be conducted by a Department of Health (DOH) accredited medical clinic or hospital. Such medical certificate shall be valid for a period of ninety (90) days from the date of its issuance.

(e) He must have completed the approved education and training requirements, and seagoing service required under the Convention.

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 EXAMINATION FOR MARINE DECK OFFICERS
SECTION 21. Licensure examination requirements:

1. MASTER MARINER (500 GT or more)

a. Must be a holder of Certificate of Registration as Chief Mate on board seagoing ship of 500 GT or more.

b. Must have approved seagoing service as Chief Mate on board seagoing ship of 500 GT or more for at least twenty four (24) months, and completed the approved education and training and meet the standard of competence specified in Section A-it/2 of the STCW Code.

2. CHIEF MATE (500 GT or more)

a. Must be a holder of Certificate of Registration as Second Mate onboard seagoing ship of 500 GT or more.

b. Must have approved seagoing service as Second Mate or Officer-in-Charge of Navigational Watch on board seagoing ship of 500 GT or more for at least twelve (12) months, and completed the approved education and training and meet the standard of competence specified in Section A-ll/2 of the STCW Code.

c. Must meet the applicable requirements of the regulations in Chapter IV, as appropriate, for performing designated radio duties in accordance with the Radio Regulations.

3. SECOND MATE (500 GT or more)

a. Must be a holder of Certificate of Registration as Third Mate on board seagoing ship of 500 GT or more.

b. Must have approved seagoing service as Third Mate or officer in charge of navigational watch on board ship of 500 GT or more for not less than twelve (12) months.

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4. THIRD MATE (500 GT or more)

a. Must be a graduate of the degree of Bachelor of Science in Marine Transportation (BSMT) in a school, academy, institute, college or university duly recognized by the Commission on Higher Education (CHED).

b. Must have approved seagoing service on board seagoing ship of 500 GT or more-for at least 12 months under the supervision of the Master or a qualified officer as part of an approved training program, which meets the requirements of Section A-tl/1 of the STCW Code and is documented in an approved training record book.

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

5. THIRD MATE (250 GT or more but less than 500GT)

a. 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).

b. Must have completed approved seagoing service as apprentice mate, deck cadet, ordinary seaman or able-bodied seaman (bridge watchkeeping duties), on board seagoing vessei/ship of 250 GT or more but less than 500 GT at least six (6) months watchkeeping duties under the supervision of the Master or a qualified officer as part of an approved training program which includes on board training which meets the requirements of Section A-il/1 of the STCW Code and is documented in an approved training record book.

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

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

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

a. Must be a graduate of Associate in Nautical Science in an institution/school duly recognized by the Commission on Higher Education (CHED).

b. Must have completed a seagoing service of five (5 years as boatswain or able-bodied seaman on board ship of at least 500 GT or three (3) years seagoing service on board ship of at least 250 GT as Patron in a Minor Coastwise trade in Philippine waters.

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

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

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

a. Must be a graduate of Associate in Nautical Science in an institution/school duly recognized by the Commission on Higher Education (CHED).

b. Must have approved a seagoing service of three (3) years as boatswain or able-bodied seaman on board ship of at least 250 GT.

c. 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:

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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) Safety, Maintenance and Emergency Procedures

B. Operational Level

(1) Ocean and Offshore Navigation
(2) General Ship Knowledge and Cargo Operations
(3) Watchkeeping and Safe Operations
(4) Collision Regulations and Maritime Laws
(5) Safety and Emergency Procedures

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 re-aligned 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 and Assessment.- To pass the licensure examination for Marine Deck Officer, a candidate must obtain a weighted genera) average rating of at least seventy percent (70%) with no grade lowerthan sixty percent (60%) in any given subject.

Upon implementation of the practical/oral examination provided in Section 16 hereof, the candidate's passing weighted general average rating of at least seventy percent (70%) shall be computed on the basis of the weight of the written and practical/oral examinations distributed as follows:

70% for the written technical examination; and
30% for the Practical/Oral examination.

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.

The foregoing provision shall also apply to an examinee in the practical/oral examinations who obtains a weighted general average rating of at least seventy percent (70%) or more but obtained a rating below sixty percent (60%) in any given subject.

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

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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 with the official seal of the Board.

A marine deck officer shall likewise be issued a Certificate of Competency bearing his registration number signed by the Chairman of the Board and an Endorsement Certificate 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.

The Endorsement Certificate shall be issued in a separate document, the form to be used shall be that set forth in paragraph 2 of Section A-l/2 of the STCW Code, while the Certificate of Competency shall be that set forth in paragraph 1 of Section A-l/2 of the STCW Code.

