

1 SEC. 3. *Definition of Terms.* – As used in this Act:

2 (a) *Atmospheric discharges or emissions from ships* refer to any
3 deliberate discharge or emission of ozone depleting substances, nitrogen
4 oxides, sulfur oxides and volatile organic compounds when such discharges do
5 not meet the requirements of the Convention.

6 (b) *Chemical tanker* refers to a ship constructed or adapted for the
7 carriage in bulk of any liquid product listed in the International Bulk Chemical
8 Code or any noxious liquid substance.

9 (c) *Coastal State* refers to the relationship of the Philippines to a
10 foreign-flagged vessel traversing Philippine waters and its corollary right to
11 exercise jurisdiction and regulatory control over such vessel.

12 (d) *Convention* refers to:

13 (1) The International Convention for the Prevention of Pollution from
14 Ships 1973, as amended by the Protocol of 1978 or MARPOL 73/78;

15 (2) Protocol I and II of MARPOL 73/78;

16 (3) Annexes I, II, III, IV, V and VI, their relevant appendices, any
17 technical code referred to, as well as any amendment to any of these
18 documents which may enter into force in accordance with the procedure
19 referred to in Article 16 of MARPOL 73/78;

20 (4) Any subsequent protocol of and amendment to the Convention
21 which the Philippine Government may ratify necessary to advance the purposes
22 of this Act; and

23 (5) Any mandatory Code referred to in the Convention or any
24 subsequent protocol to the Convention which the Philippine Government may
25 ratify or any amendment which may enter into force in accordance with Article
26 16 of the Convention.

1 (e) *Department* refers to the Department of Transportation and
2 Communications.

3 (f) *Discharge* refers to any release, however caused, of harmful
4 substances from a ship, including any escape, disposal, spilling, leaking,
5 pumping, emitting or emptying of such substances, except:

6 (1) Release of harmful substances directly arising from the
7 exploration, exploitation and associated off-shore processing of sea-bed
8 mineral resources; or

9 (2) Release of harmful substances for purposes of legitimate scientific
10 research into pollution abatement or control.

11 (g) *Dirty ballast* refers to water carried in the cargo tank.

12 (h) *Flag State* refers to the relationship of the Philippines to vessels
13 registered under its flag and the corollary right to exercise jurisdiction and
14 regulatory control over these vessels.

15 (i) *Foreign-flagged ship* refers to any ship registered in another State
16 or authorized to fly its flag, whether or not it is a State party to MARPOL
17 73/78, when found in any of the ports, terminal facilities or waters within the
18 jurisdiction or sovereignty of the Philippines.

19 (j) *Garbage* refers to all kinds of victual, domestic and operational
20 waste, excluding fresh fish and parts thereof, generated during the normal
21 operation of the ship and liable to be disposed of continuously or periodically.

22 (k) *Harmful substance in package form* refers to those substances
23 which are identified as marine pollutants in the International Maritime
24 Dangerous Goods (IMDG) Code and are held in forms of containment
25 specified for harmful substances in the IMDG Code. If not otherwise identified
26 in the IMDG Code, harmful substances in package form shall include
27 substances identified in accordance with the following criteria as provided in
28 the Convention:

1 (1) Those which are bio-accumulated to a significant extent and
2 known to produce a hazard to aquatic life or to human health; or

3 (2) Those which are bio-accumulated with attendant risk to aquatic
4 organisms or to human health with a short retention of the order of one (1)
5 week or less; or

6 (3) Those which are highly toxic to aquatic life.

7 (l) *Marine incident* refers to an event involving the actual or probable
8 discharge into the sea, or emission into the atmosphere, of a harmful substance
9 or effluents containing such a substance.

10 (m) *Marine casualty* refers to any accident or incident of navigation
11 which results in producing a harmful, deleterious or damaging effect upon the
12 marine environment.

13 (n) *Master* refers to every person, except a pilot, having command or
14 charge of any ship, including a boat captain.

15 (o) *Noxious liquid substance* refers to any substance identified as such
16 under the relevant chapter of the International Bulk Chemical Code or
17 provisionally assessed as such by Annex II of the Convention.

18 (p) *Oil* refers to petroleum in any form including crude oil, fuel oil,
19 sludge, oil refuse and refined products, other than petrochemicals which are
20 classified as noxious liquid substances in accordance with Annex II of the
21 Convention, and including substances listed as asphalt solutions, gasoline
22 blending stocks, oils, gasolines, jet fuels, distillates, gas oil and naphtha in
23 accordance with Appendix I of Annex I of the Convention.

24 (q) *Oily mixture* refers to a mixture with any oil content.

25 (r) *Oil tanker* refers to a ship constructed or adapted primarily to
26 carry oil in bulk in its cargo spaces and includes combination carriers or any
27 other tanker when in fact carrying cargo or part of cargo of oil in bulk.

1 (s) *Other harmful substance* refers to any substance other than oil,
2 noxious liquid substances, harmful substances in package form, garbage,
3 sewage, which, if introduced into the sea, is liable to create hazards to human
4 health, to harm living resources and marine life, to damage amenities or to
5 interfere with other legitimate uses of the sea, and includes, but is not limited
6 to, atmospheric discharges and other substances identified as marine pollutants
7 which may be subject to control pursuant to the provisions of this Act and
8 other relevant environmental laws of the Philippines.

9 (t) *Owner* refers to the person registered as the owner of the ship or
10 who assumes the operation of the ship, or, in the absence of registration, the
11 person owning the ship or the bareboat charterer of the ship, and, in the case of
12 a ship owned by a State and operated by a company which in that State is
13 registered as the ship's operator, "owner" shall include such State.

14 (u) *Philippine ship* refers to any ship registered under the laws of the
15 Philippines and entitled to fly its flag wherever the ship may be found.

