

**Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City**

**FIFTEENTH CONGRESS
First Regular Session**

House Bill No. 4608

**Introduced by Representatives
DIOSDADO MACAPAGAL ARROYO and GLORIA MACAPAGAL ARROYO**

**AN ACT
TO ESTABLISH REQUIREMENTS TO ENSURE THE SECURITY AND
SAFETY OF PASSENGERS AND CREW ON VESSELS, AND FOR OTHER
PURPOSES**

EXPLANATORY NOTE

Approximately, there are 200 overnight ocean-going vessels worldwide. It was estimated that in 2007 alone, 12,000,000 passengers went on a cruise worldwide. With these figures, however, few vacationing passengers on vessels had been aware of their potential vulnerability to crime while on an ocean voyage.

In the United States, sexual and physical assaults on vessels were the leading crimes reported to and investigated by the Federal Bureau of Investigation. These crimes at sea can involve attacks both by passengers and crewmembers on other passengers and crewmembers.

Admittedly, it can be difficult for professional criminal investigators to immediately secure an alleged crime scene on a vessel, recover evidence of an onboard offense, and identify or interview potential witnesses to the alleged crime. Obtaining reliable crime-related data from governmental sources can be as much as difficult, in view of the fact that multiple countries may be involved when a crime occurs on the high seas, including the flag country for the vessel, the country of citizenship of particular passengers, and any country having special or maritime jurisdiction.

Given the glaring consequences of such incidents, advanced countries, in particular the United States, have already adopted laws addressing sea crimes. This proposed legislation is being introduced to follow the footsteps of the U.S. and more importantly, to enhance safety of passengers and prevent incidents of a similar nature from happening.

This bill seeks to require the owner of passenger lines, cargo lines, and all types of marine vessels to upgrade, modernize, and adhere to specific requirements in view of guaranteeing the safety and security of passengers as well as the crew on board.

In view of the foregoing, passage of this measure is earnestly requested.



DIOSDADO MACAPAGAL ARROYO
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*Be it enacted by the Senate and House of Representatives of the
Philippines in Congress assembled:*

**ARTICLE I
GENERAL PROVISIONS**

SECTION 1. *Short Title.* – This Act shall be known as the “Vessel Security and Accountability Act of 2011.”

SECTION 2. *Declaration of Policy.* – It is hereby declared the policy of the State to promote the safety of passengers in vessels navigating the waters. It shall also be the policy of the State to adhere to standards that ensure the security of the passengers as well as crewmembers in each vessel.

SECTION 3. *Definition of Terms.* – For purposes of this Act, the following shall refer to:

- a) decibel or dB - refers to a unit of relative loudness, electric voltage, or current equal to ten times the common logarithm of the ratio of two

readings. For sound, the decibel scale runs from zero for the least perceptible sound to 130 for sound that causes pain.

b) Department - refers to the Department of Transportation and Communication (DOTC)

c) passenger stateroom - a large and luxuriously furnished private cabin on a ship or a private sleeping compartment on a train;

d) Secretary - refers to the Secretary of the Department of Transportation and Communications (DOTC);

e) Vessel - refers to passenger lines, cargo lines, and all types of marine vessels.

ARTICLE II VESSEL SECURITY AND SAFETY REQUIREMENTS

SECTION 4. *Vessel Design, Construction, and Retrofitting Requirements.*

– Each passenger vessel to which this subsection applies shall comply with the following design and construction standards:

a) The vessel shall be equipped with ship rails that are located not less than 4 ½ feet above the deck.

b) Each passenger stateroom and crew cabin shall be equipped with entry doors that include peep holes and security latches.

c) Fire safety codes shall be implemented.

d) The vessel shall integrate technology that can be used for detecting passengers who have fallen overboard, to the extent that such technology is available.

e) The vessel shall be equipped with a sufficient number of operable acoustic hailing and warning devices to provide 360 degrees of communication capability around the vessel. The acoustic hailing and warning devices shall be capable of communicating clear voice instructions to approaching vessels that are 500 yards away, over 88 dB of background noise at the listener's position with 90 percent intelligibility. The broadcasts made by such devices shall be directional in nature so as not to confuse other vessel operators who are not in the security zone and to limit unnecessary noise. The device controls shall be manned and

operable during transits in and out of harbors and whenever another vessel approaches within 500 yards of the passenger vessel.

SECTION 5. *Crew Access to Passenger Staterooms.* – The owner, charterer, managing operator, master, or individual in charge of a vessel to which this section applies shall:

- a) establish and implement procedures and restrictions concerning which crewmembers have access to passenger staterooms, and the periods during which they have that access; and
- b) ensure that the procedures and restrictions are fully and properly implemented and periodically reviewed.

