



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City



Twentieth Congress
First Regular Session

HOUSE BILL NO. 5343

Introduced by Representative Ramon Rodrigo L. Gutierrez

EXPLANATORY NOTE

The Philippines, as an archipelagic nation with over 7,000 islands and a strategic location in the global maritime trade route, has long recognized the vital importance of maritime safety, security, and environmental protection. As such, the Philippines is a State Party to several major international maritime conventions that aim to ensure the safety of life at sea, prevent marine pollution, and promote safe navigation.

1. The International Convention for the Safety of Life at Sea, 1974 (SOLAS 1974);
2. The International Convention for the Prevention of Pollution from Ships, 1973 (MARPOL 1973/78);
3. The Convention on the International Regulations for Preventing Collisions at Sea, 1972 (COLREGs 1972);
4. The International Convention on the Tonnage Measurement of Ships, 1969 (TONNAGE 1969); and
5. The International Convention on Load Lines, 1966 (LL 1966).

Despite the Philippines' treaty obligations under these vital instruments, there remains no comprehensive national legislation that fully implements their provisions. This legal gap undermines the country's commitment to international maritime law and its ability to ensure effective enforcement of maritime standards, thereby posing risks to safety, environmental protection, and the Philippines' international standing in the maritime sector.

This situation runs counter to the international legal principle of *pacta sunt servanda*, enshrined in Article 26 of the Vienna Convention on the Law of Treaties, which declares that "every treaty in force is binding upon the parties to it and must be performed by them in good faith." As a responsible member of the international community, the Philippines must demonstrate its commitment to this principle by taking concrete legislative action.

This bill therefore seeks to breathe life into the fundamental principle of *pacta sunt servanda* by providing the necessary statutory basis for the full and

effective implementation and enforcement of international maritime instruments to which the Philippines is a State Party. Furthermore, the bill seeks to designate the Department of Transportation (DOTr) as the primary and central maritime administration, with the authority to coordinate, monitor, and ensure national compliance with these international instruments.

By enacting this legislation, the Philippines will be able to uphold its international obligations, enhance maritime safety and environmental protection, and bolster the country's credibility and leadership within the global maritime community.

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



RAMON RODRIGO L. GUTIERREZ
1-Rider Partylist Representative



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Twentieth Congress
First Regular Session
HOUSE BILL NO. 5348

Introduced by Representative Ramon Rodrigo L. Gutierrez

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

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

SECTION 1. Short Title. - This Act shall be known as the **INTERNATIONAL MARITIME INSTRUMENTS DOMESTICATION ACT.**

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 and other international conventions to which the Philippines is a State party in the exercise of its flag state, port state, and coastal state authority, and for the safety, security, and protection of the marine environment of the Philippines;
- b) The State shall provide for a platform for the adoption of rules, regulations, memorandum circulars, or orders implementing the provisions and requirements of international maritime instruments to which the Philippines is a State party. This platform shall include a mechanism that will ensure the adoption of amendments to international maritime instruments when applicable;
- 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 those who are responsible for the management and operation of a ship registered in the Philippine including their duly-registered owners, to operate their ships responsibly; and
- d) The State shall provide a mechanism for the full and effective implementation of port state control guidelines based on regional agreements or memoranda of understanding. Pursuant thereto, the State shall consistently carry out its obligation to conduct inspections on ships

of other States, when these ships are within the territorial waters, ports, harbors and offshore terminals of the Philippines, or whenever applicable.

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

- a) All ships covered by international maritime instruments to which the Philippines is a State party; and
- 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 covered by international maritime instruments to which the Philippines is a State party.

