

HOUSE OF REPRESENTATIVES

House Bill No. **1888**

Introduced by Representative Ben P. Evardone

EXPLANATORY NOTE

Environmental protection has been one of the fastest growing concerns of countries around the globe. This is not surprising as we experience now, more than ever, the harmful and inconvenient results of humanity's abuse of the gift of the earth and of our continued negligence.

At present, we Filipinos are left with just remnants of what once were sprawling rainforests in the country. Unfortunately, our marine environment is going through the same fate. And things are getting worse by the second, to think that we have always been regarded as "the center" of marine biodiversity in the world.

What is seen to be one of the major causes of marine degradation is ship pollution, which is the pollution of air and water induced by the shipping industry. According to the international environmental organization Greenpeace, pollution caused by ships account to 12% of the total marine pollution.

Though the Philippines is a signatory of the Protocol of 1978 Relating to the International Convention for the Prevention of Pollution From Ships of 1973, otherwise known as MARPOL 73/78, we do not have a national legislation to implement the results of this convention. This bill aims to be that legislation.

This bill specifically charges the Department of Transportation and Communication (DOTC) to be the primary government agency to enforce and carry out this Act, which provides guidelines on the different types of ship generated pollution such as oil pollution, pollution from chemicals carried in bulk, pollution from packaged goods, pollution from sewage, pollution from garbage and air pollution from ships. It also intends to eliminate intentional pollution of the seas with oil and other harmful substances and to mitigate accidental discharge of such substances. More importantly, it details fines and administrative sanctions for violations of these measures.

It is predicted that if the pollutions cause by water vessels if not palliated, by 2020, they will already exceed those from the land based.

In view of the foregoing, immediate enactment of this bill is earnestly sought.



BEN P. EVARDONE
Representative, Lone District of Eastern Samar

HOUSE OF REPRESENTATIVES

House Bill No. **1888**

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AN ACT
TO PREVENT AND CONTROL POLLUTION FROM SHIPS, PROVIDE
PENALTIES THEREFOR, AND FOR OTHER PURPOSES

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

CHAPTER I
GENERAL PROVISIONS

SECTION 1. *Short Title.* This Act shall be known as the 'Ship Pollution
Prevention and Control Act of 2010.'

SEC. 2. *Declaration of policy.* It is hereby declared the policy of the State
to prevent and control pollution resulting from the operations of ships, which
create hazards to human health, harm and destroy living resources and marine life,
damage amenities, or interfere with the legitimate uses of the territorial waters
and the exclusive economic zone of the Philippines.

CHAPTER II
DEFINITION OF TERMS

SEC. 3. *Definition of Terms.* As used in this Act:

- (a) "Department" means the Department of Transportation and Communications (DOTC);
- (b) "Discharge" means, in relation to harmful substances or effluents containing such substances, any release, however caused, from a ship, and includes any escape, disposal, dumping, spilling, leaking, pumping, emitting or emptying;
- (c) "En route" means that the ship is under way at sea on a course, or courses, which so far as practicable for navigational purposes will cause any discharge to be spread over as great an area of the sea as is reasonably practicable;
- (d) "Exclusive Economic Zone" means such areas as defined in the United Nations Convention on the Law of the Sea of 1982 that extends beyond and adjacent to the territorial sea of the Philippines as that definition may be affected by other regional or international treaties to which the Philippines is a party.
- (e) "Harmful substance" means any substance which, if introduced into the sea, is liable to create hazards to human health, to harm living resources and marine life, to damage amenities or to interfere with other legitimate uses of the sea, as may be declared harmful or hazardous to human and marine life under the laws of the Philippines, and includes any substance subject to control under this Act;
- (f) "Incident" means an event involving the actual or probable discharge into the sea of a harmful substance, or effluents containing such a substance;
- (g) "Marine Casualty" means any accident at sea involving a ship which could result in an incident;

- (h) "Nearest land means from the baseline from which the territorial sea of the territory in question is established in accordance with international law;
- (i) "Oil tanker" means a ship constructed or adapted primarily to carry oil in bulk in its cargo spaces and includes combination carriers and any "chemical tanker" as defined hereunder when it is carrying a cargo or part cargo of oil in bulk;
- (j) "Philippine Ship" means a ship registered under the laws of the Republic of the Philippines and entitled to carry the flag of the Philippines;
- (k) "Reception facility" means any facility used for the reception of oil, noxious liquid substances, sewage or garbage from ships at a port or terminal;
- (l) "Secretary" means the Secretary of the Department of Transportation and Communications (DoTC);
- (m) "Segregated ballast" means the ballast water introduced into a tank which is completely separated from the cargo oil and oil fuel system and which is permanently allocated to the carriage of ballast or to the carriage of ballast or cargoes other than oil or noxious substances as defined in this Act.
- (n) "Ship" means a vessel of any type operating in the marine environment and includes, without limitation, pleasure craft, fishing vessels, hydrofoil boats, air-cushion vehicles, submersibles, floating craft, drilling rigs, and fixed or floating platforms.
- (o) "Special Area" means a sea area designated as such pursuant to this Act where, for recognized technical reasons in relation to its oceanographic and ecological condition and to the particular character of its traffic, the adoption of special mandatory methods for the prevention of sea pollution is required;
- (p) "Ship owner" means the registered owner of the ship or any person who has assumed the operations of the ship;
- (q) "Tank" means an enclosed space which is formed by the permanent structure of a ship and which is designed for the carriage of liquid in bulk.
- (r) "Territorial Waters" means in respect of the Republic of the Philippines has the same meaning as in the Philippine Constitution; and in respect of any other State means the territorial sea of that State as recognized in international law;
- (s) "Undue delay" means a delay that is unreasonable and unnecessary in light of the particular conditions of the ship, the ship's cargo, destination and schedule, and in light of the purpose and scope of the investigation, inspection or other cause for detaining the ship