SECTION 6. *Log Book and Reporting Requirements.* -

a) Logging in. – The owner, charterer, managing operator, master, or individual in charge of a vessel to which this section applies shall:

- 1) record in a log book reports on reported deaths, missing individuals, and each significant alleged crime committed on the vessel, and all passenger and crewmember complaints regarding theft, sexual harassment, and assaults; and

- 2) make such log book available:

- i. upon request to any agent of the National Bureau of Investigation, any member of the Philippine Coast Guard, and any law enforcement officer; and

- ii. to the Coast Guard in an electronic format prescribed by the Commandant.

b) Details Required. – The information recorded under paragraph (a) shall include, at a minimum:

- 1) the type and the name of vessel;

- 2) the flag under which the vessel was operating at the time the reported incident occurred;

- 3) age of the victim;

- 4) the nature of the alleged crime or complaint, as applicable, including whether the perpetrator was a passenger or crewmember;

- 5) the vessel's position at the time of the incident, if known, or the position of the vessel at the time of the initial report;
- 6) the time, date, and method of the initial report and the law enforcement authority to which the initial report was made;
- 7) the case number or other identifier provided by the law enforcement authority to which the initial report was made; and
- 8) whether the reported incident occurred on land or onboard.

c) Requirement To Report Crimes And Other Information. -

1) General Requirement. – The master of a passenger vessel to which this section applies:

- i. shall contact the nearest National Bureau of Investigation Field Office or Legal Attaché by telephone as soon as possible after the occurrence on board the vessel of an incident involving homicide, suspicious death, a missing Philippine national, kidnapping, assault with serious bodily injury, any offense to which existing law applies, firing or tampering with the vessel, or theft of money or property, to report the incident;
- ii. shall furnish a written report of the incident by facsimile or mail to the Coast Guard National Command Center and by facsimile to the National Bureau of Investigation;
- iii. may report any serious incident that does not meet the reporting requirements of clause (1) and that does not require immediate attention by the National Bureau of Investigation to the nearest Field Office or Legal Attaché by facsimile or electronic mail; and
- iv. may report any other criminal incident involving passengers or crewmembers, or both, to the local government law enforcement authority.

2) Incidents To Which Subparagraph (1) Applies. – Subparagraph (1) applies to an incident involving criminal activity if:

- i. the ship, regardless of registry, is owned, in whole or in part, by a Filipino person, regardless of the nationality of the victim or perpetrator, and the incident occurs when the

vessel is within the admiralty and maritime jurisdiction of the Philippines;

ii. the incident concerns an offense by or against a Philippine national committed outside the jurisdiction of any nation;

iii. the incident occurs in the Territorial Sea of the Philippines, regardless of the nationality of the vessel, the victim, or the perpetrator; or

iv. the incident concerns a victim or perpetrator who is a Philippine national on a vessel during a voyage that departed from or will arrive at a Philippine port.

SECTION 7. *Crew Database Requirement.* – The Secretary shall prescribe regulations that require the owner of each vessel to which this section applies to participate in the establishment and maintenance of a database for reporting all individuals whose employment on such a vessel has been terminated for a matter reported under Section (6)(a).

SECTION 8. *Rape Kits.* – The owner of a vessel to which this section applies shall:

a) maintain on the vessel adequate, in-date supplies of anti-retroviral medications and other medications used to prevent sexually transmitted diseases after a sexual assault;

b) maintain on the vessel equipment and materials for performing a medical examination to evaluate the patient for trauma, treat injury, and collect forensic evidence;

c) make available on the vessel at all times an individual licensed to practice as a medical doctor in the Philippines who has received training in conducting forensic sexual assault examinations, to promptly perform such an examination upon request and to provide proper medical treatment of a victim, including antiretroviral medications and other medications that may prevent the transmission of human immunodeficiency virus and other sexually transmitted diseases;

d) prepare, provide to the individual, and maintain written documentation of the performance and findings of such examination that is signed by the individual and ensure that no medical information is released to the vessel or any legal representative thereof without the prior knowledge and approval in writing of the victim, or, if the victim is unable to provide written authorization, the victim's next-of-kin; and

- e) provide the individual free and immediate access to information for local law enforcement and/or private telephone line and Internet-accessible computer terminal on the vessel by which the individual may confidentially access hotline services.