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

- a) *Domestication* refers to the Philippines' full and effective implementation of international maritime instruments to which the Philippines is a State party in the exercise of its flag state, port state and coastal state authority, and for the safety, security and protection of the marine environment within its jurisdiction. Domestication includes the exercise of the choices afforded under the international maritime instruments. It shall not include the application of the provisions of the international maritime instruments to purely domestic ships and industries not engaged in international trade, unless specifically herein stated or provided in existing laws;
- b) *International Maritime Instruments* refer to all maritime conventions, protocols, annexes, regulations, codes, recommendations, procedures, guidelines, or other similar instruments duly adopted by the International Maritime Organization (IMO) or recognized international bodies or entities;
- c) *Recognized Organization* refers to an organization duly assessed as such by the flag state administration and have complied with the Code for Recognized Organizations (RO Code) in accordance with the provisions of the IMO Resolution A.739 (18) and IMO Resolution A.789 (19) and authorized to undertake statutory surveys and inspections and to issue certificates on its behalf.

SECTION 5. Powers and Functions. – For purposes of this Act, the Department of Transportation (DOTr) shall:

- a) Act as the primary and central maritime administration relative to the compliance with, and effective implementation and enforcement of international maritime instruments to which the Philippines is a State party.
- b) Exercise oversight functions over the following powers and functions of the relevant agencies to:
 - 1) 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 relevant international maritime instruments;
 - 2) Determine which ships may be exempted as allowed by the provisions of the applicable international maritime instruments;

- 3) 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 in accordance with relevant international maritime instruments;
- 4) Require the master or, in the master's absence, the owner, charterer, manager or operator to submit, without delay, a full written report of any incident involving a ship that may endanger the safety of the ship, its crew, passengers, or cargo, or pose a threat to the marine environment;
- 5) Following any marine casualty, accident or incident involving a ship of Philippine registry wherever located, or a foreign-flagged ship located in the Philippine maritime zone, 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, 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;
- 6) Receive the report of any violation from another State and conduct any 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; and
- 7) Establish rules and regulations for the effective exercise of flag state, port state and coastal state functions mentioned in international maritime instruments to which the Philippine is a State party. This authority shall include the levying of administrative fees, fines, penalties and sanctions.

The foregoing functions shall be pursuant to the existing functions and mandates of the relevant agencies provided under the law or their respective charters or as may be delegated or assigned by the DOTr in furtherance of the objectives of this Act.

- c) Act as the designated point of contact to the IMO and other international bodies with respect to all matters related to the implementation of international maritime instruments to which the Philippines is a State party; and
- d) Exercise such other powers and functions as may be necessary to implement the provisions of this Act.

SECTION 6. *Adoption of International Maritime Instruments to which the Philippines is not yet a State Party and Power to Amend Regulations to Conform to Amendments to International Maritime Conventions.* – The appropriate government agencies, with the concurrence of the Secretary of the DOTr, shall recommend to the Department of Foreign Affairs the adoption of international 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 after the lapse of the specified time, the appropriate government agencies are 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 3 of this Act in order to ensure the harmonized implementation and enforcement of the international maritime instruments covered by this Act.

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 in ensuring the safety of the ship, its crew, passengers and cargo, and in protecting the marine environment.

SECTION 8. *Implementing Rules and Regulations.* – Within six (6) months from the effectivity of this Act, the DOTr shall, in coordination with the relevant agencies, issue the necessary rules and regulations to implement the provisions of this Act.

The rules and regulations shall clearly identify the processes and procedures to be followed by the different regulatory agencies given their respective mandates, technical competence and expertise, organizational structure and capabilities for carrying out the obligations of the Philippines under the relevant international maritime instruments. The rules and regulations 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 with several agencies by a lead agency;
- d) Cooperation by agencies acting independently of each other; or
- e) Monitoring and reporting to another agency.

SECTION 9. *Separability Clause.* – If any portion or provision of this Act is declared invalid or unconstitutional, the remainder of this Act or any provision not affected thereby shall remain in force and effect.

SECTION 10. *Repealing Clause.* – All laws, presidential decrees, executive orders, rules and regulations and other issuances, or any part thereof, inconsistent with this Act are hereby repealed, modified, or amended accordingly.

SECTION 11. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) newspapers of general circulation.