16 (v) *Philippine waters* refer to the internal waters, archipelagic waters,
17 territorial seas, waters within the contiguous and exclusive economic zones.

18 (w) *Plastics* include, but shall not be limited to, synthetic ropes,
19 synthetic fishing nets, plastic garbage bags, incinerator ashes from plastic
20 products which may contain toxic or heavy metal residues.

21 (x) *Port State* refers to the relationship of the Philippines to a
22 foreign-flagged vessel which may be found in any of its ports, terminal
23 facilities or harbors and its corollary right to exercise jurisdiction and
24 regulatory control over such vessel.

25 (y) *Secretary* means the Secretary of the Department of
26 Transportation and Communications.

27 (z) *Sewage* refers to:

28 (1) Drainage and other wastes from any form of toilets and urinals;

1 (2) Drainage from medical premises (dispensary, sick bay, etc.) via
2 wash basins, wash tubs and scuppers located in such premises;

3 (3) Drainage from spaces containing living animals; or

4 (4) Other waste waters when mixed with the drainages defined above.

5 (aa) *Ship* refers to a vessel of any type operating in the marine
6 environment and includes pleasure crafts, fishing vessels, hydrofoil boats,
7 air-cushion vehicles, submersibles, floating craft, drilling rigs and fixed or
8 floating platforms.

9 (bb) *Undue delay* refers to a delay that is unreasonable and
10 unnecessary in light of the particular conditions of the ship, the ship's cargo,
11 destination and schedule, and in light of the purpose and scope of the
12 investigation, inspection or other cause for detaining the ship.

13 CHAPTER 2

14 SCOPE AND APPLICATION

15 SEC. 4. *Scope and Application of this Act.* – Unless otherwise
16 specified herein, this Act shall apply to:

17 (a) All Philippine ships, wherever they may be found;

18 (b) All foreign-flagged ships in Philippine waters whether or not they
19 are registered with State parties to the Convention; and

20 (c) All other ships operating within the Philippine waters.

21 *Provided*, That the provisions of the Convention setting forth technical
22 requirements that ships must meet which are inapplicable or impractical in
23 Philippine local setting may be suspended or equivalents prescribed therefor
24 upon determination by the Department, subject to public consultation:

25 *Provided, further*, That nothing herein shall prevent enactment of any law
26 providing for standards, requirements or regulations higher than those provided
27 for by the Convention.

1. SEC. 7. *Powers and Functions of the Maritime Industry Authority*
2. *(MARINA)*. – The MARINA shall have the sole and exclusive authority and
3. responsibility to ensure that environmental and pollution regulations and
4. standards for the construction and equipment of Philippine vessels, before they
5. are allowed to fly the Philippine flag, and/or as part of their registration, are
6. complied with. For this purpose, the MARINA shall have the following duties
7. and functions:

8. (a) Ensure that all Philippine ships are constructed and equipped with
9. any fitting, material, appliance or apparatus deemed appropriate and effective
10. for the prevention of any discharge or emission of harmful substances in
11. consonance with the requirements of the Convention;

12. (b) Survey all Philippine ships for purposes of the provisions of the
13. immediately preceding paragraph, which function may be delegated to
14. MARINA-recognized organizations through a deputation process to be
15. formulated pursuant to this Act: *Provided, That*, except for direct replacement,
16. no change in the ship's structure, equipment, fittings, arrangements and
17. materials shall be made without the approval of the MARINA;

18. (c) Issue the required statutory certificates to all Philippine ships;

19. (d) Review and revise, whenever appropriate, the existing system of
20. certification, survey, inspection and monitoring of ships, with respect to
21. pollution prevention to ensure efficiency and transparency, consistent with the
22. overall management of the maritime sector and in accordance with the
23. requirements of the Convention;

24. (e) Conduct surveys and issue certificates or endorsements to foreign
25. ships registered with another State party, if so requested by a State which is a
26. party to the Convention;

27. (f) Require ships to keep and maintain relevant record books in
28. accordance with the Convention;

1 (g) Suspend, withdraw or revoke any certificate it may have issued to
2 any Philippine ship found not compliant with this Act and with rules and
3 regulations promulgated therefor;

4 (h) Hear and adjudicate any violation of rules and regulations of the
5 MARINA issued pursuant to this Act;

6 (i) Impose such fines and penalties on Philippine ships which shall fail
7 to comply with the requirements of this Act and its implementing rules and
8 regulations;

9 (j) Accredite, appoint and authorize recognized organizations to act on
10 its behalf and, for this purpose, execute the requisite memorandum of
11 agreement defining the extent of powers that may be exercised by such
12 recognized organizations including, but not limited to, the following:

13 (1) Perform and conduct statutory surveys on Philippine ships;

14 (2) Require repairs on a Philippine ship pursuant to findings resulting
15 from Port State inspection;

16 (3) Carry out surveys requested by Port State authorities; and

17 (4) Withdraw any statutory certificates if corrective action is not taken
18 by the Philippine ships.

