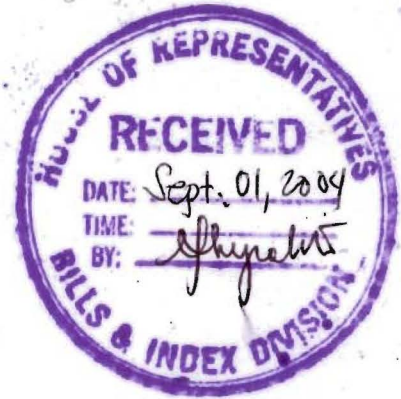


R-B 401

**Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila**

Thirteenth Congress
First Regular Session

House Bill No. **2719**



Introduced by Honorable Catalino V. Figueroa

EXPLANATORY NOTE

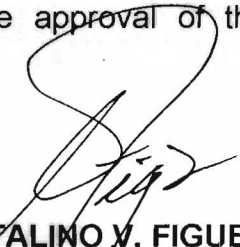
This bill seeks to provide for a Maritime Safety Act of 2004.

The Philippines have been encountering a series of maritime disasters in the last few years. The country has likewise been branded as a nation of maritime disasters with an average of 224 sea accidents. The occurrence of maritime disasters in the Philippines is relatively higher than that of Japan and Indonesia in proportion to its population of only 65 million.

In 1987, the entire nation was jolted by what was referred to as the worst maritime disaster of all times, the collision of M/V Dona Paz and M/T Vector of which the death toll rose to as high as 4,341 passengers, most of which were not listed in the passenger manifest. Another instance is the sinking of ML Gretchen sometime in February, 1996 which claimed the lives of 50 Filipinos.

In most cases, the sinking of such passenger vessels results from overloading. This bill seeks to create Maritime Safety Councils in every port of origin and imposes penalties to negligent and abusive government officials and employees and owners of un-seaworthy passenger ships and transport vessels. It is hoped that this measure will curb, if not totally stop, the recurrence of maritime disasters in the Philippines.

In view of the foregoing, the approval of this bill is strongly recommended.


CATALINO V. FIGUEROA

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

Thirteenth Congress
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House Bill No. _____

Introduced by Honorable Catalino V. Figueroa

AN ACT
CREATING A MARITIME TRANSPORT SAFETY COUNCIL IN EVERY PORT
OF ORIGIN THROUGHOUT THE COUNTRY, PROVIDING PENALTIES FOR
VIOLATION THEREOF AND APPROPRIATING FUNDS THEREFOR.

Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

SECTION 1. Title. This Act shall be known as the "Maritime Transport Safety Act of 2004 "

SECTION 2. Declaration of Policy – The State recognizes the need to accelerate the development and modernization of the maritime industry to ensure the safety of the passengers of maritime transport vessels or inter-island ferries. The State shall provide safeguards for the prevention of maritime disasters by imposing the necessary rules and regulations on maritime affairs.

SECTION 3. Definition of Terms – For the purpose of this Act, the following terms shall be defined as:

- a) Maritime Disaster – shall refer to the preventable maritime accidents that may result to the sinking of an inter-island ferry or any transport vessel causing death and injury to the passengers due to the lack of emergency facilities, maintenance or over-loading.
- b) Ship enterprises – shall refer to the corporation, company or management of any transport vessel, inter-island ferry or passenger ship, its owners or operators.
- c) Transport vessels – shall refer to the passenger ships or inter-island ferries which are used as modes of sea transportation.
- d) Safety Devices – shall refer to emergency lights, navigation lights, life vests, telescopes, fire extinguishers and other devices that are necessary to save lives in cases of emergency.
- e) Ship Maintenance – shall refer to the upgrading of all transport vessel facilities to prevent the occurrence of sea disasters.
- f) Overloading – shall refer to the loading of transport vessels of passengers and cargo in excess of its maximum allowable tonnage.

SECTION 4. Creation of Maritime Safety Council – To carry out the purposes and objectives of this Act, there is hereby created, in provinces and cities where the ports of origin are located, a Maritime Transport Safety Council, hereinafter referred to as the Council which shall coordinate, prepare,

supervise and integrate plans and programs of the government in relation to maritime affairs.

