

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
Third Regular Session

House Bill No. **10650**



Introduced by Representative KHYMER ADAN T. OLASO

**AN ACT TO INCORPORATE THE INTERNATIONAL REGULATIONS FOR
PREVENTING COLLISIONS AT SEA, 1972, AS AMENDED, AND THE PHILIPPINE
MERCHANT MARINE REGULATIONS ON PREVENTING COLLISIONS AT SEA
INTO THE LAWS OF THE PHILIPPINES AND TO PROVIDE FOR THE EFFECTIVE
IMPLEMENTATION THEREOF AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

The proposed bill on collision regulations is a significant legislative initiative aimed at enhancing maritime safety and navigation within Philippine waters. The primary objective of the bill is to enhance maritime safety by reducing the risk of collisions at sea. By aligning national regulations with international standards, it ensures that all vessels, whether domestic or foreign, operate under the same rules in Philippine waters, reducing confusion and enhancing safety. This is particularly crucial given past incidents like the tragic collision between MV Doña Paz and MT Vector in 1987, which resulted in over 4,000 fatalities. Enhanced safety regulations could have potentially mitigated such catastrophic outcomes.

As a signatory to international maritime conventions such as the International Regulations for Preventing Collisions at Sea (COLREGs), the Philippines has an obligation to incorporate these standards into its national legislation. Compliance with international laws ensures the country maintains its standing and credibility in the global maritime community. The MV Princess of the Stars tragedy in 2008, which resulted in more than 800 deaths, highlighted the need for adherence to international safety standards to prevent such disasters.

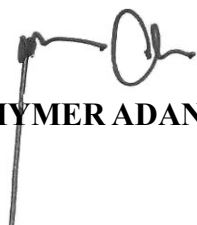
Collisions at sea can lead to significant environmental damage, including oil spills and harm to marine ecosystems. The 2006 sinking of MT Solar 1 off the coast of Guimaras Island, which spilled over 2 million liters of oil, exemplifies the severe environmental impact of maritime collisions. Strict regulations and effective implementation can help prevent such incidents, contributing to the protection of the marine environment. Clear and consistent maritime rules help prevent accidents that can lead to costly damages and delays, supporting the smooth operation of maritime trade, vital for the economy of the Philippines, an archipelagic nation heavily reliant on maritime transport. The collision between MV SuperFerry 14 and a smaller vessel in 2004, which resulted

in significant loss of life and economic disruption, underscores the importance of regulatory clarity in preventing such costly incidents.

The proposed law provides a clear legal framework for addressing collisions and other navigational issues, outlining the responsibilities and liabilities of vessel operators and ensuring a structured approach to resolving incidents and disputes. The case of MV St. Thomas Aquinas, which collided with a cargo ship in 2013, leading to over 100 deaths, highlights the necessity of legal clarity in assigning responsibility and handling the aftermath of collisions. Incorporating these regulations into national law provides the legal basis for enforcement by relevant authorities such as the Maritime Industry Authority (MARINA) and the Philippine Coast Guard (PCG), ensuring that violations can be effectively prosecuted and penalized, enhancing accountability. The enforcement of regulations following the collision of MV Cebu City and MV Kota Suria in 1999, which resulted in multiple casualties, would have been more robust with stronger legal backing.

This legislation also mandates training and certification for mariners, ensuring they are knowledgeable about the rules and can competently navigate and operate vessels to avoid collisions. The numerous collisions in the country's waters over the years, including the MV Catalyn B and FV Anatalia collision in 2009, demonstrate the critical need for enhanced training and awareness among seafarers. Given these reasons, it is prudent for the Philippines to enact a law that incorporates both the COLREGs and the Philippine Merchant Marine Rules and Regulations (PMMRR), ensuring a comprehensive and effective framework for maritime safety and navigation, ultimately safeguarding lives, the environment, and the economy.

The immediate passage of this bill is earnestly sought.



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

CHAPTER I
GENERAL PROVISIONS

Section 1. Short Title. This Act shall be known as the “Collision Regulations Act.”

Section 2. Declaration of Policy. The State recognizes its obligation to promote maritime safety by establishing sound maritime and navigational rules to prevent maritime accidents. Further, the State recognizes the need to ensure the safety of life and property at sea, to promote efficient maritime navigation, and to protect the marine environment. In pursuit of these objectives, the State hereby adopts and implements the 1972 Convention on the International Regulations for Preventing Collisions at Sea (COLREGs), as amended, and the Philippine Merchant Marine Regulations on Preventing Collisions at Sea (PMMRPCS).