19 (k) Provide the International Maritime Organization (IMO) with a list
20 of recognized organizations authorized to act on behalf of the Philippines
21 together with the extent of their powers, the specific responsibilities they are
22 empowered to perform and the conditions of the authority delegated to them;

23 (l) Impose, fix, collect and receive, in accordance with the duly
24 approved schedules, such fees necessary for the survey and certification of
25 ships pursuant to this Act. Such fees shall be imposed and collected in order to
26 recover the cost for rendering the service and shall not be used in order to
27 impose a penalty: *Provided*, That excessive fees, multiple fees and duplicative
28 fees shall at all times be avoided;

1 (m) Issue such rules and regulations necessary to implement the
2 provisions of this Act: *Provided*, That such rules and regulations shall be in
3 consonance with the Convention and shall not change or in any way amend or
4 be contrary to the intent and purposes of this Act;

5 (n) Provide its officers and personnel with adequate training and
6 continuing education to ensure an efficient and professional pollution
7 regulatory machinery;

8 (o) Impose and collect fees and charges in connection with the
9 performance of its functions under this Act; all fees and charges shall accrue to
10 the Marine Environmental Management Fund (MEMF) established under
11 Section 42 of this Act; such fees shall be imposed and collected in order to
12 recover the cost for rendering the service and shall not be used in order to
13 impose a penalty: *Provided*, That excessive fees, multiple fees and duplicative
14 fees shall at all times be avoided; and

15 (p) Exercise such powers and perform such other functions as may be
16 necessary to carry out its duties and responsibilities under this Act.

17 SEC. 8. *Powers and Functions of the Philippine Coast Guard (PCG).*

18 – Unless otherwise provided under Section 9 of this Act, the PCG shall have
19 the sole and exclusive authority and responsibility to enforce environmental
20 and pollution regulations and standards to all ships which may be operating
21 within Philippine waters, including ports, terminal facilities or harbors. It shall
22 include the authority to board and inspect ships to ensure compliance with such
23 regulations and standards.

24 For this purpose, the PCG shall have the following duties and functions:

25 (a) Ensure that all ships are operated and certificated in accordance
26 with the requirements of the Convention;

1 (b) Inspect the certificates and record books required of any ship
2 pursuant to Section 12 of this Act;

3 (c) Conduct a physical inspection of the ship if there should be clear
4 grounds for believing that the condition of the ship or its equipment does not
5 correspond substantially with what is stated in the ship's certificates;

6 (d) Investigate any complaint involving the alleged violation of the
7 Convention committed by a ship regardless of source of the complaint or the
8 location of the violation and request the submission of evidence which the
9 complainant may have regarding the alleged violation;

10 (e) Request the assistance of any other State whose cooperation may be
11 useful to the investigation against a ship;

12 (f) Detain a ship pursuant to Section 16 of this Act;

13 (g) Require a ship to proceed to the nearest repair yard and ensure that
14 the ship does not leave until it can proceed to sea without posing an
15 unreasonable threat or harm to the marine environment;

16 (h) Initiate proceedings against any person for violation of this Act
17 when sufficient evidence exists with respect to the alleged violation;

18 (i) Inform the complainant and the IMO of the results of the
19 investigation and any action taken against the ship operator of the Philippine
20 ship in respect of any alleged violation;

21 (j) Deny entry of a foreign-flagged ship to any Philippine port or
22 terminal facility if it fails to comply with the requirements of the Convention;

23 (k) Coordinate with, and inform, the diplomatic representative of the
24 State, or the Flag State administration, of any violation of the foreign ship and
25 any action taken against the ship;

26 (l) Inspect, verify and investigate a ship if it has discharged any
27 harmful substance into the marine environment if:

1 (1) It has reasonable grounds to believe that a discharge has occurred in
2 Philippine waters;

3 (2) It receives a report from another Coastal State; or

4 (3) It receives a request from the Flag State;

5 (m) Forward the report of any violation committed by the ship with
6 respect to any discharge of harmful substances into the marine environment to
7 the ship's Flag State administration together with any evidence it may have;

8 (n) Immediately inform any affected Coastal State of the discharge;

9 (o) Inform the Flag State administration of the foreign ship of the
10 alleged violation and furnish it with such information and evidence to show
11 that a violation has occurred;

12 (p) Ensure that the ship is not unduly delayed or detained;

13 (q) Order into port any ship found in the territorial seas if there are
14 clear grounds to believe that the ship has discharged harmful substances into
15 the marine environment;

16 (r) Establish procedures for reporting incidents involving any actual or
17 probable discharge or emission which may be in violation of this Act and of
18 the requirement of the Convention consistent with the reporting requirements
19 under this Act;

20 (s) Require all ships and aircrafts registered under the Philippine flag
21 to immediately report any marine casualty which they witnessed while
22 navigating;

23 (t) Upon inquiry or investigation, cause or recommend regulatory or
24 other appropriate actions to be taken in connection with any violation of the
25 provisions of this Act;

26 (u) Cooperate with the government of other States which are members
27 of international organizations on the prevention of pollution from ships
28 concerning the detection of violations and enforcement of this Act using all

1 appropriate and practicable measures of detection and environmental
2 monitoring, adequate procedures for reporting and accumulation of evidence;

3 (v) Provide its officers and personnel with adequate training and
4 continuing education to ensure an efficient and professional pollution
5 regulatory machinery;

6 (w) Adopt a continuing information campaign on marine resources
7 protection aimed at developing public awareness of the health hazards and
8 other adverse effects of ship pollution;

9 (x) Administer the MEMF;

10 (y) Issue such rules and regulations necessary to implement the
11 provisions of this Act: *Provided*, That such rules and regulations shall be in
12 consonance with the Convention and shall not change or in any way amend or
13 be contrary to the intent and purposes of this Act; and

14 (z) Exercise such powers and perform such other functions as may be
15 necessary to carry out its duties and responsibilities under this Act.

16 SEC. 9. *Role of the Department of Environment and Natural Resources*
17 *(DENR)*. -- For purposes of this Act, the DENR shall have the following
18 powers and functions:

19 (a) Provide technical assistance on pollution prevention to the
20 concerned government agencies in the implementation of this Act;

21 (b) Establish guidelines for the identification of harmful substances in
22 packaged form in accordance with the guidelines and listings provided by the
23 IMDG Code in coordination with the PPA and other port authorities; and

24 (c) Set emission standards for ships in accordance with the
25 requirements of the Convention.

