



HOUSE OF REPRESENTATIVES

H. No. 5377

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BY REPRESENTATIVES HAGEDORN, FORTUN, ARROYO, MACAPAGAL-ARROYO, MENDOZA (R.), BIAZON, ALEJANO, ACEDILLO, RODRIGUEZ (R.), RODRIGUEZ (M.), SARMIENTO (C.), ROMUALDO, CO, BATOCABE, BAGATSING, CALALAY, ALCALA, GOMEZ, MERCADO-REVILLA, NOEL, BONOAN, TAMBUNTING, ACOSTA-ALBA, HERNANDEZ, CABILAO, FERNANDEZ, SARMIENTO (M.), CUA, OLIVAREZ, UY (R.), DY, AUMENTADO, ESCUDERO, ARAGONES, ADIONG, DELOSO-MONTALLA, GUIAO, MARCOS, DEL ROSARIO (A.G.), ADVINCULA AND TAN, PER COMMITTEE REPORT NO. 554

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AN ACT PREVENTING AND CONTROLLING POLLUTION FROM SHIPS  
AND PROVIDING PENALTIES THEREFOR

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

CHAPTER I

GENERAL PROVISIONS

1 SECTION 1. *Short Title.* - This Act shall be known as the "Prevention  
2 of Pollution from Ships Act".

3 SEC. 2. *Declaration of Policy.* - In pursuit of the constitutional  
4 mandate to protect and advance the right of the people to a balanced and  
5 healthful ecology in accord with the rhythm and harmony of nature, the State  
6 shall prevent and control pollution resulting from the operations of ships.

1           It shall likewise implement the Convention as herein defined, including  
2 its amendments and protocols that have been ratified by the Philippines.

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

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

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

11           (c) *Coastal state* refers to the relationship of the Philippines to a  
12 foreign-flagged vessel traversing Philippine waters and its corollary right to  
13 exercise jurisdiction and regulatory control over the vessel;

14           (d) *Convention* refers to:

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

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

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

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

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

1 (e) *Discharge* refers to any release, however caused, of harmful  
2 substances from a ship, including any escape, disposal, spilling, leaking,  
3 pumping, emitting or emptying of the substances, except:

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

7 (2) Release of harmful substances for purposes of legitimate scientific  
8 research on pollution abatement or control;

9 (f) *Dirty ballast* refers to water carried in the cargo tank;

10 (g) *Flag state* refers to the relationship of the Philippines to vessels  
11 registered under its flag and the corollary right to exercise jurisdiction and  
12 regulatory control over these vessels;

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

17 (i) *Garbage* refers to all kinds of victuals, domestic and operational  
18 wastes, excluding fresh fish and parts thereof, generated during the normal  
19 operation of the ship and liable to be disposed of continuously or periodically;

20 (j) *Harmful substance in packaged form* refers to those substances  
21 which are identified as marine pollutants in the International Maritime  
22 Dangerous Goods (IMDG) Code and are held in forms of containment  
23 specified for harmful substances in the IMDG Code. Other harmful substances  
24 in package form shall include substances identified in accordance with the  
25 following criteria as provided in the Convention:

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

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

4           (3) Those which are highly toxic to aquatic life;

5           (k) *Incident* refers to an event involving the actual or probable  
6 discharge into the sea, or emission into the atmosphere, of a harmful substance  
7 or effluents containing such a substance;

8           (l) *Marine casualty* refers to any accident or incident of navigation  
9 which results in producing a harmful, deleterious or damaging effect upon the  
10 marine environment;

11          (m) *Master* refers to any person having command or charge of any ship,  
12 including a boat captain;

13          (n) *Noxious liquid substance* refers to any substance identified as such  
14 under the relevant chapter of the International Bulk Chemical Code and/or  
15 provisionally assessed as such by Annex II of the Convention;

16          (o) *Oil* refers to petroleum in any form including crude oil, fuel oil,  
17 sludge, oil refuse and refined products, other than petrochemicals which are  
18 classified as noxious liquid substances in accordance with Annex II of the  
19 Convention, and including substances listed under Annex I of the Convention;

20          (p) *Oily mixture* refers to a mixture with any oil content;

21          (q) *Oil tanker* refers to a ship constructed or adapted primarily to carry  
22 oil in bulk in its cargo spaces and includes combination carriers or any other  
23 tanker when it is carrying cargo or part cargo of oil in bulk;

24          (r) *Other harmful substance* refers to any substance other than oil,  
25 noxious liquid substances, harmful substances in package form, garbage, and  
26 sewage, which, if introduced into the sea, is liable to create hazards to human  
27 health, harm living resources and marine life, damage amenities or to interfere  
28 with other legitimate uses of the sea, and includes atmospheric discharges and

