[MIA MARINA Circular No. 2015-03, May 07, 2015]

RULES ON CATEGORIZATION OF NAVIGATIONAL AREAS/WATERS IN THE PHILIPPINES

Adopted: 07 May 2015
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Pursuant to Presidential Decree No. 474, Executive Orders No. 125/ 125-A and Republic Act 9295 and to implement Item 11.5 of the DOTC Department Order No. 2012-01 dated 09 January 2012, the Categorization of the Navigational Areas/Waters in the Philippines is hereby adopted:

I. OBJECTIVES:

1. To categorize the navigational areas/ waters in the Philippines where all domestic ships operate and navigate;
2. To rationalize the area of operation of vessels specially the wooden hull ships below 35 GT and motorbancas/ motorboat with outriggers vis-à-vis the categorized navigational areas; and
3. To serve as basis in the review/ amendment of existing Memorandum Circulars governing licensing, safe manning and life-saving appliances/ equipment.

II. COVERAGE:

This Circular shall apply to all Philippine-registered ships of any size operating in Philippine waters engaged in commercial operations, except fishing vessels and government-owned ships not engaged in transporting goods and people.

III. DEFINITION OF TERMS:

For purposes of this Circular, the following terms are defined:

1. *"MARINA"* refers to the Maritime Industry Authority.
2. *"Domestic Shipping"* refers to the transport of passengers or cargo, or both, by ships duly registered and licensed under Philippine law to engage in trade and commerce between Philippine ports and within Philippine territorial or internal waters, for hire or compensation, with general or limited clientele, whether permanent, occasional or incidental, with or without fixed routes, and done for contractual or commercial purposes.
3. *"Domestic Ship Operator"* or *"Domestic Ship Owner"* for purposes of this Circular, may be used interchangeably and shall mean a citizen of the

Philippines, or a commercial partnership wholly owned by Filipinos, or a corporation at least sixty percent (60%) of the capital of which is owned by Filipinos, which is duly authorized by the Maritime Industry Authority to engage in the business or domestic shipping.

4. *"Certificate of Public Convenience"* refers to the license or authority issued by MARINA to a domestic ship operator to engage in domestic shipping.

5. *"Commercial Operation"* refers to the operation of ship that carries cargoes, passengers or cargo/passenger regardless of its size or tonnage.

6. *"Protected Water"* refers to a body of water that covers navigable area within three (3) nautical miles from the nearest land. Covers navigable water categorized in item IV.1.A.

7. *"Coastal Water"* refers to a body of water that covers navigable area which is more than three (3) nautical miles from the nearest land. Covers navigable water categorized in item IV.1.B.

8. *"Open Sea"* refers to a body of water that is not classified as protected and coastal water but still within the area/jurisdiction of the Philippines.

IV. GENERAL PROVISIONS:

1. All Philippine registered ships shall conform with the following identified parameters in categorizing the navigational areas/ waters in the country

   A. Protected Water

      a. Geographical Features

         ~ The water is totally enclosed by land (i.e. lake); or
         ~ The water is generally enclosed by land and the area directly facing the open sea is small (i.e. harbor or river). For bays, they should be surrounded by mountainous terrain and that the diameter of the bays should not be more than ten (10) nautical miles; or
         ~ The water is generally enclosed by land and the area facing the open sea is large but there's a mountainous island to protect the water from high waves, strong wind and strong current; or
         ~ Covers navigable area/water within three (3) nautical miles from the nearest land.

      b. Weather and Hydrographic Conditions

         The average wind speed in the area is less than ten (10.00) knots and the average wave height is less than three and a half (3.5) feet.

   B. Coastal Water

      a. Geographical Features