

## [ PCSSD, January 28, 2009 ]

### **RULES AND REGULATIONS GOVERNING THE BUSINESS OF SPORT SCUBA DIVING IN THE PHILIPPINES**

Pursuant to the provisions of Letter of Instructions No. 745, and Office of the President Memorandum Order No. 275, s. 2008, the following rules and regulations are hereby promulgated to govern the operation of sports scuba diving establishments and sports scuba diving professionals in the Philippines.

#### **Chapter I Definition/Coverage**

*Section 1. Definition* – For the purpose of these Rules, the following shall mean:

- a. **License** – The privilege or authority granted and issued by the Philippine Commission on Sports Scuba Diving to own, operate, maintain a scuba diving establishment upon compliance with the required minimum standards set by the Commission.
- b. **Commission** or **PCSSD** – The Philippine Commission for the Development and Promotion of Sports Scuba Diving.
- c. **Sports Scuba Diving Establishment** – Any business establishment engaged in the conduct of sports scuba diving activities in the Philippines whether or not for a fee.
- d. **Department** or **DOT** – Department of Tourism.
- e. **MARINA** – Maritime Industry Authority.
- f. **Scuba Diving Tour Operator** – An establishment that is duly licensed by the PCSSD to conduct sports scuba diving activities and promotes, sells, or market sports scuba diving tours.
- g. **Dive Boat Operator** – For establishment or person that operates a sail or motor boat duly licensed by appropriate government agencies to service scuba divers.
- h. **Dive Resort** – Any motor-run or sail operated boat or dive banca with or without live-aboard facilities that are offered to the public/tourists (domestic or foreign) for a fee.
- i. **Dive Resort** – An establishment that is duly accredited by the DOT and PCSSD that offers food, accommodation and scuba diving facilities to the public for a fee.
- j. **Professional Dive Center** – An establishment engaged in any or all of the following activities:

- 1) Selling scuba diving-related equipment
- 2) Renting out scuba diving-related equipment
- 3) Providing air fill service
- 4) Servicing and repair of scuba diving-related equipment
- 5) Conducting scuba diving courses or underwater tours

k. **Dive Facility** – An establishment engaged in any or all of the following activities:

- 1) Selling scuba diving related equipment
- 2) Renting out scuba diving related equipment
- 3) Providing air fill service
- 4) Conduct scuba diving courses or underwater tours

l. **Sports Scuba Diving Professional** – A diver with a rank of instructor, assistant instructor, or divemaster as certified by an international or nationally recognized certifying agency who conducts sports scuba diving activities in the Philippines whether or not for a fee.

m. **Dive Guide** – A current active certified diver to the stated rating of a national and or International training agency or its equivalent who is engaged in sports scuba diving with 50 to 100 dives and is familiar with the area.

## **Chapter II**

### **Application and Issuance of License**

*Section 1. Mandatory Licensing* – No person, natural or juridical, shall operate or manage a scuba diving establishment without first being licensed by the Philippine Commission on Sports Scuba Diving.

*Section 2. Who May Apply*

- a. Any dive professional desiring to give lessons, assist in the training, or conduct activities related to sports scuba diving in the Philippines whether or not for a fee.
- b. Any establishment organized under Philippine laws and duly registered with appropriate government agency/s engaged in sports scuba diving activities whether or not for a fee.

*Section 3. Branch or Extension Office* – No branch or extension office of scuba diving establishments may be operated unless said branch or extension office shall have been licensed by the commission.

*Section 4. Requirements for Licensing*

#### **A. Dive Boat Operator**

1. License/permit from appropriate government agencies to engage in such activities as diving, fishing, boat charter, cruising, or similar activities;
2. Certificate of ownership of vessel;
3. Incorporation papers and By-Laws for vessels owned by a juridical entity;
4. List of managerial and rank and file employees with their respective

- position, citizenship, and home address;
- 5. Complete listing of equipment with color photographs;
- 6. List of safety equipment and personnel and a certificate from the owner that it or he or she owns such equipment and has trained personnel to operate at the same time.
- 7. Current third party liability accident insurance;

In addition to the above equipment and personnel, a dive boat with accommodation facilities shall have the following:

- 1. Bunk beds (minimum size 27" x 75") with 2½" thick mattress and a pillow in a sheltered area of the boat that is properly ventilated;
- 2. A dining area with a seating capacity of not less than fifty percent (50%) of the boat's rated passenger capacity;
- 3. At least one (1) toilet and shower room for every six (6) passengers. Toilet and shower room may be separated or combined;
- 4. The capacity to hold enough fresh drinking water for the passengers and crew computed at a minimum of forty (40) liters per person, per tour day; and
- 5. At least two (2) service boats.

**B. Professional Dive Center**

- 1. Pertinent registration certificate (SEC Registration Certificate and/or Business Name Registration Certificate), permits from concerned local government unit (LGU) and other appropriate government agencies;
- 2. List of managerial and rank and file employees with their respective position, citizenship, and home address;
- 3. Current and valid third party liability accident insurance;

**C. Dive Facility**

- 1. Pertinent registration certificate (SEC Registration Certificate and/or Business Name Registration Certificate), permits from the concerned LGU and other appropriate government agencies;
- 2. List of managerial and rank and file employees with their respective position, citizenship, and home address;
- 3. Current third party liability accident insurance.

