



HOUSE OF REPRESENTATIVES

H. No. 3766

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BY REPRESENTATIVES MANALO, SARMIENTO (C.), UNGAB, MADRONA, AGLIPAY, BICHARA, GONZALEZ, IWAY, LEONARDIA, LOPEZ (C.), ONG, DELA CRUZ, ROMUALDO, TEJADA, HERNANDEZ, YU, VELARDE, SALVACION, RAMOS, ACHARON, BELMONTE (J.), VIOLAGO, GUIAO, CAMINERO, FVARDONE, ACEDILLO, ABU, VILLANDEVA, SEÑERES, DEL MAR, AGGABAO, COSALAN, CO, BATOCABE, COLLANTES, ECHIVERRI, DEFENSOR, FERRER (L.), RODRIGUEZ (R.), PAQUIZ, TOLENTINO, TREÑAS, ALBANO, ROMULO, PAGDILAO, FERNANDEZ AND ADVINCULA, PER COMMITTEE REPORT NO. 41

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AN ACT ESTABLISHING THE MARITIME INDUSTRY AUTHORITY (MARINA) AS THE SINGLE MARITIME ADMINISTRATION RESPONSIBLE FOR THE IMPLEMENTATION AND ENFORCEMENT OF THE 1978 INTERNATIONAL CONVENTION ON STANDARDS OF TRAINING, CERTIFICATION AND WATCHKEEPING FOR SEAFARERS, AS AMENDED, AND INTERNATIONAL AGREEMENTS OR COVENANTS RELATED THERETO

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

- 1           SECTION I. *Declaration of Policy.* - The following are hereby  
2 declared to be the policies of the State:  
3           (a) The State shall ensure compliance with the 1978 International  
4 Convention on Standards of Training, Certification and Watchkeeping for  
5 Seafarers (STCW Convention), as amended; all international agreements  
6 implementing or applying the STCW Convention; and other international  
7 maritime safety conventions or agreements that the STCW Convention seeks  
8 to promote compliance with;

1 (b) The State recognizes the vital contribution of the seafarers to the  
2 national economy. Towards this end, the State shall establish systems and  
3 mechanisms for the promotion and protection of the well-being of the  
4 seafarers to ensure their professionalism and competitiveness, both in local and  
5 international trade, consistent with existing local labor laws and applicable  
6 international laws;

7 (c) The State shall create an administrative system and structure, a  
8 single maritime administration that shall provide an enabling environment  
9 for the business of Philippine seafaring; establish appropriate institutional  
10 arrangements with other agencies of government; and create an effective  
11 regulatory framework conducive to the efficiency, transparency and  
12 competitiveness of the Philippine seafaring industry consistent with the STCW  
13 Convention; and

14 (d) The State shall harmonize all legal and administrative measures  
15 which are taken and provided for by government regulatory agencies and ensure  
16 that such measures are appropriate and consistent with the STCW Convention.

17 SEC. 2. *Definition of Terms.* – As used in this Act, the following terms  
18 shall mean:

19 (a) *Certificate of competency* refers to a certificate issued to masters,  
20 officers and Global Maritime Distress and Safety System (GMDSS) radio  
21 operators in accordance with the provisions of Chapters II, III, IV or VII of  
22 the Annex to the STCW Convention, as amended, entitling the lawful holder  
23 to serve and perform the functions involved at the level of responsibility  
24 specified therein.

25 (b) *Certificate of endorsement* refers to an attestation of the maritime  
26 administration as to the authenticity and validity of the certificates,  
27 incorporated in the format of the certificates issued to masters and officers,

1 stating that the issuance of the relevant certificate is in compliance with the  
2 requirements of the STCW Convention.

3 (c) *Certificate of proficiency* refers to a certificate other than a  
4 certificate of competency issued to a seafarer, stating that the relevant  
5 requirements of training competencies or seagoing service under the STCW  
6 Convention have been met.

7 (d) *Documentary evidence* refers to all the documentation, other than a  
8 certificate of competency or certificate of proficiency, used to establish that the  
9 relevant requirements of the STCW Convention have been met.

10 (e) *Maritime administration* or *single maritime administration* refers to  
11 the Maritime Industry Authority (MARINA), as the single government agency  
12 mandated to ensure complete and effective implementation of the STCW  
13 Convention.

14 (f) *Seafarer* refers to any person who is employed, engaged or works on  
15 board seagoing ships, whether or not such ships are engaged in the domestic or  
16 overseas trade, and to whom the STCW Convention applies.