1 other substances identified as marine pollutants in the Convention, which may  
2 be subject to control pursuant to the provisions of this Act and other relevant  
3 environmental laws of the Philippines;

4 (s) *Owner* refers to the person registered as the owner of the ship or  
5 who assumes the operation of the ship, or, in the absence of registration, the  
6 person owning the ship or the bareboat charterer of the ship, and, in the case of  
7 a ship owned by a State and operated by a company which in that State is  
8 registered as the ship's operator, "owner" shall include State;

9 (t) *Philippine ship* refers to any ship registered under the laws of the  
10 Philippines and entitled to fly its flag wherever the ship may be;

11 (u) *Philippine waters* refer to the internal waters, archipelagic waters,  
12 territorial seas, waters within the contiguous and exclusive economic zones;

13 (v) *Port state* refers to the relationship of the Philippines to a  
14 foreign-flagged vessel which may be found in any of its ports, terminal  
15 facilities or harbors and its corollary right to exercise jurisdiction and  
16 regulatory control over the vessel;

17 (w) *Sewage* refers to:

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

19 (2) Drainage from medical premises including dispensary and sick bay  
20 through wash basins, wash tubs and scuppers located in the premises;

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

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

23 (x) *Ship* refers to a vessel of any type operating in the marine  
24 environment and includes pleasure crafts, fishing vessels, hydrofoil boats,  
25 air-cushion vehicles, submersibles, floating crafts, drilling rigs and fixed or  
26 floating platforms; and

27 (y) *Undue delay* refers to a delay that is unreasonable and unnecessary  
28 in light of the particular conditions of the ship, the ship's cargo, destination

1 and schedule, and in light of the purpose and scope of the investigation,  
2 inspection or other cause for detaining the ship.

3 CHAPTER 2

4 SCOPE AND APPLICATION

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

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

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

10 (c) All other ships operating within Philippine waters: *Provided*, That  
11 the provisions of the Convention setting forth technical requirements that  
12 ships must meet which are inapplicable or impractical in Philippine local  
13 setting may be suspended or equivalents prescribed therefor upon  
14 determination by the Department of Transportation and Communications  
15 (DOTC), subject to public consultation: *Provided, further*, That nothing herein  
16 shall prevent the enactment of any law providing for standards, requirements,  
17 or regulations higher than those provided for by the Convention.

18 SEC. 5. *Exemptions.* – This Act shall not apply to warships, naval  
19 auxiliary ships, and man-of-war vessels: *Provided*, That all government or  
20 noncommercial ships shall be exempted from the coverage of this Act during  
21 emergency response cases: *Provided, however*, That the DOTC, through the  
22 Maritime Industry Authority (MARINA), the Philippine Coast Guard (PCG),  
23 the Philippine Ports Authority (PPA), and other concerned agencies, shall  
24 adopt appropriate measures that will ensure that these ships operate, so far as  
25 is reasonable and practicable, in a manner consistent with this Act: *Provided*,  
26 *finally*, That the measures will not impair the operational capabilities of these  
27 ships.

## CHAPTER 3

## EXERCISE OF JURISDICTION OVER SHIPS

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3       SEC. 6. *Powers and Functions of the Department of Transportation*  
4 *and Communications (DOTC)*. – The DOTC shall be the principal  
5 government agency responsible for the overall implementation and  
6 enforcement of this Act and any requirement of the Convention. For this  
7 purpose, the Secretary of the DOTC shall exercise the following general  
8 powers and functions:

9       (a) Oversee the implementation of this Act and coordinate the efforts  
10 of concerned agencies;

11       (b) Formulate a comprehensive program to prevent or minimize  
12 marine pollution from ships in coordination with the Department of  
13 Environment and Natural Resources (DENR), the Department of Agriculture  
14 (DA), the Department of the Interior and Local Government (DILG), the  
15 Department of Energy (DOE), port authorities and other relevant agencies and  
16 stakeholders;

17       (c) Constitute the Marine Pollution Adjudication Board (MPAB);

18       (d) Reorganize or streamline the functions of its different line, staff,  
19 and attached or bureaus, authorities, or agencies for purposes of the effective  
20 and efficient implementation of the provisions of this Act; and

21       (e) Exercise powers and perform other functions as may be necessary  
22 to carry out its duties and responsibilities under this Act.