CHAPTER III SCOPE AND APPLICATION

SEC. 4. *Scope and Application of the Act.* (a) Unless otherwise specified, this Act shall apply to:

- (1) All Philippine registered ships;
 - (2) All ships operating within the territorial waters or Exclusive Economic Zone of the Philippines;
- (b) With respect to the application of this Act to ships of States which are not MARPOL 73/78 member States, no more favorable treatment shall be given to such ships than is provided for under this Act.

SEC. 5. *Exemptions.* This Act shall not apply to warships and naval auxiliary ships; *Provided*, that, government ships shall be exempted from the coverage of this Act during emergency response cases; *Provided, further*, that the Maritime Industry Authority (MARINA), Philippine Coast Guard (PCG), Philippine Ports Authority (PPA) and other concerned agencies shall ensure that appropriate measures shall be adopted, not impairing the operational capabilities

1 of such ships, that such ship operates in a manner consistent, so far as is
2 reasonable and practicable, with this Act.

3 4 CHAPTER IV 5 INSTITUTIONAL ARRANGEMENTS

6
7 SEC. 6. *Roles and Responsibilities of the Department.* Unless otherwise
8 provided in this Act, the Department, through its attached agencies, shall be the
9 primary government agency responsible for the implementation and enforcement
10 of this Act. Specifically, the Department shall have the following roles and
11 responsibilities:

- 12 (a) Oversee the implementation of this Act and coordinate the efforts of
13 concerned agencies;
- 14 (b) In coordination with the Department of Environment and Natural
15 Resources (DENR), the Department of Agriculture (DA), Department of
16 Interior and Local Government (DILG) and other relevant agencies and
17 stakeholders, formulate a comprehensive program to prevent or
18 minimize marine pollution from ships;
- 19 (c) Constitute the Marine Pollution Adjudication Board (MPAB) to handle
20 marine pollution incidents and casualties covered by this Act subject to
21 Section 60 hereof;
- 22 (d) Hear and decide administrative violations of this Act and impose
23 appropriate sanctions;
- 24 (e) Reorganize or streamline the functions of its different line, staff and
25 attached authorities, agencies or bureaus for purposes of the effective
26 and efficient implementation of the provisions of this Act; and,
- 27 (d) Exercise such powers and perform such other functions as may be
28 necessary to carry out its duties and responsibilities under this Act.

29
30 SEC. 7. *Maritime Industry Authority (MARINA).* For purposes of this
31 Act, the MARINA shall perform the following duties and functions:

- 32 a) Formulate guidelines for approval of ships' plans for installation of any
33 fitting, material, appliance or apparatus deemed appropriate and
34 effective for the prevention of any discharge of pollutant to be fitted in a
35 ship in consonance with MARPOL 73/78.
- 36 b) Review and revise, where appropriate, the existing system of
37 certification, survey, inspection and monitoring of ships, including
38 registration of fixed, floating and drilling rigs and other platforms, with
39 respect to pollution prevention to ensure efficiency and transparency,
40 consistent with the overall management of the maritime sector and in
41 accordance with this Act and internationally accepted system;
- 42 c) Survey the ship's structure, equipment, fittings, arrangements and
43 materials in compliance with the requirements and guidelines for
44 purposes of preventing pollution from ships;
- 45 d) Issue the required certification upon survey of the ship's structure,
46 equipment, fittings, arrangements and materials;
- 47 e) Modify, suspend or revoke at any time, upon notice and hearing, any
48 certificate, it may have issued to any ship owner;
- 49 f) Recommend detention ships in accordance with Section 56 hereof;
- 50 g) Hear and adjudicate any violation of rules and regulations of the
51 MARINA issued for the implementation of functions of MARINA
52 pursuant to this Act;
- 53 h) Impose such fines and penalties on, including the revocation of
54 certifications of ships which shall fail to comply with requirements
55 under this Act and its implementing rules and regulations;
- 56 i) Impose, fix, collect and receive, in accordance with the schedules
57 approved by its Board, such fees necessary for the survey and
58 certification of ships pursuant to this Act. Such fees shall be imposed
59 and collected in order to recover the cost for rendering the service and
60 shall not be used in order to impose a penalty. Excessive fees, multiple
61 fees and duplicative fees shall at all times be avoided.

- j) Issue such rules and regulations necessary to implement the provisions of this Act: Provided, That such rules and regulations shall be in consonance with the MARPOL 73/78 and shall not change or in any way amend or be contrary to the intent and purposes of this Act
- k) Provide its officers and personnel with adequate training and continuing education to ensure an efficient and professional pollution regulatory machinery;
- l) Exercise such powers and perform such other functions as may be necessary to carry out its duties and responsibilities under this Act.

