

[MARINA CIRCULAR NO. 2009-14, May 21, 2009]

RULES ON THE GRANT OF EXEMPTION FROM SECURING CERTIFICATE OF PUBLIC CONVENIENCE (CPC)

Pursuant to Presidential Decree No. 474, Republic Act No. 9295 and its Implementing Rules and Regulations, the Maritime Industry Authority Board of Directors in its meeting held on May 21, 2009, approved and adopted the following rules:

I. OBJECTIVE

This Circular serves to provide rules on the grant of exemption from securing a Certificate of Public Convenience (CPC) pursuant to the Implementing Rules and Regulations (IRR) of Republic Act (RA) No. 9295.

II. COVERAGE

This Circular shall apply to all ships used exclusively for company use, or those not engaged in public service in any ports or areas in the Philippines, or whose operations or services do not come under the purview of RA No. 9295 and its IRR and its subsequent amendments.

III. DEFINITION OF TERMS

1. "*Certificate of Public Convenience*" refers to the license or authority issued by MARINA to a domestic ship operator to engage in domestic shipping;
2. "*Certificate of Exemption from Securing CPC*" refers to the Certificate issued by the MARINA to a shipowner or operator, as evidence that its ship is not required to secure CPC;
3. "*Insurance Company*" refers to any corporation or entity duly authorized/licensed under Philippine laws to engage in the business of marine insurance and duly registered with the Insurance Commission;
4. "*MARINA*" refers to the Maritime Industry Authority;
5. "*Principal Place of Business or Office*" refers to the address indicated in the Articles of Incorporation and By Laws for corporations, Articles of Partnership for partnerships, Articles of Cooperation for cooperatives and DTI Certificate of Registration of Business Name for single proprietorships;
6. "*Ship*" or "*Vessel*" which may be used interchangeably, 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

floating in water transport in the domestic trade for the carriage of passengers or cargo, or both, utilizing its own motive power or that of another.

IV. GENERAL PROVISIONS

1. A person, partnership, corporation, firm and entity with ships covered under this circular shall file an Application for Exemption from securing CPC with the MARINA or Maritime Regional Office where its principal place of business is located.
2. The Applicant shall show to the satisfaction of the MARINA that it complies with the jurisdictional and documentary requirements as herein provided, to merit exemption from securing CPC.

V. SPECIFIC PROVISIONS

1. Every Applicant shall indicate in its Application the name of ship/s, the nature of its business or operation, and the ground/s for exemption.
2. An amendment of the Certificate of Exemption shall be filed under the following instances:
 1. Permanent addition or deletion of the ship/s from the fleet;
or,
 2. Change of ship's name; or,
 3. Change in the name of the entity.

VI. JURISDICTIONAL REQUIREMENTS

Proof of compliance with the following jurisdictional requirements shall be presented by the applicant during the hearing scheduled for the purpose:

1. Affidavit of publication in a newspaper of national circulation, together with the newspaper clipping; and,
2. Copy of the whole newspaper where the Notice of Hearing was published.

VII. DOCUMENTARY REQUIREMENTS

1. Application for Exemption from Securing CPC:
 1. Duly accomplished Application prescribed by the MARINA;
 2. Ship documents:
 1. Certificate of Ownership
 2. Certificate of Philippine Registry
 3. Coast wise License/Bay and River License/Pleasure Yacht License, as applicable
 3. Notarized Special Power of Attorney (for authorized representative per sole proprietorship/partnership); or Notarized Secretary's Certificate and Board Resolution (authorized representative per company or corporation);

4. Charter Contracts, as applicable. In case of local charter of ships, there is no need to reflect the charterer's name in the ship's documents except in the insurance, and other documents as maybe deemed necessary;

5. Ship Safety Certificates:

For Passenger Ships:

1. Passenger Ship Safety Certificate; and,
2. Minimum Safe Manning Certificate.

For Cargo Ships:

1. Cargo Ship Safety Certificate; and,
2. Minimum Safe Manning Certificate.

For Tankers (other than gas tankers):

1. Cargo Ship Safety Construction Certificate;
2. Cargo Ship Safety Equipment Certificate; and,
3. Minimum Safe Manning Certificate.

For Tankers Carrying Gas:

1. Cargo Ship Safety Construction Certificate;
2. Cargo Ship Safety Equipment Certificate;
3. Minimum Safe Manning Certificate; and,
4. Certificate of Fitness.

For Tugs, Dredgers and barges:

1. Cargo Ship Safety Certificate; and,
2. Safe Manning Certificate.

For High Speed Crafts:

1. High Speed Craft Safety Certificate; and,
2. Minimum Safe Manning Certificate.

For Other Ships:

1. Passenger/Cargo Ship Safety Certificate; and,
2. Minimum Safe Manning Certificate.

6. Radio/Ship Station License (RSL/SSL);

7. Passenger Insurance Coverage with an aggregate limit of liability in the amount of P200,000.00 per passenger;

8. Oil Pollution Coverage

1. Civil Liability Convention Certificate (CLC) for Tankers and Barges Carrying Persistent Oil, as applicable;