

[MIA MEMORANDUM CIRCULAR NO. 96, March 16, 1995]

CREATION OF WATCHLIST SYSTEM FOR SEAFARERS

Pursuant to Section 12 (f) and (j) of E.O. 125/125-A, and to effectively enforce the provisions of MARINA Memorandum Circular Nos. 82, 83, 87 and their amendments, this Memorandum Circular is hereby issued to establish a system of watchlisting of seafarers who are facing disciplinary, administrative or criminal charges.

I.

Concept of the System

The watchlist is a computer-file of seafarers who are blacklisted on the basis of any of the following:

1. The seafarer is in the blacklist of the POEA, copy of which is officially furnished MARINA;
2. The seafarer has been listed to have criminal records by the NBI;
3. The seafarer has been officially reported to MARINA by any prosecuting arm or agency of the government for being involved in heinous crimes or capital offenses; or
4. The seafarer is administratively charged with MARINA for violation of maritime laws, rules and regulations and there exists strong evidence or guilt against him/her.

Those in the watchlist are not qualified to apply for or to be issued SIRB or STCW certificates, unless and until he/she is cleared from the charges against him/her.

II.

Procedures

1. In cases falling under 1, 2 and 3 of the above item I, the seafarer shall automatically be included in the watchlist and is disqualified for issuance of SIRB or STCW certificates. Only after he/she can show clearance from the charges against him/her issued by the government office concerned shall he/she be so qualified.

2. The procedure on item I.4 cases shall be as follows:

2.1 The case may be initiated either upon directive of the Administrator or the MARINA Board, a verified complaint from any private person or company duly supported with affidavits/evidence, or official reports of any MARINA unit/office concerned. Private complaints shall be for offense indicated in MC Nos. 82, 83, 87 and their amendments;

2.2 MLAO shall take appropriate action thereon through the issuance of Show Cause Orders, directing the seafarer involved to file his/her written