Section 3. Definition of Terms. As used in this Act, the following terms are defined as:

- a. *Department* – refers to the Department of Transportation (DOTr).
- b. *1972 Collision Regulations* – mean the 1972 Convention on the International Regulations for Preventing Collisions at Sea, as amended.
- c. *Philippine Merchant Marine Regulations on Preventing Collisions at Sea (PMMRPCS)* – refers to the set of rules and guidelines issued by the Maritime Industry Authority (MARINA) and other relevant Philippine authorities aimed at preventing collisions at sea.

d. *Organization* – refers to the International Maritime Organization (IMO).

e. *Routing System* – means any system of one or more routes or routing measures aimed at reducing the risk of casualties. It includes traffic separation schemes, two-way routes, recommended tracks, areas to be avoided, inshore traffic zones, roundabouts, precautionary areas, and deep-water routes.

f. *Seaplane* – includes any aircraft designed to maneuver on the water.

g. *Vessel* – includes every description of watercraft, including non-displacement craft, Wing-in-Ground (WIG) craft, and seaplanes, used or capable of being used as a means of transportation on water.

h. *Vessel Traffic Service (VTS)* – means a service designed to improve the safety and efficiency of vessel traffic and to protect the environment. The service should have the capability to interact with the traffic and to respond to traffic situations developing in the VTS area.

i. *Wing-in-Ground (WIG) craft* – means a multi-modal craft which, in its main operational mode, flies in close proximity to the surface by utilizing surface-effect action.

Section 4. *Incorporation of the 1972 Collision Regulations and PMMRPCS.* Subject to the provisions of this Act, the 1972 Convention on the International Regulations for Preventing Collisions at Sea (COLREGs) as amended, including any subsequent applicable amendments, and the Philippine Merchant Marine Regulations on Preventing Collisions at Sea (PMMRPCS), shall form part of the laws of the Philippines.

CHAPTER II SCOPE OF APPLICATION

Section 5. *Application.* This Act shall apply to the following:

- a. Philippine vessels, craft, and seaplanes wherever they may be.
- b. All other vessels, craft, and seaplanes while within the ports, inland waterways, archipelagic waters, and territorial sea of the Philippines.

CHAPTER III IMPORTANT PROVISIONS OF COLREGs 1972 AND PMMRPCS

Section 6. *Rules of the Road.* The following rules shall be observed:

a. *Rule 5 - Look-out.* Every vessel shall at all times maintain a proper look-out by sight and hearing as well as by all available means appropriate in the prevailing circumstances and conditions so as to make a full appraisal of the situation and of the risk of collision.

b. Rule 6 - Safe Speed. Every vessel shall proceed at a safe speed so that proper and effective action can be taken to avoid collision and be stopped within a distance appropriate to the prevailing circumstances and conditions.

c. Rule 7 - Risk of Collision. Every vessel shall use all available means appropriate to the prevailing circumstances and conditions to determine if a risk of collision exists. If there is any doubt such risk shall be deemed to exist.

d. Rule 8 - Action to Avoid Collision. Any action taken to avoid collision shall be taken in accordance with the rules of this Chapter and shall, if the circumstances of the case admit, be positive, made in ample time, and with due regard to the observance of good seamanship.

e. Rule 9 - Narrow Channels. A vessel proceeding along the course of a narrow channel or fairway shall keep as near to the outer limit of the channel or fairway which lies on her starboard side as is safe and practicable.

f. Rule 10 - Traffic Separation Schemes. A vessel using a traffic separation scheme shall:

- i. Proceed in the appropriate traffic lane in the general direction of traffic flow for that lane.
- ii. So far as practicable keep clear of a traffic separation line or separation zone.
- iii. Normally join or leave a traffic lane at the termination of the lane, but when joining or leaving from either side shall do so at as small an angle to the general direction of traffic flow as practicable.

