

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session

House Bill No. 1720



Introduced by **Rep. ANGELO MARCOS BARBA**
2nd District, Ilocos Norte

EXPLANATORY NOTE

Vessel-sourced pollution is one of the major sources of marine pollution and destruction.¹ A high proportion of ship-sourced oil and chemical pollution comes from refueling, bilge discharges, and vessel maintenance.² Therefore, a number of international agreements were instituted to address this increasing and worsening problem.

The Philippines is a member state of the International Maritime Organization (IMO) and a signatory to several international agreements concerning the sea in general and maritime aspects in particular. Among these agreements are the International Convention for the Safety of Life at Sea (1974) and its Protocols (1978; 1988) and Agreement (1996); the International Convention for the Prevention of Pollution from Ships (1973) and its Protocols (1978; 1997); the Convention on the International Regulation for Preventing Collisions at Sea (1972), among other treaties. However, it is ironically devastating that the country is still miles behind from its neighboring countries in terms of the full implementation of the said disciplines.

In 2021, the country suffered a -5.1 fleet growth and a -6.1 transport services export growth. It was also observed that this alarming trend of growth continuously declines through the years.³ The same statistics also provides that the failure and inability of the Philippine Government to effectively implement these conventions and instruments greatly contributes to the decline of the numbers herein stated. It is, therefore, a tragedy at Philippine seas.

In view of the foregoing, this bill seeks to prevent pollution from ships, load lines, and tonnage measurements of ships and to provide a mechanism for the full and effective implementation of Port State Control (PSC)

¹ Abdulrazar, A.O. and Kader, SZSA. (2014). Vessel-sourced pollution: a security threat in Malaysian waters. *Journal of Sustainable Development Law and Policy*, 3 (1). Retrieved 7 November 2022, from <https://www.aiol.info/index.php/jsdlp/article/view/122611>

² Oil and chemical pollution. (2018, September 10). *Maritime Safety Queensland*. Retrieved 7 November 2022, from <https://www.msg.qld.gov.au/Marine-pollution/Oil-chemical-pollution>

³ Maritime Profile: Philippines. (n.d.). *United Nations Conference on Trade and Development (UNCTAD Stat)*. Retrieved 7 November 2022, from <https://unctadstat.unctad.org/countryprofile/maritimeprofile/en-gb/608/index.html>

guidelines as provided by regional agreements or Memoranda of Understanding (MOU).

This proposed measure shall provide for the full and effective implementation of international maritime instruments, adoption of regulations, and execution of the technical annexes, provisions, and requirements of these international maritime instruments. This legislation aspires to be one of the initiatives for the arduous call for overall maritime safety and security, and prevention of ship-sourced pollution, all for the protection of the Philippine seas, seafarers, and sea workers.

On behalf of the 2nd District of Ilocos Norte, and for the greater benefit of the Filipino people, the immediate passage of this bill is earnestly sought.



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**AN ACT PROVIDING FOR THE FULL AND EFFECTIVE
IMPLEMENTATION AND ENFORCEMENT OF INTERNATIONAL
MARITIME INSTRUMENTS OF WHICH THE PHILIPPINES IS A
STATE PARTY**

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

SECTION 1. Short Title. – This Act shall be known as the “Maritime Safety, Security and Prevention of Ship-Sourced Pollution Act of the Philippines.”

SECTION 2. Declaration of Policy. – The following are hereby declared to be the policies of the State:

- (a) The State shall provide for the full and effective implementation and enforcement of international maritime instruments that cover safety of life at sea, prevention of pollution from ships, load lines, tonnage measurements of ships, and regulations for preventing collisions at sea, of which the Philippines is a state party.
- (b) The State shall provide for a platform for the adoption of regulations implementing the technical annexes, provisions and requirements of these international maritime instruments as well as future amendments to such technical provisions and requirements as the State Parties to these conventions may adopt from time to time;
- (c) The State shall comply with its duties and obligations to the international community as State Party to these international maritime instruments by ensuring the effective exercise of its jurisdiction and control over ships flying its flag, and that those who are responsible for the management and operation of a ship registered in the Philippines, including their duly-registered owners, operate their ships responsibly; and,
- (d) The State shall provide a mechanism for the full and effective implementation of Port State Control (PSC) guidelines as provided by regional agreements or Memoranda of Understanding by which it may

consistently carry out its obligation to conduct inspections on ships of other States, whether parties to international maritime instruments or not, when these are within the waters, ports, harbors, and offshore terminals of the Philippines.