26 For floating craft, drilling rigs and fixed or floating platforms, and
27 vessels which primarily operate or undertake business, commercial or
28 industrial activities while anchored, the DENR, in coordination with the PCG,

1 shall enforce the applicable provisions of Presidential Decree No. 1586 and
2 Republic Act No. 9275.

3 The DENR, in coordination with the PCG, shall likewise monitor
4 hazardous and radioactive wastes being transported by ships in the country,
5 and prevent the disposal thereof and/or the entry of ships carrying the same.

6 CHAPTER 4

7 PREVENTION OF POLLUTION FROM SHIPS

8 SEC. 10. *Prohibition of Discharge or Emission of Harmful*
9 *Substances.* – It shall be unlawful for any person to discharge or emit the
10 following substances from any Philippine ship, or from any other ship while it
11 is within Philippine waters:

- 12 (a) Oil, whether carried as cargo or as bunker;
13 (b) Oily mixture, whether generated from cargo operations or from
14 machinery spaces;
15 (c) Noxious liquid substances carried in bulk;
16 (d) Harmful substances in packaged form;
17 (e) Sewage;
18 (f) Garbage; and
19 (g) Other harmful substances, whether generated during the operation
20 of the ship or not.

21 The provisions of this section shall not apply in the following cases:

- 22 (1) The discharge or emission is necessary for the purpose of securing
23 the safety of a ship and those on board or saving life at sea; or
24 (2) The discharge results from unintentional damage to the ship or its
25 equipment, and all reasonable precautions have been taken after the occurrence
26 of the damage or the discovery of the discharge for the purpose of preventing
27 or minimizing the discharge, unless the master, owner or agent of the ship

1 acted either with intent to cause damage or recklessly and with knowledge that
2 damage would probably result; or

3 (3) The discharge is for the purpose of combating specific pollution
4 incidents in order to minimize the damage from pollution.

5 For this purpose, the Department shall promulgate rules and regulations
6 for the purpose of giving effect to the immediately preceding paragraph as
7 regards its application in general or with respect to particular classes of ships,
8 or in relation to particular descriptions of harmful substances, or to the disposal
9 or discharge thereof in prescribed circumstances, or in relation to particular
10 areas of the sea in consonance with the requirements of the Convention.

11 *SEC. 11. Immediate Report of Discharges of Harmful Substances.*

12 – If any actual or probable discharge of any harmful substance occurs from
13 any Philippine ship into any part of the sea or atmosphere, the master shall
14 immediately report the incident to the nearest affected Coastal State and to the
15 Department.

16 If any actual or probable discharge of any harmful substance occurs
17 from any Philippine ship or foreign-flagged ship while it is operating in
18 Philippine waters, the master of the ship shall immediately report the
19 occurrence to the PCG. The PCG shall immediately inform any affected
20 Coastal State. If a foreign-flagged ship is involved, the PCG shall immediately
21 inform the Flag State of the ship.

22 If the master of the ship fails to report the occurrence, or the discharge
23 occurs in circumstances where the ship has been abandoned, the owner,
24 charterer, manager and operator of the ship or an agent of the owner, charterer,
25 manager and operator of the ship shall without delay, report the occurrences to
26 the Department.

1 SEC. 12. *Record Books.* – Philippine ships and all ships within
2 Philippine waters shall maintain on board record books in the English
3 language, whether as part of their official logbook or not. For this purpose:

4 (a) Every oil tanker which is one hundred fifty (150) gross tonnage or
5 more and every ship, other than an oil tanker which is four hundred (400) gross
6 tonnage or more shall be provided with, and shall be required to maintain, an
7 Oil Report Book Part I for Machinery Space Operations in accordance with the
8 requirements of the Convention;

9 (b) Every oil tanker which is one hundred fifty (150) gross tonnage or
10 more shall be provided with, and shall be required to maintain, an Oil Record
11 Book Part II for Cargo/Ballast Operations in accordance with the requirements
12 of the Convention;

13 (c) Every chemical tanker shall be provided with, and shall be required
14 to maintain, a Cargo Record Book in accordance with the requirements of the
15 Convention; and

16 (d) Every ship which is four hundred (400) gross tonnage or more and
17 every ship which is certified to carry fifteen (15) persons or more shall be
18 provided with, and shall be required to maintain, a Garbage Record Book in
19 accordance with the requirements of the Convention.

20 SEC. 13. *Reception Facilities.* – Port authorities shall ensure that
21 public and private ports and terminal ports in the Philippines shall be
22 appropriately and adequately provided with facilities to meet the needs of ships
23 without causing such ships undue delay in the reception of its oily residues,
24 oily mixtures, dirty ballast, tank washing water, noxious liquid substances,
25 sewage, garbage, ozone depleting substances and equipment containing such
26 substances and for cleaning of exhaust gases in consonance with this Act and
27 the requirements of the Convention.

1 For this purpose, port authorities shall: (a) determine and establish the
2 most effective and efficient means for meeting the internationally-accepted
3 requirements with respect to reception facilities in public and private ports;
4 (b) formulate and implement integrated waste management system for the use
5 and operation of reception and treatment facilities; and (c) coordinate with the
6 DENR and concerned local government units (LGUs) on the proper handling
7 and disposal of wastes collected at ports.

8 Port authorities may accredit or enter into agreements with private
9 entities in relation to the establishment and operation of reception and
10 treatment facilities.

11 SEC. 14. *Use of Reception Facilities.* – All ships entering or availing
12 the services of ports, terminals and repair ports shall use reception facilities
13 established pursuant to the immediately preceding section, subject to the
14 integrated waste management system to be established by port authorities.