The Endorsement Certificate shall be assigned a unique number, and shall expire as soon as the Certificate endorsed expires or is withdrawn, suspended or cancelled by the Board and, in no case, not more than five years from date of issue.

A marine deck officer applying for an endorsement of his certificate as required by Article VI of the STCW Convention to attest the issue of Certificate must prove, by means of documents, that all relevant requirements of the Convention listed in Regulation I/9 have been complied with.

The Certificates of Registration shall be in the Filipino language with English translation while the Certificate of Competency and Endorsement Certificate shall be in the English language.

The capacity in which the holder of a certificate is authorized to serve shall be identified in the form of endorsement in terms identical to those used in the applicable safe manning requirements of the administration.

Every Marine Deck Officer shall be assigned a permanent registration number which shall appear in his new Certificate of Registration, Certificate of Competency and Endorsement Certificate. However, he shall retain his original date of registration in his present grade/rank in accordance with the guidelines to be adopted by the Board and approved by the Commission.

Non-holders of Certificates are prohibited to perform functions requiring a Certificate.

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The Board, pursuant to Regulation I/9 of the 1978 STCW Convention, as amended, shall:

1. Maintain a register or registers of all certificates and endorsements for masters and officers which are issued, have expired or have been revalidated, suspended, cancelled or reported lost or destroyed and of dispensations issued; and

2. Make available information on the status of such certificates, endorsements, dispensations and medical details, including the photograph of the marine officer, to other parties and companies which request verification of the authenticity and validity of certificates produced to them by seafarers seeking recognition of their certificates under Regulation No. 1/10 or employment on board ship.

SECTION 29. Revalidation of Certificates. -A marine deck officer holding a certificate issued or recognized under any chapter of the STCW Convention other than Chapter VI thereof, who is serving at sea or intends to return to sea after a period ashore, shall, in order to continue to qualify for seagoing service, be required at intervals not exceeding five years to:

A. Meet the standards of medical fitness prescribed by Regulation I/9; and

B. Established continued professional competence in accordance with Section A-l/11 of the STCW Code and the Continuing Professional Education (CPE) required by the Board.

A marine deck officer shall, for continuing seagoing service on board ships for which special training requirements have been internationally agreed upon, successfully complete approved relevant training.

The Board shall compare the standards of competence which it required of candidates for certificates issued before 1 February 2002 with those specified for the appropriate certificate in Part A of the STCW Code, and shall determine the need for requiring the holders of such certificates to undergo appropriate refresher and updating training or assessment.

A comparison of standards between the 1978 STCW Convention and the 1995 amendments thereto, has shown that the upgrading to be done for masters and deck officers holding STCW 78 certificates, includes training or demonstrating competence by assessment in:

- the use of radar and ARPA by means of a simulator.

- the use of electronic chart display and information systems(ECDIS).

- the use of integrated bridge systems.

- the application of constant rate-of-turn techniques to navigation in restricted waters.

- the application of bridge resource management principles.

- the application of advanced fire-fighting principles and techniques for fighting fires aboard ships.

Training to achieve proficiency in these functions and/ or assessment of satisfactory competence, as appropriate, will be arranged in modules for officers with the relevant baccalaureate degree seeking the issue of a 1995 STCW certificate.

All certificates and endorsements which entitle the holder to serve as master or officer on seagoing ships are required to be revalidated under Regulation 1/11 at intervals of no longer than five (5) years, provided that the holders of these certificates can show continued professional competence and medical fitness. Revalidation shall be done by using new certificates and endorsements. This requirement concerns:

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1. Certificates issued under the provisions of the 1978 STCW Convention - Chapters II, III and IV.

2. Certificates issued under the provisions of the 1978 STCW Convention, as amended in 1995 - Chapters II, III and IV.

Continued professional competence shall be established as set out in Section A-l/11, paragraph 1 of the STCW Code and presentation of required Continuing Professional Education (CPE) credit units earned.

If certificates and endorsements are revalidated for service beyond 01 February 2002, the holders of the certificates and endorsements should meet the standards of the 1995 STCW amendments-Masters and deck officers holding 1978 STCW certificates, in order to be issued an appropriate certificate under the 1995 STCW Convention, shall have to undergo refresher and updating training or assessment in the following areas:

1. monitoring and controlling compliance with legislative requirements and measures regarding safety of life at sea and protection of the marine environment, and using recommended measures and procedures for personnel management and shipboard training;

2. using correct techniques for fire-fighting with particular emphasis on applying proper tactics for organizing and commanding fire-fighting teams fighting fires in open and confined spaces;

3. coordinating search and rescue operations including the uses of radio communication equipment (or simulator) and ARPA simulator;

4. using international regulations, standards, codes and recommendations to ensure safe handling and carriage of dangerous goods and hazardous materials; and

5. using the International Medical Guide for Ships and the Medical First Aid Guide for Use in Accidents Involving Dangerous Goods to organize and manage the provisions of medical case on board.