17 (g) *STCW Convention* refers to the 1978 International Convention on  
18 Standards of Training, Certification and Watchkeeping for Seafarers, and its  
19 subsequent amendments.

20 SEC. 3. *MARINA as the Single Maritime Administration.* – The  
21 MARINA created under Presidential Decree No. 474, as amended, shall be the  
22 single maritime administration mandated to implement and enforce the 1978  
23 International Convention on Standards of Training, Certification and  
24 Watchkeeping for Seafarers. It shall carry out an effective regulatory  
25 framework conducive to the efficiency, transparency and competitiveness of the  
26 Philippine seafaring industry.

27 SEC. 4. *Powers and Functions of the MARINA.* – In addition to the  
28 mandate of the MARINA under Presidential Decree No. 474, as amended,

1 and in order to carry out the provisions of this Act, the MARINA shall  
2 exercise the following powers and functions:

3 (a) Act as the single and central maritime administration for all  
4 purposes relating to compliance with the STCW Convention;

5 (b) Administer and ensure the effective implementation of the STCW  
6 Convention, as amended, including all international conventions or agreements  
7 implementing or applying the same, as well as international maritime safety  
8 conventions or agreements that it seeks to promote compliance with;

9 (c) Assume all powers and functions of the Professional Regulation  
10 Commission (PRC), the Commission on Higher Education (CHED), the  
11 Technical Education and Skills Development Authority (TESDA), the  
12 Department of Health (DOH) and the National Telecommunications  
13 Commission (NTC) relative to the issuance, validation, verification, correction,  
14 revocation or cancellation of certificates of competency, endorsement,  
15 proficiency and documentary evidence required of all seafarers and all such  
16 other matters pertaining to the implementation of the STCW Convention,  
17 subject to the following:

18 (1) The MARINA shall ensure that the examination, licensing and  
19 certification system for marine deck and engine officers are in accordance with  
20 the requirements prescribed under the STCW Convention. All powers, duties  
21 and functions of the PRC on examination, licensing and certification system  
22 for marine deck and engine officers as provided in Republic Act No. 8544,  
23 otherwise known as the "Philippine Merchant Marine Officers Act of 1998",  
24 shall henceforth be exercised by the MARINA. The compensation and  
25 allowances of the Board of Marine Deck Officers and Marine Engine Officers  
26 under Article IV, Section 8 of Republic Act No. 8544 shall, however, be  
27 comparable to the compensation and allowances being received by the

1 Chairpersons and members of other existing regulatory boards under the  
2 PRC as provided for in the General Appropriations Act;

3 (2) The MARINA shall adopt rules and regulations, in accordance  
4 with the STCW Convention, governing able-bodied deck and engine ratings  
5 including:

6 (i) Monitoring and verification of compliance with the standards of  
7 ratings;

8 (ii) Harmonization of the procedures for periodic evaluation,  
9 assessment and monitoring activities undertaken by accredited institutions  
10 with registered programs for ratings; and

11 (iii) Issuance of certificates of proficiency to ratings.

12 (3) The MARINA shall ensure that all legal and administrative  
13 measures relative to the issuance of certificates of competency of GMDSS  
14 radio operators are in accordance with the STCW Convention. For this  
15 purpose, the MARINA shall assess, revalidate and issue GMDSS radio  
16 operator's certificate in accordance with the provisions under the STCW  
17 Convention;

18 (4) The MARINA shall ensure that all maritime education, including  
19 the curricula and training programs, are structured and delivered in  
20 accordance with the written programs, methods and media of delivery,  
21 procedures and course materials compliant with international standards as  
22 prescribed under the STCW Convention. For this purpose, the MARINA  
23 shall:

24 (i) Chair the Technical Panel on Maritime Education (TPME) of the  
25 CHED; the TPME shall among others, formulate, review and recommend to  
26 the CHED Commission *en banc* all policies, standards and guidelines for  
27 maritime education, including curricula, facilities and guidelines;

1 (ii) Monitor and verify, in coordination with the CHED, compliance  
2 with the policies, standards and guidelines of maritime education in the  
3 conduct of maritime education and training programs;

4 (iii) Review and harmonize the procedures for periodic evaluation,  
5 assessment and monitoring of all maritime education and training  
6 institutions, in accordance with the standards of the CHED and other  
7 recognized international organizations;

