

**[ MIA MEMORANDUM CIRCULAR NO. 138, October 15, 1998 ]**

**RULES ON THE GRANT OF DISPENSATION FOR SEAFARERS ON-BOARD VESSELS OPERATING IN THE DOMESTIC TRADE**

Pursuant to Section 14 of Executive Order No. 125, as amended, and in reference to Regulation XVIII/8 of the Philippine Merchant Marine Rules and Regulations of 1997 (PMMRR) the following rules shall govern the grant of dispensation.

**I  
Objective**

This Circular shall prescribe the general policy, guidelines and procedures for the grant of dispensation to seafarers adequately qualified as provided for in the PMMRR of 1997.

**II  
Coverage**

This Circular shall apply to all seafarers on-board vessels in the domestic trade except those on board passenger-carrying vessels wherein the prescribed safe manning requirement under PMMRR shall be strictly observed.

**III  
Definition of Terms**

For purposes of this Circular:

- .1 Administration — refers to the Maritime Industry Authority (MARINA).
- .2 Dispensation — refers to a document issued in favor of a seafarer in case of exceptional necessity, as defined hereunder, who does not hold the appropriate certificate required by the Convention, permitting a seafarer to serve in a specified ship for a specified period.
- .3 Adequately qualified seafarer — is a seafarer whose qualification and experience are of clear equivalence to the requirements of the position to be filled, as attested to in writing by the shipowner/operator, to the satisfaction of the Administration.

**IV  
General Provisions**

- . 1 The grant of dispensation to seafarers will allow domestic-trading vessels to continue their operation based on the principle of exceptional necessity vis-a-vis the possible risk involved on safety of life and property at sea and the protection of the

marine environment. This Administration's prerogative to grant dispensation shall not be used by the shipowners for the purpose of gaining commercial advantage or convenience or as a scheme for pooling on-board officers not properly certificated.

. 2 The dispensation permit is not an exemption from the safe manning requirement of the vessel or a substitute document to fulfill the deficiency of officers not properly certificated to assume the next higher position. Thus, upon issuance of dispensation permit, it being merely an emergency measure, the concerned vessel owner/operator should address the deficiency immediately and at the earliest possible time.

. 3 When the position below the vacant post to be filled does not require any Certificate/License under regulation XVIII/8 of the PMMRR, a dispensation/upgrading may be issued to a specified seafarer whose qualification and experience are, in the judgment of the Administration, of clear equivalence to the requirements of the position to be filled and/or an examination acceptable to the Administration shall be required to be passed by the applicant, if necessary.

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### Specific Provisions

**Dispensation Permit** can be issued to a properly licensed/certificated seafarer to occupy the next higher rank provided that:

. 1 The dispensation permit to be issued within each year shall not exceed one (1) month for any single issue, provided, that only two (2) renewals of one month validity each can be granted within the same year.

. 2 The dispensation permit shall be issued only in exceptional necessity under any of the following situations:

. 1 Force majeure;

. 2 National emergency;

. 3 Inability of the duly qualified and competent seafarer to assume his position and for which reason his absence caused the request for granting dispensation; or

. 4 Temporary unavailability of qualified manpower, relative to the technological demands of the vessel.

. 3 Dispensation/upgrading shall not be granted to a Master or Chief Engineer, except in circumstances of force majeure and shall be valid only until the next port of call, provided further, that such dispensation/upgrading shall be granted to a ship operating in the domestic trade.

. 4 The grant of dispensation shall not result to a line — up of officers occupying ranks in succession.

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### Documentary Requirements