SECTION 3. *Scope of the Act.* – Unless otherwise indicated, this Act shall apply to:

- (a) All merchant marine ships, whether seagoing or coastwise, which are registered under the Philippine flag;
- (b) All persons, partnerships, corporations, firms, or other entities duly-registered or licensed in the Philippines to engage in the business of shipping as shipowners, ship operators, charterers, or ship managers, or those acting on their behalf; and,
- (c) All foreign ships that are within the waters, ports, harbors, and offshore terminals of the Philippines regardless of whether or not they are registered in or belong to State Parties to the international maritime instruments sought to be implemented by this Act.

SECTION 4. *Definition of Terms.* – As used in this Act:

- (a) *International Maritime Instruments* refer to all conventions, codes, recommendations, procedures, guidelines, or other similar instruments pertaining to safety of life at sea, prevention of pollution from ships, load lines, tonnage measurements of ships, and regulations for preventing collisions at sea, of which the Philippines is a State Party, including:
 - (1) The International Convention for the Safety of Life at Sea, 1974 and its Protocols of 1978 and 1988 and Agreement of 1996;
 - (2) The International Convention for the Prevention of Pollution from Ships, 1973, its Protocol of 1978, and its Protocol of 1997;
 - (3) The Convention on the International Regulation for Preventing Collisions at Sea, 1972;
 - (4) The International Convention on Load Lines, 1966 and its Protocol of 1988, as amended in 2003;
 - (5) The International Convention on the Tonnage Measurement of Ships, 1969; and
 - (6) All other international instruments, codes, recommendations, procedures, and guidelines implementing or applying these Conventions.
- (b) *Recognized Organization* refers to an organization that has been assessed as such by the Department of Transportation (DOTr), in

accordance with the relevant guidelines of the International Maritime Organization (IMO) on recognized organizations.

SECTION 5. *Powers and Functions.* –

(a) DOTr. – For purposes of this Act, the DOTr shall have the following powers and functions:

(1) Act as the single and central maritime administration, and exercise all powers and functions relative to the compliance with, and effective implementation and enforcement of international maritime instruments to which the Philippines is a State Party;

(2) Prescribe, fix, issue, revise, amend, update, or repeal rules and regulations from time to time to ensure the full and effective implementation and enforcement of international maritime instruments;

(3) Determine the minimum standards and requirements, and issue rules and regulations applicable to particular types of ships, considering their size, type, motive capacity, trading limits and other physical and technical attributes without diluting the minimum requirements of the international maritime instruments;

(4) Determine which ships shall be excluded or exempted from the coverage of relevant regulations, and establish equivalent technical standards where it is determined that by virtue of the ship's size, type, motive capacity, or trading limits, it would be more workable to require the implementation of such equivalent standards, without compromising the safety of the ship, its crew, passengers and cargo, and without exposing the marine environment to the risk of damage from ship-sourced pollution;

(5) Assess and determine the qualification of any recognized organization, execute the corollary written agreement to evidence the terms and conditions by which such recognized organization shall act on its behalf, and the extent of the powers delegated to such recognized organization in carrying out initial and periodic inspections and surveys, including the capacity to issue ship certificates on its behalf;

(6) Require the master, or in his absence, the owner, charterer, manager, or operator to submit, without delay, a full written report of any incident involving the ship that may endanger the safety of the ship, its crew, passengers, or cargo, or pose a threat to the marine environment;

(7) Following any marine casualty, accident, or incident involving a ship in the Philippine registry, undertake, on its own or through a duly-constituted independent group of suitably qualified safety inspectors, a marine casualty safety investigation which is independent from any other form of investigation and is not intended to apportion

or blame or determine liability, but is conducted to determine the cause of the accident and the identification of measures to prevent the occurrence of similar marine casualties, accidents, or incidents in the future;

(8) Institute amendments to existing regulations to enhance the safety and security of ships, persons, and property and the protection of the marine environment following receipt of any recommendation arising from the marine safety inspection report;

(9) Receive the report of any violation from another State and conduct and other investigation on a ship in the Philippine registry to protect public interest and impose such penalties, sanctions, and levy such fines commensurate to the gravity of the offense to ensure effective implementation, compliance, and enforcement of Maritime Conventions and upon completion of the investigation, inform the State submitting the report of the action taken to address the violation;

(10) Act as the designated point of contact for all matters related to the IMO with respect to safety of life at sea, prevention of pollution from ships, load lines, tonnage measurement of ships, and regulations for preventing collisions at sea; and,

(11) Exercise such other powers and functions necessary to fully implement international maritime instruments.