SEC. 8. *Philippine Coast Guard (PCG)*. For purposes of this Act, the PCG shall perform the following duties and functions:

- a) Establish a system of inquiry and investigation on incidents for the purpose of preliminary determination of violation of this Act;
- b) Detain ships in accordance with Section 56 hereof;
- c) Establish procedures for reporting incidents involving any actual or probable discharge which may be in violation of this Act consistent with the reporting requirements under this Act;
- d) Survey the ship's structure, equipment, fittings, arrangements and materials in compliance with the requirements and guidelines for purposes of issuance of International Oil Pollution Prevention Certificate (IOPPC) and Oil Pollution Prevention Certificate (OPPC);
- e) Evaluate and approve shipboard oil pollution emergency plan;
- f) Issue and inspect oil record book;
- g) Upon inquiry or investigation, cause or recommend regulatory or other appropriate actions to be taken in connection with any violation of the provisions of this Act;
- h) Cooperate with government of other states which are members of international organizations on the prevention of pollution from ships concerning the detection of violations and enforcement of this Act using all appropriate and practicable measures of detection and environmental monitoring, adequate procedures for reporting and accumulation of evidence;
- i) Provide its officers and personnel with adequate training and continuing education to ensure an efficient and professional pollution regulatory machinery;
- j) Based on the physical, chemical and biological properties of harmful substances, PCG shall adopt appropriate measures to regulate the washing of leakage overboard, provided, that the compliance with such measure would not impair the safety of the ship and persons on board.
- k) Adopt a continuing information campaign on marine resources protection aimed at developing public awareness of the health hazards and other adverse effects of ship pollution;
- l) Exercise such powers and perform such other functions as may be necessary to carry out its duties and responsibilities under this Act.

SEC. 9. *Authority to Board and Inspect Ships*. In cases of marine disaster within the territorial waters, or any substantial threat to public health and the marine environment, including but not limited to coastal and aquatic resources due to a discharge, or an imminent discharge, of large quantities of oil, noxious liquid substance or other harmful substances from ships, the PCG may (a) coordinate and direct all efforts towards the removal or elimination of such a threat, and (b) summarily remove, by whatever means available, such ship which causes the threat.

Other than the circumstances stated in the first paragraph, the PCG is authorized to board, inspect and survey any ship within the territorial sea and the exclusive economic zone (EEZ) of the Philippines, enter port facilities in the Philippines, demand the production of documents, records and other evidence, and take testimony of witnesses under oath, for the purpose of verifying compliance with this Act.

SEC. 10. *Philippine Ports Authority (PPA) and other port authorities.* For purposes of this Act, the PPA and other port authorities shall perform the following duties and functions:

- a) Provide adequate reception facilities for oil, oily wastes, oil residues, noxious and liquid substances, harmful substances, sewage and garbage from ships;
- b) Recommend detention of ships in accordance with Sec. 56;
- c) Issue detailed requirements on packing, marking, labeling, documentation, stowage, quantity limitations and exceptions for preventing or minimizing pollution of the marine environment by harmful substances from ships;
- d) Determine and establish the most effective and efficient means for meeting the internationally accepted requirements with respect to reception facilities in public and private ports;
- e) Formulate and implement integrated waste management systems in ports;
- f) Coordinate with DENR and concerned local government units (LGU) on the proper handling and disposal of wastes collected at ports;
- g) Exercise such powers and perform such other functions as may be necessary to carry out its duties and responsibilities under this Act.

SEC. 11. *Department of Environment and Natural Resources (DENR).* For purposes of this Act, the DENR shall have the following powers and functions:

- a) Constitute and lead the interagency committee concerning the designation of special areas in accordance with Section 59 hereof;
- b) Issue guidelines for the identification of harmful substances in packaged form. For the purposes of this item, "harmful substances" are those substances which are identified as marine pollutants by the DENR in consonance with international standards; and,
- c) Set emission standards for ships.

SEC. 12. *Role of Local Government Units.* All local government units shall, pursuant to the pertinent provisions of the Local Government Code, assist in implementing and enforcing this Act within their territorial jurisdictions.

CHAPTER V PREVENTION OF POLLUTION FROM SHIPS Article 1. - General Provisions

SEC. 13. *General Guidelines.* - The MARINA shall formulate guidelines concerning the utilization of any fitting, material, appliance or apparatus deemed appropriate and effective for the prevention of any discharge of pollutant to be fitted in a ship in consonance with the MARPOL 73/78.

SEC. 14. *Reception Facilities.* - Port authorities shall ensure the provision of adequate port reception facilities for wastes from ships, and in so doing: (a) determine and establish the most effective and efficient means for meeting the internationally accepted requirements with respect to reception facilities in public and private ports; (b) formulate and implement integrated waste management systems; and (c) coordinate with DENR and concerned LGUs on the proper handling and disposal of wastes collected at ports.

Such facilities shall have adequate capacity to meet the needs of the ships using them without causing undue delay.