SECTION 5. Objectives of the Councils – The Council shall have the following purposes and objectives:

- a) Ensure the safety of all passengers of transport vessels;
- b) Coordinate with all maritime institutions for the effective enforcement of all laws, rules and regulations on maritime affairs;
- c) Provide and enhance the growth and development of the maritime industry; and
- d) Supervise the effective management of all government agencies with maritime affairs.

SECTION 6. Powers and Functions – The Council shall have the following powers and functions:

- a) To develop, formulate and promulgate the necessary rules and regulations, standards and/or specifications, policies or guidelines for the effective regulation of all ship enterprise;
- b) To conduct preliminary investigations and recommend to proper authorities, the prosecution of any ship enterprise, government official or employees found to have grossly violated any of the provision of this Act;
- c) To monitor on a monthly basis, all inter-island ferries, passenger ships or transport vessels to ensure that safeguards and emergency devices are in place in cases of accidents and emergency;
- d) To coordinate with the Philippine Ports Authority (PPA), the Maritime Industry Authority (MARINA) and the Philippine Coast Guard (PCG) for the issuance of safety certificates on a quarterly basis to all transport vessels and ensure the implementation of any related law, rule or regulation on maritime affairs.
- e) To prescribe disciplinary measures and provide legal forum for errant ship enterprises.
- f) To coordinate with the national government through the Secretary of Interior and Local Government and the Secretary of National Defense on the programs , policies and accomplishments of the councils.
- g) To prescribe the necessary rules and regulations, policies and guidelines for the effective implementation of this Act.
- h) To perform such other powers and functions as maybe provided for by law.

Section 7. Composition of the Councils – The Council shall have be composed of the following:

- a) Chairman – Provincial Governor of the Province where the Port of Origin is located
- b) Vice Chairman – Mayor of the City or Municipality where the Port of Origin is located.
- c) Members – Station Manager
Philippine Coast Guard (PCG)
- d) Manager
Philippine Ports Authority (PPA)
- e) Provincial Chief
Maritime Industry Authority (MARINA)
- f) Chairman
Regional Development Council

- g) Maritime Police Station Chief
Philippine National Police
- h) Station Manager
PAGASA
- i) One (1) representative from a non-governmental organization

In case the port of origin is located in Metropolitan Manila, the City Mayor and Vice Mayor shall automatically assume the Chairmanship and Vice-Chairmanship of the Council respectively.

SECTION 8. Terms of Office and Compensation – The Chairman of the Council who is also the provincial governor of the Province where the port is located, and the Mayor of the provincial capital shall serve until the expiration of their terms of office. All other members of the Council who are career service officials, except for the representative from a non-governmental organization shall serve as ex-officio members of the Council. The representative from the non-governmental organization shall serve for a term of three (3) years unless sooner removed by the Chairman for any cause: Provided, That he shall be eligible for reappointment for one (1) or more term after the expiration of his appointment. He shall be appointed by the Chairman subject to the confirmation and approval of the Council.

The Chairman and the Members of the Council who are government officials, shall not receive additional compensation for the services thereto. The representative from the non-governmental organization who is not a government official shall receive per diems: Provided, That the per diems collected every month shall not exceed One Thousand Pesos (P1,000.00) per meeting. Provided, further, That the Chairman and the Members of the Council shall be entitled to reimbursements for the actual expenses they have incurred in the attendance of meetings.

SECTION 9. Quorum – A quorum of the Council shall consist of a majority of all members holding office at the time of the meeting: Provided, however, That among those present in the meeting is the Governor who is the Chairman, and acts as the presiding officer. In case of the chairman's absence, the Vice Governor of the province where the port of origin is located shall automatically perform the duties and responsibilities of the Chairman and preside over all meetings of the Council.

The Chairman of the Council can call special meetings whenever necessary or in cases of extreme emergency such as but not limited to maritime disasters. The Council shall convene and meet every first Friday of the month.

