

[MARINA CIRCULAR NO. 2009-08, March 23, 2009]

RULES GOVERNING THE COMPLIANCE MONITORING OF SHIPS BY DEPUTIZED MARITIME ENFORCERS

Pursuant to the provision of Section 12 (f) of Executive Order No. 125, as amended, which mandated the MARINA to enforce laws, prescribe and enforce rules and regulations, including penalties for violations thereof, governing water transportation and the Philippine merchant marine, and deputize the Philippine Coast Guard and other law enforcement agencies to effectively discharge these functions, and in accordance with the Memorandum of Agreement (MOA) duly executed and entered into on 16 March 2009 by and between the MARINA and the Philippine Coast Guard (PCG), Philippine National Police-Maritime Group (PNP-MG), and Local Government Units (LGUs) through the Union of Local Authorities of the Philippines (ULAP) and Liga ng mga Barangay (LB), the following rules are hereby adopted:

I. OBJECTIVES

1. To provide rules in the conduct of compliance monitoring of ships by MARINA-deputized maritime enforcers, in order to ensure uniformity and consistency in the conduct of the same;
2. To ensure that all Philippine-registered ships and other ships engaged in domestic operation duly comply with applicable maritime laws, rules and regulations; and
3. To ensure the effective implementation and enforcement of applicable maritime laws, rules and regulations, policies and other MARINA issuances.

II. COVERAGE

All Philippine-registered ships and other ships engaged in domestic operations shall be subject to compliance monitoring in accordance with the provisions stated herein.

III. DEFINITION OF TERMS

For purposes of this Circular, the following terms shall mean, as follows:

1. **Administration** – refers to the Maritime Industry Authority or the MARINA.
2. **Cease and Desist Order (CDO)** – refers to the issuance by the MARINA prohibiting a person or domestic shipowner/operator from continuing a particular course of conduct or operations due to serious deficiencies or violations of rules and regulations that would pose imminent danger to lives, properties and environment.
3. **Compliance Monitoring** – refers to a visit of duly deputized maritime enforcers on board a ship to examine and check the validity, authenticity

and completeness of relevant ship and crew certificates and other documents, including the compliance with terms and conditions of Certificate of Public Convenience (CPC).

4. **Deficiency** – refers to a condition where compliance to maritime laws, rules and regulations, policies, and other issuance is found wanting or inadequate.

5. **Deputized Agents** – refers to agencies/organizations which are parties to the MOA.

6. **Deputized Maritime Enforcers** – refers to employees/members of deputized agents authorized by MARINA to perform compliance monitoring activities.

7. **Detention** – refers to the act of preventing the ships from leaving port due to violations presenting danger to the ship or persons onboard and harm to the marine environment.

8. **MARINA Trainers** – refers to employees of MARINA who have been designated by the Administrator and have undergone the necessary training for trainers.

9. **Maritime Violation Receipt (MVR)** – refers to an accountable form issued on-site by deputized maritime enforcers to the ship owners/operators/masters/crew-members with respect to any violation/s or deficiency/ies found during the conduct of compliance monitoring.

10. **Ship** – refers to any kind, class, or type of craft or artificial contrivance capable of floating in water, designed to be used, or capable of being used, as a means of water transport in the domestic trade for the carriage of passengers or cargo, or both, utilizing its own motive power or that of another.

11. **Violation** – refers to possession/holding of expired/spurious/invalid certificates/documents of ship/boat and its crew including non-compliance with the terms and conditions of CPC/SP/EP and such other rules and regulations prescribed by this Authority.

IV. GENERAL PROVISIONS

1. The MARINA through its deputized maritime enforcers shall further ensure that all Philippine-registered ships and other ships engaged in domestic operations comply with maritime laws, rules, regulations, policies and other issuance.

2. Only designated employees/members of the deputized agents who have met the qualification and training requirement herein specified may be authorized by MARINA to act as deputized maritime enforcers.

3. The deputized maritime enforcers shall wear the MARINA prescribed uniform and identity card when boarding a ship to carry out compliance monitoring activities.