SEC. 15. *Shipboard Garbage Management System.* - All ships shall adopt and implement their shipboard garbage management system ensuring that oil residues, sewage and solid wastes are properly disposed of in compliance with National Safety Management Code, or for ships trading internationally, in compliance with International Safety Management Code. All ships shall put up and maintain appropriate on-board containers, holding tanks or receptacles for oil residues, sewage and solid wastes.

SEC. 16. *Mandatory Disposal of Wastes at Reception Facilities.* - Upon docking, it is mandatory for all ships to dispose of their oil residues or oily mixture, sewage wastes and garbage at the authorized reception facilities subject to the integrated waste management system to be established by port authorities.

SEC. 17. *Survey* -MARINA, in coordination with relevant agencies, shall survey all ships to ensure compliance with its regulations and requirements on the structure, equipment, fittings, arrangements and materials for purposes of preventing pollution by oil, oily mixture, oil residues, noxious and liquid substances harmful substance, sewage and garbage from ships. For this purpose, MARINA shall establish a system in conducting the survey of ships in consonance with the MARPOL 73/78. Except for direct replacement, no change in the ship's structure, equipment, fittings, arrangements and materials shall be made without the approval of MARINA.

SEC. 18. *Certification for Compliance.* - MARINA shall issue the necessary certification for compliance of ships with the regulations and requirements on the structure, equipment, fittings, arrangements and materials for purposes of preventing pollution by oil, oily mixture, oil residues, noxious and liquid substances harmful substance, sewage and garbage from ships.

SEC. 19. *Immediate Report of an Accident.* - Whenever an accident occurs to a ship or a defect is discovered which substantially affects the integrity of the ship or the efficiency or completeness of its equipment covered by the rules and regulations of the PCG, the master or the ship owner shall report such incident immediately to the PCG.

SEC. 20. *Obligations of the ship owner.* - The ship owner is required to:

- (a) Install appropriate devices or facilities on board ships for the storage or processing of waste, such as oil, noxious liquid substances, garbage and sewage, as may be required by regulations issued by the concerned agencies pursuant to this Act;
- (b) Comply with requirements as to the carriage of harmful substances in packaged form as may be required by regulations issued by the concerned agencies pursuant to this Act;
- (c) Obtain appropriate certificates required by the concerned agencies pursuant to this Act;
- (d) Follow procedures or take action for the prevention of pollution from ships as may be required by regulations issued by the concerned agencies pursuant to this Act;
- (e) Notify the PCG of any incident involving its ship or other ships in accordance with regulations issued pursuant to this Act;
- (f) Undergo immediate cleaning operations in the event of oil spill within the country's territorial sea pursuant to applicable laws.

Article 2. - Pollution by Oil, Oily Mixture, Oil Residues

SEC. 21. *Discharge of Oil, Oily Mixture, and Oil Residues.* - Any discharge into territorial waters or Exclusive Economic Zone of the Philippines of oil or oily mixture from or out of any ship, vessel, barge, or any other floating craft, or other man-made structures at sea, by any method, means or manner, is prohibited, except in the following instances:

- (a) when the discharge is necessary for the purpose of securing the safety of a ship and those on board or saving life at sea; or
- (b) if the discharge into the sea of oil or oily mixture results from damage to ship or its equipment, provided that all reasonable precautions have been taken after the occurrence of the damage or the discovery of the discharge for the purpose of preventing or minimizing the discharge; and except if the owner or the master acted either with intent to cause damage, or recklessly and with knowledge that damage would probably result; or

(c) if the discharge is for the purpose of combating specific pollution incidents in order to minimize the damage from pollution.

The MARINA shall issue guidelines on allowable discharge of oil, oily mixture and oil residues and requirements relating to the prevention of pollution by oil from ships including, but not limited to, retention of oil, oily wastes and oil residues or sludge, shipboard oil pollution emergency plan, unloading arrangements, consistent with the provisions of this Act and in consonance with the MARPOL 73/78.

SEC. 22. *Discharge of Clean or Segregated Ballast or Unprocessed/Processed Oily Mixtures.* - Prohibition provided for in the preceding section shall not apply to the discharge of clean or segregated ballast or unprocessed oily mixtures which without dilution have oil content within the allowable standards under applicable laws and which do not originate from cargo pump-room bilge and are not mixed with oil cargo residues. The prohibition shall not also apply when the ship has in operation adequate oil filtering equipment required under this Act.

SEC. 23. *On-board Retaining and Discharge to Reception Facility of Oil Residues.* - Oil residues prohibited to be discharged from ships under the two immediately preceding sections shall be retained on board and discharged to reception facilities in accordance with this Act.

SEC. 24. *Oily-Water Separating Equipment and Oil Discharge Monitoring and Control System.* - For existing ships and ships of less than 400 tons gross tonnage, alternative equipment or system approved by MARINA may be provided in lieu of the oily-water separating equipment or unit. All new ships of 400 gross tons and above shall be equipped with efficient oily-water separating equipment or unit. *Provided,* that ships of 10,000 gross tons and above shall be fitted with oil discharge monitoring and control system and oil filtering equipment, in addition to oily-water separating equipment.