Section 7. *Lights and Shapes.* The following provisions shall be observed:

a. Rule 20 - Application. Rules concerning lights shall be complied with from sunset to sunrise, and during such times no other lights shall be exhibited, except such lights as cannot be mistaken for the lights specified in these Rules or do not impair their visibility or distinctive character, or interfere with the keeping of a proper look-out.

b. Rule 21 - Definitions. For the purposes of these Rules, the term:

- i. Masthead light means a white light placed over the fore and aft centerline of the vessel showing an unbroken light over an arc of the horizon of 225 degrees and fixed so as to show the light from right ahead to 22.5 degrees abaft the beam on either side of the vessel.
- ii. Sidelights mean a green light on the starboard side and a red light on the port side each showing an unbroken light over an arc of the horizon of 112.5 degrees and fixed so as to show the light from right ahead to 22.5 degrees abaft the beam on its respective side. In a vessel of less than 20 meters in length, the sidelights may be combined in one lantern carried on the fore and aft centerline of the vessel.

iii. Sternlight means a white light placed as nearly as practicable at the stern showing an unbroken light over an arc of the horizon of 135 degrees and fixed so as to show the light 67.5 degrees from right aft on each side of the vessel.

iv. Towing light means a yellow light having the same characteristics as the sternlight.

v. All-round light means a light showing an unbroken light over an arc of the horizon of 360 degrees.

vi. Flashing light means a light flashing at regular intervals at a frequency of 120 flashes or more per minute.

Section 8. *Sound and Light Signals.* The following provisions shall be observed:

a. Rule 34 - Maneuvering and Warning Signals. When vessels are in sight of one another, a power-driven vessel underway, when maneuvering as authorized or required by these Rules, shall indicate that maneuver by the following signals on her whistle:

i. One short blast to mean "I am altering my course to starboard."

ii. Two short blasts to mean "I am altering my course to port."

iii. Three short blasts to mean "I am operating astern propulsion."

b. Rule 35 - Sound Signals in Restricted Visibility. In or near an area of restricted visibility, whether by day or night, the signals prescribed in this Rule shall be used as follows:

i. A power-driven vessel making way through the water shall sound at intervals of not more than 2 minutes one prolonged blast.

ii. A power-driven vessel underway but stopped and making no way through the water shall sound at intervals of not more than 2 minutes two prolonged blasts in succession with an interval of about 2 seconds between them.

Section 9. *Additional Provisions from PMMRPCS.* The following provisions from the PMMRPCS shall be observed:

a. Rule 15 - Crossing Situation. When two power-driven vessels are crossing so as to involve risk of collision, the vessel which has the other on her starboard side shall keep out of the way and shall, if the circumstances of the case admit, avoid crossing ahead of the other vessel.

b. Rule 16 - Action by Give-way Vessel. Every vessel which is directed to keep out of the way of another vessel shall, so far as possible, take early and substantial action to keep well clear.

c. Rule 17 - Action by Stand-on Vessel. Where one of two vessels is to keep out of the way, the other shall keep her course and speed.

CHAPTER IV DISTRESS SIGNALS

Section 10. *Distress Signals.* The following shall be considered distress signals:

- a. A gun or other explosive signal fired at intervals of about a minute.
- b. A continuous sounding with any fog-signaling apparatus.
- c. Rockets or shells, throwing red stars fired one at a time at short intervals.
- d. A signal made by any signaling method consisting of the group SOS in the Morse Code.
- e. A signal sent by radio consisting of the spoken word "Mayday."
- f. Flames on the vessel (as from a burning tar barrel, oil barrel, etc.).
- g. A rocket parachute flare or a hand flare showing a red light.
- h. A smoke signal giving off orange-colored smoke.
- i. Slowly and repeatedly raising and lowering arms outstretched to each side.
- j. The International Code Signal of distress indicated by NC.
- k. A signal consisting of a square flag having above or below it a ball or anything resembling a ball.
- l. Radio-telegraph alarm signal.
- m. Radio-telephone alarm signal.
- n. Signals transmitted by emergency position-indicating radio beacons.
- o. Approved signals transmitted by radio communication systems.

Any master of a vessel, seaplane, or craft on hearing or receiving such a distress signal shall immediately proceed to the assistance of the persons or seacraft in distress unless he/she is unable or, in the special circumstances of the case, considers it unreasonable or unnecessary to do so. The master who has given a signal of distress by means of radio or other means shall cause that signal to be revoked by all appropriate means as soon as he/she is satisfied that the vessel or seacraft to which or the person to whom the signal relates is no longer in need of assistance.

CHAPTER V NEGLIGENCE

Section 11. *Presumption of Negligence.* Where any damage to person or property arises from the non-observance by any vessel, seaplane, or craft of any provisions of this Act, the damage shall be presumed to have been occasioned by the negligence of the person in charge of the vessel, seaplane, or craft at that time.

