

[MIA MEMORANDUM CIRCULAR NO. 130, July 15, 1998]

RULES ON THE ISSUANCE OF CERTIFICATES AND ENDORSEMENTS FOR EXISTING SEAFARERS IN ACCORDANCE WITH THE INTERNATIONAL CONVENTION ON STANDARDS OF TRAINING, CERTIFICATION AND WATCHKEEPING FOR SEAFARERS (STCW), 1978, AS AMENDED

Pursuant to Section 12(e) of Executive Order No. 125, as amended, and in consonance with the Philippines' accession to the International Convention on Standards of Training, Certification, and Watchkeeping for Seafarers (STCW), 1978, through the Instrument of Accession dated 11 January 1984, and pursuant further to Section 2, Article II of the 1987 Philippine Constitution which states that the Philippines adopts the generally accepted principles of international law as part of the law of the land, and Executive Order No. 396 designating the Maritime Industry Authority (MARINA) as the lead agency in the implementation of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1978, as amended, the following rules in the issuance of Certificates and Endorsements are hereby prescribed:

**I
Objective**

To ensure that all Philippine seafarers are properly certificated, qualified, competent and medically fit for the proper performance of functions onboard seagoing ships in accordance with the Convention.

**II
Coverage**

These rules shall apply to all Philippine seafarers serving onboard seagoing ships who have commenced approved seagoing service, an approved education and training programme or an approved training course *prior to 01 June 1998*, except those onboard:

1. warships, naval auxiliaries or other ships owned or operated by a State and engaged only on governmental non-commercial service;
2. fishing vessels;
3. pleasure yachts not engaged in trade; or
4. pleasure yachts not engaged in trade; or

5. wooden ships of primitive build.

III Definition of Terms

For purposes of this Circular:

1. **Administration** refers to the MARINA pursuant to the Implementing Rules and Regulations of Executive Order No. 396.
2. **Convention** refers to the International Convention of Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1978, as amended. Reference to the Convention constitutes at the same time reference to the Annex and the STCW Code.
3. **Existing Seafarers** refer to all Philippine seafarers serving onboard seagoing ships who had commenced approved seagoing service, an approved education and training programme or an approved training course prior to 01 June 1998.
4. **Certificate** refers to the STCW Certificate issued by the Administration authorizing the holder to serve as stated in this document.
5. **Endorsement** issued by the Administration refers to either of the following:
 - Document attesting the issue of a Certificate of Competency by the PRC.
 - Document attesting the recognition of a Certificate issued by other Flag States.
6. **Fishing Vessel** means a vessel ship other than those which navigate exclusively in inland waters or in waters within, or closely adjacent to, sheltered waters or areas where port regulations apply.
7. **Seagoing Ship** means a ship other than those which navigate exclusively in inland waters or in waters within, or closely adjacent to, sheltered waters or areas where port regulations apply.
8. **Management Level** means the level of responsibility associated with:
 - serving as master, chief mate, chief engineer or second engineer officer onboard a seagoing ship; and
 - ensuring that all functions within the designated area of responsibility are properly performed.
9. **Operational Level** means the responsibility associated with:
 - serving as officer-in-charge of a navigational watch or as designated duty engineer for periodically unmanned machinery spaces or as radio operator on board a seagoing ship; and

— maintaining direct control over the performance of all functions within the designated area of responsibility in accordance with proper procedures and under the direction of an individual serving in the management level for that area of responsibility.

10. **Support Level** means that level of responsibility associated with performing assigned tasks, duties, and responsibilities onboard a seagoing ship under the direction of an individual serving in the operational or management level.

11. **Long absence** means unable to serve onboard seagoing ships for at least one (1) year within the last five (5) years from the date of issuance of certificate or endorsement.

IV

General Principles and Policies

1. All existing Philippine seafarers serving onboard seagoing ships shall be properly certificated in accordance with this Circular.

2. Certificates issued for masters and officers shall be endorsed by the Administration in a form prescribed under the Convention.

3. Certificates and Endorsements issued under the provisions of 1978 STCW Convention shall be valid until 01 February 2002.

4. All Philippine seafarers whose Certificates and Endorsements were issued under the provisions of the 1978 STCW Convention including those who have not yet been certificated are enjoined to comply and apply for the issuance under the 1995 Amendments as soon as deemed qualified.

5. Application for issuance of Certificates and Endorsements and other documents is required to be filed personally by the applicant at the MARINA Central Office (MCO) or at any of its authorized Maritime Regional Officers (MROs). The application may, however, be filed, on behalf of the seafarer onboard, by the duly authorized representative of the company in cases of renewal, replacement of lost or damaged Certificates, or promotion onboard.

6. Certificates under Chapters IV (Radiocommunication and Radio Personnel), or V (Special Training Requirements for Personnel on Certain Types or Ships, or VI (Emergency, Occupational Safety, Medical Care and Survival Functions) may be issued together with Certificates under Chapters II (Master and Deck Department) or III (Engine Department) of the Convention, or issued separately as appropriate.

7. The renewal/revalidation and the replacement of lost/damaged certificates and endorsements issued under this Circular shall be governed by MC No. ___-A RULES ON THE ISSUANCE OF CERTIFICATES AND ENDORSEMENTS- FOR NEW ENTRANTS IN ACCORDANCE WITH INTERNATIONAL CONVENTION ON STANDARDS OF TRAINING, CERTIFICATION AND WATCHKEEPING FOR SEAFARERS (STCW), 1978, AS AMENDED.

8. Existing seafarers who have not been certificated and endorsed under 1978 STCW Convention may be certificated under this Circular provided the qualification