

SIXTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)

First Regular Session)

HOUSE BILL NO. 719



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Introduced by ANGKLA PartyList Representative JESULITO A. MANALO

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AN ACT ESTABLISHING THE MARITIME INDUSTRY AUTHORITY (MARINA) AS THE SINGLE MARITIME ADMINISTRATION RESPONSIBLE FOR THE ENFORCEMENT OF INTERNATIONAL AGREEMENTS/ COVENANTS GOVERNING MARITIME GLOBAL PROFESSIONALS, AND APPROPRIATING FUNDS THEREFOR.

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

EXPLANATORY NOTE

In 2012, the Filipino seafarers remitted Four Billion and Six Million Dollars (US\$4.6B) to the country. Despite this significant contribution to our national economy, Filipino seafarers faced innumerable problems.

Due to continuing obstacles to the Philippines' full compliance with the 1978 International Convention on the Standards of Training, Certification and Watchkeeping for Seafarers (STCW), one of the most prominent of which is the absence of clarity as to the sole authority with legal responsibility and international accountability for the education, training and certification of Filipino seafarers, the European Maritime Safety Agency (EMSA) threatened to impose an employment ban against Filipino seafarers.

To avert the possibility of loss of employment and/or employment ban of hiring Filipino seafarers by the European Union flag vessels, President Benigno Simeon C. Aquino issued Executive Order No. 75 designating the Department of Transportation and Communications, through the Maritime Industry Authority (MARINA), as the single maritime administrative agency to enforce and implement the STCW Convention.

To hasten the implementation of the STCW Convention, the enactment of this legislation is necessary.

Also, in order to streamline and impose uniform policies and standards for the protection of our maritime global professionals, and in order to achieve an effective and efficient regulation of the human complement of the seaborne trade, a single maritime regulatory agency is necessary.

At present, different government agencies regulate the issuance of licenses or certificates for the human complement of the seaborne trade. A single maritime administrative agency with this mandate will effectively and efficiently regulate these matters.

To forestall bureaucratic procedures and to efficiently enact uniform rules and regulations governing the global maritime professionals, the Maritime Industry Authority (MARINA) under the Office of the President shall be vested with the powers of the single maritime administrative agency under this Act.

For the above reasons, the passage of this bill is extremely sought.


JESULITO A. MANALO
Party List Representative
ANGKLA

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AN ACT ESTABLISHING THE MARITIME INDUSTRY AUTHORITY (MARINA) AS THE SINGLE MARITIME ADMINISTRATION RESPONSIBLE FOR THE ENFORCEMENT OF INTERNATIONAL AGREEMENTS/CONVENTIONS GOVERNING MARITIME GLOBAL PROFESSIONALS, AND APPROPRIATING FUNDS THEREFOR.

Section 1. *Declaration of Policy.*

- a. The State adopts the generally accepted principles of international law as part of the law of the land.
- b. It is the policy of the State to comply with the 1978 International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), as amended.
- c. Towards these ends, the State shall create a maritime administration that would provide an enabling environment, establish appropriate institutional arrangements, and set up effective regulatory framework conducive to efficiency,

accountability, transparency and competitiveness consistent with STCW.

- d. It is the policy of the State to harmonize all legal and administrative measures which are taken and provided by other government regulatory agencies and ensure that these are appropriate and consistent with STCW.

Section 2. *Definition of Terms.* Unless otherwise defined in other Sections of this Act, the following terms shall mean-

1. *Maritime global professionals* shall refer to the human complement in the seaborne trade, specifically the seafarers both in domestic and international vessels.
2. *Certificate of Competency (COC)* shall refer to a certificate issued to masters, officers and Global Maritime Distress and Safety System (GMDSS) Radio Operators in accordance with the provisions of Chapters II, III, IV or VII to the Annex to the STCW Convention, as amended, entitling the lawful holder thereof to serve and perform the functions involved at the level of responsibility specified therein;
3. *Certificate of Endorsement* shall refer to the attestation of the Maritime Administration on the authenticity and validity of the certificates and shall be incorporated in the format of the certificates issued to masters and officers stating that the issuance of the relevant certificate is in compliance with the requirements of the STCW Conventions;
4. *Certificate of Proficiency (COP)* shall refer to a certificate other than a certificate of competency issued to a seafarer, stating that the relevant requirements of training competencies or seagoing service in the Convention have been met;
5. *Documentary Evidence* shall refer to the documentation, other than a certificate of competence or certificate of proficiency, used to

establish that the relevant requirements of the convention have been met;

6. *Maritime Administration* shall refer to the Maritime Industry Authority (MARINA) as the single government agency mandated to ensure the complete and effective implementation of the STCW.
7. *STCW Convention* shall refer to the 1978 International Convention on the Standards of Training, Certification and Watchkeeping for Seafarers and its subsequent amendments.

