

**[ MTC RESOLUTION NO. 8, S. 2000, November 15, 2000 ]**

**PROCEDURES IN THE ADMINISTRATIVE INVESTIGATION OF MARITIME TRAINING CENTERS FOR VIOLATIONS OF TRAINING STANDARDS AND CORRESPONDING TABLE OF PENALTIES**

WHEREAS, the Philippines is Party to the 1978 STCW Convention that entered into force on April 28, 1984;

WHEREAS, the Philippines as a Party to the Convention has the obligation to promulgate laws and regulations to give effect to the said Convention:

WHEREAS, Letter of Instructions No. 1404 was issued in May 1, 1984 establishing a Maritime Training Council which shall give effect to the Convention;

WHEREAS, Section 2 (1) of LOI No. 1404 provides that the Maritime Training Council shall develop, formulate and prescribe standards of training for Filipino seafarers as prescribed by the 1978 STCW Convention, as amended:

WHEREAS, Resolution No. 05, series of 1997 reiterates the policy on the enforcement of rules and regulations governing the operation of training centers;

WHEREAS, the Maritime Training Council's Expanded Table of Penalties, Disciplinary Sanctions and Procedures in the Investigation of Erring Training Centers must conform with the new requirements mandated by the 1978 STCW Convention as amended, and Resolution No. 03, Series of 1998 relating to the Revised Standards and Procedures in the Accreditation and Monitoring of Course Programs Conducted by Maritime Training Centers issued on June 25, 1998;

WHEREAS, there is a need to establish procedures in the administrative investigation of maritime training centers for violation of training standards and to update, revise and expand the table of penalties to be imposed upon them;

NOW, THEREFORE, be it resolved as it is hereby resolved that the Maritime Training Council shall adopt the Procedures in the Administrative Investigation of Maritime Training Centers for Violations of Training Standards and Corresponding Table of Penalties as herein attached as Annex 1.

BE IT FURTHER RESOLVED, that this resolution shall supersede Resolution No. 05, series of 1997.

BE IT FINALLY RESOLVED, that this Resolution shall take effect 15 days after publication in the Official Gazette or in a newspaper of general circulation.

Adopted: 15 November 2000

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Chairman, Maritime Training Council*

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Attested to:

(SGD.) LORNA O. FAJARDO  
*Executive Director*

*Annex 1*

**Procedures in the Administrative Investigation of  
Maritime Training Centers For Violations of Training  
Standards and Corresponding Table of Penalties  
(Per Resolution No. 8, Series of 2000)**

**RULE I  
Jurisdiction and Venue**

*SECTION 1. Jurisdiction* — The Maritime Training Council, through the MTC Secretariat shall exercise original and exclusive jurisdiction to hear and decide complaints against accredited maritime training centers which are administrative in character involving or arising out of the violations of the MTC Rules and Regulations.

*SECTION 2. Venue* — Any complaint involving violation of MTC Rules and Regulations committed by maritime training centers shall be filed at the MTC Secretariat.

*SECTION 3. Grounds/Causes of Action for the Filing of Complaints against Maritime Training Centers* —

- a. Issuing a training certificate to trainee who has not undergone training and proper assessment in accordance with the requirements of MTC Resolution No. 03, series of 1998. (Section 9.9)
- b. Conducting training and issuing training certificate without authority or with expired certificate of accreditation. (Section 5.1)
- c. Conducting training in violation of the cease and desist order issued by the MITC. (Section 18.1)
- d. Misrepresentation of information in connection with the application for authority or accreditation. (Section 10.0)
- e. Disregard of the standards, set out in Annex 1 of the Resolution No. 03, Series of 1998 (Sections 9.1 & 13.1.1)
- f. Employing training supervisors, instructors and assessors who do not meet the requirements of Annex 2 of Resolution No. 03, series of 1998 (Sections 9.2 & 13.1.2)
- g. Enrolling a trainee in a particular course who does not meet the entry requirements for the course (Sections 9.4 & 13.1.4)
- h. Violation of maximum intake of trainees in a classroom. (Sections 9.5 & 13.1.5)
- i. Failure to maintain classroom facilities (Sections 9.6 & 13.1.6)
- j. Incomplete and/or non-functioning training equipment, textbooks or training aids which will seriously affect the quality of training that will lead to the non-achievement of the course objective (Section 13.1.7)
- k. Non-observance of policies and procedures of the Quality System (Section 9.10 & 13.1.9).
- l. Failure to comply with any of the responsibilities provided under Section 18.
- m. Non-compliance with orders, instructions and issuances issued by the MITC.

## RULE II Filing of Complaints

*SECTION 1. Who May File* — Any person or entity who has knowledge of any violation of MTC Rules and Regulations may file a complaint in writing and under oath against the maritime training center involved.

The Council on its own initiative or upon filing of a complaint or report for investigation by any aggrieved person where there appears probable cause thereto, shall conduct the necessary proceedings for the suspension, cancellation or revocation of the accreditation of courses of the maritime training center subject of the complaint.

*SECTION 2. Caption and Title* — The complaint shall be filed in accordance with the following:

Republic of the Philippines  
Department of Labor and Employment  
MARITIME TRAINING COUNCIL  
Metro Manila

MTC CASE NO. \_\_\_\_\_

IN THE MATTER OF VIOLATION  
OF MTC RULES AND REGULATIONS  
AND IMPLEMENTING ORDERS/CIRCULARS

--versus--

\_\_\_\_\_  
Respondent

*SECTION 3. Contents of Complaints/Report* — All complaints/reports shall be under oath and must contain, among others the following:

- a. Name and address of the complainant
- b. Name and address of the respondent
- c. Nature of the complaint
- d. Substance, cause/ground of the complaint
- e. When and where the action complained of happened
- f. The relief sought

All pertinent papers or documents in support of the complaint must be attached, whenever possible.

*SECTION 4. Docket and Assignment of Cases* — Complaints duly received shall be docketed and numbered and shall be assigned to, and acted upon by, the investigating Committee composed of a Chairman and two members who are duly designated by the MTC Executive Director.

RULE III  
Action Upon the Complaint

*SECTION 1. Answer* — Upon receipt of the complaint, the Investigating Committee shall issue a SHOW CAUSE ORDER directing the respondent to file a verified answer within ten (10) calendar days from receipt of copy of the complaint and not a Motion to Dismiss, incorporating therein all pertinent documents in support of its defense. The answer shall be deemed filed on the date stamped on the envelope, if filed by registered mail.

*SECTION 2. Failure to File Answer* — Failure to file answer will constitute a waiver on