8 (iv) Develop, formulate and recommend for implementation, strict  
9 quality assurance mechanisms and relevant typology for maritime education  
10 programs and institutions;

11 (v) Recommend to the CHED *en banc* the closure/phase out of  
12 substandard maritime education institutions, in accordance with the existing  
13 rules and regulations as well as recommend alternative schemes or options for  
14 the affected maritime educational institution;

15 (vi) Maintain an updated list of complaints and phased-out maritime  
16 education and training programs, publish such lists in appropriate media, and  
17 provide the public with a clear understanding of the consequences of enrolling  
18 in a phased-out program;

19 (5) The MARINA shall coordinate with the DOH to ensure that the  
20 medical standards established to ascertain the medical fitness of seafarers are  
21 in accordance with the international conventions/treaties and existing laws. For  
22 this purpose, the MARINA shall:

23 (i) Ensure that the medical examinations and issuance of medical  
24 certificates by DOH-accredited hospitals, medical clinics and laboratories,  
25 including medical practitioners are in accordance with the standards prescribed  
26 by the STCW Convention; and

27 (ii) Ensure that medical certificates are issued by a duly-qualified  
28 medical practitioner recognized by and accredited with the DOH, and for

1 this purpose, a register of recognized medical practitioners shall be  
2 maintained and made available to seafarers, shipping companies and State  
3 parties to the STCW Convention.

4       SEC. 5. *Composition of the Maritime Industry Board.* – To ensure  
5 the proper implementation and enforcement of the STCW Convention in  
6 relation to international maritime safety and environmental agreements, the  
7 Commandant of the Philippine Coast Guard (PCG), in lieu of the Secretary  
8 of National Defense, shall be included as member of the Maritime Industry  
9 Board established pursuant to Presidential Decree No. 474 creating the  
10 MARINA. The Maritime Industry Board may create an advisory council  
11 that will assist the MARINA in ensuring compliance with the STCW  
12 Convention, as it may deem proper. The number and members of this  
13 Council shall be identified and determined by the Maritime Industry Board.

14       SEC. 6. *Appropriations.* – The Secretary of Transportation and  
15 Communications, through the MARINA, shall immediately include in its  
16 programs the operationalization requirement of the STCW Services, the initial  
17 funding of which shall be charged against the savings or current year's  
18 appropriations of the MARINA. Thereafter, such sums as may be necessary  
19 for the continued implementation of this Act shall be included in the annual  
20 General Appropriations Act.

21       SEC. 7. *Implementing Rules and Regulations.* – The MARINA shall  
22 issue the required implementing rules and regulations in accordance with the  
23 provisions of this Act within six (6) months from the effectivity hereof. In  
24 the formulation of such rules and regulations, the MARINA shall ensure that  
25 the processes and procedures for issuance, validation, verification, correction,  
26 revocation, or cancellation of certificates of competency, endorsement,  
27 proficiency and documentary evidence required of seafarers under the  
28 STCW Convention shall be the most efficient and convenient way for the

1 seafarers including, but not limited to, the establishment of one-stop shop  
2 arrangements, computerization and automation, and elimination of redundant  
3 fees and charges.

4 SEC. 8. *Transitory Provisions.* – All certificates of competency,  
5 endorsement, proficiency and documentary evidence issued prior to the  
6 effectivity of this Act shall be deemed valid without necessity of revalidation  
7 or reissuance until the date of expiration as stated in such certificates or other  
8 documents. Thereafter, new certificates or other documents shall be revalidated  
9 or reissued only in accordance with the implementing rules and regulations  
10 issued pursuant to this Act, in conformity with the STCW requirements.

11 SEC. 9. *Separability Clause.* – If, for any reason, any section or  
12 provision of this Act is declared unconstitutional or invalid, the other sections,  
13 or provisions hereof not affected by such declaration shall remain in force and  
14 in effect.

15 SEC. 10. *Repealing Clause.* – The provisions of Presidential Decree  
16 No. 474 on the composition of the Maritime Industry Board and all  
17 provisions under Republic Act No. 8544 relating to the examination,  
18 licensing and certification system for marine deck and engine officers are  
19 hereby amended. All existing laws, orders, decrees, rules and regulations or  
20 parts thereof inconsistent with the provisions of this Act are hereby repealed or  
21 modified accordingly.

22 SEC. 11. *Effectivity Clause.* – This Act shall take effect fifteen (15)  
23 days from its publication in the *Official Gazette* or in at least two (2) national  
24 newspapers of general circulation.

Approved,