

# [ Commonwealth Act No. 293, June 09, 1938 ]

## **AN ACT TO AMEND SECTION ELEVEN HUNDRED NINETY-EIGHT OF THE ADMINISTRATIVE CODE.**

*Be it enacted by the National Assembly of the Philippines:*

SECTION 1. Section eleven hundred ninety-eight of the Administrative Code is further amended so as to read as follows:

"SEC. 1198. *Marine investigation and suspension or revocation of marine certificates.*—There shall be maintained in the Bureau of Customs at Manila a Board of Marine Inquiry to consist of five members to wit: The Surveyor of the Port as chairman ex officio, two master mariners and two chief engineers of the Philippine merchant marine, who shall be appointed by the Secretary of Finance. The members of the board shall receive a per diem of twenty pesos for each day of not less than seven hours of service rendered in connection with marine investigations. Three members present shall constitute a quorum for the transaction of business. In case of inability or absence of the Surveyor of the Port, a temporary chairman may be chosen by the members from among themselves. Such board shall have the power to investigate marine accidents and professional conduct of marine officers, giving the party affected an opportunity to be heard in his defense. The decision of the Insular Collector of Customs based upon the findings and recommendations of the board, reprimanding a licensed marine officer or suspending or revoking any marine certificate on account of professional misconduct, intemperate habits, negligence or incapacity shall be final unless, within thirty days after its promulgation, an appeal is perfected and filed in the Office of the Secretary of Finance who may confirm, revoke, or modify said decision.

"Rules and regulations governing the procedure of marine investigations shall be promulgated by the Secretary of Finance.

"The Insular Collector of Customs may, with the approval of the Secretary of Finance, authorize collectors of customs to appoint boards for the purpose of investigating marine accidents or charges preferred against marine officers in their respective districts. The proceedings of such investigations together with the findings and recommendations of said board shall be submitted, through the Insular Collector of Customs, to the Board of Marine Inquiry, Manila, for final review and recommendation.

"In order to safeguard lives and properties at sea, a collector of customs may withhold clearance of any Philippine vessel whenever he has cogent motives to fear for the mental condition or capacity, whether permanent or otherwise, of her master, mate or engineer under investigation, pending the final decision thereon."