15 SEC. 15. *Denial of Entry.* – A foreign-flagged ship believed to have
16 probably violated or would violate the requirements of this Act, or rules and
17 regulations promulgated therefor, may be denied entry to any port in the
18 Philippines.

19 SEC. 16. *Detention of Ships.* – Ships shall be detained in any of the
20 following cases:

21 (a) The fine or fines imposed on ship, owner or operator of the ship
22 pursuant to Chapter 5 of this Act, except those imposed for violations of
23 administrative regulations under Sections 27, 28 and 29 of this Act, have not
24 been paid;

25 (b) The condition of the ship does not substantially correspond with
26 what is stated in the ship's certificates;

27 (c) The ship does not hold valid ship's certificates;

28 (d) There are reasonable or probable grounds to believe that:

1 (1) The ship incurred a pollution cost liability under Section 33 of this
2 Act;

3 (2) The ship violated any of the requirements of this Act or rules and
4 regulations promulgated therefor; and

5 (3) The ship caused harm or damage or exhibited a reasonable
6 environmental threat to the marine environment.

7 A ship detained under paragraph (d) of this section may be released
8 after the owner of the ship posts with the MPAB an adequate cash bond,
9 insurance guaranty or protection indemnity guaranty or a combination thereof,
10 as approved by the Board, to satisfy the liability of the owner, master or agent
11 of the ship under this Act.

12 CHAPTER 5

13 FINES, PENALTIES AND LIABILITIES

14 SEC. 17. *Imposition of Fines, Penalties and Liabilities.* – Except for
15 fines and penalties for violations of administrative regulations under Sections
16 27, 28 and 29 of this Act, all fines and penalties imposed for violations of the
17 provisions of this Chapter shall be imposed by the MPAB established pursuant
18 to Section 35 of this Act.

19 For this purpose, an appropriate fine rating system shall be established
20 by the said Board, taking into consideration degree of willfulness, negligence
21 or recalcitrance of the master, owner or operator of the ship, their history of
22 noncompliance and the gravity of the damage caused by the ship to the
23 environment.

24 SEC. 18. *Discharge or Emission of Harmful Substances.* – A ship
25 which is found to have discharged or emitted harmful substances under Section
26 10 of this Act shall be liable to the following fines:

27 (a) In the case of a Philippine ship, unless the discharge or emission is
28 committed and appropriately fined in other States' jurisdiction:

1 (1) For oil or oily mixture under paragraphs (a) and (b) of Section 10
2 of this Act – not less than Twenty thousand pesos (Php20,000.00) but not more
3 than Ten million pesos (Php10,000,000.00);

4 (2) For noxious liquid substances or harmful substances in packaged
5 form under paragraphs (c) and (d) of Section 10 of this Act – not less
6 than Ten thousand pesos (Php10,000.00) but not more than Ten million pesos
7 (Php10,000,000.00);

8 (3) For sewage or garbage under paragraphs (e) and (f) of Section 10 of
9 this Act – not less than Five thousand pesos (Php5,000.00) but not more than
10 Two million pesos (Php2,000,000.00); and

11 (4) For other harmful substances as defined in this Act – not less than
12 Three thousand pesos (Php3,000.00) but not more than Ten million pesos
13 (Php10,000,000.00); and

14 (b) In the case of a foreign-flagged ship:

15 (1) For oil or oily mixture under paragraphs (a) and (b) of Section 10
16 of this Act – not less than Five thousand US dollars (US\$5,000.00) but not
17 more than Five million US dollars (US\$5,000,000.00), or its equivalent in
18 Philippine pesos;

19 (2) For noxious liquid substances or harmful substances in packaged
20 form under paragraphs (c) and (d) of Section 10 of this Act – not less than
21 Three thousand US dollars (US\$3,000.00) but not more than Three million US
22 dollars (US\$3,000,000.00), or its equivalent in Philippine pesos;

23 (3) For sewage or garbage under paragraphs (e) and (f) of Section 10 of
24 this Act – not less than One thousand US dollars (US\$1,000.00) but not more
25 than One million US dollars (US\$1,000,000.00), or its equivalent in Philippine
26 pesos; and

1 (4) For other harmful substances as defined in this Act – not less than
2 Three thousand US dollars (US\$3,000.00) but not more than Five million US
3 dollars (US\$5,000,000.00), or its equivalent in Philippine pesos.

4 Any person directly or negligently responsible for the discharge or
5 emission into Philippine waters or atmosphere shall be liable to a fine of not
6 less than Five thousand pesos (Php5,000.00) but not more than Five million
7 pesos (Php5,000,000.00) and, whenever appropriate, to the costs of any
8 measure reasonably taken in removing or eliminating the discharged or emitted
9 substances.

10 SEC. 19. *Failure to Maintain Record Books.* – (a) A ship which
11 operates or is allowed to operate without record books required under Section
12 12 of this Act or fails to maintain on board said record books shall be liable to
13 a fine of Two hundred thousand pesos (Php200,000.00).

14 (b) Any person who fails to comply with the provisions of Section 12
15 of this Act or the rules and regulations promulgated therefor shall be liable to a
16 fine of not less than Five thousand pesos (Php5,000.00) but not more than Two
17 hundred thousand pesos (Php200,000.00).

18 (c) Any person who makes any false or misleading entry in said record
19 books carried or kept under Section 12 of this Act shall be liable to a fine of
20 not less than Ten thousand pesos (Php10,000.00) but not more than Five
21 hundred thousand pesos (Php500,000.00).

22 SEC. 20. *Refusal to Use Reception Facilities.* – A ship which
23 unjustifiably refuses to use reception facilities shall be liable to a fine of not
24 less than Ten thousand pesos (Php10,000.00) but not more than Five hundred
25 thousand pesos (Php500,000.00): *Provided,* That disposal of oil in reception
26 facilities shall be required upon determination by the PCG.