23       SEC. 7. *Powers and Functions of the Maritime Industry Authority*  
24 *(MARINA)*. – The MARINA shall have the sole and exclusive authority and  
25 responsibility to ensure that environmental and pollution regulations and  
26 standards for the construction and equipment of Philippine vessels, before they  
27 are allowed to fly the Philippine flag, and/or as part of their registration, are

1 complied with. For this purpose, the MARINA shall have the following duties  
2 and functions:

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

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

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

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

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

23 (f) Require ships to keep and maintain relevant record books in  
24 accordance with the Convention;

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



1 (h) Accredite, appoint and authorize recognized organizations to act on  
2 its behalf and, for this purpose, execute the requisite memorandum of  
3 agreement defining the extent of powers that may be exercised by the  
4 recognized organizations including the following:

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

6 (2) Require repairs on a Philippine ship pursuant to findings resulting  
7 from port state inspection;

8 (3) Carry out surveys requested by port state authorities; and

9 (4) Withdraw any statutory certificates if appropriate corrective action  
10 is not taken by the Philippine ships;

11 (i) Provide the International Maritime Organization (IMO) with a list  
12 of recognized organizations authorized to act on behalf of the Philippines,  
13 together with the specific responsibilities they are empowered to perform and  
14 the conditions of the authority delegated to them;

15 (j) Impose, fix, collect and receive, in accordance with the duly  
16 approved schedules, fees necessary for the survey and certification of ships  
17 pursuant to this section. The fees shall be imposed and collected in order to  
18 recover the cost for rendering the service and shall not be used in order to  
19 impose a penalty: *Provided*, That excessive fees, multiple fees and duplicative  
20 fees shall at all times be avoided;

21 (k) Issue rules and regulations necessary to implement the provisions  
22 of this section: *Provided*, That the rules and regulations shall be in consonance  
23 with the Convention and shall not change or in any way amend or be contrary  
24 to the intent and purposes of this Act;

25 (l) Provide its officers and personnel with adequate training and  
26 continuing education to ensure an efficient and professional pollution  
27 regulatory machinery;

1 (m) Impose and collect fees and charges in connection with the  
2 performance of its functions under this section, which fees and charges shall  
3 accrue to the Marine Environmental Management Fund (MEMF) established  
4 under Section 42 of this Act: *Provided*, That the fees shall be imposed and  
5 collected in order to recover the cost for rendering the service and shall not be  
6 used in order to impose a penalty: *Provided, further*, That excessive fees,  
7 multiple fees and duplicative fees shall at all times be avoided;

8 (n) Hear, adjudicate and impose such fines and penalties on Philippine  
9 ships which shall fail to comply with the rules and regulations issued pursuant  
10 to this section; and

11 (o) Exercise powers and perform other functions as may be necessary  
12 to carry out its duties and responsibilities under this Act.

13 SEC. 8. *Powers and Functions of the Philippine Coast Guard.* –  
14 Unless otherwise provided under Section 9 of this Act, the Philippine Coast  
15 Guard (PCG) shall have the sole and exclusive authority and responsibility to  
16 enforce environmental and pollution regulations and standards to all ships  
17 which may be operating within Philippine waters, or in ports, terminal  
18 facilities or harbors. It shall include the authority to board and inspect ships to  
19 ensure compliance with such regulations and standards.

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

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

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

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

1 (d) Investigate any complaint involving the alleged violation of the  
2 Convention committed by a ship regardless of source of the complaint or the  
3 location of the violation and request the submission of evidence which the  
4 complainant may have regarding the alleged violation;

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

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

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

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

13 (i) Inform the complainant and the IMO of the results of the  
14 investigation and any action taken against the ship operator of the Philippine  
15 ship in respect of any alleged violation;

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

18 (k) Coordinate with, and inform, the diplomatic representative of the  
19 State, or the flag state administration, of any violation of the foreign ship and  
20 any action taken against the ship;

21 (l) Inspect, verify and investigate a ship if it has discharged any  
22 harmful substance into the marine environment under any of the following  
23 circumstances:

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

26 (2) It receives a report from another coastal state; or

27 (3) It receives a request from the flag state;

1           (m) Forward the report of any violation committed by the ship, with  
2 respect to any discharge of harmful substances into the marine environment, to  
3 the ship's flag state administration, together with any evidence it may have;

4           (n) Immediately inform any affected coastal state of the discharge;

5           (o) Ensure that the ship is not unduly delayed or detained;

6           (p) Order into port any ship found in the territorial seas if there are  
7 clear grounds to believe that the ship has discharged harmful substances into  
8 the marine environment;