When creating procedures, rules, and regulations, the DOTr shall always be guided by the relevant conventions, instruments, codes, recommendations, and guidelines of the IMO.

(b) Philippine Coast Guard (PCG). – For purposes of this Act, the PCG shall exercise PSC, consistent with its powers and functions under Republic Act No. 9993, otherwise known as the “Philippine Coast Guard Law of 2009,” and its implementing rules and regulations; and

(c) Maritime Industry Authority (MARINA) – For purposes of this Act, the MARINA shall exercise Flag State Control, consistent with its powers and functions under Presidential Decree No. 474, otherwise known as the Maritime Industry Decree of 1974 and Executive Order Nos. 125 and 125-A, series of 1987, as amended, otherwise known as the Reorganization Act of the Ministry of Transportation and Communications.

SECTION 6. *Power to Adopt Regulations to Conform to Amendments to International Maritime Conventions.* – The MARINA, with the concurrence of the DOTr, through the Secretary, shall recommend to the Department of Foreign Affairs (DFA) the adoption of internal maritime instruments which the Philippines is not yet a party to, so that the appropriate recommendation can be made, the relevant instrument of ratification or accession may be issued by the President, and the concurrence of the Senate of the Philippines may be obtained; *Provided, That* in the case of any subsequent amendment to

any technical annex of any existing international convention or treaty to which the Philippines is already a party and which is deemed accepted by the State Parties to the convention after the lapse of the specified time, the MARINA is hereby empowered and authorized to amend and revise its rules and regulations to conform with the amendments to the relevant convention or treaty without need of further legislative or executive authorization.

SECTION 7. *Coordination Among Regulatory Agencies.* – The Secretary of Transportation shall direct, oversee and document the creation, maintenance, and management of the appropriate coordinative framework and structure among all government agencies mandated by law to supervise and regulate all parties referred to in Section 2 of this Act in order to ensure the harmonized implementation and enforcement of the conventions covered by this Act. For this purpose, the Secretary of Transportation shall issue relevant regulations, orders, processes, and procedures within sixty (60) days from the effectivity of this Act, which regulations may be amended from time to time as needed. The issuance of the Secretary of Transportation shall given special attention to clearly identify the processes and procedure to be followed by the different regulatory agencies, considering each agency's mandate, technical competence and expertise, organizational structure and capabilities for carrying out the Philippines' obligation under the conventions. The Secretary of Transportation shall further clarify functions and tasks which require:

- (a) Execution directly by the agency;
- (b) Execution indirectly by an agency acting on behalf of another;
- (c) Coordination of several agencies by a lead agency;
- (d) Cooperation by agencies acting independently of each other; or
- (e) Monitoring and reporting to another agency.

The Secretary of Transportation, as needed, shall coordinate with other executive departments whose line or attached agencies likewise exercise relevant functions or provide technical services that ensure the safety of the ship, its crew, passengers and cargo, and the protection of the marine environment, such as the Philippine Atmospheric, Geophysical and Astronomical Services Administration (PAGASA) under the Department of Science and Technology (DOST), and the National Mapping and Resource Information Authority (NAMRIA) under the Department of Environment and Natural Resources (DENR), among others.

SECTION 8. *Implementing Rules and Regulations.* – The DOTr shall issue the implementing rules and regulations for each of the Maritime Instruments within six (6) months from the effectivity of this Act.

SECTION 9. *Separability Clause.* – If, for any reason, any section, subsection, clause, or term of this Act is held to be illegal, invalid, or

unconstitutional, such parts not affected by such declaration shall remain in full force and effect.

SECTION 10. *Repealing Clause.* – All existing laws, orders, decrees, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby amended, modified, or repealed accordingly.

SECTION 11. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,