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, Recognition and Issuance of Special Dispensation.- The Board may, with the approval of the Commission, recognize and issue Special Dispensation, through an Endorsement Certificate 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 ship in the foreign trade if the requirements of the STCW Convention 1978, as amended, have been complied with.

The Board shall confirm, through necessary measures, that the requirements concerning standard of competence, the issue and endorsements of certificates and record keeping are fully complied with.

An undertaking shall be agreed upon with the party concerned that prompt notification will be given any

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significant change in the arrangements for training and certification provided in compliance with the convention.

Measures shall be established by the Board to ensure that marine officers who present for recognition, certificates issued under the provisions of Regulation Il/1 or II/2 or issued under Vll/1 at the management level, as defined in the STCW Code have an appropriate knowledge of the maritime legislation of the administration relevant to the functions they are permitted to perform.

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

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.- Foreign 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 an endorsement certificate 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 process and procedures for the impartial investigation of any reported incompetency, act or omission, that may pose a direct threat to safety of life or property at sea or to the marine environment, by a registered and certificated Marine Deck Officer in connection with their performance of duties related to their certificates and for the withdrawal, suspension and cancellation of such certificates for such cause and for the perpetuation of fraud 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 supplementary to the foregoing rules. The Board shall impose penalties or disciplinary measures for violation of the provisions of R.A. No. 8544 and this Rules and Regulations giving effect to the Convention.

The foregoing provision shall likewise apply to an applicant/examinee in the marine deck officers licensure examination.

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:

- Use or perpetration of any fraud or deceit in obtaining a Certificate of Registration, Competency or Endorsement.

- Incompetence

- Negligence

- Illegal practice

- Fraudulent Application (Section 15)

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- Violation of the Rules and Regulations Implementing R.A. No 8544

- Violation of the policies of the Board

- Violation of the Code of Ethics for Marine Deck Officers

- Violation of any provision of R.A. No. 8544.

A merchant marine deck officer may likewise be proceeded against administratively for violation of any the provisions of the STCW 78 Convention, as amended, among which are the following:

1. A Master Mariner has engaged a person not holding a certificate required by the Convention;

2. A Master Mariner has allowed any function or service in any capacity required by the regulations of the STCW Convention to be performed by a person holding an appropriate certificate, to be performed by a person not holding the required certificate, a valid dispensation or having the documentary proof required by Regulation I/10, paragraph 5; or

3. A marine officer has obtained by fraud or forged documents an engagement to perform any function or serve in any capacity required by the Regulations of the Convention.

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. The Board shall ensure that an evaluation is periodically undertaken in accordance with the provisions of Section A-l/8 of the STCW Code by qualified persons who are themselves not involved in the activities concerned.

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.

SECTION 41. Transitory Provisions. - The Board shall continue to issue, renew/revalidate professional license in accordance with the provisions of Presidential Decree No. 97 with respect to applicants who have commenced education and training and approved seagoing service before June 1, 1998. Such professional license shall be valid only up to 31 January 2002.

The Board shall issue the endorsement certificate of the above professional license pursuant to Section 10 (c) of R.A- No- 8544. Such endorsement shall be valid only up to 31 January 2002.

Article XI
REPORT ON THE PERFORMANCE OF THE CANDIDATES OF SCHOOLS, COLLEGES AND UNIVERSITIES IN LICENSURE EXAMINATIONS
SECTION42. Report of the Board.- The Board shall, with the assistance of the Public Information and Statistics

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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 43. Rules and Regulations Applicable. -The "Rules and Regulations Governing the Regulation 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 44. 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
REPEALING CLAUSE
SECTION 45. Board Resolution No. 1, series of 1998 is hereby superseded or repealed.

Article XIV
EFFECTIVITY
SECTION 46. Effectivity. - This Rules and Regulations shall take effect after fifteen (15) days following the completion of its publication in a newspaper of general circulation or in the Official Gazette, whichever comes earlier.

Adopted: 22 March 1999

(SGD.) MARIO K. ALFELOR
Chairman

(SGD.) ERNESTO C. BONDOC
(SGD.) HERNANDO S. EUSEBIO
(SGD.) VICTOR S. DEL PRADO
(SGD.) SIMEON B. BALITA
Members

Attested:

(SGD.) ARISTOGERSON T. GESMUNDO
Executive Director

Approved:

(SGD.) HERMOGENES P. POBRE
Commission Chairman

(SGD.) ALFONSO G. ABAD

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(SGD.) AVELINA DELA REA-TAN
Associate Commissioners

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