

[MIA MEMORANDUM CIRCULAR NO. 139, November 05, 1998]

DEPUTIZATION FOR PURPOSES OF IMPLEMENTING AND ENFORCING MARITIME SAFETY RULES AND REGULATIONS

I Overview

The Maritime Industry Authority (MARINA) and the Philippine Coast Guard (PCG) have been tasked to agree on a workable Memorandum of Agreement (MOA) with regard to the enforcement of maritime safety laws. However, in a meeting held last 23 October 1997, the PCG and the MARINA representatives arrived at a consensus that even without a MOA, the PCG is allowed by its charter (RA 5173) to enforce maritime safety laws, rules and regulations. The Commandant of the PCG attested to the fact that as far as his administration is concerned, the functions transferred to MARINA pursuant to Executive Order 125 and Executive Order 125-A will remain with MARINA and the PCG will enforce maritime laws and regulations without need of a MOA.

Despite the foregoing, there was still a continuing clamor for a clearer and more detailed delineation and deputization of functions. Such clearer delineation was necessary to further improve the coordination and cooperation between MARINA as Maritime Administration and the PCG as Maritime Enforcer in the promotion of safety of life and property at sea. To address this concern, the deputization of the PCG is hereby formalized and implemented.

II Legal Bases

Section 12 (f) of Executive Order No. 125, as amended, in consonance with DOTC Department Order No. 98-1180 dated 09 October 1998.

III Coverage

The deputization shall cover two major activities, namely:

1. Enforcement of laws, rules and regulations affecting maritime safety; and,
2. Issuance of certain/specified vessel safety documents.

IV Enforcement of Laws, Rules and Regulations Affecting Maritime Safety

The PCG shall undertake the following enforcement activities over Philippine-registered vessels engaged in the domestic trade, as follows:

1.1 Verify compliance with Vessel and Crew Documentation:

- a. Certificate of Vessel Registry;
- b. Pleasure Yacht Registration/Permit;
- c. Certificate of Number;
- d. Certificate of Ownership;
- e. Coastwise License;
- f. Bay and River License;
- g. Certificate of Inspection/Interim Certificate of Inspection;
- h. Special Certificate of Inspection;
- i. Permit to Operate Cargo and Fishing Vessels;
- j. Special Permit to Navigate;
- k. Special Permit to Carry/Load Inflammable/Dangerous/Hazardous Cargoes;
- l. Seafarer's Identification and Record Book (SIRB);
- m. Endorsement of Certificates under M.C. No. 83;
- n. Other Seafarer-related Documents (e.g. Licenses, Training Certificates, Dispensation Permit); and
- o. Motor Boat Operator's License (MBOL).

1.2 Verify compliance with the terms and conditions of the Certificate of Public Convenience (CPC), Provisional Authority (PA), Special Permit (SP) or CPC Exemption, specifically:

- a. MARINA-prescribed route/s and schedule of trips;
- b. Validity of passenger insurance policy, for passenger-carrying vessels; and
- c. Maximum authorized passenger capacity through headcounting in case there is clear indication of overloading/overcrowding.

1.3 Serve copies of MARINA-issued Cease and Desist Orders (CDO) on the Master of the vessel and to enforce the same.

1.4 Conduct the Emergency Readiness Evaluation (ERE)/Material Readiness Evaluation (MARE).

1.5 Undertake the control of movement of vessels/watercrafts during typhoons and adverse weather condition.

1.6 Issue and serve Inspection Apprehension Report (IAR) to the Master of the vessel who fails to comply with MARINA circulars, rules and regulations and conduct appropriate hearing/disposition for purposes of imposing fines and penalties.

1.7 Provide a copy of the IAR to the Philippine Ports Authority (PPA) in accordance with Executive Order No. 493 with recommendation to deny issuance of departure clearance where detention of the vessel is warranted.

V

Issuance of Vessel Safety Documents