Section 3. *Powers and Functions of the Maritime Industry Authority*- The Maritime Industry Authority (MARINA) is the single and central maritime administration of the government. For this purpose, it shall administer and ensure the effective implementation of STCW relative to the global maritime professionals.

Section 4. All the powers and functions of the Professional Regulation Commission (PRC), Commission on Higher Education (CHED), Technical Education and Skills Development Authority (TESDA), Department of Health (DOH) and National Telecommunications Commission (NTC), relative to the issuance, validation, verification, correction, revocation, or cancellation of Certificates of Competency, Endorsement, Proficiency and Documentary Evidence required of the global maritime professionals under STCW shall be *transferred* to the Maritime Industry Authority (MARINA), subject to the provisions herein below.

Any provision of law to the contrary notwithstanding, MARINA shall:

1. Ensure that the examination and certification system for marine deck and engine officers are in accordance with the requirements prescribed under STCW.

For this purpose, Republic Act 8544 or the Philippine Merchant Marine Officers Act of 1998 is hereby amended to the effect that all

the powers, duties, functions of the Professional Regulation Commission (PRC) mentioned therein shall be exercised by MARINA insofar as they relate to marine deck and engine officers. The compensation and allowances of the Board for Marine Deck Officers and Marine Engine Officers under Article IV, Section 8 of RA 8544 shall, however, still be comparable to the compensation and allowances being received by the Chairmen and members of other existing regulatory boards under PRC as provided in the General Appropriations Act.

2. Ensure that all maritime education, including the curricula and training programs, are structured and delivered in accordance with the written programs, methods and media of delivery, procedures, and course materials compliant with and required by the international standards prescribed under the STCW. For this purpose, MARINA as head of the Technical Panel on Maritime Education of the Commission on Higher Education (CHED) shall:
 - a. review and approve maritime education programs and curricula;
 - b. monitor and verify, in coordination with CHED, compliance with the international standards for the conduct of maritime education and training programs;
 - c. review and harmonize, in coordination with CHED and recognized organization[s], the procedures for periodic evaluation, assessment and monitoring of all maritime education and training institutions;
3. Adopt rules and regulations, in accordance with STCW, involving watchkeeping, able-bodied deck and engine Ratings. MARINA shall also:
 - (a) monitor and verify compliance with the standards for the Ratings;
 - (b) harmonize the procedures on periodic evaluation, assessment and monitoring activities undertaken by accredited institutions for Ratings;

(c) issue Certificate of Proficiency to Ratings.

4. Coordinate with the DOH to ensure that the medical standards established to ascertain the medical fitness of seafarers are in accordance with the international conventions/treaties and existing applicable laws. For this purpose, MARINA shall:
 - a. ensure that all seafarers are medically fit to perform the duties that they will be required to carry out at sea, in accordance with STCW;
 - b. ensure that medical examinations and issuance of medical certificates by DOH accredited hospitals, medical clinics and laboratories, including medical practitioners, are in accordance with the standards prescribed by STCW; and
 - c. ensure that medical certificates are issued by a duly qualified medical practitioner recognized by, and accredited with, the DOH and for this purpose, a register of recognized medical practitioners shall be maintained and made available to seafarers, shipping companies and State parties to the STCW Convention.
5. MARINA shall ensure that radio licenses are issued in accordance with STCW. For this purpose, MARINA shall assess, revalidate and issue GMDSS radio operator's certificate under the STCW Convention.

Section 5. *Authority to charge fees.* MARINA, in the exercise of its regulatory powers in accordance with the provisions of this Act, is hereby authorized to charge reasonable fees.

Section 6. *Appropriations.* The amount of Ten Million Pesos shall be allocated to MARINA to carry out the implementation of this Act for the first year of its implementation. Thereafter, such sums as may be necessary to the continued implementation of this Act shall be included in the General Appropriations Act.

Section 7. *Implementing Rules and Regulations.* MARINA shall issue the required implementing rules and regulations in accordance with the provisions of this Act within ninety (90) days from the effectivity hereof.

Section 8. *Separability Clause.* If for any reason any section or provision of this Act is declared unconstitutional or invalid by the Supreme Court, the other sections, or provisions hereof not affected by such declaration shall remain in force and in effect.

Section 9. *Repealing Clause.* All existing laws, orders, decrees, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

Section 10. *Effectivity.* This Act shall take effect fifteen (15) days from its publication in at least two (2) national papers of general circulation.