9           (q) Establish procedures for reporting incidents involving any actual or  
10 probable discharge or emission which may be in violation of this Act and of  
11 the requirement of the Convention consistent with the reporting requirements  
12 under this Act;

13           (r) Require all ships and aircrafts registered under the Philippine flag  
14 to immediately report any marine casualty witnessed while navigating;

15           (s) Upon inquiry or investigation, cause or recommend regulatory or  
16 other appropriate actions to be taken in connection with any violation of the  
17 provisions of this Act;

18           (t) Cooperate with the government of other States which are members  
19 of international organizations on the prevention of pollution from ships  
20 concerning the detection of violations and enforcement of this Act using all  
21 appropriate and practicable measures of detection and environmental  
22 monitoring, adequate procedures for reporting and accumulation of evidence;

23           (u) Provide its officers and personnel with adequate training and  
24 continuing education to ensure an efficient and professional pollution  
25 regulatory machinery;

26           (v) Adopt a continuing information campaign on marine resources  
27 protection aimed at developing public awareness of the health hazards and  
28 other adverse effects of ship pollution;

1 (w) Administer the MEMF;

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

6 (y) Exercise powers and perform other functions as may be necessary  
7 to carry out its duties and responsibilities under this Act.

8 SEC. 9. *Role of the Department of Environment and Natural*  
9 *Resources (DENR)*. – For purposes of this Act, the DENR shall have the  
10 following powers and functions:

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

13 (b) Establish guidelines for the identification of harmful substances in  
14 packaged form in accordance with the guidelines and listings provided by the  
15 IMDG Code in coordination with the PCG, PPA and other port authorities;

16 (c) Set effluent and emission standards for ships in accordance with  
17 the requirements of the Convention;

18 (d) For floating crafts, drilling rigs and fixed or floating platforms, and  
19 vessels which primarily operate or undertake business, commercial, or  
20 industrial activities while anchored, the DENR shall enforce, in coordination  
21 with the PCG, the applicable provisions of Presidential Decree No. 1586,  
22 otherwise known as the Environmental Impact Statement System law;  
23 Republic Act No. 8749, otherwise known as the Philippine Clean Air Act of  
24 1999; and Republic Act No. 9275, otherwise known as the Philippine Clean  
25 Water Act of 2004; and

26 (e) Monitor, in coordination with the PCG, hazardous and radioactive  
27 wastes being transported by ships in the country, and prevent the disposal  
28 thereof and/or the entry of ships carrying the same.

## CHAPTER 4

## PREVENTION OF POLLUTION FROM SHIPS

SEC. 10. *Prohibition of Discharge or Emission of Harmful Substances.*

-- It shall be unlawful for any person to discharge or emit the following substances from any Philippine ship, or from any other ship while it is within Philippine waters:

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

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

(1) The discharge or emission is necessary for the purpose of securing the safety of a ship and those on board or saving life at sea; or

(2) The discharge results from unintentional damage to the ship or its equipment, and all reasonable precautions have been taken after the occurrence of the damage or the discovery of the discharge for the purpose of preventing or minimizing the discharge, unless the master, owner or agent of the ship acted either with intent to cause damage or recklessly and with knowledge that damage would probably result; or

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

For this purpose, the DOTC shall promulgate rules and regulations to implement the immediately preceding paragraph as regards its application in

1 general, or with respect to the following considerations in consonance with the  
2 requirements of the Convention:

- 3 (i) Classes of ships;  
4 (ii) Descriptions of harmful substances;  
5 (iii) Disposal or discharge of these substances in prescribed  
6 circumstances; and  
7 (iv) Areas of the sea.

8 SEC. 11. *Immediate Report of Discharges of Harmful Substances.* – If  
9 any actual or probable discharge of any harmful substance occurs from any  
10 Philippine ship into any part of the sea or atmosphere, the master shall  
11 immediately report the incident to the nearest affected coastal state and to the  
12 DOTC.

13 If any actual or probable discharge of any harmful substance occurs  
14 from any Philippine ship or foreign-flagged ship while it is operating in  
15 Philippine waters, the master of the ship shall immediately report the incident  
16 to the PCG. The PCG shall immediately inform any affected coastal state. If a  
17 foreign-flagged ship is involved, the PCG shall immediately inform the flag  
18 state of the ship.

19 If the master of the ship fails to report the incident, or the discharge  
20 occurs in circumstances where the ship has been abandoned, the owner,  
21 charterer, manager and operator of the ship, or the agent of the owner,  
22 charterer, manager and operator of the ship shall, without delay, report the  
23 incident to the DOTC.

