

[REPUBLIC ACT NO. 8544, February 24, 1998]

**AN ACT REGULATING THE PRACTICE OF THE MERCHANT MARINE
PROFESSION IN THE PHILIPPINES**

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

ARTICLE I

TITLE

SECTION 1. *Title.* - This Act shall be known as the "Philippine Merchant Marine
Officers Act of 1998."

ARTICLE II

DECLARATION OF POLICY AND OBJECTIVES

SEC. 2. *Declaration of Policy.* - It is the declared policy of the State to promote and
insure the safety of life and property at sea, protect and serve the marine
environment and ecology, and prevent marine pollution and accident at sea by
complying with the Standards of Training, Certification and Watch keeping for
Seafarers 1978 (STCW '78), as amended, to which the Philippines is signatory.

It is likewise the declared policy of the State to institutionalize radical changes as
required by international and national standards to insure that only qualified,
competent and globally competitive Marine Deck/Engineer Officers as determined
through licensure examinations shall be allowed entry to the practice of the
Merchant Marine profession.

SEC. 3. *Objectives.* - This Act provides for and shall govern:

- a. The examination, registration and issuance of Certificate of Competency to
Merchant Marine Officers; and
- b. The supervision, control and regulation of the practice of Merchant Marine
profession in the Philippines: Provided, that the above objectives shall be
attained through profession in the Philippines: Provided, that the above
objectives shall be attained through compliance with STCW '78 Convention, as
amended.

ARTICLE III

DEFINITION OF TERMS

SEC. 4. *Definition of Terms.* -

- a. "Practice of Merchant Marine Profession" - shall refer to the profession requiring the application of fundamental and known principles of navigation, seamanship and engineering to the peculiar condition and requirements of on board management, operation and maintenance of main propulsion and auxiliary engines, stability and trim of the vessel and cargo handling. It shall also cover but will not be limited to the following:
 - 1. The proper handling and stowage of cargoes on board ship which includes the safe carriage of passengers from port of origin to port of destination;
 - 2. The safe watch keeping of the vessel's navigation in accordance with the Rules of the Road at Sea;
 - 3. The Maritime Education and Training Cadets and other Marine Professionals;
 - 4. Employment with government, provided such item or position requires the knowledge and expertise of a Merchant Marine Officer.
- b. "Merchant Marine Vessel" - shall apply only to the commercial ships, propelled by machinery, public or private, strictly engaged in maritime commerce, both seagoing and/or near-coastal trade, vessels engaged in the training of cadets for the merchant marine profession, and noncombatant vessels of the Philippine Government.
- c. "Merchant Marine Officer" - shall refer to marine deck or engineer officer.
- d. "Merchant Marine Deck Officer" - shall refer to a duly registered, certified and licensed master mariner, chief mate and officer-in-charge of a navigational watch.
- e. "Merchant Marine Engineer Officer" - shall refer to a duly registered, certified and licensed chief engineer, second engineer, and officer-in-charge of an engineering watch in a manned engine-room or designated duty engineer in a periodically unmanned engine-room, and coastal engineer.

ARTICLE IV

BOARDS FOR MARINE DECK OFFICERS AND MARINE ENGINEER OFFICERS

SEC. 5. *Creation and Composition of the Boards.* - For the purpose of implementing the provisions of this Act, the Board of Marine Deck Officers and the Board of Marine Engineer Officers, hereinafter referred to as the "Board," are hereby created. Each Board shall be composed of a Chairman and four (4) members who shall be appointed by the President of the Philippines from a list of three (3) recommendees for each position recommended by the Professional Regulation Commission, hereinafter referred to as the Commission, from a list of five (5) nominees for each position chosen and ranked by the integrated and accredited association of Marine Deck/Engineer Officers.

The Boards shall be organized not later than six (6) months from the effectivity of this Act.

SEC. 6. *Qualifications of the Chairman and Members of the Board.* - The Chairman

and members of the Board shall, at the time of the appointment, possess the following qualifications:

- a. He must be a citizen and resident of the Philippines;
- b. He must be of proven integrity and with high moral values as evidenced by his past professional conduct;
- c. He must be a duly registered Marine Deck/Engineer Officer under this Act, with a valid certificate of registration and valid certificate of competency;
- d. He must be a member in good standing of the integrated and accredited association of Marine Deck/Engineer Officers;
- e. He must not have any pecuniary interest, directly or indirectly, in any school, academy, college, university or institution conferring an academic degree necessary for admission to the practice of merchant marine profession; or where review classes in preparation for the licensure examination are being offered or conducted, nor shall he be a member of the faculty or of the administration thereof at the time of his appointment to the Board;
- f. For the Board of Marine Deck Officers, he must have navigated as master mariner for at least two (2) years on board sea-going vessel and with an aggregate total of at least seven (7) years of practice as Merchant Marine Officer;
- g. For the Board of Marine Engineer Officers, he must have navigated as Marine Engineer Officer for at least two (2) years on board a sea-going vessel and with an aggregate total of at least seven (7) years practice as Merchant Marine Officer;
- h. His last shipboard experience should not be less than one (1) year within a ten (10)-year period prior to appointment date; and
- i. He must not have been convicted by any competent court of an offense involving moral turpitude.

SEC. 7. *Term of Office.* - The Chairman and members of the Board shall hold office for a term of three (3) years and until their successors shall have been appointed and duly qualified. Of the members of the Board first appointed under this Act, one (1) member shall be appointed and hold office as Chairman for three (3) years; two (2) members for two (2) years; and two (2) members for one (1) year.