**D. Sports Scuba Diving Professionals**

- 1. Certified true copy of a national or internationally recognized current and valid status card or certification;
- 2. A sworn affidavit that he/she will adhere to the safety and ethical standards of his/ her certifying agency or a copy of the contractual agreement with his/her contractual agency;
- 3. For foreign nationals, a valid and appropriate visa from the Bureau on Immigration and Deportation for a minimum period of 3 months;
- 4. Current employment permit from the Department of Labor and Employment (DOLE);
- 5. Current and valid third party liability accident insurance;
- 6. Certificate of employment for foreign national employed by a Dive Establishment, who conducts sports and scuba diving activities whether or not for a fee.

*Section 5. Accreditation* – Resorts which provide board and lodging to scuba divers and establishments engaged in the promotion of scuba diving tours duly accredited by DOT, may be accredited by the Commission as Dive resorts and Scuba Diving Tour Operators respectively upon submission of the license to operate from the appropriate LGU and accreditation certificate from the Department of Tourism. There shall be no accreditation fee. However, they shall pay the required processing fee and the cost of the accreditation sticker.

*Section 6. Inspection of the Applicant Establishment* – An inspection of the facilities, equipment and premises of the applicant establishment shall be conducted by the Commission to be composed of a team from NAVSOG and PCSSD for the purpose of determining whether it meets the minimum standards set by the Commission within a reasonable period after submission of the documentary requirements and upon payment of the required fees.

*Section 7. Inspection Before Issuance of Permits by LGU* – The inspection of the facilities, equipment and premises of the applicant establishment shall be conducted before any permit is issued by the concerned local government units to ensure compliance with operating and safety standards.

*Section 8. Issuance of License* – The establishment applicant shall be issued the License within fifteen (15) working days after inspection and submission of all documentary requirements and payment of all necessary fees. Licenses for individual applicants shall be issued 5 working days upon submission of all documentary requirements and payment of all necessary fees.

*Section 9. License Fee* – The following schedule of license fee shall be collected from the applicants that have complied with the requirements for registration and licensing with the Commission:

<u>A. Sports Scuba Diving Establishments</u>	<u>Annual License Fee</u>
1. Dive Boat Operator	P 5,000.00
2. Professional Dive Center	5,000.00
3. Dive Facility	5,000.00
4. Branch or Extension Office	1,500.00
<u>B. Sports Scuba Diving Professionals</u>	<u>Annual License Fee</u>
1. Dive Instructor	P1,000.00
2. Assistant Dive Instructor/Divemaster	750.00

The above license fee may be increased by the Commission to cover expenses incurred in adopting and applying new technology in the conduct of the inspection to ensure welfare and safety of sports scuba diving stakeholders and clients or enthusiasts.

*Section 10. Validity of License* – The license issued under these Rules and Regulations shall be valid for a period of one (1) year from the date of its issuance by the Commission.

*Section 11. Display of Permits and Other Documents* – The following must be displayed conspicuously by the licensee in his establishment:

- a. Current and appropriate PCSSD license of the establishment
- b. Permits from the LGU
- c. List of diving professionals and technical staff employed or contracted by the establishment with their respective positions.

*Section 12. License Cards* – Dive Instructors/Assistant Dive Instructors, and Dive-masters, shall be issued License cards which they must carry whenever they engage in the activity for which they have been licensed by the Commission.

*Section 13. Replacement of Loss of License Cards* – A written notice of loss shall accompany a request for replacement of lost license card. Replacement shall be issued within one (1) month from the date of notice of loss. The applicant shall pay the appropriate replacement cost in accordance with existing guidelines of the Commission.

*Section 14. Renewal of License* – Application for the renewal of license shall be filed on or before its expiration. Late applicants shall be subjected to an administrative penalty equivalent to fifty percent (50%) of the scheduled fees.

*Section 15. Documents Required for Application for Renewal of License* – The application for renewal of license shall be signed by persons authorized to sign the application and shall be supported by the following documents:

**A. Sports Scuba Diving Establishments**

1. Certified true copy of the amended or revised SEC Registration Certificate, By-Laws, Articles of Incorporation, Partnership if applicable;
2. List and information sheets of additional personnel, if any, including any change in the organizational chart of the establishment;
3. Barangay or Police or NBI Clearance of the Manager;
4. Marketing and other statistical data that the Commission may require;
5. Valid and adequate accident liability insurance.

**B. Sports Scuba Diving Professionals**

1. Submission of marketing statistical data – number of students trained for the year, their respective nationality, gender, and similar relevant information;
2. Submit either an NBI or Barangay or Police Clearance;
3. Photocopy of Current Diver's Certification Card (C-Card);
4. Valid and adequate accident liability insurance.

**Chapter III**  
**Employment of Staff**

*Section 1. Qualification of the Manager* – To qualify as Manager, an applicant shall:

- a. Be a citizen and resident of the Philippines or foreign national with permanent resident status; and
- b. In case the manager is a foreign national, a Filipino under study should be trained to take on the job.