SEC. 25. *Oil Record Book.* - All oil tankers and other passenger-cargo vessels above 400 gross tons shall be provided on board with an Oil Record Book which shall be maintained and up-dated every after any reception or transfer operation of oil on board.

Article 3. - Pollution by Noxious and Liquid Substances in Bulk

SEC. 26. *Discharge of Noxious or Liquid Substances.* -Any discharge of noxious liquid substances into territorial sea or on the bank of territorial sea whether or not the same shall float or be washed into such water is prohibited except in cases provided for under first paragraph of Section 21, and subject to the conditions provided under this section and the rules and regulations issued by MARINA pursuant to this Act.

The rules and regulations on allowable discharge of noxious or liquid substances to be issued by MARINA, in coordination with relevant agencies, shall take into account the MARPOL Convention and shall be subject to public hearing and consultation. Such rules and regulations shall be reviewed five (3) years following the effectivity of this Act, and every three (3) years thereafter or whenever it is deemed necessary to protect the marine environment and public health.

SEC. 27. *Cargo Record Book.* - Every ship under this article shall be provided with a Cargo Record Book, whether as part of the ship's official log-book or otherwise, in the form to be specified by MARINA.

Article 4. - Carriage of Harmful Substances in Packaged Form

SEC. 28. *Discharge of Harmful Substances in Packaged Form.* Any discharge by jettisoning of harmful substances carried in packaged forms, freight containers, portable tanks, or road and rail tank wagons into territorial sea, or on the bank of territorial sea, whether or not the same shall float or be washed into such water is prohibited except in cases provided for under the first paragraph of Section 21.

SEC. 29. *Carriage of Harmful Substances in Packaged Form.* - The carriage of harmful substances in packaged forms, or in freight containers, portable tanks or road and rail tank wagons is prohibited except in accordance with Republic Act No. 6969 and other applicable laws, rules and regulations.

For the purposes of this article, "harmful substances" are those substances which are identified as marine pollutants by the DENR in consonance with international standards.

SEC. 30. *Guidelines for the identification of harmful substances.* For purposes of this Act, the DENR shall issue guidelines for the identification of harmful substances in packaged form taking into account the following criteria:

- (a) bio-accumulated to a significant extent and known to produce a hazard to aquatic life or to human health;
- (b) bio-accumulated with attendant risk to aquatic organisms or to human health with a short retention of the order of one week or less;
- (c) liable to produce tainting of seafood; and
- (d) highly toxic to aquatic life, defined by a LC50/96 hour less than 1 ppm.

SEC. 31. *Packing, marking, labelling documentation, stowage, quantity limitations and exceptions.* - The PPA shall issue detailed requirements on packing, marking, labeling, documentation, quantity limitations and exceptions for preventing or minimizing pollution of the marine environment by harmful substances from ships. Such packing, marking, labeling, documentation, quantity limitations and exceptions of harmful substances shall be undertaken by the shipper in coordination with the shipping company. The PCG shall issue detailed requirements on stowage of harmful substances,

SEC. 32. *Washing of Leakage Overboard.* - Based on the physical, chemical and biological properties of harmful substances, PCG shall adopt appropriate measures to regulate the washing of leakage overboard; *Provided*, that the compliance with such measure would not impair the safety of the ship and persons on board.

Article 5. - Pollution by Sewage and Garbage from Ships

SEC. 33. *Discharge of sewage.* - The discharge of sewage into territorial, or on the bank of territorial water, whether or not the same shall be washed into such navigable water, is prohibited, except in the following cases, in addition to exceptions provided for in the first paragraph of Section 21:

- (a) the sewage escaped from the ship in consequence of unintentional damage to the ship or its equipment, and all reasonable precautions are taken before and after the occurrence of the damage for the purpose of preventing or minimizing the discharge;
- (b) the ship is discharging comminuted and disinfected sewage at a distance of more than four (4) nautical miles from the nearest land, or sewage which is not comminuted or disinfected at a distance of more than twelve (12) nautical miles from the nearest land; *Provided*, that in any case, the sewage that has been stored in holding tanks shall not be discharged instantaneously at a moderate rate when the ship is *en route* and proceeding at not less than 4 knots; the proper rate of discharge shall be approved MARINA based on international standards; and,
- (c) the ship has in operation an approved sewage treatment plant or alternative arrangements to meet the operational requirements of the

1 PCG and other concerned agencies issued pursuant to this Act and other
2 applicable laws.

3
4 SEC. 34. *Marine Sewerage Sanitation Devices*. All new ships, certified to
5 carry more than 50 persons or new ships of 200 gross tonnage and above shall be
6 provided with marine sewage sanitation devices and sewage treatment plant
7 system in accordance with the rules and regulations or guidelines issued by the
8 DENR. For existing ships of 200 gross tonnage and above and carrying more than
9 50 persons, they may utilize and maintain holding tanks unless otherwise
10 disallowed under this Act and subject to such rules and regulations as may be
11 prescribed by the DENR.

12
13 SEC. 35. *Disposal of Garbage*. - Except in cases provided under this Act,
14 the disposal into territorial water, or tributary, or on the bank of territorial and
15 tributary of any navigable water, whether or not the same shall float or be washed
16 into such navigable water, of garbage is prohibited. All garbage from ships shall
17 be disposed of to port reception facilities.