27 SEC. 21. *Absence of and Noncompliance with Shipboard Garbage*
28 *Management.* – If a ship operates without a shipboard garbage management

1 plan as required under the Convention or fails to operate in accordance
2 with such plan, it shall be liable to a fine of not less than Ten thousand pesos
3 (Php10,000.00) but not more than Two hundred thousand pesos
4 (Php200,000.00).

5 SEC. 22. *Unauthorized Change in the Ship's Structure, Equipment,*
6 *Fittings, Arrangements and Materials.* – Unless authorized under this Act or
7 the Convention, any ship owner who made, or caused the making of changes in
8 the structure, equipment, fittings, arrangements and materials of the ship
9 without the approval of the MARINA shall be punished by a fine of not less
10 than Ten thousand pesos (Php10,000.00) but not more than One hundred
11 thousand pesos (Php100,000.00).

12 SEC. 23. *Operating Without the Required Certification.* – A ship
13 which is operated or is allowed to operate without the certification required
14 pursuant to this Act or the Convention shall be detained and shall be liable to a
15 fine of not less than Ten thousand pesos (Php10,000.00) but not more than
16 Five hundred thousand pesos (Php500,000.00).

17 SEC. 24. *Violation of Detention Order.* – A ship which proceeds to
18 sea in violation of a detention order made pursuant to Section 16 hereof shall
19 be liable to the following fines:

20 (a) Philippine ship – not less than Ten thousand pesos (Php10,000.00)
21 but not more than One million pesos (Php1,000,000.00); and

22 (b) Foreign-flagged ship – not less than Five thousand US dollars
23 (US\$5,000.00) but not more than Five million US dollars (US\$5,000,000.00),
24 or its equivalent in Philippine pesos.

25 SEC. 25. *Continuing Violation.* – Where a ship continuously
26 discharges or emits harmful substances in violation of Section 10 of this Act, it
27 shall be held liable for the fines stipulated under Section 18 and shall
28 be furthermore liable to an additional fine of not less than Ten

1 thousand pesos (Php10,000.00) but not more than Two hundred thousand
2 pesos (Php200,000.00) for every day or part thereof during which the offense
3 continues.

4 SEC. 26. *Obstruction of Investigation.* – Any person who shall,
5 without justifiable reason, obstruct or hamper the conduct of an investigation
6 of a violation of this Act shall be liable to pay a fine of not less than Ten
7 thousand pesos (Php10,000.00) but not more than One hundred thousand pesos
8 (Php100,000.00).

9 SEC. 27. *Neglect of Duty.* – Any government official or employee
10 charged with the responsibility of enforcing any provision of this Act, who is
11 found guilty of gross negligence of duty, shall be dismissed from the service
12 with prejudice to reinstatement. Neglect of duty shall be prosecuted in
13 accordance with existing laws.

14 SEC. 28. *Connivance in Violation of this Act.* – Any government
15 official or employee charged with the responsibility of enforcing and/or
16 implementing any provision of this Act who connives with the ship owner,
17 master or operator of a ship or any person who violates or permits the
18 commission of any violation of this Act shall be dismissed from the service and
19 shall be jointly and severally liable with any such person found to be liable for
20 the fine imposed pursuant to this Act.

21 SEC. 29. *Violations of Administrative Regulations.* – Any person who
22 commits or omits acts in violation of rules and regulations issued by concerned
23 agencies pursuant to this Act, unless the violations are otherwise covered under
24 Sections 19 to 28 hereof, shall be liable to the following fines:

25 (a) First violation – a fine of not less than One thousand
26 pesos (Php1,000.00) but not more than One hundred thousand pesos
27 (Php100,000.00);

1 (b) Second violation – a fine more than One hundred thousand pesos
2 (Php100,000.00) but not more than Two hundred thousand pesos
3 (Php200,000.00); and

4 (c) Third violation – a fine more than Two hundred thousand pesos
5 (Php200,000.00) but not more than One million pesos (Php1,000,000.00) and
6 the suspension of vessel safety certificate for six (6) months to one (1) year.

7 The concerned agency shall promulgate rules and regulations for the
8 summary imposition of administrative sanctions, subject to due process, for
9 failure to comply with any order, decision, rules or regulations of the
10 Department issued pursuant to this Act. All administrative fines imposed by
11 the concerned agency pursuant to this Act shall accrue to the MEMF.

12 SEC. 30. *Intentional Violation.* – In case the discharge or emission of
13 harmful substances or toxic pollutants identified pursuant to Republic Act
14 No. 6969, otherwise known as the “Toxic Substances and Hazardous and
15 Nuclear Wastes Control Act of 1990”, in toxic amounts or in violation of
16 Section 10 of this Act is deliberate and willful, the offender, without prejudice
17 to the civil liability of the offender, shall be liable to the following fines or
18 imprisonment of not less than six (6) years but not more than twelve (12) years,
19 or both, at the discretion of the court:

20 (a) Philippine ship – not less than Fifty thousand pesos
21 (Php50,000.00) but not more than Twenty million pesos (Php20,000,000.00);
22 and

23 (b) Foreign-flagged ship – not less than Fifty thousand US dollars
24 (US\$50,000.00) but not more than Eight million US dollars
25 (US\$8,000,000.00), or its equivalent in Philippine pesos.

26 SEC. 31. *Automatic Adjustment of Penalties and Fines.* – The fines
27 prescribed in this Act shall be automatically increased by ten percent (10%)
28 every three (3) years from the effectivity of this Act.