SECTION 10. Penal Provision

- a) Any ship owner or operator of any ship enterprise who shall be found to have grossly neglected the maintenance of any transport vessels and the installation of safety devices and other emergency facilities shall be punished by a fine of not less than Twenty Thousand Pesos (P20,000.00) nor more than Fifty Thousand Pesos (P50,000.00) or by imprisonment of not less than one (1) year and one (1) day but not more than three (3) years or both such fine and imprisonment at the discretion of the Court.
- b) Any government official or employees connected or concerned with the Philippine Coast Guard (PCG), the Philippine Ports Authority (PPA), the Maritime Industry Authority (MARINA) or any other

government institution on maritime affairs who shall be found to have grossly neglected his duties and responsibilities provided for under any existing law, rule or regulation which resulted to the occurrence of a preventable maritime disaster causing injuries and/or death among its passengers, shall be punished by a fine of not less than Fifty Thousand Pesos (P50,000.00) nor more than One Hundred Thousand Pesos (P100,000.00) or by imprisonment of not less than three (3) years and one (1) day nor more than six (6) years or both such fine and imprisonment at the discretion of the Court.

- c) Any crew member of the transport vessel who shall be found to have been incompetent in the performance of his duties and responsibilities which resulted to the occurrence of a preventable maritime disaster that caused injuries and/or death among the passengers of the transport vessel shall be punished by a fine of not less than Fifty Thousand Pesos (P50,000.00) nor more than One Hundred Thousand Pesos (P100,000.00) or by imprisonment of not less than six (6) years and one (1) day nor more than twelve (12) years or both such fine and imprisonment at the discretion of the court.
- d) The overloading of any transport vessel resulting to the occurrence of a preventable maritime disaster that caused injuries and/or death among its passengers is hereby declared as a heinous crime.

Any person who shall be found to have allowed and tolerated an overloaded transport vessel to sail, shall, upon conviction, be punished by the maximum penalty of death. The ship enterprise shall likewise be liable to pay the amount of Fifty Thousand Pesos (P50,000.00) for every survivor and One Hundred Thousand Pesos (P100,000.00) for every dead victim.

If the penalty imposed is other than death, the offender, in addition to the penalty of imprisonment that maybe imposed upon him, shall be perpetually disqualified from holding any elective or appointive office in the government. If the offender is a juridical person, the President, the General Manager or any official of the shipping enterprise shall be held liable for the penalties herein provided. If the offender is an alien, he shall, after serving his sentence, be deported immediately without any further proceedings.

SECTION 11. Government Agencies on Maritime Affairs – The Philippine Coast Guard (PCG), the Philippine Ports Authority (PPA), the Maritime Industry Authority (MARINA) and all other government agencies on maritime affairs shall continue to exercise their powers and functions. The Council shall only coordinate with such government agencies with regard to the prevention of maritime disasters and the promotion and development of the maritime industry.

SECTION 12. Staff Support – The council shall determine the number of personnel needed for the effective implementation of this Act. All the appointments shall be made by the Chairman subject to any existing civil service law, rule or regulation.

SECTION 13. Rules and Regulations – The Department of Interior and Local Government (DILG) in coordination with the Governor's League of the Philippine (GLP), the Philippine Coast Guard (PCG), The Philippine Ports Authority (PPA) and the Maritime Industry Authority (MARINA) shall,

within ninety (90) days, take the necessary steps for the establishment of the Councils.

The Councils shall, within one hundred twenty (120) days from its establishment, issue the necessary rules and regulations for the effective implementation of this Act.

SECTION 14. Appropriations – The amount necessary for the establishment of the Maritime Transport Safety Councils shall be charged to any funds in the National Treasury not otherwise appropriated and made available for any purposes. Thereafter, such sum as maybe necessary for the continued operations of the Councils shall be included in the annual budget of the local government unit concerned.

SECTION 15. Annual Report – The Councils shall submit to the President of the Philippines and to the Congress of the Philippines annual reports on its operations and accomplishments.

SECTION 16. Separability Clause – In the event that any portion of this Act is declared invalid or unconstitutional, the other portions not affected thereby shall remain in full force and effect.

SECTION 17. Repealing Clause – All laws, presidential decrees, executive orders, rules and regulations or any other issuances or parts thereof inconsistent with this Act are hereby repealed or amended accordingly.

SECTION 18. Effectivity – This Act shall take effect fifteen (15) days following its complete publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,