4. Compliance monitoring activities shall be limited to areas specified under Annex-A of the MOA.

5. Compliance monitoring of a ship shall be carried out unannounced during port stays and shall be conducted in a manner that will not cause undue delay to the ship's departure.
6. The conduct of compliance monitoring shall be limited to verifying that the appropriate certificates and other documents of ship and its crew are valid and complete, and that the terms and conditions of the Certificate of Public Convenience (CPC)/ Special Permit (SP)/Exemption Permit (EP), as applicable, are complied with.
7. The deputized maritime enforcers shall be given access on board a ship for the purpose of conducting compliance monitoring activities. The owner/operator or the master/boat captain or duty officer of the ship is enjoined to extend assistance and full cooperation to the deputized maritime enforcers in the conduct of their compliance monitoring functions.
8. The deputized maritime enforcers shall issue Maritime Violation Receipt (MVR), here to attached as Annex-1^[*], for any violation/s or deficiency/ies found during the conduct of compliance monitoring of ship.

V. SPECIFIC PROVISIONS

1. Qualifications and Documentary Requirements of Deputized Maritime Enforcers – Duly designated or endorsed employees/members of deputized agents shall meet the following qualifications criteria and submit the corresponding documentary requirements. Their designation/endorsement shall be accompanied by a duly accomplished Personal Data Sheet (PDS), hereto attached as Annex-2^[*]:

<u>Qualification for PCG/PNP-MG</u>	<u>Documentary Requirements</u>
1. Permanent employee/member	Appointment/Certificate of Memberships or valid identity card
<u>Qualification for ULAP/LB</u>	<u>Documentary Requirements</u>
1. Secondary Level	DECS or School Certification
2. Good Moral Character	^[*] Police or Barangay Clearance; and ^[*] Certificate of Good Moral Character either from Parish Priest, School Principal, Religious Leaders, or Barangay Captain

2. Training Requirements:

- 2.1 The duly qualified employees/members of deputized agents shall undergo training on the following areas/subjects:
 - 2.1.1 Historical background, organization, and functions of the MARINA;
 - 2.1.2 MARINA policies, rules and regulations;
 - 2.1.3 Ships/motor bancas documents and certificates to include terms and conditions of CPC;
 - 2.1.4 Ship's crew licenses and certificates;
 - 2.1.5 Compliance monitoring procedures; and

2.1.6 Responsibilities and accountabilities of deputized maritime enforcers.

The above training shall be conducted by qualified MARINA trainers and will be complemented by on-site or on-the-job training to ensure that participants have acquired adequate knowledge, competence and skills in the conduct of compliance monitoring of ships.

2.2 After completion of the training, the participants shall be issued a Certificate of Attendance and an official deputation identity card, hereto attached as Annex-3^[*], which shall serve as their authority to conduct compliance monitoring activities in their respective areas of jurisdiction.

2.3 Deputized maritime enforcers shall undergo refresher trainings to update them of the recent developments and current MARINA policies, rules and regulations.

3. Procedures in the Conduct of Compliance Monitoring:

3.1 Compliance monitoring of ships shall be carried out at least two (2) hours prior to departure and 30 minutes prior to departure of motor bancas.

3.2 The deputized maritime enforcers shall use the appropriate Compliance Monitoring Report Form (CMRF), containing the inspection checklists/items, hereto attached as follows:

3.2.1 Annex 4^[*] and Annex 4A^[*]- For use of deputized maritime enforcers of PCG and PNP-MG;

3.2.2 Annex 5^[*]- For use of deputized maritime enforcers of ULAP and LB.

3.3 Upon boarding the ship/boat, the deputized maritime enforcers shall introduce themselves to the ship master/boat captain or duty officer in an orderly manner and explain the nature, purpose, details and scope of the monitoring to be carried out.

3.4 The deputized maritime enforcers shall then proceed to examine and verify the validity and completeness of certificates and documents of the ship/boat and its crew including compliance with the applicable terms and conditions of the CPC/SP/EP.

3.5 A Maritime Violation Receipt (MVR) shall be issued for any violation/s found and reported in the CMRF. Copies of invalid or spurious certificate or document, and photographs of violation/s committed shall form part of the CMRF. For violation/s considered serious in nature so as to pose imminent danger to life, property and marine environment, detention of the ship shall be recommended in accordance with the Guidelines for the Detention of Ship set forth in paragraph 7.

3.6 If the relevant certificates and documents are valid and found in order, and in compliance with the applicable terms and conditions of the