1 SEC. 32. *Clean-up Operations.* – In the event harmful substances
2 under Section 10 of this Act are discharged or emitted from any ship into
3 Philippine waters or into any part of the sea or waters outside Philippine waters
4 but such substances subsequently flowed or drifted into Philippine waters, or
5 into the Philippine atmosphere, the PCG, in coordination with other agencies
6 concerned, shall be responsible for the cleanup and containment of discharged
7 substances, and the prevention or mitigation of the resulting damage to the
8 environment, human health, tourist and fishing industries, public and private
9 properties: *Provided,* That necessary initial cleanup and containment shall be
10 made by the owner of the ship which discharged or caused the discharge of
11 such harmful substances.

12 SEC. 33. *Cost Liability for the Discharge or Emission of Harmful*
13 *Substances.* – The owner of the ship liable for the discharge of harmful
14 substances under Section 32 hereof shall be primarily responsible to pay for
15 the following pollution costs:

16 (a) Reasonable expenses that the PCG and other agencies concerned
17 may reasonably undertake or has undertaken pursuant to the immediately
18 preceding section; and

19 (b) Environmental damages and/or other reasonable measures taken for
20 environmental rehabilitation.

21 In case the responsibility for the above pollution cost liability falls on
22 two (2) or more ships, and the liability of each of the owners thereof cannot be
23 reasonably distinguished from that of the other, each of the owners shall be
24 jointly and severally liable for the whole amount of the cost.

25 Republic Act No. 9483, otherwise known as the “Oil Pollution
26 Compensation Act of 2007”, shall govern the civil liability for the discharge of
27 oil, including the oily mixture, discharged as part of the incident under the said
28 Act.

1 Reimbursement of the cost incurred shall be made to the MEMF or to
2 such other funds where disbursements were sourced.

3 SEC. 34. *Informer's Reward to Persons Instrumental in the Discovery*
4 *of Violations of this Act.* – Any person, with the exception of the Department,
5 the DENR, the LGUs, the MARINA, the PCG or port authority officials or
6 employees or their relatives within the sixth degree of consanguinity, who
7 voluntarily gives definite and sworn information, not yet in the possession of
8 the MARINA or the PCG, leading to the discovery of the violation of this Act,
9 thereby resulting in the imposition of fines and/or fees or conviction of the
10 guilty party and/or the imposition of any of the fines or penalties, shall be
11 rewarded in a sum equivalent to ten percent (10%) of the fines imposed and/or
12 fees recovered.

13 CHAPTER 6

14 MARINE POLLUTION ADJUDICATION BOARD

15 SEC. 35. *Marine Pollution Adjudication Board.* – There is hereby
16 constituted a Marine Pollution Adjudication Board (MPAB) under the Office
17 of the Secretary vested with quasi-judicial powers which the Board shall have
18 sole and exclusive jurisdiction over all marine pollution cases as provided for
19 in Section 17 of this Act. The Board shall be composed of the following
20 members:

21 (a) The Secretary of the Department, or his duly authorized permanent
22 representative, as Chairman;

23 (b) The Secretary of the DENR, or his duly authorized permanent
24 representative;

25 (c) The Administrator of the MARINA, or his duly authorized
26 permanent representative;

27 (d) The Commandant of the PCG, or his duly authorized permanent
28 representative;

1 (e) The General Manager of the PPA, or his duly authorized permanent
2 representative;

3 (f) A permanent representative endorsed by the Association of Masters
4 and Mates;

5 (g) A permanent representative endorsed by the Marine Engineers
6 Association; and

7 (h) A member of the Philippine Bar duly endorsed by the Integrated
8 Bar of the Philippines (IBP).

9 The grant of honoraria to members of the MPAB shall be subject to
10 existing laws, accounting and auditing rules and regulations.

11 SEC. 36. *Powers and Functions.* – The MPAB shall have the
12 following powers and functions:

13 (a) To hear and decide cases falling under their jurisdiction pursuant to
14 Section 17 of this Act;

15 (b) To conduct hearings on all matters within its jurisdiction, proceed
16 to hear and determine the disputes in the absence of any party thereto who has
17 been summoned or served with notice to appear, conduct its proceedings or
18 any part thereof in public or in private, adjourn its hearings at any time and
19 place, refer technical matters or accounts to an expert and to accept the
20 experts' reports thereon as evidence after hearing of the parties upon due
21 notice, direct parties to be joined in or excluded from the proceedings, correct,
22 amend or waive any error, defect or irregularity, whether in substance or in
23 form, give all such directions as it may deem necessary or expedient in the
24 determination of the dispute before it and dismiss the dispute as part thereof,
25 where it is trivial or where further proceedings by the Commission are not
26 necessary or desirable;

27 (c) To promulgate and adopt its own rules on pleading, practice and in
28 the adjudication of pollution cases coming from ships. It shall not be bound by

1 technical rules of procedure and evidence but shall proceed to hear and decide
2 all cases, disputes or controversies in a most expeditious manner, employing
3 all reasonable means to ascertain the facts of every case in accordance with
4 justice and equity and the merits of the case;

5 (d) To summon witnesses, administer oaths, take testimony, require
6 submission of reports, compel the production of books and documents and
7 answers to interrogatories and issue *subpoena ad testificandum* and *subpoena*
8 *duces tecum* and to enforce its writs through sheriffs or other duly deputized
9 officers;

10 (e) To punish direct and indirect contempt in the same manner and
11 subject to the same penalties as provided in the Rules of Court;

12 (f) To enjoin any or all acts involving or arising from any case pending
13 before it which, if not restrained forthwith, may cause grave or irreparable
14 damage to any of the parties to the case or seriously affect social or economic
15 stability;

16 (g) To issue orders and decisions to compel compliance with the
17 provisions of this Act and the Convention and issuances or decisions of the
18 MPAB;

19 (h) To deputize in writing or request assistance of appropriate
20 government agencies or instrumentalities for the purpose of enforcing its
21 decisions; and

22 (i) To issue an *ex parte* order directing the discontinuance of discharge
23 of substances that cause marine pollution, or the temporary suspension or
24 cessation of operation of the equipment, project or activity and other acts
25 causing environmental degradation, generating such pollutants or wastes,
26 without the necessity of a previous public hearing: *Provided*, That such
27 *ex parte* order shall be issued only in case of immediate threat to life or
28 property, public health, safety or welfare or to animal or plant life, or exceeds

1 the allowable environmental standards. The *ex parte* order shall be
2 immediately executory and shall remain in force and effect until the same is
3 modified or lifted by the MPAB.

