

[REPUBLIC ACT NO. 10635, March 13, 2014]

AN ACT ESTABLISHING THE MARITIME INDUSTRY AUTHORITY (MARINA) AS THE SINGLE MARITIME ADMINISTRATION RESPONSIBLE FOR THE IMPLEMENTATION AND ENFORCEMENT OF THE 1978 INTERNATIONAL CONVENTION ON STANDARDS OF TRAINING, CERTIFICATION AND WATCHKEEPING FOR SEAFARERS, AS AMENDED, AND INTERNATIONAL AGREEMENTS OR COVENANTS RELATED THERETO

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. *Declaration of Policy.*—The following are hereby declared to be the policies of the State:

(a) The State shall ensure compliance with the 1978 International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW Convention), as amended; all international agreements implementing or applying the STCW Convention; and other international maritime safety conventions or agreements that the STCW Convention seeks to promote compliance with;

(b) The State recognizes the vital contribution of the seafarers to the national economy. Toward this end, the State shall establish systems and mechanisms for the promotion and protection of the well-being of the seafarers to ensure their professionalism and competitiveness, both in local and international trade, consistent with existing local labor laws and applicable international laws;

(c) The State shall create a single maritime administrative system and structure that shall provide an enabling environment for the business of Philippine seafaring; establish appropriate institutional arrangements with other agencies of government; and create an effective regulatory framework conducive to the efficiency, transparency and competitiveness of the Philippine seafaring industry consistent with the STCW Convention; and

(d) The State shall harmonize all legal and administrative measures which are taken and provided for by government regulatory agencies and ensure that such measures are appropriate and consistent with the STCW Convention.

SEC. 2. *Definition of Terms.*—As used in this Act, the following terms shall mean:

(a) *Certificate of competency*—a certificate issued to masters, officers and Global Maritime Distress and Safety System (GMDSS) radio operators in accordance with the provisions of Chapters II, III, IV or VII of the Annex to the STCW Convention entitling the lawful holder to serve and perform the functions involved at the level of responsibility specified therein.

(b) *Certificate of endorsement*—an attestation of the maritime administration as to the authenticity and validity of the certificates, incorporated in the format of the certificates issued to masters and officers, stating that the issuance of the relevant certificate is in compliance with the requirements of the STCW Convention.

(c) *Certificate of proficiency*—a certificate other than a certificate of competency issued to a seafarer, stating that the relevant requirements of training competencies or seagoing service under the STCW Convention have been met.

(d) *Documentary evidence*—all the documentation, other than a certificate of competency or certificate of proficiency, used to establish that the relevant requirements of the STCW Convention have been met.

(e) *Maritime administration or single maritime administration*—the Maritime Industry Authority (MARINA), as the single government agency mandated to ensure complete and effective implementation of the STCW Convention.

(f) *Seafarer*—any person who is employed, engaged or works onboard seagoing ships, whether or not such ships are engaged in the domestic or overseas trade, and to whom the STCW Convention applies.

(g) *STCW Convention*—the 1978 International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, and its subsequent amendments.

SEC. 3. *MARINA as the Single Maritime Administration.*—The MARINA, created under Presidential Decree No. 474, as amended, shall be the single maritime administration mandated to implement and enforce the 1978 International Convention on Standards of Training, Certification and Watchkeeping for Seafarers. It shall carry out an effective regulatory framework conducive to the efficiency, transparency and competitiveness of the Philippine seafaring industry.

SEC. 4. *Powers and Functions of the MARINA.*—In addition to the mandate of the MARINA under Presidential Decree No. 474, as amended, and in order to carry out the provisions of this Act, the MARINA shall exercise the following powers and functions:

(a) Act as the single and central maritime administration for all purposes relating to compliance with the STCW Convention.

(b) Administer and ensure the effective implementation of the STCW Convention; including all international conventions or agreements implementing or applying the same, as well as international maritime safety conventions or agreements that it seeks to promote compliance with.

(c) Assume all powers and functions of the Professional Regulation Commission (PRC), the Commission on Higher Education (CHED), the Technical Education and Skills Development Authority (TESDA), the Department of Health (DOH) and the National Telecommunications Commission (NTC) relative to the issuance, validation, verification, correction, revocation or cancellation of certificates of competency, endorsement, proficiency and documentary evidence required of all seafarers and all such other matters pertaining to the implementation of the STCW Convention, subject to the following:

(1) The MARINA shall ensure that the examination, licensing and certification system for marine deck and engine officers are in accordance with the requirements