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

- 27 (a) Every oil tanker which is one hundred fifty (150) gross tonnage or  
28 more and every ship, other than an oil tanker which is four hundred (400)

1 gross tonnage or more shall be provided with, and shall be required to  
2 maintain, an Oil Report Book Part I for Machinery Space Operations in  
3 accordance with the requirements of the Convention;

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

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

11 (d) Every ship which is four hundred (400) gross tonnage or more and  
12 every ship which is certified to carry fifteen (15) persons or more shall be  
13 provided with, and shall be required to maintain, a Shipboard Garbage  
14 Management Plan in accordance with the requirements of the Convention.

15 SEC. 13. *Reception Facilities.* — Port authorities shall ensure that  
16 public and private ports and terminal ports in the Philippines are appropriately  
17 and adequately provided with facilities to meet the needs of ships for the  
18 reception of their oily residues, oily mixtures, dirty ballast, tank washing  
19 water, noxious liquid substances, sewage, garbage, ozone depleting  
20 substances, and equipment containing these substances, and for cleaning of  
21 exhaust gases in consonance with this Act and the requirements of the  
22 Convention.

23 For this purpose, port authorities shall:

24 (a) Determine and establish the most effective and efficient means for  
25 meeting internationally-accepted requirements with respect to reception  
26 facilities in public and private ports without causing such ships undue delay;



1 (b) Formulate and implement an integrated waste management system  
2 for the use and operation of reception and treatment facilities in coordination  
3 with the DENR and the PCG; and

4 (c) Coordinate with the DENR and concerned local government units  
5 (LGUs) on the proper handling and disposal of wastes collected at ports.

6 Port authorities may accredit or enter into agreements with private  
7 entities in relation to the establishment and operation of reception and  
8 treatment facilities upon verification of compliance with standards established  
9 for said facilities by the DENR and the PCG.

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

14 SEC. 15. *Denial of Entry.* – Should there be a probability that a  
15 foreign-flagged ship has violated or may violate the requirements of this Act,  
16 or the rules and regulations promulgated therefor, the ship may be denied  
17 entry to any port in the Philippines.

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

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

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

26 (c) The ship does not hold valid ship certificates; and

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

1 (1) The ship incurred a pollution cost liability under Section 33 of  
2 this 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, established under Section 35  
9 of this Act, an adequate cash bond, insurance guaranty or protection indemnity  
10 guaranty, or a combination thereof, as approved by the MPAB, to cover the  
11 liability of the owner, master or agent 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, or the Philippine Clean Air Act and the Philippine  
18 Clean Water Act, whenever applicable, shall be imposed by the MPAB  
19 established pursuant to Section 35 of this Act.

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

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

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

3 (1) For oil or oily mixture under paragraphs (a) and (b) of Section 10  
4 of this Act – not less than two hundred thousand pesos (Php200,000.00) but  
5 not more than ten million pesos (Php10,000,000.00);

6 (2) For noxious liquid substances or harmful substances in packaged  
7 form under paragraphs (c) and (d) of Section 10 of this Act – not less than two  
8 hundred thousand pesos (Php200,000.00) but not more than ten million pesos  
9 (Php10,000,000.00);

10 (3) For sewage or garbage under paragraphs (e) and (f) of Section 10  
11 of this Act – not less than fifty thousand pesos (Php50,000.00) but not more  
12 than two million pesos (Php2,000,000.00); and

13 (4) For other harmful substances as defined in this Act – not less than  
14 two hundred thousand pesos (Php200,000.00) but not more than ten million  
15 pesos (Php10,000,000.00); and

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

17 (1) For oil or oily mixture under paragraphs (a) and (b) of Section 10  
18 of this Act – not less than fifty thousand US dollars (US\$50,000) but not more  
19 than five million US dollars (US\$5,000,000), or its equivalent in Philippine  
20 peso;

21 (2) For noxious liquid substances or harmful substances in packaged  
22 form under paragraphs (c) and (d) of Section 10 of this Act – not less than fifty  
23 thousand US dollars (US\$50,000) but not more than three million US dollars  
24 (US\$3,000,000), or its equivalent in Philippine peso;

25 (3) For sewage or garbage under paragraphs (e) and (f) of Section 10  
26 of this Act – not less than ten thousand US dollars (US\$10,000) but not more  
27 than one million US dollars (US\$1,000,000), or its equivalent in Philippine  
28 peso; and

1 (4) For other harmful substances as defined in this Act – not less than  
2 fifty thousand US dollars (US\$50,000) but not more than five million US  
3 dollars (US\$5,000,000), or its equivalent in Philippine peso.

4 Any person directly or negligently responsible for the discharge or  
5 emission into Philippine waters or atmosphere shall be liable for 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  
9 emitted substances.

10 Unless the fines and penalties established under the Environmental  
11 Impact Statement System law, the Philippine Clean Air Act and the Philippine  
12 Clean Water Act are higher, the fines set in this Act shall be imposed for  
13 floating crafts, drilling rigs and fixed or floating platforms, and vessels which  
14 primarily operate or undertake business, commercial or industrial activities  
15 while anchored.

16 *SEC. 19. Failure to Maintain Record Books.* – (a) A ship which  
17 operates or is allowed to operate without record books required under Section  
18 12 of this Act or fails to maintain said record books on board shall be liable to  
19 pay a fine of two hundred thousand pesos (Php200,000.00).

20 (b) Any person who fails to comply with the provisions of Section 12  
21 of this Act or the rules and regulations promulgated therefor shall be liable to  
22 pay a fine of not less than five thousand pesos (Php5,000.00) but not more  
23 than two hundred thousand pesos (Php200,000.00).

24 (c) Any person who makes any false or misleading entry in the record  
25 books carried or kept under Section 12 of this Act shall be liable to pay a fine  
26 of not less than ten thousand pesos (Php10,000.00) but not more than five  
27 hundred thousand pesos (Php500,000.00).

1           SEC. 20. *Refusal to Use Reception Facilities.* – A ship which  
2 unjustifiably refuses to use reception facilities shall be liable to pay a fine of  
3 not less than ten thousand pesos (Php10,000.00) but not more than five  
4 hundred thousand pesos (Php500,000.00): *Provided*, That disposal of oil in  
5 reception facilities shall be required upon determination by the PCG.

6           SEC. 21. *Absence of and Noncompliance with Shipboard Garbage*  
7 *Management.* – If a ship operates without a shipboard garbage management  
8 plan as required under the Convention or fails to operate in accordance with  
9 such plan, it shall be liable to pay a fine of not less than ten thousand pesos  
10 (Php10,000.00) but not more than two hundred thousand pesos  
11 (Php200,000.00).

12           SEC. 22. *Unauthorized Change in the Ship's Structure, Equipment,*  
13 *Fittings, Arrangements and Materials.* – Unless authorized under this Act or  
14 the Convention, any ship owner who made or caused any change in the  
15 structure, equipment, fittings, arrangements, and materials of the ship without  
16 the approval of the MARINA shall be punished by a fine of not less than ten  
17 thousand pesos (Php10,000.00) but not more than one hundred thousand pesos  
18 (Php100,000.00).

19           SEC. 23. *Operating Without the Required Certification.* – A ship  
20 which is operated or is allowed to operate without the certification required  
21 under this Act or the Convention shall be detained and shall be liable for a  
22 fine of not less than ten thousand pesos (Php10,000.00) but not more than five  
23 hundred thousand pesos (Php500,000.00).

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

27           (a) Philippine ship – not less than ten thousand pesos (Php10,000.00)  
28 but not more than one million pesos (Php1,000,000.00); and

1 (b) Foreign-flagged ship – not less than five thousand US dollars  
2 (US\$5,000) but not more than five million US dollars (US\$5,000,000), or its  
3 equivalent in Philippine peso.

4 SEC. 25. *Continuing Violation.* – A ship, which continuously  
5 discharges or emits harmful substances in violation of Section 10 of this Act,  
6 shall be held liable for the fines stipulated under Section 18. Likewise, it shall  
7 be made liable to pay an additional fine of not less than ten thousand pesos  
8 (Php10,000.00) but not more than two hundred thousand pesos  
9 (Php200,000.00) for every day or part thereof during which the violation  
10 continues to be committed.

11 SEC. 26. *Obstruction of Investigation.* – Any person who shall,  
12 without justifiable reason, obstruct or hamper the conduct of an investigation  
13 of a violation of this Act shall be liable to pay a fine of not less than ten  
14 thousand pesos (Php10,000.00) but not more than one hundred thousand pesos  
15 (Php100,000.00).

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

21 SEC. 28. *Connivance in Violation of this Act.* – Any government  
22 official or employee charged with the responsibility of enforcing and/or  
23 implementing any provision of this Act, who connives with the ship owner,  
24 master or operator of a ship or any person to violate, or permits the  
25 commission of, any violation of this Act, shall be dismissed from the service  
26 and shall be jointly and severally liable with any person found to be liable for  
27 the fine imposed pursuant to this Act.

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

5           (a) First violation -- a fine of not less than one thousand pesos  
6 (Php1,000.00) but not more than one hundred thousand pesos  
7 (Php100,000.00);

8           (b) Second violation -- a fine of more than one hundred thousand pesos  
9 (Php100,000.00) but not more than two hundred thousand pesos  
10 (Php200,000.00); and

11           (c) Third violation -- a fine of more than two hundred thousand pesos  
12 (Php200,000.00) but not more than one million pesos (Php1,000,000.00) and  
13 the suspension of vessel safety certificate for six (6) months to one (1) year.

14           The concerned agency shall promulgate rules and regulations for the  
15 summary imposition of administrative sanctions, subject to due process, for  
16 failure to comply with any order, decision, rule or regulation of the  
17 Department issued pursuant to this Act. All administrative fines imposed by  
18 the concerned agency pursuant to this Act shall accrue to the MEMF.

19           **SEC. 30. *Intentional Violation.*** -- In case the discharge or emission of  
20 harmful substances or toxic pollutants identified pursuant to Republic Act  
21 No. 6969, otherwise known as the "Toxic Substances and Hazardous and  
22 Nuclear Wastes Control Act of 1990", is in toxic amounts or is deliberate and  
23 willful, in violation of Section 10 of this Act, the offender, without prejudice  
24 to the civil liability that may be imposed, shall be accordingly liable for a fine  
25 or imprisonment of not less than six (6) years but not more than twelve (12)  
26 years, or both, at the discretion of the court:

27           (a) Philippine ship -- not less than fifty thousand pesos (Php50,000.00)  
28 but not more than twenty million pesos (Php20,000,000.00); and

1 (b) Foreign-flagged ship – not less than fifty thousand US dollars  
2 (US\$50,000) but not more than eight million US dollars (US\$8,000,000), or  
3 its equivalent in Philippine peso.

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

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

18 SEC. 33. *Cost Liability for the Discharge or Emission of Harmful*  
19 *Substances.* – The owner of the ship liable for the discharge of harmful  
20 substances under Section 32 hereof shall be primarily responsible for the  
21 following pollution costs:

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

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

27 In case the responsibility for the above pollution cost liability falls on  
28 two (2) or more ships, and the liability of each of the owners thereof cannot be



1 reasonably distinguished from that of the other, each of the owners shall be  
2 jointly and severally liable for the whole amount of the cost.

3 Republic Act No. 9483, otherwise known as the "Oil Pollution  
4 Compensation Act of 2007", shall govern the civil liability for the discharge of  
5 oil, including the oily mixture, discharged as part of the incident under the  
6 said Act.

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

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

## 18 CHAPTER 6

### 19 MARINE POLLUTION ADJUDICATION BOARD

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

25 (a) Secretary of the DOTC, or his duly authorized permanent  
26 representative, as Chairperson;

27 (b) Secretary of the DENR, or his duly authorized permanent  
28 representative;

1 (c) Administrator of the MARINA, or his duly authorized permanent  
2 representative;

3 (d) Commandant of the PCG, or his duly authorized permanent  
4 representative;

5 (e) General Manager of the PPA, or his duly authorized permanent  
6 representative;

7 (f) A permanent representative endorsed by the Association of Masters  
8 and Mates;

9 (g) A permanent representative endorsed by the Marine Engineers  
10 Association;

11 (h) A member of the Philippine Bar duly endorsed by the Integrated  
12 Bar of the Philippines (IBP); and

13 (i) A member of the Sea Transport Association.

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

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

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

20 (b) To conduct hearings on all matters within its jurisdiction, proceed  
21 to hear and determine the disputes in the absence of any party thereto who has  
22 been summoned or served with notice to appear; conduct its proceedings or  
23 any part thereof in public or in private; adjourn its hearings at any time and  
24 place; refer technical matters or accounts to an expert and to accept the  
25 experts' reports thereon as evidence after hearing of the parties upon due  
26 notice; direct parties to be joined in or excluded from the proceedings; correct,  
27 amend or waive any error, defect or irregularity, whether in substance or in  
28 form; give all such directions as it may deem necessary or expedient in the

1 determination of the dispute before it; and dismiss the dispute as part thereof,  
2 where it is trivial or where further proceedings by the MPAB are not necessary  
3 or desirable;

4 (c) To promulgate and adopt its own rules of procedure. It shall not be  
5 strictly bound by the Rules of Court but shall proceed to hear and decide all  
6 cases, disputes or controversies in a most expeditious manner, employing all  
7 reasonable means to ascertain the facts of every case in accordance with  
8 justice and equity and the merits of the case;

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

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

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

20 (g) To issue orders and decisions to compel compliance with the  
21 provisions of this Act and the Convention and issuances or decisions of the  
22 MPAB;

23 (h) To deputize in writing or request assistance of appropriate  
24 government agencies or instrumentalities for the purpose of enforcing its  
25 decisions; and

26 (i) To issue an *ex parte* order directing the discontinuance of the  
27 discharge of substances that cause marine pollution, or the temporary  
28 suspension or cessation of operation of the equipment, project or activity and

1 other acts causing environmental degradation, generating pollutants or wastes,  
2 without the necessity of a previous public hearing: *Provided*, That the *ex*  
3 *parte* order shall be issued only in case of immediate threat to life or property,  
4 public health, safety or welfare or to animal or plant life, or exceeds the  
5 allowable environmental standards. The *ex parte* order shall be immediately  
6 executory and shall remain in force and effect until this is modified or lifted by  
7 the MPAB.

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

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

## 18 CHAPTER 7

### 19 MISCELLANEOUS PROVISIONS

20 SEC. 39. *Ship Pollution Prevention Program.* – The DOTC, in  
21 coordination with concerned agencies and stakeholders, shall establish a  
22 Prevention of Ship Pollution Program to enhance the government  
23 implementation of this Act particularly on: (a) awareness building and  
24 capacity building; (b) data banking; (c) development of reception facilities;  
25 (d) marine environment protection; and (e) research.

26 SEC. 40. *Implementing Rules and Regulations.* – The DOTC and the  
27 concerned agencies shall promulgate the implementing rules and regulations  
28 within one (1) year after the enactment of this Act. The proposed

1 implementing rules and regulations shall be subjected to public consultations  
2 with affected sectors. The DOTC shall ensure that functions of the  
3 implementing agencies and rules and regulations promulgated prior to and  
4 after the effectivity of this Act are devoid of any duplication or inconsistency.

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

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

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

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

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

1           (a) Within one (1) year following the effectivity of this Act,  
2 contributions of owners and operators of tankers and barges hauling oil and for  
3 petroleum products in Philippine waterways and coast wise shipping routes  
4 consisting of five centavos (P0.05) per liter for every transshipment of oil  
5 made by a tanker or barge based on the volume it loaded for the purpose of  
6 transshipment regardless of its origin or destination. Thereafter, reasonable  
7 amount of contribution shall be jointly determined by the MARINA, other  
8 concerned government agencies, and representatives from the owners of  
9 tankers, barges and ships hauling oil and/or petroleum products. In  
10 determining the amount of contribution, the purposes for which the fund was  
11 set up shall always be considered;

12           (b) Fees, charges and fines imposed pursuant to this Act and Republic  
13 Act No. 9483;

14           (c) Donations, endowments, grants and contributions; and

15           (d) Amounts specifically appropriated for the MEMF under the annual  
16 General Appropriations Act.

17           The MEMF shall be utilized for the following activities:

18           (1) Containment, removal and cleanup operations of the PCG in all oil  
19 pollution cases; and

20           (2) Enforcement and monitoring activities of the MARINA, the PCG  
21 and port authorities of the Department and other relevant agencies: *Provided,*  
22 *That ninety percent (90%) of the funds shall be maintained annually for the*  
23 *containment, removal and cleanup operations of the PCG in all cases of*  
24 *pollution from ships: Provided, further, That in no case shall the MEMF be*  
25 *used to fund personal services expenditures except for the compensation of*  
26 *those involved in cleanup operations.*

1           SEC. 43. *Appropriations.* – The amount necessary to carry out the  
2 provisions of this Act shall be charged against the current year's  
3 appropriations of the concerned agencies. Thereafter, such sums as may be  
4 necessary for the operation and maintenance of this Act shall be included in  
5 the annual General Appropriations Act.

6           SEC. 44. *Separability Clause.* – In the event that any provision of this  
7 Act is declared unconstitutional, the validity of the remainder shall not be  
8 affected thereby.

9           SEC. 45. *Repealing Clause.* – The fifth paragraph of Section 28 of the  
10 Philippine Clean Water Act and Section 22 of the Oil Pollution Compensation  
11 Act are hereby repealed. The Toxic Substances and Hazardous and Nuclear  
12 Wastes Control Act and the Marine Pollution Control Decree of 1974 and  
13 -1976 are hereby amended and modified accordingly. All laws, decrees, rules  
14 and regulations and executive orders contrary to or inconsistent with this Act  
15 are hereby repealed or modified accordingly.

16           SEC. 46. *Effectivity.* – This Act shall take effect fifteen (15) days after  
17 its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,

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