4 SEC. 37. *Finality of Determination.* – Any case or controversy before
5 the MPAB shall be decided by majority of all its members within thirty (30)
6 days after it is submitted for resolution. Only one (1) motion for
7 reconsideration shall be allowed. Unless an appeal is perfected and a cash
8 bond equivalent to the fine imposed is deposited, any order, decision or ruling
9 issued by the MPAB shall be final and executory.

10 SEC. 38. *Appeals.* – Any decision, order or judgment of the MPAB
11 may be appealed to the Court of Appeals by *certiorari* within fifteen (15) days
12 from receipt of a copy thereof: *Provided*, That cease and desist orders shall be
13 immediately executory.

14 CHAPTER 7

15 MISCELLANEOUS PROVISIONS

16 SEC. 39. *Ship Pollution Prevention Program.* – The Department, in
17 coordination with concerned agencies and stakeholders, shall establish a
18 Prevention of Ship Pollution Program to enhance government implementation
19 of this Act particularly on: (a) awareness building and capacity building;
20 (b) databanking; (c) development of reception facilities; (d) marine
21 environment protection; and (e) research.

22 SEC. 40. *Implementing Rules and Regulations.* – The Department and
23 the concerned agencies shall promulgate the implementing rules and
24 regulations of this Act within one (1) year after the enactment of this Act. The
25 proposed implementing rules and regulations shall be subject to public
26 consultations with affected sectors. *The Department shall ensure that functions*
27 *of the implementing agencies and rules and regulations promulgated prior to*

1 and after the effectivity of this Act are devoid of any duplication or
2 inconsistency.

3 The rules and regulations issued by other government agencies and
4 instrumentalities for the prevention of marine pollution not inconsistent with
5 and appropriate to the implementation of this Act shall supplement the rules
6 and regulations issued by the Department pursuant to this Act.

7 SEC. 41. *Joint Congressional Oversight Committee (JCOC)*. – The
8 Joint Congressional Oversight Committee created under Section 33 of
9 Republic Act No. 9275 or the “Philippine Clean Water Act of 2004” shall also
10 monitor the implementation of this Act and review the implementing rules and
11 regulations promulgated by the Department.

12 The JCOC shall exist for a period not exceeding five (5) years from the
13 effectivity of this Act and thereafter, its oversight functions shall be exercised
14 by the Committee on Environment of the Senate and the Committee on
15 Ecology of the House of Representatives, acting separately.

16 The Secretariat of the Congressional Oversight Committee shall come
17 from the Secretariat personnel of the Committees of the Senate and the House
18 of Representatives comprising the JCOC.

19 SEC. 42. *Marine Environmental Management Fund (MEMF)*. – There
20 is hereby established a Marine Environmental Management Fund (MEMF) to
21 be administered by the PCG. The Oil Pollution Management Fund (OPMF)
22 created under Section 22 of Republic Act No. 9483, otherwise known as the
23 “Oil Pollution Compensation Act of 2007”, is hereby abolished. All balances,
24 including the liabilities incurred by the OPMF, shall be transferred to the
25 MEMF. The MEMF shall be sourced from the following:

26 (a) Fees, charges and fines imposed pursuant to this Act and Republic
27 Act No. 9483;

1 (b) Donations, endowments, grants and contributions; and

2 (c) Amounts specifically appropriated for the MEMF under the annual
3 General Appropriations Act.

4 The MEMF shall be utilized for the following activities:

5 (1) Containment, removal and clean-up operations of the PCG in all oil
6 pollution cases; and

7 (2) Enforcement and monitoring activities of the MARINA, the PCG
8 and port authorities of the Department and other relevant agencies: *Provided,*
9 That ninety percent (90%) of the funds shall be maintained annually for the
10 containment, removal and clean-up operations of the PCG in all cases of
11 pollution from ships: *Provided, further,* That in no case shall the MEMF be
12 used to fund personal services expenditures except for the compensation of
13 those involved in clean-up operations.

14 SEC. 43. *Appropriations.* -- The amount necessary to carry out the
15 provisions of this Act shall be charged against the current year's appropriations
16 of the concerned agencies. Thereafter, such sums as may be necessary for the
17 operation and maintenance of this Act shall be included in the General
18 Appropriations Act.

19 SEC. 44. *Separability Clause.* -- In the event that any provision of this
20 Act is declared unconstitutional, the validity of the remainder shall not be
21 affected thereby.

22 SEC. 45. *Repealing Clause.* -- The fifth paragraph of Section 28 of
23 Republic Act No. 9275 and Section 22 of Republic Act No. 9483 are hereby
24 repealed. Republic Act No. 6969, Presidential Decrees Numbered 979 and
25 601 are hereby amended and modified accordingly. All laws, decrees, rules
26 and regulations and executive orders contrary to or inconsistent with this Act
27 are hereby repealed or modified accordingly.

1 SEC. 46. *Effectivity Clause.* – This Act shall take effect fifteen (15)
2 days after the completion of its publication in the *Official Gazette* or in at least
3 two (2) newspapers of general circulation.

Approved,

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