The Chairman or member of the Board may be reappointed for another term but in no case shall he serve continuously for more than six (6) years. Each member of the Board shall qualify by taking the proper oath of office prior to entering upon the performance of his duties.

SEC. 8. *Compensation and Allowances of the Board.* - The Chairman and members of the Board shall receive compensation and allowances comparable to the compensation and allowances being received by the Chairmen and members of other existing regulatory boards under the Commission as provided for in the General Appropriations Act.

SEC. 9. *Vacancy and Removal of Board Members.* - Any vacancy occurring in the membership of the Board shall be filled for the unexpired portion of the term only.

The President may remove any member of the Board upon the recommendation of the Commission on the following grounds:

- a. Neglect of duty or incompetence;

- b. Violation or tolerance of the violation of this Act or the Code of Ethics for Maritime Profession;
- c. Final conviction of an offense involving moral turpitude.

He shall be given due notice and hearing where his right to be heard and to defend himself, assisted by counsel, shall be respected in a proper administrative investigation. The Commission's decision may be appealed within fifteen (15) days to the President whose decision shall be final and executory.

SEC. 10. *Powers and Duties of the Boards.* - The Boards shall exercise the following powers and duties:

- a. To promulgate and adopt the rules and regulations necessary for carrying out the provisions of this Act;
- b. To supervise and regulate the registration, certification of competency and practice of the Maritime Profession in the Philippines;
- c. To issue certificates of competency and its corresponding endorsement in accordance with STCW '78 standards;
- d. To administer oaths in connection with the administration of this Act;
- e. To suspend, revoke or reinstate the Certificate of Competency for the practice of the Maritime Profession;
- f. To adopt an official seal of the Board;
- g. To look into the conditions affecting the practice of the Maritime Profession and whenever necessary, adopt such measures as may be deemed proper for the enhancement and maintenance of high professional and ethical standards of the profession;
- h. To prescribe and/or adopt a Code of Ethical and Professional Standards for the practice of the Maritime Profession;
- i. To hear and try administrative cases involving violations of this Act, its Implementing Rules and Regulations, the Code of Ethics for Professional Maritime Officers and for this purpose, to issue subpoena and subpoena duces tecum to secure the appearance of witnesses and the production of documents in connection therewith;
- j. To prescribe guidelines for the Continuing Professional Education (CPE) program in coordination with the accredited and integrated association of Merchant Marine Officers;
- k. In accordance with the STCW '78 Convention and its amendments, to prepare, adopt and issue the syllabi of the subjects for examinations by determining and preparing the questions which shall strictly be within the scope of the syllabus of the subjects for examination;
- l. To promulgate, administer and enforce rules and regulations necessary for carrying out the provisions of this Act, in accordance with the charter of the Professional Regulation Commission and the STCW '78 Convention, as amended: Provided, That in case of subsequent or future amendments to any international convention(s)/conference of which the Philippines is a signatory, the Board is empowered to amend/ revise its rules and regulations to conform with the amendments of the said convention(s) without the need of amending this enabling Act;
- m. To approve, issue, limit or revoke the special dispensation to practice the Maritime Profession;
- n. To discharge such other powers and functions as the Board may deem necessary for the practice of the profession and the upgrading, enhancement,

development and growth of merchant marine profession in the Philippines.

The policies, resolutions, rules and regulations, issued or promulgated by the Board shall be subject to the review and approval of the Commission. The decisions, resolutions or orders rendered by the Board shall be final and executory unless appealed to the Commission within fifteen (15) days from receipt of the decision.

SEC. 11. *Supervision of the Board, Custodian of its Records, Secretariat and Support Services.* - The Board shall be under the administrative control of the Commission. All records of the Board, including the applications for examination, examination papers and results, minutes of deliberation, administrative cases, and other investigations involving Marine Deck/Engineer Officers shall be kept by the Commission.

The Commission shall designate the Secretary of the Board and shall provide the secretariat and other support services to implement the provisions of this Act.

SEC. 12. *Annual Report.* - The Board shall, at the close of each calendar year, submit an annual report to the President of the Philippines, through the Professional Regulation Commission, giving a detailed account of its proceedings and accomplishments during the year and making recommendations for the adoption of measures that will upgrade and improve the conditions affecting the practice of the Maritime Profession in the Philippines.

ARTICLE V

EXAMINATION, REGISTRATION AND CERTIFICATE OF COMPETENCY

SEC. 13. *Examination Required.* - All applicants for registration for the practice of the Maritime Profession shall be required to undergo and pass a written technical examination as provided for in this Act. When conditions and circumstances warrant, the Board may give walk-in examinations, subject to the approval of the Commission.

SEC. 14. *Qualifications of Applicant for Examination.* - Every applicant for examination shall establish the following requisites:

- a. He is a citizen of the Philippines;
- b. He is of good moral character;
- c. He has met standards of medical fitness, particularly with good eyesight and hearing as certified by a Department of Health (DOH) accredited medical institution conducting physical and medical examinations for seafarers;
- d. In the case of Marine Deck/Engineer Officer, he must be a graduate of Bachelor of Science in Maritime Transportation or Bachelor of Science in Marine Engineering in a school, academy, institute, college or university duly recognized by the Commission on Higher Education (CHED);
- e. For an applicant taking the examination, other than that for the Marine Deck/Engineer Officer, he must have completed a course approved by the appropriate government agency, as defined in the rules and regulations implementing this Act.

SEC. 15. *Fraudulent Application.* - The Board may suspend or revoke any Certificate of Registration obtained through misrepresentation made in the application for