18
19 SEC. 36. *Garbage Comminuter and Grinder*. - The disposal into the sea of
20 garbage may be permitted when it has passed through a comminuter or grinder,
21 whenever possible, and made, as far as practicable, from the nearest land subject
22 to rules and regulations issued by the PCG pursuant to this Act and in consonance
23 with the MARPOL Convention.

24 25 **Article 6. -Air Pollution from Ships**

26
27 SEC. 37. *Ozone Depleting Substances*. Any deliberate emission of ozone
28 depleting substances (ODS) shall be prohibited. Deliberate emissions include
29 emissions occurring in the course of maintaining, servicing, repairing or disposing
30 of systems or equipment, except minimal releases associated with the recapture or
31 recycling of an ODS; *Provided*, that emissions resulting from leaks are likewise
32 prohibited. For purposes of regulating emission of ODS from ships, the DENR, in
33 coordination with relevant agencies, shall issue appropriate guidelines in
34 consonance with the MARPOL 73/78; *Provided*, that port authorities shall ensure
35 that port reception facilities and equipment shall be adequate to receive and
36 manage ODS and equipments containing ODS, when removed from ships.

37
38 SEC. 38. *Setting allowable standards*. The DENR shall formulate and
39 issue allowable emission standards for ships in consonance with the MARPOL
40 73/78 and subject to public consultation.

41 42 **CHAPTER VI** 43 **PREVENTION OF POLLUTION FROM FIXED AND** 44 **FLOATING DRILLING RIGS AND OTHER PLATFORMS**

45
46 SEC. 39. *Applicable Requirements for Offshore Platform*. - Fixed and
47 floating drillings rigs when engaged in the exploration, exploitation and
48 associated offshore processing of seabed mineral resources and other platforms
49 shall comply with the requirements of this law applicable to ships of 400 gross
50 tonnage and above other than oil tankers, subject to the requirements and
51 guidelines issued by the concerned agencies pursuant to this Act and in
52 consonance with MARPOL 73/78. ..

53
54 SEC. 40. *Offshore Platform Discharges of Garbage*. - The disposal of sewage and
55 garbage from fixed and floating drillings rigs referred by the immediately
56 preceding section, and from all other ships when along or within 500 meters of
57 such platforms, is prohibited; *Provided*, that the disposal into navigable water of
58 food wastes may be permitted when they have been passed through a comminuter
59 or grinder from such platforms located more than 12 nautical miles from the land
60 and all other ships when along or within 500 meters of such platforms in
61 accordance with the rules and regulations issued therefor.

CHAPTER VII
PROHIBITED ACTS AND ADMINISTRATIVE SANCTIONS

SEC. 41. *Discharge of Oil, Noxious or Liquid Substances and Other Harmful Substances.* Unless otherwise allowed under this Act, no person shall discharge, or cause the discharge of oil, noxious or liquid substances and other harmful substances, as defined in this Act, from or out of any ship by any method, means or manner, into the Philippine waters or EEZ. The Secretary shall impose a fine of not exceeding Ten Million pesos (Php 10,000,000.00) without prejudice to the filing of the appropriate criminal cases under applicable laws.

SEC. 42. *Dumping of Garbage or Sewage.* Unless otherwise allowed under this Act, no person shall discharge, throw or dump, or permit the discharge, throwing or dumping of garbage or sewage, from or out of any ship by any method, means or manner into the into Philippines waters or EEZ. The Secretary shall impose a fine of not exceeding Ten Million pesos (Php 10,000,000.00) without prejudice to the filing of the appropriate criminal cases under applicable laws.

SEC. 43. *Carriage of Harmful Substances in Packaged Form.* - Any ship which carries harmful substances in packaged forms, or in freight containers, portable tanks or road and rail tank wagons in violation of this Act shall be punished by a fine of not exceeding Ten Million pesos (Php 10,000,000.00) to be imposed by the Secretary on the either or both the ship owner and shipper.

SEC. 44. *Absence of Shipboard Garbage Management System.* Any ship without a shipboard garbage management system shall be liable for a fine of not exceeding One Hundred Thousand pesos (Php100,000.00) to be imposed by the Secretary.

SEC. 45. *Refusal to Dispose Wastes at Reception Facilities.* - Unless allowed under this Act, any ship which refuses to dispose of oil residues or oily mixture, sewage wastes and garbage at the authorized reception facilities shall be liable for a fine not exceeding One million pesos (Php1,000,000.00) to be imposed by the port authority.

SEC. 46. *Unauthorized change in the ship's structure, equipment, fittings, arrangements and materials.* - Unless authorized under this law, any ship owner who made, or cause the making of changes in the structure, equipment, fittings, arrangements and materials of the ship without the approval of MARINA shall be punished by a fine of not exceeding One Hundred Thousand pesos (Php100,000.00) to be imposed by the Administrator of MARINA.

SEC. 47. *Operating without the required certification.* - Any ship owner who shall allow the ship to operate without the required certification pursuant to this Act shall be liable for a fine of not exceeding One million pesos (Php1,000,000.00) to be imposed by the Administrator of MARINA.