CHAPTER VI GOVERNMENT AGENCIES

Section 12. *Maritime Industry Authority (MARINA).* The MARINA may exempt any vessel or class of vessel which relate to the number, position, range, or arc of visibility of lights or shapes, as well as to the disposition and characteristics of sound-signaling appliances if compliance with such provision is either impractical or unreasonable in the case of the vessel or description in such terms as may be specified. For this purpose, MARINA shall issue a certificate of exemption which may be canceled or revoked as may be determined.

Section 13. *Philippine Coast Guard (PCG).* The PCG, in coordination with the Philippine Ports Authority (PPA), shall establish the necessary ship routing system and vessel traffic services.

The introduction of a new routing system or amending an existing one shall be in compliance with the general provisions on the ship's routing adopted by the Organization. In the same manner, the PCG shall conform to the guidelines issued by the Organization. Further, VTS shall be operated in conformity with the said guidelines and other relevant IMO resolutions.

The PCG shall also ensure that VTS operators are appropriately qualified, suitably trained, and capable of performing the tasks required, taking into consideration the type and level of services to be provided in conformity with the relevant guidelines and resolutions of the Organization.

The PCG shall investigate, *motu proprio* or through a written undertaking of a complainant, any incident or violation of this Act, and shall forthwith file the appropriate action with the court.

Section 14. *Philippine Ports Authority (PPA).* Subject to Section 13 of this Act, the PPA shall coordinate with the PCG and provide the necessary support in establishing a ship routing system and VTS, especially in areas going to and from a port or harbor.

Section 15. *Local Government Units (LGUs).* The LGUs shall ensure that vessels of three (3) gross tonnages and below comply with the applicable provisions of this Act. In this respect, before the issuance of new registration or renewal of the same, the LGU shall ensure that a clearance or exemption, as the case may be, is obtained from MARINA.

Section 16. *Other Government Agencies.* The assistance of other government agencies or instrumentalities, consistent with their mandates, may be called upon in implementing the provisions of this Act.

Section 17. *Continuance of Mandates.* Unless otherwise provided in this Act, the mandate, power, and function of all existing agencies or instrumentalities of the government shall remain and continue in accordance with the law creating them.

CHAPTER VII PENAL PROVISIONS

Section 18. *Criminal Liabilities.* Where any of the provisions of this Act is contravened, the owner of the vessel, the master, and any person for the time being responsible for the conduct of the vessel shall each be guilty of an offense, punishable on conviction by imprisonment for a period not less than six (6) months but not exceeding two (2) years or a fine not less than One Hundred Thousand Pesos (P100,000.00), or both.

Subject to Chapter V of this Act, it shall be a defense for any person charged under this Act to show that he/she took all reasonable precautions to avoid the commission of the offense.

Section 19. *Administrative Penalties.* Upon a summary finding of administrative liability, the offender shall be subjected to administrative fines and penalties in accordance with the Implementing Rules and Regulations.

Section 20. *Liability of Public Officer.* Any public officer who shall be found liable for misfeasance, malfeasance, or nonfeasance in the implementation or enforcement of the provisions of this Act shall be penalized in accordance with their respective internal disciplinary system and/or the Revised Penal Code.

CHAPTER VIII COMPLIANCE MECHANISM

Section 21. *System or Mechanism of Compliance with the Provisions of this Act.* The Department shall adopt an audit and/or monitoring system or mechanism to ensure that the provisions contained in this Act are faithfully complied with and fully implemented by concerned government agencies and/or persons or entities.

CHAPTER IX FINAL PROVISIONS

Section 22. *Implementing Rules and Regulations.* Unless otherwise provided in this Act, regulations required to administer this Act shall be made by DOTr within three (3) months from the effectivity of this Act.

Section 23. *Appropriations.* The amount necessary to carry out the purposes of this Act shall be charged against the current year's appropriation of the DOTr. Thereafter, such sums as may be necessary for the purposes, operation, and maintenance of this Act shall be included in the General Appropriations Act.

Section 24. *Separability Clause.* If for any reason, any provision of this Act is declared unconstitutional or invalid, such parts not affected thereby shall remain in full force and effect.

Section 25. *Repealing Clause.* All laws, decrees, executive orders, rules and regulations, and other issuances or parts thereof which are inconsistent with this Act are hereby repealed, amended, or modified accordingly.

Section 26. *Effectivity.* This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved.