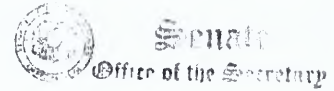


14

**NINETEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES**
First Regular Session

)
)
)



'22 JUL 12 A10 :01

SENATE
Senate Bill No. 312

RECEIVED BY:

Introduced by Senator Juan Miguel F. Zubiri

**AN ACT MANDATING SHIOWNERS, SHIP CREW, AND CONCERNED
GOVERNMENT AGENCIES TO PROVIDE FOR AND ENSURE THE SAFETY OF
PASSENGERS AT SEA, PROVIDING PENALTIES FOR VIOLATIONS THEREOF,
AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

Considering the archipelagic composition of the Philippines with over 7,000 islands surrounded by water, the Philippines is a country with bustling ports and a thriving shipping industry. The Philippine Ports Authority (PPA) hit peak revenue in 2017 of P15.36 billion, growing by 7.24% from 2016. In addition, passenger traffic at ports expanded by 4.57% in 2017. This growth is driven by reliance on sea-travel using Ro-Ro vessels, fast crafts, and motorized bancas for domestic inter-island travel. However, there is a need to enhance the safety equipment and protocols utilized in sea transportation. There has been an increase of incidents at sea, involving both commercial vessels, yet safety measures imposed still prove to be inadequate. This massive sea movement translates to a bulk of the country's trade and industry. With the growth of the Philippines as a developing economy, the hectic port activity will only keep getting more substantial.

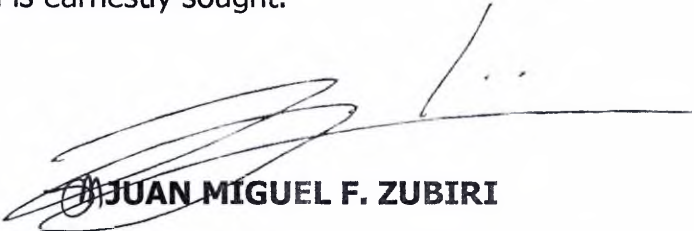
This bill seeks to assign the Philippine Coast Guard, as well as the Maritime Industry Authority, as the implementing body to monitor commercial vessels that execute trade and serve as a means of transportation for the general public. This bill requires that vessels covered under this act will provide standard safety features to passengers regarding the safety protocols of the vessel. Vessels covered will also be required to have functional and quality safety equipment and emergency features for the safety of those on board the ship.

To encourage the continuous abidance with the minimum safety standards set in place, this bill seeks to penalize companies that fail to comply with stipulated rules with a fine of PHP 50,000 – PHP 200,000, depending on the offense and the number of times the specific party has been called out. This bill also emphasized that offenders repeating the violation the third time around will be punishable by imprisonment.

In a country with thousands of sea travelers daily, it is crucial that the Philippines

hold companies to a high standard in ensuring the safety of transportation by water. This will ensure the boosting of businesses that execute commerce by sea through the improvement of transport infrastructure required.

For these reasons, enactment of this Bill is earnestly sought.



JUAN MIGUEL F. ZUBIRI

)
)
)



'22 JUL 12 A10 :01

SENATE

Senate Bill No. 312

RECEIVED

Introduced by **SENATOR JUAN MIGUEL F. ZUBIRI**

**AN ACT MANDATING SHIPOWNERS, SHIP CREW, AND CONCERNED
GOVERNMENT AGENCIES TO PROVIDE FOR AND ENSURE THE SAFETY OF
PASSENGERS AT SEA, PROVIDING PENALTIES FOR VIOLATIONS THEREOF, AND
FOR OTHER PURPOSES**

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

1 **SECTION 1. Short Title.** – This Act shall be known as the “Maritime
2 Passenger Safety Act.”

3 **SEC. 2. Declaration of Policy.** – It is hereby declared the policy of the
4 State to:

5 a. Enhance and ensure the safety and quality of passenger-transport
6 services in the country through the provision on board the ship of adequate
7 safety equipment, strict observance by ship owners, ship crew, and passengers
8 of minimum safety measures and standards, and the provision of qualified and
9 competent crew personnel to man and operate the vessels;

10 b. Provide for the effective supervision and regulation of operations of all
11 water transport utilities in the country, particularly those engaged in the
12 commercial carriage of passengers by sea, through the rationalization of
13 functions and responsibilities of various government agencies involved in the
14 enforcement of maritime safety laws; and

15 c. Provide the basis for the criminal liability of shipowners and crew
16 members of ships for any injuries suffered by, or loss of lives of their passengers
17 resulting from their malicious or culpable negligence in the course of
18 performance of their contracts of carriage with such passengers.

1 **SEC. 3. Scope.** – The provision of this Act shall apply to:

2 a. All vessels engaged in the carriage of passengers and goods for hire
3 regardless of tonnage, including such vessels of foreign registry temporarily used
4 in Philippine waters; and

5 b. All types of vessels required to be registered in the Philippines under
6 existing laws.

7 Warships, naval vessels, non-motorized bancas, sailboats and other
8 watercrafts of less than three (3) gross registered tonnage (GRT) shall not be
9 covered by this Act.

10 **SEC. 4. Mandatory Minimum Safety Standards and Measures.** – All vessels
11 covered by the provisions of this Act shall strictly observe the following:

12 a. The showing of a film, at least of ten (10) minutes length and dubbed
13 in the local dialects of the points of origin and destination of the vessel,
14 pertaining to the ship's safety, health and sanitation in such places in the vessel,
15 and in such times that will ensure that most if not all passengers on board have
16 effectively seen and heard the same;

17 b. All watertight doors, portholes, ramps and manholes shall be securely
18 locked and checked prior to leaving port and must be regularly inspected during
19 the voyage;

20 c. During any emergency, the posting of crew members and other
21 personnel of the vessel on strategic areas or points in the vessel as may be
22 indicated in its general emergency plan for the purpose of assisting the
23 passengers to, or prioritizing and ensuring their safety;

24 d. The clearing, at all times, of all passageways of any obstruction. Safe
25 and convenient storage for passengers' hand carried luggages must be provided;
26 and

27 e. The wearing of prescribed uniform and identification cards by the ship's
28 officers and crew, including security personnel, while they are on duty.

29 **SEC. 5. Provision of Standard Safety Equipment.** – All vessels covered by
30 the provisions of this Act shall at all times be provided with:

1 a. Life vests of life jackets on board the vessel in the quantity of twenty
2 (20) units or pieces more than the passenger load capacity of such vessel as
3 determined and authorized by the MARINA imprinted with the vessel's name,
4 conspicuously stored in any locker and must be readily accessible for use in any
5 case of emergency;

6 b. Lifeboats or rubber boats on board the vessel in the quantity of two (2)
7 units more than what is sufficient to accommodate the passenger load capacity
8 of such vessel, including the crew members of the vessel, imprinted with the
9 vessel's name conspicuously located in strategic points or areas of the vessel,
10 and must be readily accessible for use in any case of emergency;

11 c. At least (2) accessible emergency exits or escape openings in all
12 general areas, and the location of such shall be indicated by luminous signs
13 visible in all passenger areas showing the proper direction thereto;

14 d. Independent red blinking lights as a part of, and indicating each
15 emergency exit or escape opening for the purpose of assisting the passengers in
16 identifying such exits in cases of emergency;

17 e. Emergency lights, in good working condition, in all passenger
18 accommodations, passageways and stairways that shall automatically switch on
19 in any case of power failure in the vessel; and

20 f. Sketches of the vessel indicating the locations of lifejackets and
21 lifeboats, firefighting equipment, emergency exits, and the major sections of the
22 vessel, passageways and stairways, including the vessel's general emergency
23 plan, must be conspicuously displayed in the passenger lounges and inside
24 cabins and suites.

25 **SEC. 6. Passenger Overloading.** – No vessel shall:

26 a. Leave a port unless its manifest or passenger list has been prepared
27 and made available by the concerned ship officer;

28 b. Leave the port carrying more than or in excess of its authorized
29 passenger load capacity;

1 c. Accept persons or passengers without a valid ticket issued by the ship
2 owner or its authorized agent;

3 d. Allow selling or issuance of tickets on board.

4 **SEC. 7. *Delineation of Functions.*** – Notwithstanding existing laws, rules
5 and memoranda and issuances the Maritime Industry Authority or MARINA shall
6 promulgate rules and regulations for the effective implementation of the
7 provisions of this Act.

8 The Philippine Coast Guard (PC) shall assist the MARINA in the
9 enforcement of this Act and its implementing rules and regulations. For this
10 purpose, it shall be primarily responsible for enforcing the provisions of this Act
11 before any vessel leaves, or as it calls on, any port, and whenever, allowed by
12 law, or when necessary in the interest of the safety of the passengers, while any
13 such vessel in on its voyage at sea.

14 **SEC. 8. *Penalties.*** – Any violation of the provisions of this Act shall be
15 punished accordingly:

16 a. Any violation of the provisions of Section 4 of this Act shall be punished
17 with a fine not less than Fifty thousand pesos (P50,000.00) but not more than
18 One hundred thousand pesos (P100,000.00) to the ship owners or judicial entity
19 concerned. For the third violation of the same provisions, the ship owners and
20 other responsible officers, as the case may be, shall be punished by an
21 imprisonment of two (2) years and one (1) day;

22 b. Any violation of the provisions of Section 5 of this Act shall be punished
23 with a fine not less than One hundred thousand pesos (P100,000.00) but not
24 more than Two hundred thousand pesos (P200,000.00) to the shipowners or
25 juridical entity concerned. For the third violation of the same provisions, the
26 shipowners and other responsible officers, as the case may be, shall be punished
27 by an imprisonment of three (3) years and one (1) day;

28 c. Any violation of the provisions of Section 6 of this Act shall be punished
29 with a fine not less than One hundred thousand pesos (P100,000.00) but not
30 more than Two hundred thousand pesos (P200,000.00) to the ship owners or
31 juridical entity, or employee or agent concerned. For the third violation of the
32 same provisions, the ship owners and other responsible officer, or agent or

1 employee, as the case may be, shall be punished by an imprisonment of three
2 (3) years and one (1) day. p

3 **SEC. 9. *When Injuries or Deaths Occur.*** – Whenever less grave or serious
4 physical injuries or death of any passenger occur as a direct and efficient cause
5 of any violation of Section 4, 5 and 6 of this Act as may be shown by evidence in
6 a judicial proceeding, the responsible persons of the entity shall be punished with
7 imprisonment of not less than six (6) years but not more than twelve (12) years,
8 without prejudice to the penalties imposed in the abovementioned sections.

9 **SEC. 10. *Jurisdiction of Courts.*** – The jurisdiction over a case arising from
10 any violations of this Act shall be in accordance with the pertinent provisions of
11 Batas Pambansa Bilang 129 as amended: *Provided,* That if the violation occurred
12 at sea, the court whose seat is the most proximate in distance to such location of
13 the vessel at sea shall have jurisdiction.

14 **SEC. 11. *Implementing Rules and Regulations.*** – Within sixty (60) days
15 from the effectivity of this Act, the Department of Transportation and
16 Communications (DOTC), in coordination with its relevant attached agencies,
17 MARINA, Coast Guard, and private sector shipping practitioners, shall promulgate
18 the necessary Implementing Rules and Regulations for the effective
19 implementation of this Act.

20 **SEC. 12. *Repealing Clause.*** – All laws, decrees, executive orders, rules
21 and regulations or other issuance, or parts thereof, inconsistent with this Act are
22 hereby repealed or modified accordingly.

23 **SEC. 13. *Separability Clause.*** – If any portion of provision of this Act is
24 declared unconstitutional, the remainder of this Act of any provisions not
25 affected thereby shall remain in force and effect.

26 **SEC. 14. *Effectivity.*** – This Act shall take effect fifteen (15) days after its
27 publication in the Official Gazette or two (2) newspapers of general circulation in
28 the Philippines.

29 Approved,