SECTION 9. *Crime Scene Investigation Training for Passenger Vessel Crewmembers.* – The Secretary, in consultation with the Director of the National Bureau of Investigation, shall develop a training curriculum for crewmembers and law enforcement officials of passenger vessels to educate them concerning appropriate methods for collecting evidence at a crime scene and proper evidence preservation. The Administrator of the Maritime Administration may certify organizations that offer curriculum for training and certification under Section 11 of this Act.

SECTION 10. *Certification Requirement.* – Beginning in two years after the date of enactment of this Act, no passenger vessel may enter a Philippine port on a voyage (or voyage segment) on which a Filipino citizen is a passenger unless there is at least one (1) crewmember onboard who is certified as having successfully completed training in the collection of crime scene evidence on passenger vessels under Section 10 of this Act.

SECTION 11. *Inspection.* – The Secretary shall conduct an annual inspection of each passenger vessel seeking to enter a port in the Philippines to determine whether the passenger vessel has adequate equipment to investigate covered crimes on the vessel and has at least one (1) crewmember who is certified under Section 10 of this Act.

SECTION 12. *Video Recording.* –

a) **Requirement to Maintain Surveillance.** – The owner of a vessel to which this section applies shall maintain video surveillance to monitor and document crimes as they occur on the vessel and to provide evidence for the prosecution of such crimes, as determined by the Secretary.

b) **Access to Video Records.** – The owner of a vessel to which this section applies shall provide to law enforcement officials, upon request, a copy of all records of video surveillance that may provide evidence of a crime reported to law enforcement officials.

SECTION 13. *Safety Information.* –The owner of a vessel to which this section applies shall:

- a) prominently post in each stateroom and crew cabin and in other places specified by the Secretary information regarding:

- 1) the name of each country the vessel will visit during the course such carriage;
 - 2) the locations in such country of the embassy and each consulate of the Philippines;
 - 3) telephone numbers for the National Bureau of Investigation; and
 - 4) the degree to which the owner is responsible or liable for the safety of passengers while they are on shore excursions.
- b) include in mandatory crew training the details of this section, its application, and the determination of the Philippines to protect its citizens against crimes committed at the sea.

ARTICLE III FINAL PROVISIONS

SECTION 14. *Penal Clause.* –

- a) **Penalties.** – Any person that violates any provision of this Act shall be fined not more than Five Hundred Thousand pesos (P500,000.00) or imprisonment of not more than one year, or both.
- b) **Denial of Entry.** – The Secretary may deny entry into the Philippines to a vessel if the owner of the said vessel:
- 1) commits an act or for which a penalty may be imposed under this Act; or
 - 2) fails to pay a penalty imposed on the owner under this Act.

SECTION 15. *Procedures.* – Within 6 months after the date of enactment of this Act, the Secretary shall issue guidelines, training curricula, and inspection and certification procedures necessary to carry out the requirements of this Act.

SECTION 16. *Regulations.* – The Secretary and the Commandant shall each issue such regulations as are necessary to implement this Act.

SECTION 17. *Application.* – This section applies to any passenger vessel that embarks or disembarks passengers in the Philippines or that is a vessel of the Philippines.

SECTION 18. *Detailing Coast Guard Personnel to Enforce Vessel Requirements.* – The Philippine Coast Guard shall dispatch properly trained and qualified Coast Guard Personnel on vessels and public or commercial structures on or adjacent to waters subject to Philippine jurisdiction. They shall act as public safety officers for the purpose of:

- a) assisting vessel passengers and crew, as needed, with the reporting and investigation of potential criminal activities occurring on vessels;
- b) securing, to the degree possible, suspected crime scenes on such vessels; and
- c) collecting evidence of alleged crimes against passengers and crew on such vessels.

SECTION 19. *Study and Report on the Security Needs of Passenger Vessels.* – Within three (3) months after the date of enactment of this Act, the Secretary of the Department in which the Coast Guard is operating shall conduct a study of the security needs of a passenger vessel depending on the number of passengers on the vessel, and report to Congress findings of the study and recommendations for improving security on those vessels. In recommending appropriate security on those vessels, the report shall take into account typical crewmember shifts, working conditions of crewmembers, and length of voyages.

SECTION 20. *Separability Clause.* – If any provision of this Act shall at any time be found to be unconstitutional or invalid, the remainder thereof not affected by such declaration shall remain in full force and effect.

SECTION 21. *Repealing Clause.* – All laws, decrees, rules or regulations inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 22. *Effectivity Clause.* – This Act shall take effect after fifteen (15) days following its complete publication in two (2) newspapers of general circulation.

Approved,