SEC. 48. *Failure to Report an Accident.* - Any ship owner who fails to report an accident that occurs to a ship or a defect that is discovered which substantially affects the integrity of the ship or the efficiency or completeness of its equipment to the PCG within twenty four (24) hours shall be punished by a fine of not exceeding One million pesos (Php1,000,000.00) to be imposed by the PCG Commandant.

SEC. 49. *Absence of Oily- Water Separating Equipment and Oil Discharge Monitoring System.* - Any ship without an oily-water separating equipment or unit, or Oil Discharge Monitoring system, when required under this Act, shall be liable for a fine not: exceeding Ten Million pesos (Php 10,000,000.00) to be imposed by the Administrator of MARINA.

1 SEC. 50. *Failure to Maintain an Oil Record Book.* - Any oil tanker or
2 passenger-cargo vessels above 400 gross tons which does not maintain an updated
3 Oil Record Book on board shall be penalized with a fine not exceeding One
4 Hundred Thousand pesos (Php100,000.00) to be imposed by the Commandant of
5 PCG.
6

7 SEC. 51. *Failure to Maintain Cargo Record Book.* - Any ship which does
8 not maintain an Cargo Record Book on board shall be penalized with a fine not
9 exceeding One Hundred Thousand pesos (Php100,000.00) to be imposed by the
10 Commandant of PCG.
11

12 SEC. 52. *Absence of Marine Sewage Sanitation Device or Sewage*
13 *treatment Plant System.* - Unless allowed under this Act, any ship without a
14 marine sewage sanitation device or sewage treatment plant system shall be liable
15 for a fine of not exceeding One million pesos (Php1,000,000.00) to be imposed by
16 the Administrator of MARINA.
17

18 SEC. 53. *Deliberate Emission of Ozone Depleting Substances.* - Any
19 person who causes the deliberate emission of ozone depleting substapces (ODS)
20 shall be penalized by a fine not exceeding Ten Million pesos (Php 10,000,000.00)
21 to be imposed by the Secretary.
22

23 SEC. 54. *Continuing Violation.* Where an offense under this Act is a
24 continuing one, every person who commits that offense, in addition to any other
25 liability, is liable to a fine or fifty thousand pesos (P50,000.00) for every day or
26 part thereof during which the offence continues.
27

28 SEC. 55. *Obstruction of Investigation.* - Any person who shall, without
29 justifiable reason, obstruct or hamper the conduct of investigation of a violation of
30 this Act, shall be liable to pay a fine not exceeding One hundred thousand pesos
31 (P100,000).
32

33 SEC. 56. *Neglect of Duty.* - Any government official or employee charged
34 with the responsibility of implementing the provisions of this Act, who is found
35 guilty of gross negligence of duty or connives with or permits the commission of
36 any violation of this Act, shall be dismissed from the service without possibility
37 of reinstatement and without prejudice to the filing of the appropriate criminal
38 and/or administrative cases in court.
39

40 SEC. 57. *Arrest and Detention of Foreign Shlps.* -Any ship apprehended
41 for violation of this Act may be subjected to arrest and detention to be undertaken
42 by the PCG in coordination with MARINA.
43

44 SEC. 58. *Violations of Administration Regulations.* Any person found in
45 violation of rules and regulations issued by concerned agencies pursuant to this
46 Act shall be liable to the following fines:

47 (1) First violation - a fine not to exceed One hundred thousand pesos
48 (Php100,000.00);

49 (2) Second violation - a fine more than One hundred thousand pesos
50 (Php100,000.00) but not to exceed Two hundred thousand pesos
51 (Php200,000.00);

52 (3) Third violation - a fine of at least Two hundred thousand pesos
53 (P200,000.00) but not to exceed One million pesos (Php1,000,000) and
54 suspension of vessel registration for six (6) months to one (1) year;

55 (b) MARINA may order the cancellation or revocation of the license or
56 seaman's book of any ship captain or crew who has committed more than three
57 violations under this Act.

58 (c) The concerned agency shall promulgate rules and regulations for the
59 summary imposition of administrative sanctions for failure to comply with any
60 order, decision, rules or regulations of the Department issued pursuant to this Act.
61

SEC. 59. *Automatic Adjustment of Penalties and Fines.* - The fines prescribed in this Act shall be automatically increased by ten per cent (10%) every three (3) years from the effectivity of this Act.

CHAPTER VIII MISCELLANEOUS PROVISIONS

SEC. 60. *Designation of Special Areas.* A committee is hereby created for purposes of designating special areas defined under this Act in territorial waters and EEZ. The committee shall be composed of the following:

- a) The Secretary of the DENR or its duly authorized representative, as Chairperson;
- b) The Secretary of the DOTC or its duly authorized representative, as Cochairperson;
- c) The Secretary of the Department of Agriculture or its duly authorized representative;
- d) The Secretary of the Department of Foreign Affairs or its duly authorized representative;
- e) The Commandant of the PCG;
- f) The Administrator of MARINA;
- g) Representative of the shipping industry; and
- h) President of the League of Municipalities of the Philippines.

The special area shall be designated consistent with the requirements of MARPOL 73/78 and taking into account the area's oceanographic and ecological condition and the particular character of its traffic. The committee shall adopt special mandatory methods for the prevention of pollution from ships in the designated areas.

