

[MIA MEMORANDUM CIRCULAR NO. 132, July 15, 1998]

RULES ON THE GRANT OF DISPENSATION TO SEAFARERS ONBOARD PHILIPPINE-REGISTERED SEAGOING SHIPS

Pursuant to Section 12 (e) of Executive Order No. 125, as amended, Executive Order No. 396 and to fully comply with the Philippines' commitments to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW) 1978, as amended and pursuant further to Presidential Decree Nos. 474 and 760/866/1711 and Executive Order No. 438, the following rules shall be observed relative to the grant of dispensation for seafarers onboard Philippine-registered seagoing ships.

I Objective

This Circular aims to provide policies/guidelines to all shipowners, operators and managers applying for dispensation, in behalf of their seafarers onboard Philippine-registered seagoing ships, to fully comply with Article VIII of the 1978 STCW Convention, as amended.

II Coverage

This Circular shall apply to all shipowners, operators and managers of Philippine-registered seagoing ships, who will apply for dispensation in behalf of their seafarers.

III Definition of Terms

For purposes of this Circular:

1. **Administration** — refers to the Maritime Industry Authority.
2. **Seagoing Ship** — refers to Philippine-registered ships engaged in international trade.
3. **Convention** — refers to the International Convention on 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.
4. **Dispensation** — refers to a document issued in favor of a seafarer in case of exceptional necessity, who does not hold the appropriate certificate required by the

Convention, permitting a seafarer to serve in a specified ship for a specified period.

5. **Certificate** — refers to the STCW Certificate issued by the Administration authorizing the holder to serve as stated in this document.

IV

General Provisions

1. In case of exceptional necessity, the Administration may grant a dispensation to a seafarer to serve in a capacity for which he does not hold the appropriate certificate, provided that:

1.1 the seafarer is adequately qualified to fill the vacant post in a safe manner to the satisfaction of the Administration.

1.2 the seafarer holds a certificate which qualifies him to hold the post immediately below;

1.3 the dispensation shall be for a specified period not exceeding six (6) months;

1.4 the ship for which dispensation is being granted shall be specifically identified/named;

1.5 the dispensation shall not be in the capacity of a master or chief engineer officer except in circumstances of force majeure and only for the shortest possible period; and

1.6 dispensation shall be granted to the post of radio officer, as provided by existing radio regulations.

2. Where certification of the post below is not required, relative to paragraph 1.2 of this Section, a dispensation may be granted to a seafarer whose qualification and experience are of clear equivalence to the requirements for the post sought to be filled up provided that if the person does not hold the appropriate certificate, he shall have to take a test that shall be administered by the Administration through the ship's master.

3. The company and the ship's master shall be held responsible in ensuring that the seafarer to whom the dispensation is granted pursuant to paragraph 2 of this Section has adequately demonstrated his qualifications and experience.

V

Documentary Requirements

1. All applications for dispensation shall be filed with the Administration by the concerned shipping company/shipowner providing vital information about the ship and the seafarer concerned providing the following:

1.1 Particulars of the ship

1.2 Port of Registry

1.3 IMO Number or Official Number

1.4 Present location and intended date of departure