SEC. 61. *Marine Pollution Adjudication Board.* There is hereby constituted a Marine Pollution Adjudication Board under the Office of the Secretary. The Board shall be composed of the Secretary as Chairman, two (2) Undersecretaries as may be designated by the Secretary; the Administrator of MARINA, and the Commandant of the PCG. The Board shall handle adjudication of marine pollution incidents and casualties falling under Sections 41, 42, 43 and 44 hereof.

SEC. 62. *Marine Management Fund.* - There is hereby established a Marine Management Fund to be administered by the Department as a revolving fund to support research, enforcement and monitoring activities and capabilities of the Department and its attached agencies in the implementation of this Act. The fund shall be sourced from the fees, charges, fines imposed herein, donations, endowments, administrative fees, and grants in the form of contributions; *Provided*, that the fund shall likewise be utilized for the containment, removal, and clean-up operations of PCG in all oil pollution cases, including those covered under the Oil Pollution Compensation Act. For this purpose, the Oil Pollution Management Fund created under the Oil Pollution Act shall form part of the Marine Management Fund, subject to the following conditions:

1. All fines imposed pursuant to the Oil Pollution Compensation Act shall accrue to the Marine Management Fund;
2. All grants, donations, endowment from various sources and amounts specifically appropriated for the Oil Pollution Management Fund under the General Appropriations shall form part of the Marine Management Fund.
3. The Marine Management Fund shall also finance research, enforcement and monitoring activities concerning oil pollution prevention and control of relevant agencies such as the PCG, MARINA and PPA and other ports authority of the Department of Transportation and Communications, Environmental Management Bureau of the Department of Environment and Natural Resources, and the Department of Energy

1 4. Ninety percent (90%) of the funds collected or received in connection
2 with the Oil Pollution Compensation Act shall be maintained annually
3 for the containment, removal, and clean-up operations of PCG in all oil
4 pollution cases, *Provided, further*, that the amounts specifically
5 appropriated for Oil Pollution Management Fund under the General
6 Appropriations Act shall be used exclusively for the activities authorized
7 under the Oil Pollution Compensation Act;
8

9 SEC. 63. *Ship Pollution Prevention Program.* - The Department, in
10 coordination with concerned agencies and stakeholders, shall establish a Ship
11 Pollution Prevention Program to enhance government implementation of this Act
12 particularly on (a) awareness building and capacity building; (b) databanking; (c)
13 development of reception facilities; (d) marine environment protection; and (e)
14 research;
15

16 SEC. 64. *Implementing Rules and Regulations.* The Department and the
17 concerned agencies, in coordination with the Committees on Environment and
18 Ecology of the Senate and the House of Representatives, respectively, shall
19 promulgate the implementing rules and regulations for this Act, within one (1)
20 year after the enactment of this Act consistent with MARPOL 73/78 and other
21 relevant instruments. The draft of the implementing rules and regulations shall be
22 the subject of public consultations with affected sectors.
23

24 The rules and regulations issued by other government agencies and
25 instrumentalities for the prevention of marine pollution not inconsistent with this
26 Act shall supplement the rules and regulations issued by the Department pursuant
27 to this Act.

28 SEC. 65. *Appropriations.* The amount necessary to carry out the
29 provisions of this Act shall be charged against the current year's appropriation of
30 the concerned agencies.

31 Thereafter, such sums as may be necessary for the operation and
32 maintenance of this Act shall be included in the General Appropriations Act.
33

34 SEC. 66. *Joint Congressional Oversight Committee.* - There is hereby
35 created a Joint Congressional Oversight Committee to monitor the
36 implementation of this Act. The Committee shall be composed of five (5)
37 Senators and five (5) members of the House of Representatives to be appointed by
38 the Senate President and the Speaker of the House of Representatives,
39 respectively. The Oversight Committee shall be co-chaired by the Chairpersons of
40 the Committee on Environment of the Senate and the Committee on Ecology of
41 the House of Representatives.
42

43 SEC. 67. *Transitory Provisions.* This Act shall apply to all ships which
44 navigate international routes immediately upon the effectivity of this Act.

45 The Department through its attached agencies shall formulate a transitory
46 implementation plan for the phasing-in of its operations under this Act including a
47 schedule for the application and enforcement of this Act and of the regulations
48 issued pursuant to this Act, on domestic ships or ships which do not navigate
49 international shipping routes.
50

51 SEC. 68. *Separability Clause.* In the event that any provision of this Act is
52 declared unconstitutional, the validity of the remainder shall not be affected
53 thereby.
54

55 SEC. 69. *Repealing Clause.* Republic Act No. 6969, Presidential Decree
56 Nos. 999, and 601, Republic Act No. 9483 (Oil Pollution Compensation Act) are
57 hereby amended and modified accordingly. All laws, decrees, rules and
58 regulations, and executive orders contrary to or inconsistent with this Act are
59 hereby repealed or modified accordingly.
60

1 SEC. 70. *Effectivity Clause.* This Act shall take effect immediately upon
2 its publication in the *Official Gazette* or in at least two (2) national newspapers of
3 general circulation.
4
5 Approved,